

# Marin County Justice Center: A Model for Change

June 28, 2024

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## **SUMMARY**

Marin's County Jail and Juvenile Hall are dated, deteriorating facilities and do not comport with contemporary standards for a modern-day detention facility. In addition, the populations of these two facilities have changed dramatically over the last twenty years, requiring a fresh look at how the facilities themselves can contribute to rehabilitating the residents and reduce the rate of recidivism. The Marin County Civil Grand Jury (Grand Jury) has concluded that the creation of a Marin County Justice Center (Marin Justice Center) with a campus-like environment will best meet the dual objectives of promoting rehabilitation and providing a secure environment for staff and detainees.

### **Marin County Jail**

The Marin County Jail (County Jail), which was completed in 1994, is plagued by deferred maintenance and aging mechanical equipment. To reduce its visibility at the Civic Center, the County Jail was deliberately buried into the hillside, which has prevented future expansion. The incarcerated population, detainees, and staff all suffer from a lack of natural light and fresh air in the bunker-like setting. Its underground location has produced a nearly windowless facility with a severe lack of space. This has limited the programming offered to the current mix of incarcerated individuals: those who are serving their sentences and those whose cases have yet to be adjudicated. The County Jail is now dealing with an incarcerated population unlike the low-level detainees who may have been incarcerated when the jail was built.

There have been two dramatic changes in the County Jail population over the last twenty years. California Assembly Bill 109 (AB 109), enacted in 2011, resulted in an increase in individuals convicted of low-level felonies serving their time in the County Jail instead of in a state prison. This has resulted in convicted individuals serving longer County Jail sentences and further complicating the inmate classification system. The second significant change in the incarcerated population is the substantial increase in people suffering from mental illness and substance abuse.

The complexity of the County Jail inmate classification system and an increasing number of individuals that require single-cell housing is straining the jail's physical capacity. Programming is becoming ever more difficult to provide because of the lack of space and the safety requirements put in place to keep certain jail populations constantly separated. The County Jail also lacks adequate medical and mental health facilities to treat people with mental health and substance abuse disorders. The lack of these facilities results in the transportation of individuals requiring treatment to local hospitals at substantial expense because they must be accompanied by sheriff's deputies at all times.

The County Jail is required to comply with older versions of Title 15 and Title 24 of the California Code of Regulations (CCR) which cover the minimum standards for local detention facilities. At least one significant standard applicable to the County Jail has been grandfathered into compliance. This disturbing issue is the existence of ligature points in the cells that have

been used several times in the past and as recently as August 2023 for people to commit suicide by hanging. The elimination of these ligature points is on a Capital Improvement Projects list regularly reviewed by the Board of Supervisors for action. The current repair/replacement project is budgeted for \$2.4 million dollars and is presently projected to be initiated in 2025-2026.

The Grand Jury has concluded that the County Jail is woefully inadequate for its current incarcerated population, the sheriff's deputies, and staff who work in the facility.

As a result of its investigation, the Grand Jury is recommending that the Marin Board of Supervisors initiate a study to consider the creation of a Marin Justice Center, which would accommodate detainees charged with misdemeanors and low-level felonies. The Center would include mental health, medical, substance abuse, and recreational facilities. The existing County Jail would be retained to house people who present a high security risk to other detainees and County Jail personnel. Ideally, the Marin Justice Center would be located near the Civic Center for convenient access to the courts.

## **Marin County Juvenile Hall**

The Marin County Juvenile Hall (Juvenile Hall) was constructed in the early 1960s and suffers from deferred maintenance and failing mechanical systems. It is in a constant state of disrepair. With ballooning maintenance costs, it will continue to deteriorate over time. It was built to serve a different population than today's juvenile offenders. In addition, Juvenile Hall does not offer a more home-like, non-institutional setting that is part of recent changes in the treatment of juveniles.

The facility is certified for 40 beds, which is far more than needed to house the current daily average of eight juvenile detainees. It is inconveniently located for family visitation and is severely lacking in dedicated areas for programming. Current policies and the approach to juvenile justice have changed significantly during the last two decades. The focus has shifted to restorative justice and diversion programs meant to keep juveniles out of prison-like detention centers. This enlightened approach has resulted in far fewer juveniles being confined in locked detention facilities throughout the state.

As a result of its investigation, the Grand Jury is recommending that the Marin Board of Supervisors include plans in its study to fund and build a smaller juvenile detention facility as part of the Marin Justice Center. This would be a separate facility for juveniles with access to the food, recreational, medical, mental health, and other facilities on the Marin Justice Center campus.

## **BACKGROUND**

### **Marin County Jail**

The County Jail was built according to the criminal justice mandates and societal norms of the late 1980s and early 1990s. It replaced the original County Jail, formerly located within the main Civic Center building, and a minimum security Honor Farm, located just to the east and north of the Civic Center. At that time, Marin’s citizens were opposed to constructing a new jail on County-owned property near the 101 freeway because it would diminish the beauty of the Civic Center designed by Frank Lloyd Wright. After many contentious public meetings of citizen groups and planners, the designers of the jail acceded to the prevailing public attitudes about the look and location of the new building. Ultimately the new jail was constructed at the northwest end of the Civic Center and purposefully covered with dirt to be out of sight. It opened in November 1994 at a cost of \$25,000,000, which was \$6,000,000 under budget and two months ahead of schedule. The decision to bury the jail underground has eliminated any cost-effective or practical option to expand the physical facility.

**Figure 1:** Photo of Marin County Jail Entrance



Source: Photo taken by the Marin County 2023-2024 Grand Jury

## Changes in the County Jail population since 1994

According to the Public Policy Institute of California:

County jails have been characterized as the front door to the US correctional system. Each year, there are 12 million entrances into the nation's jails, and roughly one million of those entrances take place in California. Historically, jails have served a different function from prisons, which tend to receive more policy and research attention. As multipurpose institutions, jails hold a variety of inmates, whose offenses range in severity, from infractions, to misdemeanors, to felonies. Jails hold both sentenced inmates, who are serving time, and unsentenced inmates, who are awaiting the outcome of their court cases. Jails also hold Immigration and Customs Enforcement detainees, transferees en route to other correctional facilities or agencies, and probation and parole violators.<sup>1</sup>

The County Jail was originally constructed to hold people awaiting trial and persons convicted of low-level felonies and misdemeanor crimes such as driving while under the influence of alcohol or drugs, public drunkenness, assault, theft of an item valued less than \$500, or trespassing. People convicted of these crimes typically serve jail terms significantly less than one year.

Since the County Jail was constructed, the incarcerated population has changed significantly. One change is a direct result of California Assembly Bill 109 (AB 109), which was signed into law by Governor Jerry Brown in 2011. This law is commonly known as "prison realignment." The purpose of the law is to transfer responsibility and supervision of individuals convicted of certain low-level felonies from state prisons to county jails and probation officers. The law was introduced as a primary method of reducing the state's burgeoning prison population. The net effect for the County Jail has been an increase in the number of individuals convicted of a low-level felony who have previously served time in a state facility or who are newly convicted of one of the many crimes detailed in the bill and would normally serve their sentence in a state prison.

Another prominent change since 1994 is the number of arrestees suffering with substance abuse and mental health issues. This number has significantly increased over the last 10 - 15 years, particularly since the coronavirus pandemic. According to confidential Grand Jury interviews, up to two-thirds of the people held in the County Jail are afflicted with some form of mental health disorder. In addition, as many as 70 percent of the County Jail population are substance abusers. A combination of substance abuse and impaired mental health creates what is referred to as a dual-diagnosis or co-occurring disorder.<sup>2</sup> The number of incarcerated individuals with a dual-diagnosis has increased at an alarming rate at the County Jail. The result is a growing complexity of treatment, programming, and housing classifications.

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<sup>1</sup> Sonya Tafoya, Mia Bird, Ryken Grattet, and Viet Nguyen, "California's County Jails in an Era of Reform" *Public Policy Institute of California*, September 2016,

<https://www.ppic.org/publication/californias-county-jails-in-the-era-of-reform>, (accessed 3/21/24).

<sup>2</sup> Katy Fabian, MS LMHC, Randy Shively, PH.D., and Dean Aufderheide, PH.D.,

"Co-occurring disorders in the incarcerated population: Treatment needs", *CORRECTIONS TODAY*, January/February 2021, p.3,

[https://www.aca.org/common/Uploaded%20files/Publications\\_Carla/Docs/Corrections%20Today/2021%20Articles/CT\\_Jan-Feb\\_2021\\_Co-occurring%20Disorders.pdf](https://www.aca.org/common/Uploaded%20files/Publications_Carla/Docs/Corrections%20Today/2021%20Articles/CT_Jan-Feb_2021_Co-occurring%20Disorders.pdf), (accessed 5/23/24).

There has also been a surge of gang members arrested, detained, and incarcerated in the County Jail. These individuals also create an added level of complexity since rival gang members cannot be housed together. They must be separated at all times in the day rooms, dining, and recreation areas. This is necessary to reduce the likelihood of physical altercations which endanger the safety of the jail population, sheriff's deputies, and staff.

### **A Complicated Classification system**

All jails are required to conform to a prisoner classification system mandated by Title 15.<sup>3</sup> Accordingly, each Administrator of a Type I, II (the County Jail), or III facility:

shall develop and implement a written classification plan to properly assign inmates to housing units and activities according to the categories of sex, age, criminal sophistication, seriousness of crime charged, physical or mental health needs, assaultive/non-assaultive behavior, risk of being sexually abused or sexually harassed, and other criteria which will provide for the safety of the inmates and staff. Such housing unit assignment shall be accomplished to the extent possible within the limits of the available number of distinct housing units or cells in a facility.<sup>4</sup>

The classification system dictates which detainees are able to mix with other detainees as well as their eligibility for a single or double-occupancy cell. The combination of housing the additional AB 109 incarcerated population, having an increase in the number of individuals with mental health issues, and having an increase in the number of detained and incarcerated gang members has created an extremely complicated task of classifying, separating, and safely housing today's jail population. Time must be taken by deputies and mental health staff to classify each incoming prisoner appropriately, monitor the prisoner's subsequent behavior, and change the classification if warranted.

The County Jail uses color-coded uniforms (tops and bottoms) to identify an inmate's assignment into one of the 14 different classifications. These uniforms provide a quick visual assessment of how and where each person is able to mix with other detainees.

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<sup>3</sup> Board of State and Community Corrections (BSCC), California, 2019 Regulations revision, *Title 15 Minimum Standards for Local Detention Facilities*, Article 5. Classification and Segregation § 1050. Classification Plan. <https://www.bscc.ca.gov/wp-content/uploads/Attachment-C-Title-15.pdf>, (accessed 3/21/24).

<sup>4</sup> BSCC, *Title 15 Minimum Standards for Local Detention Facilities*, p. 31.

