

# GOVERNMENT ENTREPRENEURSHIP: HOW COP, DIRECT SUPERVISION, AND A BUSINESS PLAN HELPED SOLVE SANTA ANA'S CRIME PROBLEMS

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## INTRODUCTION

Much has been written about Community Oriented Policing for police agencies and about the Direct Supervision concept for jail operations. Each strategy is at the cutting edge of its respective discipline. This Commentary describes how the progressive City of Santa Ana implemented both strategies—along with a visionary business plan to operate its jail at minimal cost—to combat crime successfully. The City's business plan relies on entrepreneurship that is too often lacking in government programs. This approach has led to a number of innovations in law enforcement, corrections, and government service. Pay-to-Stay programs provide yet another example of how Santa Ana's willingness to innovate helped it build ever more effective and efficient correctional facilities.

## I. THE CRISIS PRECIPITATING ADOPTION OF CONTRACT HOUSING AND PAY-TO-STAY PROGRAMS

In 1991, the City of Santa Ana<sup>‡</sup> faced a crisis of criminal behavior that was seriously undermining the quality of life in the City. Misdemeanor and felony crime statistics continued to climb at an alarming rate. The Civic Center area had become a large homeless encampment. Signs of disorder were visible throughout the community.

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‡ The City of Santa Ana is a diverse community of over 353,000 residents and has a day-time population of over 550,000. It is the ninth largest city in California and the seat of government for Orange County, which has a population of over 3 million residents. According to the 2006 American Community Survey, Santa Ana's percentage of foreign-born residents—over fifty-one percent—is the tenth largest of any major city in the United States. The Santa Ana Police Department has been recognized since 1997 as a U.S. Department of Justice National Demonstration Site and Training Center for Community Policing and Problem Solving.

At that time, the Orange County Jail was seriously overcrowded and under a federal court order to reduce its population. As a result, the Orange County Jail did not accept any misdemeanor arrests and released minor felony arrests within a few minutes of booking. The situation became so acute that subjects arrested under misdemeanor bench warrants for failure to appear were cited and released on their promise to appear. Santa Ana police officers described the situation as misdemeanor anarchy.

The Police Chief, the City Manager, and the City Council decided the City needed to do something to ensure that incarceration would be a viable law enforcement tool. The Police Chief contacted the National Institute of Corrections' Jails Division and asked for technical assistance in the form of a Local Systems Assessment exploring the feasibility of the City entering into the jail business. The resulting report outlined all of the issues associated with a city owning and operating a jail.

After reviewing the report, the City contracted for construction of a 96-bed temporary jail. Its purpose was to provide quick relief to the incarceration crisis and to bridge the gap until a more permanent jail solution could be implemented. The City hired a Jail Administrator in April 1992 to develop and implement the jail system. He soon assumed responsibility for monitoring the construction, developing financial and operational plans, and hiring staff to operate the temporary jail.

Once the facility was completed in December 1993, Santa Ana Police booked all persons arrested into the temporary jail. They were held in custody until video arraignment. If the court remanded the inmates to await trial, they were transported to the Orange County Intake and Release Center and booked into the Orange County Sheriff's Department facilities. As such, the Sheriff had major concerns about the Santa Ana Jail. Since inmates were transferred to the county facility *post*-arraignment, the Sheriff could not release them in compliance with the federal court order. In this manner, the existence of the Santa Ana Jail actually increased the Orange County Jail's population.

## II. LONG-TERM PENOLOGICAL NEEDS AND FINANCIAL CONCERNS DROVE PLANNING FOR A PERMANENT JAIL

The fundamental philosophy of Community Oriented Policing ("COP") (also known as Problem Oriented Policing) is that law enforcement efforts should address the root causes of criminal behavior rather than solely responding to incidents. Under this approach, proactive problem solving becomes the norm rather than the exception. A comprehensive approach to problem solving that utilizes community members, police officials, and other appropriate governmental representatives supplements the traditional police response to incidents.

The existence of the Santa Ana Jail provided one of the most essential elements of a COP effort: the ability to incarcerate. The Santa Ana Jail's impact on crime was almost immediate. Many arrestees remained in jail awaiting arraignment, which alleviated the crisis in the field for a few hours

or even a few days. Arrestees also remained in custody long enough to be positively identified and to answer to a judge concerning their suitability for release prior to trial. The courts reported that finally they were processing people rather than paperwork.

Even as we watched the early successes of the temporary jail, we proceeded with the programming, design, and construction of the permanent jail.

We, along with other Police Department and City representatives, were strongly committed to the Direct Supervision concept of jail design and operation. We seized the opportunity to design and implement a jail system that went hand in hand with COP. Just as controlling criminal behavior is the primary goal of the police officer through COP, controlling inmate behavior is the primary goal of the detention officer under the Direct Supervision approach.

Direct Supervision emphasizes personal responsibility and accountability by maintaining direct contact between the corrections officer and the inmates at all times. Correctional Officers are placed in the inmate housing unit so they are able to supervise inmates and manage their behavior. Officers are trained to use leadership, communications skills, and expectations to create an environment in which most inmates voluntarily conform to behavioral norms. The result is a jail environment in which inmates clearly understand that it is in their best interests to follow the rules and conform to the positive expectations. Since inmates are safe and secure, they can focus more attention on educational and socialization programs and taking responsibility for their actions.

As we evaluated our correctional requirements, we recognized that we would have only one chance to build a jail that would meet the needs of the City for the next fifty years. At the same time, we recognized that fulfilling federal incarceration needs could yield revenues to offset our operational costs while benefiting the City and the federal government.

