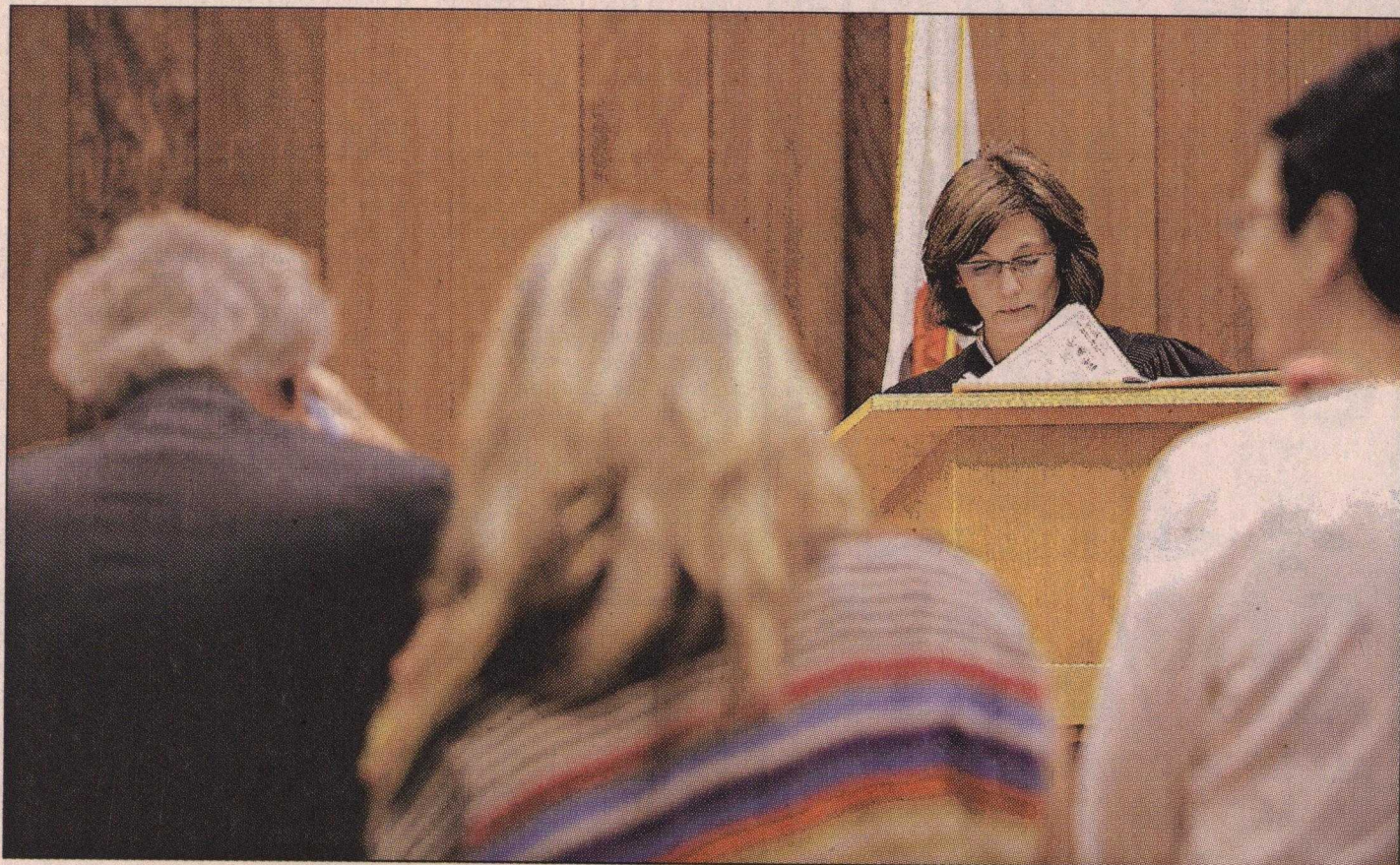


INCARCERATION RATE AMONG LOWEST IN STATE

Long-standing approach keeps wheels of justice spinning in different directions



KEVIN JOHNSON/SENTINEL

Judge Ariadne Sumens listens to a defendant on Friday morning in department 7 of the Santa Cruz County Courthouse.

Crime & Criminals 15-2000

By JASON HOPPIN

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SANTA CRUZ — Despite crime rates that are among the highest in the state, Santa Cruz County's wheels of justice are turning out many inmates.

In fact, defendants here are less likely to wind up behind bars than in almost any other California county, with Santa Cruz County ranking 53rd of 58 California counties for incarceration rates.