**Table 1: County Jail Inmate Classifications**

| Inmate Classification                              | Issued Uniform                               | Uniform Top | Uniform Bottom |
|--|--|-------------|----------------|
| General Population                                 | Solid Blue Top Solid Blue Bottom             |             |                |
| General Population Max                             | Striped Blue Top Solid Blue Bottom           |             |                |
| Administrative Segregation * 2 Deputy Move*        | Solid Red Top Solid Red Bottom               |             |                |
| Administrative Segregation No Mix * 2 Deputy Move* | Striped Blue Red Top Solid Red Bottom        |             |                |
| Medical  | Solid Green Top Solid Green Bottom           |             |                |
| Medical No Mix                                     | Striped Green Top Solid Green Bottom         |             |                |
| Protective Custody                                 | Solid Yellow Top Solid Yellow Bottom         |             |                |
| Protective Custody No Mix                          | Striped Yellow Top Solid Green Bottom        |             |                |
| Level 2 Mental Health                              | Solid Orange Top Solid Orange Bottom         |             |                |
| Level 3 Mental Health * 2 Deputy Move*             | Striped Orange Top Solid Orange Bottom       |             |                |
| Level 4 Mental Health * 2 Deputy Move*             | Striped Orange Top Striped Orange Bottom     |             |                |
| Civil  | Solid Neon Green Top Solid Neon Green Bottom |             |                |
| Trustees/C Pod                                     | Solid Tan Shirt Solid Tan Pants              |             |                |
| Kitchen Workers                                    | Solid White Top Solid White Pants            |             |                |

Source: Marin County Sheriff's Office.

An explanation of how the jail population is able to mix (or not) with others in cells and common areas follows:

- General Population, Medical, Level 2 Mental Health, Trustees, and Kitchen Workers are able to mix, gang affiliation permitting.
- Administrative Segregation detainees can mix if their classification permits.
- General Population Max detainees exit their cells together in a group; when they go to court, they are able to be placed in holding cells with the General Population.
- Administrative Segregation No Mix exit their cells alone.
- Protective Custody detainees only exit their cells with protective custody detainees.
- Protective custody No Mix detainees exit their cells alone.
- Level 3 Mental Health detainees exit their cells with other level 3 detainees or incarcerated individuals. This classification is determined by Jail Mental Health.
- Level 4 Mental Health detainees exit their cells alone.
- Civil detainees exit their cells alone.

The mandatory classification system has resulted in a need for more single-cell housing, because so many of the incarcerated individuals cannot be safely housed in a cell with others. The growing need for single cells, combined with the current physical boundaries of the County Jail portends a looming crisis caused by overcrowding.

## **Juvenile Hall**

Built in 1962, Juvenile Hall continues to serve a decreasing population of detained youths. The facility is located on Jeannette Prandi Way in San Rafael (Lucas Valley), approximately four and a half miles from available full-time mental health and medical staff located at the County Jail.

The facility consists of several one-story buildings with housing, a schoolroom, a courtroom, one common area, a cafeteria, and a kitchen. When it was originally constructed, there were 31 beds. In 1994 the main building was remodeled, adding nine beds and creating the current configuration of four wings containing 40 single-occupancy, locked cells. The relocation of a 10 foot high chain link fence during the 1994 remodel reduced the secure area from eleven to three acres. Another remodel in 2001 created several outdoor paved recreation areas including one large enough for basketball and limited outdoor recreational activities. Much smaller outdoor concrete spaces are used for exercising and container gardening.

The detention cells are prison-like and sparse, with small, translucent windows that do not allow an outside view. Notably, there is no grassy area available for recreation. Considering the beautiful and tranquil location in which the facility is located, the Grand Jury found the lack of detainee access to an outdoor grassy recreation area to be notably ironic during its tour conducted in the fall of 2023.

**Figure 2: Aerial Photo of Marin County Juvenile Hall**



Source: 2014/2015 Marin County Civil Grand Jury Report: Marin County Juvenile Hall: A Time for a Change. Report Date: June 19, 2015. Public Release Date: June 25, 2015.

## Trends in Juvenile Crime

A dramatically declining trend of juvenile arrests is explained by an article in the San Francisco Chronicle from 2019. “A Chronicle review of federal and state statistics over the past three decades revealed startling declines in the number of crimes committed by people 18 and under, even as the population grew.”<sup>5</sup> In California, from 1995 to 2017, homicides by juveniles dropped 83 percent, and from 1994 to 2017, youth arrests for violent felonies in the state dropped 68 percent. As of 2019, the Chronicle found that many counties had not reduced the resources allocated for juvenile halls and camps despite the significant reduction of juvenile detainees at these facilities. California has responded very slowly to the significant decline in youth crime. “Over the past decade, the state’s numerous expanded juvenile halls have become near-empty monuments to a costly miscalculation—a mistake compounded each year as the number of young offenders plummeted. Some California counties are spending \$1,400 a day to incarcerate each juvenile, or \$500,000 annually, up from \$400 a day or \$150,000 annually just 8 years ago. By comparison, the state spends roughly \$11,500 a year to educate each K-12 student.”<sup>6</sup>

In 2000, even as fewer juveniles were being arrested, California voters passed Proposition 21, a pivotal law that increased penalties for certain crimes and enacted harsh sentences for current and former gang members convicted of even minor offenses.<sup>7</sup> A building boom of state-run juvenile facilities ensued that addressed what turned out to be a short-lived spike in the numbers of arrested, detained, and incarcerated youth. By 2021, there had been a steep decline in juvenile felony arrests.<sup>8</sup>

Following this plunge in youth arrests the State’s youth prisons housed significantly fewer juveniles. “At its peak in 1996, the State incarcerated about 10,000 young people across 11 facilities.”<sup>9</sup> By June 30, 2020, there were only 677 juveniles in four, aging state-run facilities. In 2020, Senate Bill 823 was signed into law stopping counties from sending youths to the California Department of Juvenile Justice (DJJ) as of July 1, 2021. The bill further mandated the closure of all DJJ facilities by June 30, 2023. Each of the State’s 58 counties were required to have a local facility or plan for the custody, care, and supervision of young people. Concurrent with the drop in juvenile crime across the state, the Marin County Juvenile Hall has experienced a similar plunge in the average daily population. At the time of the Grand Jury’s investigation, its daily average population was eight.

As a result of the significant changes over the past two decades, the Grand Jury conducted an investigation to explore whether the existing County Jail and Juvenile Hall facilities are adequate for their current populations, and if not, what options should be considered to obtain a more cost-effective, efficient and humane justice system in Marin County.

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<sup>5</sup> Jill Tucker, Joaquin Palomino, “Vanishing Violence,” *San Francisco Chronicle*, March 21, 2019, <https://projects.sfchronicle.com/2019/vanishing-violence>, (accessed 5/1/24).

<sup>6</sup> Tucker and Palomino, “Vanishing Violence.”

<sup>7</sup> Tucker and Palomino, “Vanishing Violence.”

<sup>8</sup> Betty Marquez Rosales, “New state law puts California’s Juvenile Justice System at a crossroads” *EdSource*, October 11, 2021, <https://edsources.org>, (accessed 5/1/24).

<sup>9</sup> Rosales, “New state law puts California’s Juvenile Justice System at a crossroads.”

## APPROACH

In its investigation of the County Jail and Juvenile Hall, the Grand Jury undertook the following actions:

Interviewed:

- Representatives from the Marin County Sheriff's Office
- Representatives of the Marin County Probation Department
- Representatives from the Marin County Department of Health and Human Services, including mental health professionals
- Representatives from the Marin County Department of Public Works
- Individuals and experts with knowledge of prison, county jail, and juvenile justice reform proposals in California

The Grand Jury also:

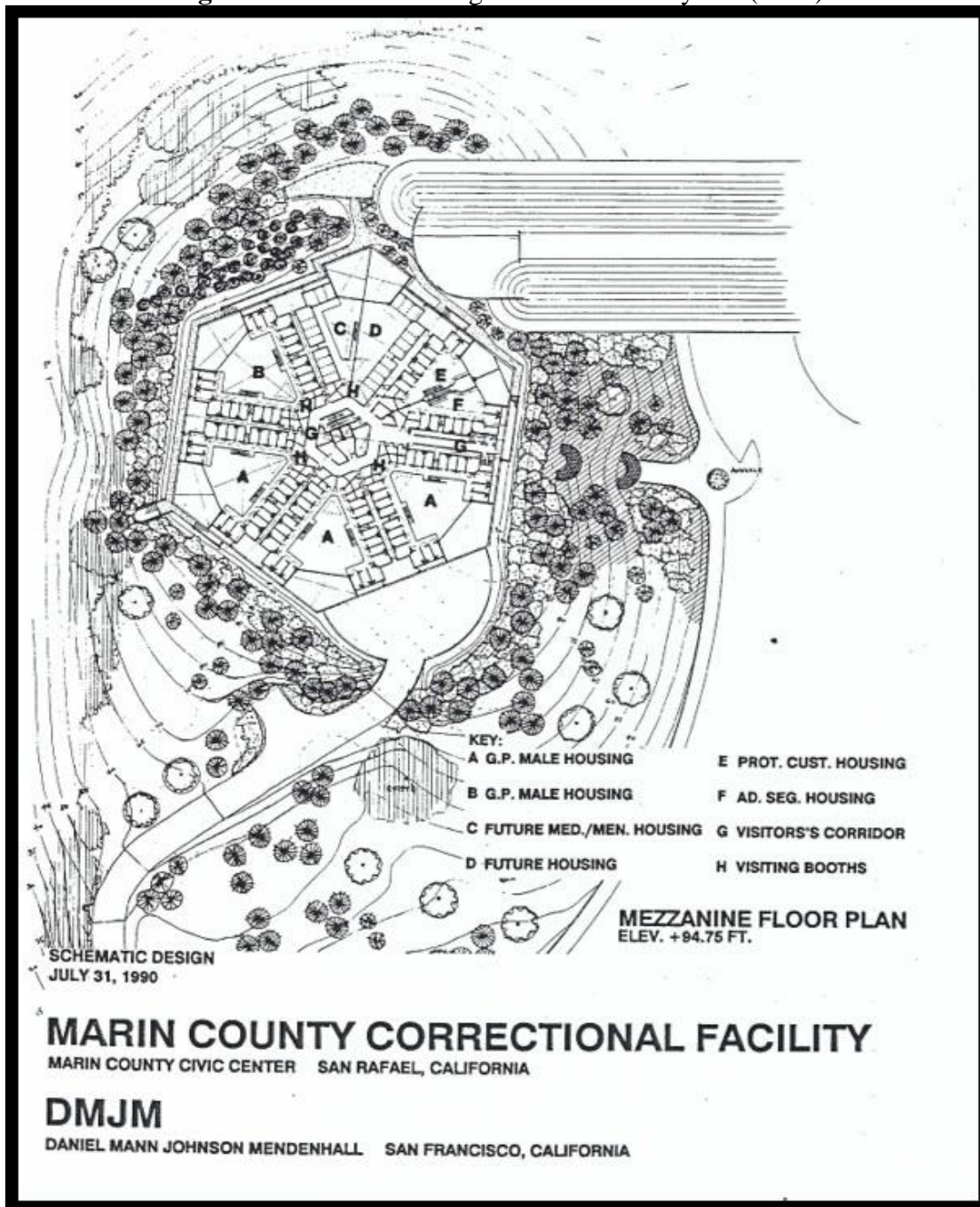
- Reviewed inspection reports from the California Bureau of State and Community Corrections
- Reviewed articles, academic studies, surveys, and research papers concerning prison, county jail, and juvenile justice reform

## DISCUSSION

### County Jail Layout

The County Jail is constructed in a hub and spoke configuration. There are three floors with six direct supervision housing units surrounding a central hub. These units (referred to as *Pods* by staff), include three general population housing pods for men, one female pod, a special housing pod, and an administrative segregation pod. Each pod has cells on an upper and lower level. Currently, there are 316 male beds and 69 female beds for a total of 385 beds in 222 cells. Each cell is equipped with one or two bunks, a toilet, and a desk, all of which are affixed to the walls. Each pod has one multipurpose room that is used for the programming needs of all individuals and groups in the jail.