Potential contract housing revenues were central to our planning for the new facility. We recognized that a 100-to-150 bed jail would be inherently inefficient. Due to economies of scale, operation of a 450-to-500 bed jail would be much more cost effective. We presented a business plan to the City Manager and City Council to build and operate a 480 bed jail. We proposed to utilize contract housing to fill all of the beds not needed by the Police Department and to generate a revenue stream that would cover most of the facility's operational costs. Prior to opening the temporary jail, the city annually paid the Orange County Sheriff's Department over \$2.5 million in booking fees. The annual cost of operating the temporary jail was slightly less than \$2.5 million. And we could use revenues from contract housing to offset any operational costs over \$2.5 million per year.

Almost immediately the demand for contract housing by the U.S. Marshals Service and other state and federal law enforcement agencies increased significantly. In 1996, we were averaging approximately \$76,000 per month in contract housing revenue. After we opened the new jail, we were averaging over \$200,000 per month. Two additional changes quickly

resulted in contract housing revenue increasing to over \$500,000 per month—in May 1997, we started housing INS inmates and in July 1997, we entered into a contract with Orange County Probation to house juveniles remanded to adult court. In July 1998, we started housing drug court inmates. In July 1999, we entered into a contract with the California Department of Corrections and Rehabilitation to house parole violators. By 2000, we were averaging over \$750,000 per month in contract housing revenue. Today we are averaging over \$1 million per month in revenue. This revenue stream covers most of the cost of operating the jail.

### III. THE ROLE OF PAY-TO-STAY IN COMMUNITY ORIENTED POLICING EFFORTS

The same innovative outlook that led Santa Ana to design and build a new correctional facility also led the City to create a pay-to-stay program. Pay-to-stay programs are a strategy to facilitate punishment for a criminal conviction while allowing the inmate to maintain employment and other positive ties to the community. The financial commitment, along with the rigid restrictions of the program, serves to ensure that participants take responsibility for their actions.

The main function of the program is to provide an alternative to traditional incarceration. Nontraditional options include weekends in jail, nonlinear sentences, and work release sentences. The major benefit of these options is the opportunity for those convicted of a relatively minor crime to continue to provide for themselves and their families by working while they serve out their sentences.

Offenders participating in the program have typically been convicted of misdemeanors and minor felonies such as DUI, auto burglary, petty theft, probation violations, and embezzlement. Offenders charged with crimes involving violence against children or law enforcement or sexual misconduct are automatically ineligible for the program due to special security and housing concerns inherent in these offenses.

The jail's Records Supervisor initially interviews applicants to ensure they meet the minimum qualifications and have adequate resources to pay for the program. The fee is based on the per diem rate in effect at the time of application multiplied by the actual number of days spent in custody (as opposed to the full sentence). Even though a court may allow a particular defendant to participate in a work furlough program, the final discretion to accept an individual into the Pay-to-Stay Program remains with our facility and is informed by our predetermined criteria. For example, those with court orders allowing their release on work furlough beyond our permitted twelve hours per day are ineligible for the program.

Approximately 200 inmates have successfully participated in the Santa Ana Jail's Pay-to-Stay Program since its inception in 1998. The ages of the pay-to-stay inmates generally range from eighteen to forty-five years. The sentences range typically from ten days to one year. As provided by section 4019 of the California Penal Code, pay-to-stay inmates can earn one day of

*good-time* credit and one day of *work-time* credit for every six days of their sentence. These are the same credits offered by the county jail; *good-time* credit accrues for compliance with prison rules, and *work-time* credit accrues for satisfactory performance of any labor assigned to the inmate by the jail administration.

Pay-to-stay inmates are not given any special treatment and are housed in general population with other inmates, including some who are not participating in the pay-to-stay program. When they check into the jail, they are not allowed to bring anything with them except identification and locker and car keys. Paperback textbooks for school are allowed with a court order. Inmates in the program may be released for work up to six days a week but must complete one full day in custody each week and must spend a minimum of twelve hours in custody each day. All accepted participants must sign a contract with the jail that outlines the expectations they must continue to satisfy in order to remain in the program. The jail may terminate this pay-to-stay contract if the inmate fails to abide by facility rules and regulations, engages in conduct that disrupts or threatens the safety or security of the jail, or is under the influence of drugs or alcohol at any time during his or her incarceration. An inmate terminated from the Pay-to-Stay Program will be booked at the county jail to serve out his or her sentence.

Initially, the Pay-to-Stay Program was limited to Santa Ana residents and averaged three to eight participants daily. After the City approved a program expansion to include nonresidents in 2001, the daily average increased to twenty to thirty-five inmates and has remained at that level. The Pay-to-Stay Program generated additional revenue in excess of \$500,000 per year that helped offset the jail's operational expenses.

In early 2007, the jail temporarily suspended the program due to staffing shortages. Inmates participating in the program who have work release sentences require an escort to and from the lobby, a strip search, and another escort into the housing module at various times during the night shift. This caused a significant hardship for the limited staff, as they also needed to process a large number of detainees from other law enforcement agencies during the same time. As vacant staff positions are filled, we anticipate accepting and admitting new applicants to the program sometime in 2008. The program, like Santa Ana's other innovations in corrections, provides an essential tool in addressing specific needs of the inmates and the community.

#### CONCLUSION

Contract housing and the Pay-to-Stay Program have enabled the City of Santa Ana to operate its own jail and to meet the incarceration needs of the Police Department without incurring exorbitant operational costs. The full flexibility to utilize incarceration as a law enforcement tool has significantly improved Santa Ana's COP efforts. The Santa Ana Jail has become essential to the Santa Ana Police Department's service to the community. Pay-to-stay programs, meanwhile, will again assist in the City's continued efforts to achieve its goal of community-oriented law enforcement.