Local officials say there are many reasons for those surprising numbers, which go to the heart of a local debate about safety and a shift in how the state handles crime and punishment.

While the numbers have raised eyebrows, some say they reflect the county's long-standing innovative approach to justice. Presiding Santa Cruz County Superior Court Judge John Salazar said the justice system takes serious crime seriously, but looks for alternatives for lesser offenses.

"When you have a violent offender, someone who's a repeat offender, we have beds for those individuals," Salazar said. "When you have someone who's on a driving on a suspended license case, am I going to try give them community hours instead of a jail sentence? Absolutely."

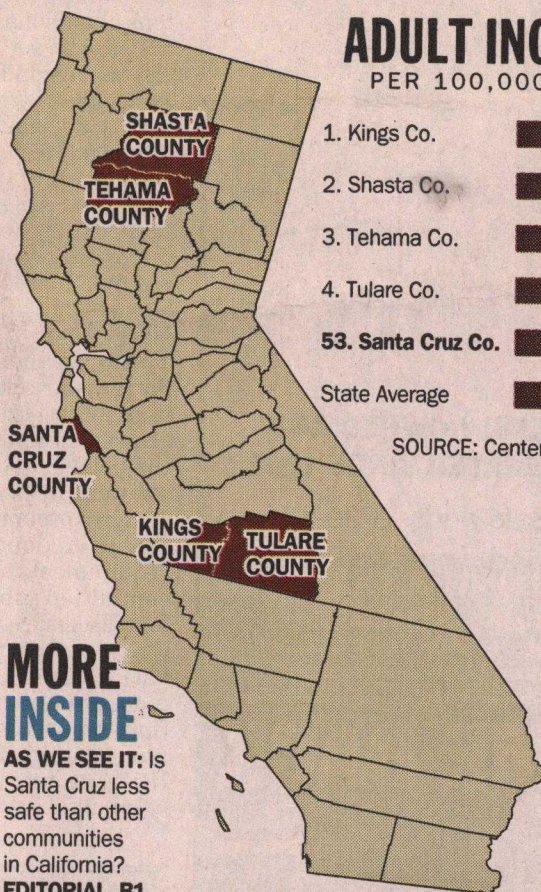
But others say the county should take a

SEE CRIME ON A3

ADULT INCARCERATIONS PER 100,000 RESIDENTS, 2010

1. Kings Co.	1,569
2. Shasta Co.	1,285
3. Tehama Co.	1,211
4. Tulare Co.	1,099
53. Santa Cruz Co.	302
State Average	651

SOURCE: Center on Juvenile and Criminal Justice



MORE INSIDE

AS WE SEE IT: Is Santa Cruz less safe than other communities in California?
EDITORIAL, B1

PAROLEE RECIDIVISM

RATES BY COUNTY,
2007-08

1. San Francisco	77.9%
2. San Joaquin	77.5%
3. Yolo	75.3%
4. Ventura	75.1%
12. Santa Cruz	72.9%
State Rate	63.7%

SOURCE: California Department of Corrections

CRIME

Continued from A1

closer look at how it metes out punishment. Santa Cruz resident Deb Elston, who founded a local network of courtroom observers called Courtwatch, said the system often errs on the side of the accused.

"We have more faith in the criminal's rehabilitation than we should have," said Elston, who's also a founder of Santa Cruz Neighbors.

Four weeks ago, the Sentinel documented staggering levels of violent and especially property crimes in the city of Santa Cruz. That report came after a string of mayhem, including the Feb. 26 killing of detectives Sgt. Loran "Butch" Baker and Elizabeth Butler.

But what happens to those crimes in court is a surprising, and at times inscrutable, tale. Sources contacted for this story commonly cited two factors for why the county has low incarceration rates: a criminal justice culture that often prefers rehabilitation to punishment, and innovations that have helped put those values into practice.

"We've had the big horrible cases locally that get people's attention," Salazar said. "They got my attention, absolutely. But we have to look at, overall, how are we doing and do we change things dramatically because we've had these cases?"

According to the Center for Juvenile and Criminal Justice, Santa Cruz County imprisons 302 people per 100,000 residents. That is 53rd out of 58 counties, and less than half the statewide rate, joining Contra Costa, San Francisco and Marin counties near the bottom of

VIOLENT CRIMES

REPORTED PER
100,000
RESIDENTS, 2011

1. Oakland	1,682
2. Stockton	1,407
3. Compton	1,093
4. Richmond	986
9. Santa Cruz	791

SOURCE: Federal Bureau of Investigation

among the homeless population is a serious problem. Earlier this month, a homeless man was sentenced to 12 years in prison for an apparently unprovoked beating at a prominent downtown intersection.