Figure 3: Schematic Design of Marin County Jail (1990)



Source: Marin County Correctional Facility, Environmental Impact Report, Marin County Planning Department, August 1990

There is a tunnel connecting the County Jail to the Civic Center and the courtrooms. This is used for transporting individuals to and from the courts. The Grand Jury toured the County Jail in October 2023 and found the only area for exercise in each pod to be a small recreation yard with a cement floor that is adjacent to the common area. This space provides the only access to natural sunlight which comes from the screened roof of what is effectively a tall, cement-walled air shaft. This configuration is replicated in each of the housing pods. There are no windows to the outside in any of the 222 cells or administrative offices in the central hub.

## **Title 15 and Title 24**

Regulations governing adult and juvenile detention facilities have been created pursuant to CCR Titles 15 and 24. These regulations outline minimum standards for the design, construction, operation, and maintenance of such facilities.

Title 15 pertains to minimum operating standards for local detention facilities, while Title 24 covers the physical plant regulations of adult detention facilities. California's Board of State and Community Corrections (BSCC) has a role in implementing and enforcing these regulations to ensure the proper functioning and safety of detention facilities. The BSCC fulfills this role by inspecting the facilities on a regular basis and filing reports noting both compliance and non-compliance with its standards. Thanks to the dedication and high quality of work by Marin County's Department of Public Works' (DPW) maintenance team, the county's aging facilities and failing mechanical systems are kept operating and compliant.

The Grand Jury reviewed the BSCC's inspection reports of 2016-2018 to 2023-2024, for both the County Jail and Juvenile Hall. The BSCC's reports on these facilities disclosed no Title 24 deficiencies. There are notations in these reports by the BSCC stating that the County Jail is held to 1988 Standards of compliance, while Juvenile Hall is held to "APPLICABLE REGULATIONS: Pre-1998." Therefore, the County Jail has been "grandfathered" into standards which have been significantly revised since they were created and do not reflect current standards for detention facilities. The latest Title 24 Standards, effective in January 2023, include updated design requirements for Fire Safety, Suicide Hazards, Health and Sanitation, and Single or Double Occupancy Cells.<sup>10</sup>

## **Changes in the inmate population since the County Jail opened in 1994**

### **The mental health component**

According to a research paper published in 2017 by Stanford University:

Over 30 percent of California prisoners currently receive treatment for a 'serious mental disorder,' an increase of 150 percent since 2000. The California Department of Corrections and Rehabilitation (CDCR) estimates that the population of prisoners with mental illness will continue to climb, increasing the need for additional psychiatric services in the years to come. Furthermore, there is evidence that the CDCR's projections underestimate the current number of prisoners with mental illness.<sup>11</sup>

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<sup>10</sup> State of California Building Standards Commission, *Final express terms for final building standards of the board of state and community corrections regarding the minimum standards for the design and construction of local detention facilities*, April 25, 2023, p.7-8, [https://www.bscc.ca.gov/wp-content/uploads/05.BSC-TP-105-Final-ET\\_05-22-bwSOUL.pdf](https://www.bscc.ca.gov/wp-content/uploads/05.BSC-TP-105-Final-ET_05-22-bwSOUL.pdf), (accessed 5/1/24).

<sup>11</sup> Stanford Advocacy Project, *Confronting California's Continuing Prison Crisis: The Prevalence And Severity Of Mental Illness Among California Prisoners On The Rise*, p.1, <https://law.stanford.edu/wp-content/uploads/2017/05/Stanford-Report-FINAL.pdf>, (accessed 5/4/24).

Experts in the field interviewed by the Grand Jury stated that the same trend is occurring in county jails.

Grand Jury interviews indicated that people incarcerated in county jails have typically committed low-level crimes such as trespassing, shoplifting, public nuisance, breaking into cars, etc., which are related to their mental illness and otherwise desperate state of mind. Based on confidential Grand Jury interviews, the Grand Jury was told that twenty years ago, the County Jail population included few individuals diagnosed with severe mental illness at any given time. Since then, there has been a dramatic rise in their numbers. The Grand Jury also learned from confidential interviews that the majority of individuals currently in the County Jail have some level of mental health disorder—as many as two-thirds of the population in the County Jail suffer from some level of mental health issues.

The Jail Mental Health JPS Report from February 2020 asserts, “There are justifiable concerns about the prevalence of mental illness in jails and prisons.”<sup>12</sup> There are four main concerns as stated in the report:<sup>13</sup>

1. **Individuals experiencing mental illness are likely to remain incarcerated longer than their peers.** On average, individuals with mental illness receive sentences that are 12 percent longer than individuals convicted of the same crimes but without mental health diagnoses.
2. **Incarcerated people experiencing a mental illness are also more likely to be disciplined and isolated in segregated housing (i.e. solitary confinement).** Once in solitary confinement the harsh conditions of the segregation worsen the symptoms of mental illness.
3. **People with a mental illness diagnosis are more likely to commit suicide and/or be victimized.** Suicide is the leading cause of death in correctional facilities.
4. **It is expensive to incarcerate individuals with mental illness since jails in the United States are improperly equipped for treatment.** Correctional health care professionals are constantly constrained by limited or improper resources and large caseloads. Community mental health treatment is less costly and more effective than incarceration.

Data related to detainees and incarcerated individuals with mental health issues was presented to the Grand Jury following confidential interviews. In May 2024, there were 232 individuals in the County Jail. Of this total:

- Seventy three (32 percent) were seen by Jail Mental Health on a routine basis.
- Fifty (22 percent) were taking psychotropic medications.
- Forty two (18 percent) were classed as “mental health,” meaning they have a qualifying diagnosis of a chronic and persistent mental illness.

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<sup>12</sup> Jail Mental Health JPS Report February 2020, California Health Policy Health Strategies, L.L.C., *The Prevalence of Mental Health Illness in California Jails: An Analysis of Mental Health Cases and Psychotropic Medication Prescriptions, 2009-2019*, February 2020, [https://www.cdcr.ca.gov/ccjbh/wp-content/uploads/sites/172/2020/02/Jail\\_MentalHealth\\_JPSReport\\_02-03-2020.pdf](https://www.cdcr.ca.gov/ccjbh/wp-content/uploads/sites/172/2020/02/Jail_MentalHealth_JPSReport_02-03-2020.pdf), (accessed 5/4/24).

<sup>13</sup> Jail Mental Health JPS Report February 2020, p. 3.

These numbers are overlapping, not additive. However, a very large number of individuals are not officially counted as mentally ill because the level of their illness is classified as mild to moderate, and assessments are based on the immediate, observable level of acuity or the obvious presence of a behavioral crisis. This explains why up to two-thirds of the current County Jail population is said to be suffering from some level of mental illness.

### **Substance Abuse**

County jails have historically dealt with detainees suffering from substance abuse and related criminal activity. For a long time, alcohol was the substance most abused by the general public, leading to arrests for public intoxication and driving under the influence. During confidential interviews, the Grand Jury learned that alcohol is now far down the list of abused substances among the County Jail's arrestees, detainees, and incarcerated population. There is a well-documented and widely reported fentanyl epidemic in the United States. Fentanyl has become the drug of choice among Marin's substance abusers. "Overdose is the leading cause of death in Marin County for residents aged 55 and younger. Fentanyl, a high potency synthetic opioid, is the most common substance involved in local overdose deaths."<sup>14</sup> Up to 70 percent of the jail population has a documented substance abuse history, many of them using or addicted to fentanyl.

Another change in the jail population is a significantly-increased level of detainees suffering from a dual-diagnosis. These individuals require more services and programming, which only adds to the complexity of how these individuals are treated and housed.

### **The AB 109 factor is stressing the County Jail**

The goals of AB 109 were "to decrease the number of incarcerated individuals in state prisons, decrease the number of low-level offenders in prison, reduce recidivism, and increase community integration of individuals released after incarceration. Another intent was to encourage counties to develop and implement evidence-based practices and alternatives to incarceration to limit future crimes and reduce victimization."<sup>15</sup> The CDCR believed that community-based support services would increase the chances of these individuals' successful reintegration into their communities.

Further, "realignment changed the protocol so that some low-level offenders with non-serious, non-violent, non-sexual charges are sent to county jail rather than prison for sentences up to three years in length. Other offenders are now eligible for split sentences, a combination of jail time, and post-release supervision."<sup>16</sup> Although AB 109 allowed the state to reduce state prison

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<sup>14</sup> Department of Health and Human Services, *Public Health Advisory: Local Increase in Fentanyl Deaths*, March 1, 2024, p.1, <https://www.marinhhs.org/sites/default/files/files/public-health-updates/phadvisory-fentanyl-01mar2024.pdf>, (accessed 6/6/24).

<sup>15</sup> Angie Wootten, "AB 109 and Its Impact on Prison Overcrowding on Recidivism: A Policy Analysis", *Themis: Research Journal of Justice Studies and Forensic Science*, Vol. 4 Article 6, 2016, <https://scholarworks.sjsu.edu/cgi/viewcontent.cgi?article=1040&context=themis>, (accessed 5/18/24).

<sup>16</sup> Wootten, "AB 109 and its Impact on Prison Overcrowding on Recidivism: A Policy Analysis."

populations, an obvious but unintended consequence was an increase in convicted felons serving time in county jails.

Another unintended consequence related to the AB 109 population is their prior experience in state prisons. The classification system and housing assignments in county jails are subject to manipulation by the experienced incarcerated population. Individuals from the AB 109 realignment coming to the County Jail from state facilities where they frequently had their own cells want to continue that “lifestyle” upon transfer to the County Jail. The Grand Jury was advised during interviews that due to their experience, many of the AB 109 incarcerated population know how to “game” the system by manipulating their classifications to secure a single-occupancy cell.

### **The gang problem**

When the County Jail was constructed, the gang problem in Marin County was essentially non-existent. Over the course of the last decade the number of arrestees affiliated with a gang has dramatically increased. Individuals interviewed by the Grand Jury estimated that today up to 40 percent of the individuals detained and incarcerated in the County Jail are in some way affiliated with a gang. Often gang members are also involved with substance abuse. Gang association aggravates the existing problems with housing because rival gang members must be separated at all times and may never bunk together. Even so, there are now more fights in the County Jail, creating safety issues for the detainees, sheriff’s deputies, and staff.

Gang members not part of the AB 109 group are also able to “game” the system by “denying they are still affiliated with a gang” while incarcerated. In jail lexicon, this statement qualifies them for protective custody classification and placement in a single cell, further stressing the jail’s housing conditions.