Also, a transient facing charges in the 2012 killing of downtown business owner Shannon Collins, as well as the killer of Baker and Butler, were both recent transplants.

Retired Judge William Kelsay is one who believes that Santa Cruz draws lawbreakers to town.

"Santa Cruz is a mecca for the oddball. I dealt with that all my career. It had a reputation way beyond the California border," Kelsay said. When people were brought to court, "I always used to say — a little facetiously, but to make a point — 'Well, what brought you to the Magic Kingdom?'"

But Kelsay, who in semi-retirement sat on numerous county benches as a visiting judge, said he doesn't think courts here are light on crooks.

"I don't get the impression that Santa Cruz is unique among courts, although I would suggest that you would find some courts —

PROPERTY CRIMES

REPORTED PER
100,000
RESIDENTS, 2011

1. Santa Cruz	5,533
2. El Centro	5,299
3. Oakland	5,287
4. Stockton	5,239
5. Palm Springs	5,111

SOURCE: Federal Bureau of Investigation

edge that this person committed a serious crime."

There is a statewide debate over the tough-on-crime approach, with some pointing fingers at counties, such as Kings and Kern counties, for costing taxpayers billions and causing the prison overcrowding that led to a federal takeover and the lawsuits that led to the realignment shift.

"It's funding for education and higher education that hangs in the balance," Mauriello said.

NO TIME SAVES MONEY

According to the Center for Juvenile and Criminal Justice, the county's low incarceration rates save taxpayers \$27 million a year, one of the best figures in the state despite the county's modest size.

One way to measure the success of any criminal justice system is to look at recidivism, or the number of people who reoffend.

In discussing the county's response to realignment, MacDonald often points to this number as a metric, saying early returns from realignment offenders is low, though it may take several years before that number is clear.

"All the different counties were saying, 'Don't upgrade your systems, because we're going to get that one.' We put this off for the longest time and then it totally dissolved, so we're left with this antiquated system," Salazar said.

Many local residents are watching how courts handle criminal cases. Take Back Santa Cruz co-founder Analicia Cube said locking everyone up is not the best answer, and believes services such as local drug treatment programs need to be expanded.

"What we want to see is every single person let out of jail to have a chance to better their lives. We're not doing anything right now ... It's just a revolving door," Cube said. "These services need to stop being emergency services where you're giving services for the day, for the night and shift over to services that help them for life."

Public defender Larry Biggam believes local sentences can have public safety benefits over prison terms — you're not sticking offenders with a serious record that makes it more difficult to find a job, and they're not learning how to be a better crook in prison.

But Biggam also believes more investment is needed in treatment programs, which can be costly for offenders and are frequently overcrowded. Furthermore, a program for serial drunks was dormant until 2010.

Those programs are important because substance abuse lies at the root of many crimes, Biggam said, particularly when it comes to thefts. FBI statistics show Santa Cruz had the highest property crime rate in California in 2011, a figure driven by astronomical numbers of thefts.

"I think it's drugs, and I think it's our system

mately a lack of capacity for drug treatment."

While Lee agreed that the county needs more facilities for treatment and sees it as a key part of the justice system, he also said some defendants use addiction — or even feign addiction — to get out of harsher punishment.

"Absolutely. They ask for treatment when they don't want it," he said.

LOADS OF INFRACTIONS

Another way the Santa Cruz County court system is different is the incredible number of non-traffic infractions moving through the system. That figure is thought to be driven by the large homeless population, and Santa Cruz trails only San Francisco in the infractions department. Those "crimes" are tickets for everything from open alcohol containers to skateboarding.

With the exception of remote Alpine County, Santa Cruz County trails only San Francisco in the number of infractions written per resident, at 31.9. That rate is four times higher than Santa Clara County and nine times higher than Monterey County.

Yet until recently there was little reason for people to heed them after a warrant program for low-level offenses was axed in a budget move several years ago.

People began racking up dozens of tickets for nui-

sance-type crimes, with zero consequences. The situation got so bad that Salazar said he saw one case in which the offender had a backlog of 150 tickets.

But a few years ago, the city of Santa Cruz passed a new law that allows repeat violators to be charged with misdemeanors, and began going after violators who rack up more than three tickets in a six-month period.

Deputy City Attorney Cayo Arellano said the city uses the program to funnel people into a chronic inebriates program or other services, though with just two dozen cases so far it's too early to know if the program is working.

"I think for some individuals it has had a deterrent effect," Arellano said. "But I am also seeing that for other individuals, they don't really care."