### **Deficiencies in the County Jail physical plant**

While the County Jail appears to be well run, the physical plant itself is dated and lacks the room for expansion to accommodate the additional facilities necessary for a modern-day county jail.

#### **Lack of an infirmary or medical beds**

Although the County Jail is fortunate to have a competent and well trained medical and mental health staff on site, the final jail design did not include an infirmary. As a result, there are no medical beds for the jail population requiring treatment for even the most benign medical conditions. Instead, there is only office space for the medical and mental health staff to use for evaluation and treatment. Otherwise, detainees must be evaluated in their cells. When the need arises for medical treatment, detainees must be transported to a medical facility off-site, which is costly for Marin County and time consuming for the Sheriff’s Office.

From its interviews, the Grand Jury learned that up to 90 percent of detainees in withdrawal from chemical dependency endure the entire detoxification process in individual cells while being regularly checked by staff. In some cases, these individuals require hydration to counter the

effects of severe vomiting which may occur during detoxification. In those instances, the hydration may require the administration of intravenous fluids (IVs). Currently, individuals requiring IVs must be transported to a hospital for treatment. Having medical beds in the County Jail would provide a better and much less costly way to manage this process.

### **Transportation of detainees to medical facilities is expensive and inefficient**

When incarcerated individuals are transported to and from the hospital or the Crisis Stabilization Unit (CSU) for treatment they must be transported by two deputies. When the individual in custody arrives at the hospital, at least one deputy must remain with them 24 hours a day for the duration of their stay. Expenditures for such events add up quickly, with some hospital stays costing as much as tens of thousands of dollars per day and this is only one component of the total cost. Other components of the total cost include the pay for two deputies during transportation (sometimes on overtime), vehicle cost, and the cost of having a sheriff's deputy guarding detainees at the hospital. According to the Sheriff's Office, the Detention Medical Budget for fiscal year 2023-2024 which includes all of these line items, is slightly more than \$5,000,000. In 2023, the cost to Marin County for one hospitalization alone was approximately \$156,000, excluding the cost of the deputies.<sup>17</sup> Further, while deputies are transporting detainees or remaining with them during treatment, they are not able to be on duty at the jail, creating stress on the remaining staff.

When an inmate experiences a mental health crisis, they must be transported to a local hospital or the Marin County Health and Human Services CSU for intervention. The CSU does not always have sufficient beds to meet the needs of the mentally ill individuals from the County Jail. There are no psychiatric hospitals in Marin County. However, MarinHealth Medical Center, which operates an acute psychiatric unit with 17 beds, does not serve individuals who are incarcerated.

### **An increase in single-cell housing demands**

One of the most significant deficiencies at the County Jail is the lack of adequate space for all of the different housing classifications. The requirements of an extremely complicated inmate classification system are straining the physical limits of the County Jail to adequately house the incarcerated population. Although there are 222 cells in County Jail with 385 beds available to house the jail's population, these figures are misleading due to the increased requirements of single-cell housing. There is also a physical inability to increase the number of beds available because of the County Jail's underground construction. At any given time, there may be as many as 50 double bunk cells that must be used to house only one individual classified as unable to bunk with others.

Single-cell housing is typically required for detainees from rival gangs or those suffering from severe mental health issues. The number of detainees requiring protective custody, which calls for mandatory single-cell housing, is also on the rise. This is increasingly causing the jail staff to

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<sup>17</sup> From the County of Marin Department of Health and Human Services

place one inmate in a double bunk cell. The special housing unit was historically used to house these individuals, but with the increase in severe mental illness and protective custody requirements, the special housing pod has been overwhelmed. Now, some individuals requiring a single cell must be housed in C pod, which was meant for the general population.

### **The lack of group and treatment rooms is crippling the delivery of County Jail programs**

Programming in a detention setting is concerned with the delivery of services and programs designed to rehabilitate individuals, facilitate their return to the community, and reduce the recidivism rate. Individuals interviewed by the Grand Jury highlighted a lack of programming space as an extremely significant deficiency of the County Jail. While it is difficult enough to manage and constantly juggle housing accommodations because of the classification system, a lack of space for programming creates problems related to the successful treatment and rehabilitation of incarcerated individuals. With the exception of Restrictive Housing, there is one multi-purpose room in every pod where programming takes place. Having only one room in each pod severely limits the ability of staff to provide all of the programming they would like to offer. Each of these multipurpose rooms must be used for many different activities. In addition, each multipurpose room must be scheduled and coordinated according to multiple levels of inmate security requirements and the variety of treatments or programming plans. The Grand Jury learned that because of the way current programming spaces are set up, the detainees are easily distracted which may reduce the effectiveness of some of the programs offered—a negative situation for the individuals participating in these programs. This is particularly true when programming must be conducted in the open-area dayrooms within each pod due to the lack of options. It is remarkable that staff are able to do so much with so little.

The multipurpose rooms are used for a wide variety of programming needs such as mental health assessments and treatments, Bay Area Community Resources classes, church services, Alcoholics Anonymous meetings, and Narcotics Anonymous meetings. Other examples of the successful programs at the County Jail include mindfulness training, parenting classes, and anger management classes. The timing of participation in these programs is partly dictated by security concerns. Individuals who are unable to safely mix with others require separate, individual programs which are extraordinarily difficult to schedule given the overall constraints and availability of rooms. The professional staff at the County Jail is well-trained, exceptionally competent and caring. They are eager to have more space to reduce the difficulty of finding the necessary room for programming and treatments. Greater participation from the individuals detained or incarcerated may be an additional benefit.

## The County Jail lacks the facilities for in person attorney-client meetings

As stated in the 2022-2023 Marin County Civil Grand Jury’s report: “Except in rare circumstances that require a court order, defendants awaiting trial cannot meet with their attorney in a room in person. They must meet with their attorney on a tablet via Zoom or by telephone through a plastic partition, making it difficult to review documents together and to include a third party, such as an investigator. During a meeting at the County Jail, documents can only be shared through a narrow slot that must be unlocked by a sheriff’s deputy.”<sup>18</sup> This situation remains unchanged. Since most people in the County Jail are awaiting trial, it is critical that there be adequate meeting facilities for attorneys to meet in person with their clients.

**Figure 4:** Interior View of County Jail Double Bunk Cell



Source: Marin County Sheriff’s Office.

<sup>18</sup> 2022-2023 Marin County Civil Grand Jury Report, *Justice Delayed is Justice Denied*, May 15, 2023, p. 5, <https://www.marincounty.gov/sites/g/files/fdkgoe241/files/2024-01/justicedelayedisjusticedenied.pdf>, (accessed 6/6/24).

## **The need for direct sunlight and fresh air**

During a tour of the County Jail, the Grand Jury was able to observe that it is difficult to conduct much activity in a single-occupancy cell. Being housed with another inmate in a double-occupancy cell makes it almost impossible to do anything other than lie in one's bed. According to Grand Jury interviews, chronic constipation is often a direct result of poor exercise and lying down for most of the day. Individuals in the County Jail who are housed according to the most restrictive classifications spend 23 hours per day confined in their cells. When these people are able to use the small recreation area, they are only able to absorb sunlight coming directly overhead from the screened roof. They do not have access to any external surroundings and are unable to feel a direct breeze. This is also true for detainees in the least restrictive housing classifications who are allowed to have more time out of their cells. That said, the County Jail passes the minimum standards of Title 15 and Title 24 with respect to exercise floor space. Is this the best Marin County can do?

## **Ligature points and the issue of grandfathering**

The County Jail is held to the Title 24 standards applicable at the time the jail was constructed—not the current standards. The Grand Jury has learned that ligature points in the County Jail cells are a long-standing problem. A ligature point is defined as any environmental point that could be used to affix a ligature—that is a noose or other strangulation device for purposes of self-harm or harm to others. According to current Title 24 standards, beds in cells must have a solid bottom.<sup>19</sup> The Grand Jury learned from confidential interviews these in-cell hangings have been occurring since at least 2008, and two separate suicides occurred as recently as 2023.

In November, 2023, the Board of Supervisors was given a Capital Improvement Project proposal to remove ligature points present in every one of the jail's 222 cells. The work for this project is extensive and the Grand Jury has learned of at least one proposal to remediate the problem. The current budget for this work is \$2.4 million. The work is not currently planned to commence until Fiscal Year 2025-2026.

## **Adopting best practices is necessary to address deficiencies**

### **California is taking a cue from international successes**

California is learning from international best practices. In September 2022, staff from the CDCR and the California Correctional Health Care Services traveled to Norway to visit their prisons. The reason for the trip was to learn about the Norwegian prison system, a system which focuses on rehabilitation, not punishment. Staff went to learn about this model in order to develop and adopt best practices for California. According to the Harvard Political Review, “When prisoners are released in Norway, they stay out of prison. Norway has one of the lowest recidivism rates in the world at 20%. The U.S. has one of the highest: 76.6% of prisoners are returned to jail within

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<sup>19</sup> BSCC, *Title 24 Minimum Standards for Detention Facilities*, Section 1231.3.5, p. 21.

five years.”<sup>20</sup> To be fair, Norway has far fewer detainees than the U.S., and they typically spend about twice as much on their incarcerated population than is spent in the U.S.

A report was delivered to Governor Newsom in January 2024 entitled *Reimagining San Quentin*. The following is from a news release by the CDCR in January 2024:

CDCR is driving a once-in-a-generation transformation of California’s prison system. This reimagining is referred to as the California Model: Making safer communities, inside and out. The California Model is a holistic initiative that leverages international, data-backed best practices to improve the well-being of those who live and work at state prisons. For all Californians, the goal is to make communities safer, and life better by leveraging data-backed, proven measures to break cycles of crime for the incarcerated population, while improving workplace conditions for institution staff.<sup>21</sup>

The California model draws on international best practices reconfigured for California. Although it is designed to transform San Quentin, a state prison, many of the recommendations are appropriate for local facilities and are specifically applicable to the County Jail. Amid all of the new ideas about criminal justice reform, the reimagined mission of the CDCR is to shift its culture from punitive and create an environment geared towards rehabilitation in a more humane environment. Their stated goal is “for inmates to emerge as constructive members of society, both inside the correctional system and out. This calls for a pivot from strictly punitive to more supportive, rehabilitative approaches. By deeply investing in each parolee, we strive to mitigate reoffending and bolster their chances for a brighter future.”<sup>22</sup> The CDCR methodology is focused on several “pillars” which include the following<sup>23</sup>:

- **Normalization:** Stressing that the mere loss of freedom is punishment enough. The conditions inside the prison should mirror life outside to the greatest extent possible, equipping inmates with the vital life skills they need.
- **Dynamic Security:** This principle encourages staff to build positive, professional relationships with inmates and parolees, emphasizing open and effective communication.
- **Progression:** This strategy motivates inmates and parolees to earn privileges and gradually advance through their sentences, thus incentivizing and rewarding positive behavior.

### Prison designers embrace new concepts

The Reimagining San Quentin Report discusses design considerations for new prisons at length. “Factors that need to be considered by design experts include how to minimize ambient sound and improve light throughout, and how to create an inclusive design that addresses the needs of different populations, for example older adults, the differently-disabled, and transgender

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<sup>20</sup> Liz Bennechi, “Recidivism Imprisons American Progress”, *Harvard Business Review*, May 16, 2024. <https://harvardpolitics.com/recidivism-american-progress>, (accessed 5/16/24).

<sup>21</sup> California Department of Corrections and Rehabilitation, *Report to Transform San Quentin Submitted to CDCR*, January 5, 2024, <https://www.cdcr.ca.gov/news/2024/01/05/report-to-transform-san-quentin-submitted-to-cdcr>, (accessed 5/30/24).

<sup>22</sup> California Department of Corrections and Rehabilitation, *California Model reimagines corrections*, September 25, 2023, <https://www.cdcr.ca.gov/insidecdcr/2023/09/25/california-model-reimagines-corrections>, (accessed 5/16/24).

<sup>23</sup> CDCR, *California Model reimagines corrections*.

populations.”<sup>24</sup> Following Grand Jury research and interviews, it was abundantly clear that people suffering from issues related to mental health are particularly vulnerable to their physical surroundings. With specific reference to mental health, a new concept known as the WELL building standard from the International WELL Building Institute™ is gaining popularity among correctional professionals. “Now in its second iteration, WELL v2 encompasses the following ten concepts as they relate to wellness: air, water, nourishment, light, movement, thermal comfort, sound, material, mind, and community.”<sup>25</sup>

### **Other U.S. States are leading the way with redesigned correctional facilities**

The Ohio Reformatory for Women (ORW) opened a 100-bed treatment center in July 2023.<sup>26</sup> This new facility relied heavily upon, and has incorporated many concepts from the WELL standards. According to Ohio Governor Mike DeWine, the new building “will provide increased programming and treatment for those who need it. It also includes specific features to promote overall health and wellbeing in the environment for the women. The features include specialized lighting and acoustics, calming outdoor spaces, a teaching kitchen, a garden and enhanced technology.”<sup>27</sup> During the grand opening ceremony in July 2023, Governor DeWine was quoted as saying “This investment is important because our jails and prisons have become one of our state’s largest default behavioral health providers.” This is most certainly true of the County Jail in Marin. The Governor continued: “We must do more to help ensure that those leaving our prisons are both mentally and physically healthy so that they have the best chance of success once released.”<sup>28</sup>

### **Best practices also address the needs of adequate space for staff**

“The WELL Building Standard grades buildings based on their impact on the health of occupants, measuring factors such as interior air quality and access to daylight. These measurements are critically important within the justice system where incarcerated individuals and staff spend long periods of time exposed to their indoor environments.”<sup>29</sup> The Reimagining

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<sup>24</sup> B. Williams, D. Bond, R. Broomfield, D. Steinberg, *Reimagining San Quentin: Recommendations to Transform San Quentin State Prison into a Rehabilitation Center*. San Quentin Transformation Advisory Council, January 2024, (press release on January 5, 2024), p. 20, [https://www.cdcr.ca.gov/wp-content/uploads/2023/06/FINAL-San-Quentin-Report\\_1.3.24.pdf](https://www.cdcr.ca.gov/wp-content/uploads/2023/06/FINAL-San-Quentin-Report_1.3.24.pdf), (accessed 5/30/24).

<sup>25</sup> Jenny Hildebrand, Bob Schwartz, “WELL Built: Facility Design to Benefit the Mental Health of Incarcerated Individual and Staff”, *CORRECTIONS TODAY*, January/February 2022, p.4, [https://www.aca.org/common/Uploaded%20files/Publications\\_Carla/Docs/Corrections%20Today/2022%20Articles/CT\\_January-February\\_2022\\_WELL-Built.pdf](https://www.aca.org/common/Uploaded%20files/Publications_Carla/Docs/Corrections%20Today/2022%20Articles/CT_January-February_2022_WELL-Built.pdf), (accessed 5/16/24).

<sup>26</sup> Lydia Taylor, “Mental health treatment center opens at the Ohio Reformatory for Women”, *SpectrumNews*, July 11, 2023, <https://spectrumnews1.com/oh/columbus/news/2023/07/11/mental-health-treatment-center-opens-at-the-ohio-reformatory-for-women>, (accessed 5/17/24).

<sup>27</sup> Taylor, “Mental health treatment center opens at the Ohio Reformatory for Women.”

<sup>28</sup> Taylor, “Mental health treatment center opens at the Ohio Reformatory for Women.”

<sup>29</sup> Hildebrand, “WELL Built: Facility Design to Benefit the Mental Health of Incarcerated Individual and Staff”, *CORRECTIONS TODAY*, p.2, January/February 2022.

San Quentin Report also calls out the need for designated spaces for staff as well as incarcerated residents.<sup>30</sup>

Spaces designed to be used only by staff are critical to the satisfaction and retention of County Jail personnel and medical and mental health employees. According to the *San Quentin Advisory Report*, staff often experience excessive fatigue. This was confirmed in the Sheriff's Office Organizational Study of the County Jail. Employee burnout due to excessive or mandated overtime is a real issue with current County Jail employees. Staff could make good use of upgraded quarters with a gym, locker rooms, showers, and recovery rooms between shifts. This is particularly true for many current staff who live far away from the County Jail and have difficult commutes. These new spaces would provide a boost to employee morale, retention, and improve the ability to make future new hires.

## **Reentry services in the community are lacking and must be improved**

### **The White House and the National Institute of Corrections have embraced reform to facilitate successful reentry**

According to *The White House Alternatives, Rehabilitation, And Reentry Strategic Plan*, "Successful reentry into society requires advance planning, continuity of support, and individualized, multifaceted, and extensive services." The Plan continues: "A comprehensive strategy for addressing the systemic impediments individuals face upon reentry requires a whole-of-government and a whole-of-society approach."<sup>31</sup> One may reasonably question how this is possible if the proper facilities are unavailable. Facilities that lack appropriate spaces for programming combined with a lack of community services cannot help close the revolving door of recidivism.

The National Institute of Corrections (NIC) has stated:

Correctional education for incarcerated adults reduces the risk of postrelease reincarceration (by 13 percentage points) and does so cost-effectively (a savings of five dollars on reincarceration costs for every dollar spent on correctional education). And when it comes to postrelease employment for adults—another outcome key to successful reentry—researchers find that correctional education may increase such employment... Overall, this study shows that the debate should no longer be about whether correctional education is effective or cost-effective but rather on where the gaps in our knowledge are and opportunities to move the field forward.<sup>32</sup>

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<sup>30</sup> Williams, Bond, Broomfield and Steinberg, *Reimagining San Quentin: Recommendations to Transform San Quentin State Prison into a Rehabilitation Center*, p.5.

<sup>31</sup> Domestic Policy Council, *The White House Alternatives Rehabilitation, and Reentry Strategic Plan*, April 2023, <https://www.whitehouse.gov/wp-content/uploads/2023/04/The-White-House-Alternatives-Rehabilitation-and-Reentry-Strategic-Plan.pdf>, (accessed 5/17/24).

<sup>32</sup> National Institute of Corrections, *How Effective is Correctional Education, Where Do We Go From Here? The Result of a Comprehensive Evaluation.*, 2014, <https://nicic.gov/resources/nic-library/all-library-items/how-effective-correctional-education-and-where-do-we-go>, (accessed 5/18/24).

## **There are too few options available to the reentry team at the County Jail**

The reentry team at the County Jail is responsible for coordinating resources for detainees and incarcerated individuals reentering the community. When these people suffering from severe mental health conditions are released from jail, there are very few options for treatment. Some individuals are transferred to the Marin Health Medical Center, a non-profit community hospital. Ultimately, the hospital decides who will be admitted, but there is a limit to the length of stay. Typically, after a short-term intervention and treatment, the patient “times out” and is released back into the community where they are at risk to reoffend without adequate follow-up treatment. Since there is no county mental hospital, there is no effective option for a longer term stay. Some of these people are brought back to the jail several times within weeks following their release. “The total number of hospital beds in communities throughout California for individuals who need short-term acute psychiatric care has decreased 30 percent since 1995.”<sup>33</sup>

In contrast to the lack of psychiatric beds in Marin County, San Mateo County has a mental health and chemical dependency treatment unit for detainees from their county jail. Similarly, Contra Costa County provides “Transitions Health Clinic” for individuals “recently released from incarceration, assisting individuals with successful and healthy re-integration into their lives and communities.”<sup>34</sup> These facilities are well-regarded by many individuals interviewed by the Grand Jury.

## **Using the MCRP model for improved reentry success**

Another reentry program currently gaining popularity is the Male Community Reentry Program (MCRP). According to the California Department of Corrections and Rehabilitation, the MCRP “is a voluntary program for eligible males who have two years or less of their prison sentence left to serve. This allows eligible people committed to state prison to serve the end of their sentences in the community in lieu of confinement in state prison. MCRP is facilitated by the Division of Rehabilitative Programs (DRP). Individuals are eligible to participate up to two years, but no less than 60 days, before their Earliest Possible Release Date.”<sup>35</sup> Although this program is designed to benefit the incarcerated population in a state prison, individuals serving longer sentences in a county jail could take advantage of this program. MCRP facilities are generally thought of as half-way houses for incarcerated individuals or parolees who are at the end of their sentence and can benefit from a meaningful transition back into the community. A study prepared for the CDCR on the effects of the MCRP program on recidivism in California states that: “for offenders who participate in MCRP for at least seven months, MCRP decreases the likelihood of rearrest by eight percentage points, and for offenders who participate in MCRP for at least nine months, MCRP decreases the likelihood of rearrest by 13 percentage points and

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<sup>33</sup> Stanford Advocacy Project, *Confronting California’s Continuing Prison Crisis: The Prevalence And Severity Of Mental Illness Among California Prisoners On The Rise*, p.2, <https://law.stanford.edu/wp-content/uploads/2017/05/Stanford-Report-FINAL.pdf>, (accessed 5/4/24).

<sup>34</sup> Contra Costa Health, *Forging a Pathway from Prison and Jail to a Health Home*, <https://www.cchealth.org/get-care/medical-center-services/transitions-health-clinic>, (accessed 5/6/24).

<sup>35</sup> California Department of Corrections and Rehabilitation, *Male Community Reentry Program*, June 2021, <https://www.cdcr.ca.gov/rehabilitation/pre-release-community-programs/mcrp>, (accessed 5/17/24).

reconviction by 11 percentage points.”<sup>36</sup> There is also a Female Community Reentry Program (FCRP) that mirrors the provisions of MCRP.

### **To improve the reentry process, the County of Marin should increase the number and variety of community-based support services**

The County Jail has a reentry program managed by well-trained, knowledgeable, and caring staff. However, Marin County lacks the broad array of community services required for effective local reentry. For example, there are no MCRPs that provide local housing and programs meant to transition some of the incarcerated population back into their communities. Based on research and data reported by the Stanford study, creating a MCRP in Marin would likely reduce the chances of recidivism for those choosing to participate in such a program. A MCRP could be effectively designed and located to serve the incarcerated population from San Quentin as well as candidates from the County Jail. The logical extension of reduced recidivism would be improved safety for the community resulting from lower levels of repeated crimes.