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53rd out of 58 counties, and less than half the statewide rate, joining Contra Costa, San Francisco and Marin counties near the bottom of the list.

District Attorney Bob Lee said local prosecutors would like to see stiffer sentences, particularly for repeat offenders. A former Monterey County prosecutor, Lee said there is a difference in how the two counties are perceived.

"That was the urban legend, that if you wanted to commit a crime, commit it on this side of the Pajaro River," Lee said, later finding there were grains of truth to the legend. "When I came here, I was amazed that people could have five, six felony probations" without going behind bars.

Lee, who's seen his own home burglarized, made no bones about it: There are criminals whom prosecutors want to be sent away. But those pleas sometimes fall on deaf ears, he said.

"The bottom line is, we don't sentence people, the courts do. That's their job," Lee said. "Even though Santa Cruz has always been known as a compassionate area ... when (defendants) commit crime after crime after crime and (have been) placed on felony probation, we routinely recommend a higher sentence than the court follows. That's a given."

Salazar is among several people who say local judges have no trouble handing out harsh sentences when warranted. Recently, Maurice Ainsworth was sentenced to six life terms plus 138 years for an undeniably terrifying 2009 home invasion robbery and later crime spree that nonetheless did not involve a homicide.

LOOKING FOR ANSWERS

Local officials often blame public safety problems on others, opining that the rates are driven by an influx of tourists — even though communities along the state's 1,100 miles of coast welcome outsiders.

Conversely, well-meaning service providers frequently dismiss the impact of transients, despite evidence they frequent the judicial system, with Lee saying violence

"I don't get the impression that Santa Cruz is unique among courts, although I would suggest that you would find some courts — Central Valley — to be tough on crime," Kelsay said. "I like to think that our judges are more creative in their approach to justice."

DIFFERENT APPROACH

By spearheading novel programs for juvenile justice and investigating whether suspects are suitable for pretrial release, the county has taken progressive approaches to corrections that help drive down the number of people behind bars.

Some of the those programs have their origins in past overcrowding at the local jail, but Santa Cruz has never sent high numbers of offenders off to prison.

"I think, historically, if you go back to the '80s, we've had lower incarceration rates than other counties," county Probation Chief Scott MacDonald said.

After a state-mandated prisoner shift of nonviolent, nonserious, nonsex offenders to county jails, Santa Cruz County's changes have been held up as a model. And it is not planning to add more jail space as many other counties hope to do, looking instead at turning a partially closed South County facility into a venue to offer vocational and other training to local inmates.

"We have had an easier time in the implementation of realignment because ... we're not trying to unravel a culture of overusing the prison system," MacDonald said.

The approach is so well-regarded that Gov. Jerry Brown appointed County Administrative Officer Susan Mauriello to a statewide correction board overseeing the implementation of AB 109, the law implementing the shift.

Mauriello said sending high numbers of people to prison can turn them into repeat or more serious offenders.

"One of the premises that all of these systems should be based on is doing no harm," she said. "We don't want to put on a felony unless we feel like society needs to acknowl-

saying early returns from realignment offenders is low, though it may take several years before that number is clear.

But under the old system, the county showed above-average levels of recidivism. Among state parolees, the county's 72.9 percent recidivism rate ranked 12th among counties with complete data, according to 2008 Department of Corrections figures.

MacDonald said it's important to parse the relationship between crime and locking up people. A lot of the latter does not make the former go away, he said, though others such as Lee disagree.

"No one's been able to prove a relationship between incarceration and crime in a community," MacDonald said.

One problem in assessing the situation is the wide variation on court statistics.

According to the Administrative Office of the Courts, Santa Cruz County disposes of 48 percent of felony filings. But court officials and prosecutors strongly object to those figures, saying they are flat wrong.

Court Executive Officer Alex Calvo blamed aging court management software and problems with information delivery to explain the discrepancies with the state numbers.

But figures provided by Calvo also seem off, showing the county clearing nearly 400 more felonies during fiscal year 2010-11 than actually were filed.

The reasons why are not clear, but there are anomalies throughout statewide case-load reports — the county's trial numbers also seem off — which should give pause to anyone looking to assess how realignment impacts the justice system broadly. Lee complained to the state office about the figures, which has since said it would work to correct them.

Part of the problem is an aborted \$2 billion effort to upgrade court systems statewide. Controversial for years, court leaders finally pulled the plug on the effort last year — but only after the state sunk \$500 million into the project.

Cruz had the highest property crime rate in California in 2011, a figure driven by astronomical numbers of thefts.

"I think it's drugs, and I think it pervades our system from juvenile to adult," Biggam said. "I think there's ulti-