Marin County also lacks a facility in which to house and treat individuals suffering from a dual diagnosis as they transition back into the community. Some individuals may be placed in Casa Rene in San Rafael, but this facility only provides an alternative to locked acute psychiatric inpatient care.<sup>37</sup> There are also drug and alcohol facilities in Marin such as Helen Vine and the Ritter Center; however, Marin County lacks a facility dedicated to the significant number of people suffering from dual diagnoses.

The Reimagining San Quentin Report also addresses normalized family visitation and recommends that funds be used to provide areas for this purpose. Marin County Sheriff Jamie Scardina was recently quoted in the *Marin IJ*: “Research underscores the profound impact of family visitation on both the incarcerated individual and their children.”<sup>38</sup>

### **Detention facility architects have seen the light**

Even architects are weighing in on the issues surrounding the construction of new jails and alternatives that are restorative, not punitive. From an article published in April 2021, architect Frank Greene, who has dedicated his career to justice facility architecture, observed a massive change in justice design over the last 10 years. He believes design has the power to transform people’s lives. “We’re designing new facilities to help people return to their communities with the skills they need to succeed.”<sup>39</sup>

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<sup>36</sup> Kimberly Higuera, Garrett Jensen, Emilhy Morton, *Effects of the Male Community Reentry Program on Recidivism in the State of California*, Stanford Public Policy, June 2021, [https://stacks.stanford.edu/file/druid:bs374hx3899/MCRP\\_Final\\_060421.pdf](https://stacks.stanford.edu/file/druid:bs374hx3899/MCRP_Final_060421.pdf), (accessed 5/17/24).

<sup>37</sup> Marin Health and Human Services, *Casa Rene (Crisis Residential Unit)*, <https://www.marinhhs.org/casa-rene-crisis-residential-unit>, (accessed 5/6/24).

<sup>38</sup> Cameron Macdonald, “A fresh start again”, *Marin IJ*, Tuesday April 9, 2024.

<sup>39</sup> Eva Fedderly, “Can New Prison Design Help America’s Mass Incarceration Problem”, *Architectural Digest*, April 1, 2021, <https://www.architecturaldigest.com/story/can-new-prison-design-help-americas-mass-incarceration-problem>, (accessed 5/17/24).

Raphael Sperry, a San Francisco-based architect argues “There is widespread recognition that folks are in jail because of mental health and substance abuse. If you really want to address those issues, the detention environment makes any treatment unsuccessful.”<sup>40</sup> This is the reason Marin County needs to have facilities that provide treatment outside of a prison environment—a place to heal in a setting that is conducive to the needs of the large percentage of the incarcerated population beset with mental health issues and substance addiction.

The founder of the Greenberger Center for Social and Criminal Justice (Hope House) has said that starting in the 1950s, “We took the mentally ill out of mental hospitals and put them in prisons and thought we’d accomplished something.” Greenberger continued, “When you put people with mental illness in jail, they will leave worse than when they came in.”<sup>41</sup> The notion is if they go to Hope House, they’re going to leave better than when they came in.

### **The County Jail can benefit from select recommendations in the Governor’s Report “*Reimagining San Quentin*”**

Some of the key principles from Governor Newsom’s *Reimagining San Quentin* report dovetail with many of the deficiencies and shortcomings at the County Jail discussed in confidence with the Grand Jury. Some of the lead recommendations are listed below:<sup>42</sup>

- **Focus on reentry.** While imprisoned, there should be a focus on helping inmates gain skills and treatment needed to make amends ultimately striving for a successful reentry into society.
- **Normalize the environment as much as possible.** The living experience must closely resemble the broader community and must be focused on rehabilitation and healing to create a path for returning home.
- **Establish a correctional culture focused on rehabilitation.** All prison staff (custody, healthcare, etc.) must be incentivized and have the opportunity and training to create a professional obligation to support inmates in their rehabilitation journey while they remain incarcerated.

Although the Advisory Report was created for San Quentin, a state prison, the Grand Jury believes these recommendations are equally suitable when considering county jails. Conditions within a jail must allow for hope, dignity, and the ability to learn skills that will facilitate a successful reentry into society.

### **Changes in the approach to juvenile justice have rapidly altered incarceration rates**

Since the mid-1990s efforts to reform juvenile justice have focused on the reduction of the use of detention and secure confinement. These efforts are intent on improving conditions of confinement, closing large institutions and reinvesting in community-based programs. There has

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<sup>40</sup> Fedderly, “Can New Prison Design Help America’s Mass Incarceration Problem.”

<sup>41</sup> Jonathan Custodio, “Help Not Jail, Now Under Construction for People with Mental Illness,” *The City*, Nov. 15, 2023, <https://www.thecity.nyc/2023/11/14/hope-house-groundbreaking-mental-illness-alternatives-incarceration>, (accessed 5/18/24).

<sup>42</sup> Williams, Bond, Broomfield and Steinberg, *Reimagining San Quentin: Recommendations to Transform San Quentin State Prison into a Rehabilitation Center*, p 3.

also been a recognition of a need for providing high-quality, evidence-based services for youth in the juvenile justice system.<sup>43</sup>

One of the most significant trends in juvenile justice is the concept of restorative justice. Restorative justice is defined as a system of criminal justice which focuses on the rehabilitation of individuals through reconciliation with victims and the community at large. An article from the California Health Report in August, 2021 stated “Restorative justice is now a standard offering across the U.S., increasingly relied upon by schools and law enforcement to divert low-level juvenile offenders away from the criminal justice system.”<sup>44</sup> In 2018, there were 75 California peer courts (also referred to as teen or youth courts) that are a form of restorative justice. In these courts, “students are sentenced to engage in community service, write letters of apology, and take part in programs such as counseling or alcohol treatment.”<sup>45</sup>

Santa Cruz County has embraced the concept of restorative justice and the results have been remarkable. From 2011 to 2020, their annual juvenile bookings dropped from 576 to 157. In 2020, the average daily population was 13 (ages 12-18) compared to 52 in 1998.<sup>46</sup> Considering the two decade plunge in youth crime and the efforts to keep youth out of detention centers and juvenile halls using restorative justice and other community-based diversion programs, the number of juveniles expected to require detention in the future has been drastically reduced.

### **Non-detention options exist for dealing with juveniles**

The Coastal Valley Academy (CVA) in San Luis Obispo (SLO) is a treatment program for high-needs youth as it provides an environment for structured treatment in a home-like setting.<sup>47</sup> The CVA is located onsite with the SLO Juvenile Hall, but the CVA program is completely separate. The CVA boasts its own recreation yard, living unit, and classroom.

The Coastal Valley Academy provides a safe and effective alternative to group homes, engaging the families in the treatment and reunification process and keeping youth closer to home. Youth participate in Child and Family Team meetings as well as individual, family and group treatment. CVA staff is trained in Comprehensive and Substance Abuse Curriculums designed by the University of Cincinnati and Positive Behavioral Interventions and Supports. Partnerships with local community organizations and national

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<sup>43</sup> National Academies Press, 2013, p. 241, <https://nap.nationalacademies.org/read/14685/chapter/11>, (accessed 5/19/24).

<sup>44</sup> Julia Reynolds Martinez, “The Promise and Limits of Restorative Justice for Youth”, *California Health Report*, August 12, 2021, <https://www.calhealthreport.org/2021/08/12/the-promise-and-limits-of-restorative-justice-for-youth>, (accessed 5/19/24).

<sup>45</sup> California Courts Newsroom, *Restorative Justice: Healing California’s Youth*, August 2, 2018, <https://newsroom.courts.ca.gov/news/restorative-justice-healing-californias-youth#:~:text=One%20form%20of%20restorative%20justice%20is%20now%20used,in%20programs%20such%20as%20counseling%20or%20alcohol%20treatment>, (accessed 5/19/24).

<sup>46</sup> Martinez, “The Promise and Limits of Restorative Justice for Youth.”

<sup>47</sup> Coastal Valley Academy: Taking a Different Approach to Transforming Young Lives, YouTube Video, <https://video.search.yahoo.com/search/video?fr=mcafee&p=coastal+valley+academy+san+luis+obispo&type=E211US105G0#id=1&vid=80a872391427fa6b71d1f778b8d5e003&action=click>, (accessed 6/1/24).

experts established evidence informed group interventions as well as trauma focused individual and family counseling.<sup>48</sup>

Shipping juveniles to remote locations away from families and friends is no longer considered to be useful. Therefore, counties must provide adequate facilities within their boundaries to provide the types of community-based services useful in keeping juveniles out of detention centers.

### **The current physical state of Marin’s Juvenile Hall is severely deficient**

The Grand Jury spoke with individuals knowledgeable about the conditions of the Juvenile Hall physical plant. Almost everything in the facility was engineered and built in the 1960s with an institutional feel that was focused on detention and punishment. Few windows, fluorescent lighting, and dull paint on the cinder block walls magnify this cold atmosphere. From a maintenance perspective, the conditions are poor. Most of the larger and more expensive equipment has run well beyond its designed useful life. This requires constant efforts by the DPW maintenance teams to repair outdated equipment, often with “jury-rigged” replacement parts that may no longer be available from the original equipment manufacturer.

Instead of what is typically referred to as preventive maintenance, work that is done on equipment and the physical plant is jocularly referred to as “panic maintenance.” “Run to fail” is a typical state of some of the key equipment at Juvenile Hall. For example, maintenance staff must find a way to service 35 year old boilers that are at the end of their useful life. The air handlers are in a similar state of deterioration and need to be replaced. These items are currently on the Capital Improvement Project list regularly presented to the Board of Supervisors. However, the County typically waits until these items fail before allocating the necessary funding for replacement. DPW is correctly proud of their “MacGyvering” skills to keep equipment and sections of the physical plant operating long past their expected useful life.

In addition to the equipment problems, there is a continual problem of sewage back-up at Juvenile Hall. Although this issue has recently improved from a daily occurrence to a monthly problem, it is another example of “band-aid” repair in place of long term solutions. The kitchen pipes below the floor were recently replaced at a cost of \$300,000 but even with that expense, maintenance is required on a weekly basis to prevent the kitchen falling out of compliance with Title 24. With limited funding available, DPW is performing the bare minimum maintenance and making capital improvements only when absolutely necessary to keep the facility “limping along.”

### **There are two very different problems related to space at Juvenile Hall**

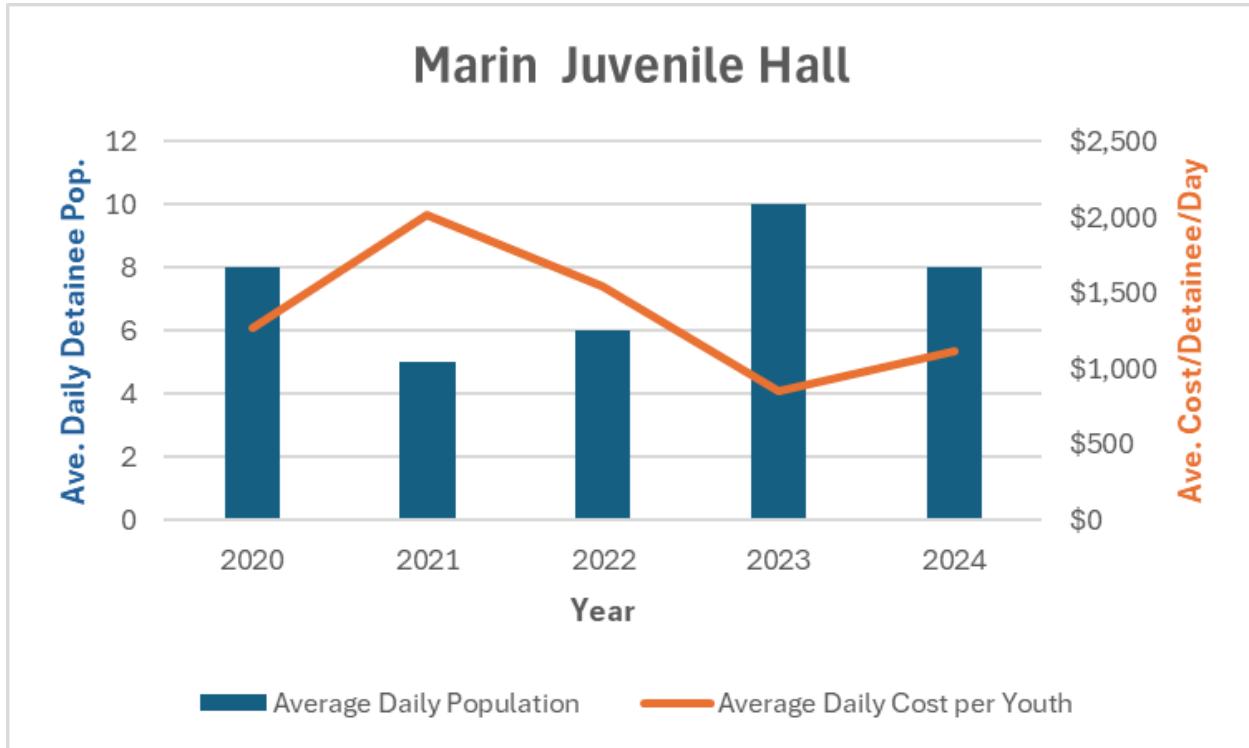
First, there is a problem at juvenile hall with too much space for the current average daily population. Capable of holding up to 40 youths, most of the beds are unoccupied during the year. The population of detainees currently averages eight juveniles on a daily basis. The cost of Juvenile Hall is severely disproportionate to the number of youths detained. For the last fiscal

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<sup>48</sup> Chief Probation Officers of California, *ICYMI: Taking a Different Approach to Transforming Young Lives*, <https://www.cpoc.org/post/icymi-taking-different-approach-transforming-young-lives>, (accessed 5/19/24).

year 2022-2023, the net County cost for operating Juvenile Hall was \$3,118,195 and the approximate daily average cost per juvenile detainee was \$854.<sup>49</sup> For the current fiscal year 2023-2024, the revised budget projects the net county cost to be \$3,261,701 with an approximate daily average cost per juvenile detainee of \$1,117.

**Table 2: Average Daily Cost per Youth at Marin Juvenile Hall**



Source: Marin County Probation Adult Services Department

Juvenile Hall also suffers from a lack of rooms and dedicated spaces for programming and visitation. During a tour of Juvenile Hall, the Grand Jury observed efforts to upgrade wherever possible such as a new “de-escalation room” painted with soothing colors and soft furniture. As a practice, de-escalation involves taking steps to reduce tension, calm emotions, and prevent further outbursts. However, upgrades of this sort are the exception. There is only one common area in the center of Juvenile Hall that is used for family meetings, meals, TV, and various programs. This area must be used to meet the needs of all youth whether male, female, or transgender in addition to age differences or affiliation with gangs. Most meetings or conferences must be performed sequentially; if more spaces were available, meetings could be arranged concurrently without having to wait for the common area to be free.

Ironically, general space is so lacking at Juvenile Hall that recently received new exercise equipment cannot be used because there is nowhere to put it. Youths require regular exercise and although there is a paved outdoor basketball court at Juvenile Hall, there is not a similar court

<sup>49</sup> Calculated by dividing the net county cost for f/y 2023-2024 by the number of detainee days incurred for the fiscal year.

inside for use during extreme heat or Marin’s rainy season. Facilities in other counties such as the San Luis Obispo and Napa juvenile halls feature indoor and outdoor basketball courts.<sup>50</sup>

### **Medical and mental health services are constrained at Juvenile Hall**

Like the County Jail, Juvenile Hall lacks an infirmary and 24/7 in-house medical or mental health services. In case of a medical emergency, staff will assess the situation and, if necessary, call 911. Non-emergency medical issues that arise when the Juvenile Hall staff nurse is not on duty must be dealt with by a visit from the on-call 24 hour nurse who is located at the County Jail. The County contracts with Health and Human Services for 4.5 hours of daily nursing at Juvenile Hall during the week and four hours per day on the weekends. For mental health services, Juvenile Hall has access to a licensed mental health practitioner only on duty Monday through Friday. If issues arise and the practitioner is unavailable, the Marin County Mobile Crisis Unit is contacted.

### **Visiting Juvenile Hall is problematic for parents or guardians without access to private transportation**

The Grand Jury conducted its own investigation about the accessibility of Juvenile Hall and found it very challenging to get there without having access to private transportation. Juvenile Hall is located 4.5 miles from the Civic Center. In a car, the trip is approximately 9 minutes traveling at posted speed limits. The average time to take a Golden Gate Transit bus from the Civic Center to the bus stop on Las Gallinas (nearest to Juvenile Hall) is one hour and thirty minutes. Most routes require one transfer, but many require two transfers. The distance from the bus stop on Las Gallinas to Juvenile Hall is 1.4 miles. This distance must be walked on Lucas Valley Road which does not have a sidewalk and requires passing through a neighborhood with a moderate incline. The walk itself is approximately 30 minutes at a normal pace. Such a round trip without private transportation presents a whole array of challenges in the best of circumstances. Add to this the reality of working a full-time job, traveling with children, being elderly, infirm or attempting the trip in inclement weather and those challenges become practically insurmountable.

### **What happens to juveniles after detention?**

Presently, Marin County relies heavily on foster care facilities for placing youths who are coming out of the “system.” The County does not have an off-site, non-detention (unlocked) facility in which to house even a small number of juveniles for short periods of time until they can be connected to the services they need. In other Bay Area counties this is not the case. Larkin Street in San Francisco is an example of a facility that provides supportive housing and rental subsidies for youth in need. The Hanna Center in Sonoma offers a “75 year heritage of educating and caring for trauma-impacted youth.”<sup>51</sup> Planned expansions at the Hanna Center include “more residential beds to support foster youth by dedicating group homes on campus to transitional

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<sup>50</sup> County of San Luis Obispo, *Juvenile Hall*, <https://www.slocounty.ca.gov/Departments/Probation/Probation-Services/Juvenile-Hall.aspx>, (accessed 5/19/24).

<sup>51</sup>Hanna Center, *An Exciting New Vision*, <https://hannacenter.org/about/future-of-hanna>, (accessed 5/19/24).

housing, where young people can receive support and learn the skills needed to transition to independent living.”<sup>52</sup> In addition, juveniles with special emotional needs will be served by an upgrade of “campus infrastructure and classroom technology, creating trauma-informed residential care, and building out our resources and counseling to offer even more personalized care.”<sup>53</sup> None of these services currently exist in Marin County.

## **How should Marin County deal with its outdated and insufficient detention facilities?**

### **The Marin Justice Center Solution**

The Grand Jury believes doing nothing about the myriad problems outlined in this report is unacceptable. Addressing these issues in a new era of criminal justice reform and restorative justice is necessary. Providing people with the tools to become successful on the outside and not re-offend must be the priority. The answer for Marin is to take a bold step into the future. This bold step is nothing less than the creation of a Justice Center in a campus setting that will accommodate not only the expanding housing needs of the County Jail but will also upgrade the number and availability of services and programs that may be offered to the detained and incarcerated population. The construction of several new facilities is recommended by the Grand Jury to be part of a new Marin Justice Center campus. Ideally, the campus will be near the Civic Center, and it should have the following features:

- A separate mental health facility to address the needs of adult and juvenile detainees with mental health issues
- A low level custodial setting
- Outdoor recreational facilities to provide natural, direct sunlight and fresh air
- Multiple classrooms for continuing education and extended programming
- A vocational and job training center
- On-site medical facilities (potentially an urgent care facility) to provide immediate access to medical care
- New and upgraded quarters for staff including lounges, offices with windows, a gym, locker rooms, and showers
- A family center with pleasant and inviting meeting rooms
- Substance abuse center including treatment for dual-diagnosis or co-occurring disorders
- A reentry center or half-way house such as a MCRP or FCRP
- Rooms for lawyers to meet in person with their incarcerated clients
- Office space for community based organizations that provide programming
- A separate, new, right-sized Juvenile Hall without an institutionalized atmosphere

Such a Justice Center will propel Marin County into the next phase of criminal and social justice reform while serving as a model for other counties. The Marin Justice Center will benefit the community at large because facilities and services will be available for the preemptive treatment (diversion) of individuals before crimes are committed. Benefits will also flow from increased treatment and programming options during incarceration and after release. The Justice Center

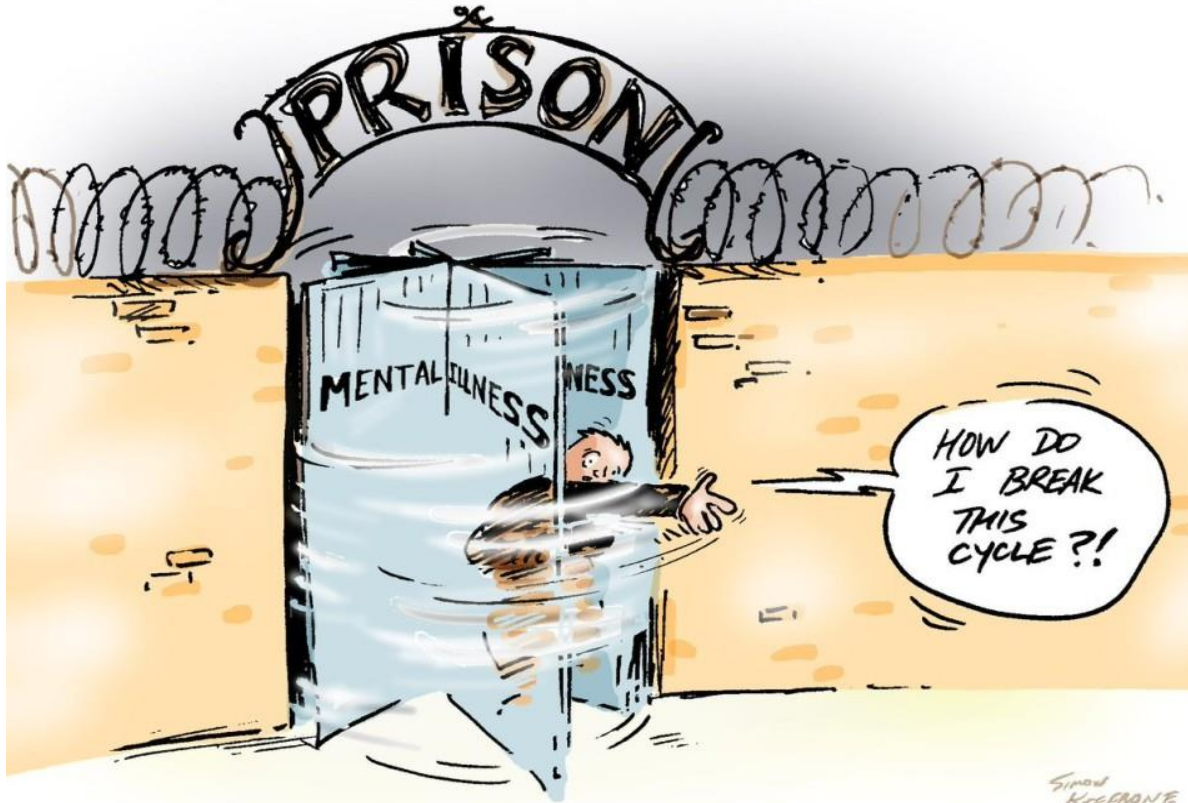
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<sup>52</sup> Hanna Center

<sup>53</sup> Hanna Center

solution is an investment in Marin’s future with paybacks expected to come in the form of reduced recidivism and more reliable economic contributions by previously incarcerated individuals. A reduction in recidivism leads to an increase in public safety and a decreased burden on the detention system.

**Figure 5: Revolving Door of Mental Illness in Prison**



Source: Cartoonist - Simon Kneebone

### **Attitudes are also changing about the treatment of people suffering with a mental condition**

In society generally, and specifically in Marin county, attitudes are changing with respect to the treatment of individuals suffering from issues related to mental health. The recent passage of California Prop 1 is an example of people’s belief in government-funded help for the mentally ill. Statewide, Prop 1 was passed by the slimmest of margins (50.2 percent to 49.8 percent) but the vote in Marin County was 64 percent in favor and 36 percent against.<sup>54</sup> Marin’s voters are ready to deal with a variety of concerns related to mental health in the general population, and by extension, the treatment of detainees and incarcerated individuals suffering from these crippling conditions.

<sup>54</sup> The New York Times, *California Proposition 1 Results*, May 9, 2024, <https://www.nytimes.com/interactive/2024/03/13/us/elections/results-california-proposition-1.html>, (accessed 6/10/24).

Due to the current wave of policy changes focusing on restorative justice, rehabilitation, and more humane treatment of the incarcerated population, many individuals interviewed by the Grand Jury believe there are certain to be more changes coming to the standards set forth in Title 15 and Title 24. Assuming this to be true, it would be prudent to make significant changes in the near term that will anticipate the likely outcomes of new and potentially more demanding regulations. It is also likely that there will be more restrictive changes to the current ADA laws which is another reason to “get ahead of the curve.”

Creating a continuum of care will also improve the plight of people suffering from mental illness. The Three Strikes Project from Stanford suggests three ways to mitigate often dire circumstances with compassionate, fair, and cost-effective solutions:<sup>55</sup>

1. **Reform the Way We Sentence the Mentally Ill:** We propose that all new sentences take into account the mental health of each defendant and, where appropriate, provide a non-prison sentence for any defendant charged with a nonviolent crime/nonserious offense.
2. **Provide Meaningful Treatment in Prison:** We propose that when a sentencing judge finds (a) that a defendant’s serious offense was caused in large part by his mental illness, or (b) that a defendant who committed a nonserious offense needs to be incarcerated due to the danger to himself or others, the judge will order the provision of meaningful mental health services as part of the terms and conditions of incarceration.
3. **Continue Meaningful Treatment After Prison:** Finally, we propose that all prisoners, prior to release, be evaluated for post-release mental health needs and, where appropriate, be referred to mental health centers for the ongoing provision of mental health care. These new mental health centers will be located throughout the state....

These recommendations are essentially an outline of the services that would be available following the creation of a Marin Justice Center.

## **The creation of a Justice Center will provide many benefits**

### **Short term detainees and the longer term incarcerated population will have expanded opportunities for programming**

Constructing new facilities or using existing buildings with classrooms for continuing education, vocational and job training and a family visitation center will greatly improve the long-term outcomes of individuals released into the community. This idea is supported by the Public Policy Institute of California:

Since jail populations increasingly comprise longer-term inmates, there will also be greater opportunities and need for programming. Many jails around the state are already pursuing resources to expand their provision of services. However, it remains the case that most individuals entering jail stay for periods of time that are too short for programmatic interventions. As a result, it makes sense to focus on building rehabilitative programs that span the jail walls and better integrate incarceration and community re-entry. Given the volume of lower-level offenders moving through the jails, some counties may want to consider expanding the range and

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<sup>55</sup> Steinberg, Mills, and Romano, “When did prisons become acceptable mental health care facilities?”, p. 3.

types of alternatives to custody that provide a measure of punishment without the negative consequences of incarceration.<sup>56</sup>

Facilities for individuals convicted of low-level offenses, constructed for the purpose of providing treatment and rehabilitative services, provide a measure of punishment without putting that person in a prison-like environment.

Reducing the population of the County Jail will greatly expand the options available for programming, treatment, and overall safety of detainees and jail staff. Constructing a low-level custodial setting will relieve a significant population burden from the County Jail. This facility will resemble to some degree what was known as the Marin County Honor Farm which was used prior to the construction of the current jail to hold individuals convicted of misdemeanors and non-serious felonies. Some of the incarcerated individuals were even able to participate in work-release programs available at that time. Transferring eligible detainees to a low-level custodial facility will create more options for staff to offer more programs to more people on a more consistent basis away from the County Jail. With a lower population at the County Jail, the effectiveness of their programs is likely to increase with fewer distractions common with the current arrangements. Scheduling programs will be easier with fewer people in the mix.

The Reimagining San Quentin Report calls for the reduction of prison populations to ensure that detainees and incarcerated individuals have greater access to rehabilitative programs. The County Jail can certainly benefit from a population reduction so staff may provide more and stronger programming in dedicated rooms—not an office temporarily converted into a treatment room or a busy dayroom used for programs that require focus from the participants.

Removing eligible low-level detainees at the County Jail suffering from mental health issues will further reduce the prison population. New facilities specifically constructed to address the needs of this population will create a greater number of treatment options and milieus that are not currently possible with the layout of the County Jail. As noted throughout this report, jails are not the right place for most people suffering from mental illness.

### **What should be done with Marin’s Juveniles?**

Based on the Grand Jury's research and interviews, it is critical to keep juveniles close to their families and communities to achieve a favorable outcome. Immediate families are the cornerstone of support as are additional community leaders including, but not limited to teachers, coaches, and clergy.

The Grand Jury recommends building a new, properly sized (smaller) facility for youths at the new Marin Justice Center campus. Access for families and guardians would be greatly improved by having a new juvenile facility located much closer to public transportation. The youth detention facility would be completely separate from the adult inmate population. A well-

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<sup>56</sup> Sonya Tafoya, Mia Bird, Ryken Grattet, and Viet Nguyen, “California’s County Jails in an Era of Reform,” *Public Policy Institute of California*, September 2016, <https://www.ppic.org/publication/californias-county-jails-in-the-era-of-reform>, (accessed 5/17/24).

designed campus setting will allow for this necessary physical separation while allowing shared services to be economically delivered. It is expected that economies will be realized from these shared services including food catering, laundry, recreation facilities, medical and mental health services, classrooms, vocational training, and rooms for programming.

### **Now is the time to make meaningful changes**

From Craig Haney, a distinguished professor of psychology, University of California, Santa Cruz,

Prisons and jails are singularly ill-suited to house the mentally ill. Premised on punitive forms of social control, prisons are not remotely compatible with the kind of supportive therapeutic milieus that the mentally ill require. They are austere and intimidating environments that are painful and difficult for even the strongest and most resilient prisoners to withstand. The pains of imprisonment—severe material deprivations, highly restricted movement and liberty, lack of meaningful activity, a nearly total absence of personal privacy, high levels of interpersonal uncertainty, danger and fear—are powerful psychological stressors that can adversely impact a prisoner’s well-being.<sup>57</sup>

Punishment has been the focus of the criminal justice system far too long: “rather than creating an environment that facilitates personal growth and transformation, we have accepted a breeding ground for violence and anger.”<sup>58</sup>

The populations of the County Jail and Juvenile Hall have changed significantly since the buildings were constructed. The jail is now home to the AB 109 incarcerated population, gang members, and a large number of people suffering from mental illness, substance abuse, and dual diagnoses. The jail is approaching capacity due to an increased need for single-cell housing. Without medical beds for people who are incarcerated, the County will continue to pay for the costly transportation and hospitalization of detainees and incarcerated individuals needing medical attention or mental health intervention. Juvenile Hall is vastly larger than necessary to house the small numbers of detained youth and the condition of the facility is very poor.

Making the necessary changes directly to both facilities is impractical because of where and how they were constructed. Considering all of the deficiencies discovered by the Grand Jury, and in light of the new policies and concepts about criminal justice reform, rehabilitation, and successful reentry into the community, the Grand Jury makes the following findings and recommendations.

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<sup>57</sup> Darrel Steinberg, David Mills, Michael Romano, “When did prisons become acceptable mental health care facilities?”, *Stanford Law School Three Strikes Project*, p.8, [https://law.stanford.edu/wp-content/uploads/sites/default/files/publication/863745/doc/slspublic/Report\\_v12.pdf](https://law.stanford.edu/wp-content/uploads/sites/default/files/publication/863745/doc/slspublic/Report_v12.pdf), (accessed 6/5/24).

<sup>58</sup> Williams, Bond, Broomfield, and Steinberg, *Reimagining San Quentin: Recommendations to Transform San Quentin State Prison into a Rehabilitation Center*, p. 13.

## **FINDINGS**

- F1.** The Marin County Jail is dated and is held to standards in place in 1988 but does not meet modern-day standards for a county jail.
- F2.** The complex inmate classification system and the increase in the AB 109 population have significantly reduced the available programming space at the Marin County Jail because of the inability to mix various inmate classification groups both in and out of cells.
- F3.** The Marin County Jail lacks the medical and mental health facilities needed to adequately address the significantly greater incidence of mental health and substance abuse conditions of the current inmate population.
- F4.** The current inmate population requires additional programming space that is not available due to the physical limitations of the Marin County Jail.
- F5.** The Marin County Jail's subterranean location precludes its expansion to build additional programming space and mental health and medical facilities.
- F6.** The Marin County Juvenile Hall is a dated, prison-like facility that does not create the restorative justice atmosphere of a modern-day juvenile detention facility.
- F7.** The small daily population of the Marin County Juvenile Hall does not justify the extraordinary expense of maintaining the existing facility.
- F8.** The location of Juvenile Hall is virtually inaccessible to many of the parents and guardians of youths being held there because of the significant time and transportation problems it presents.

## **RECOMMENDATIONS**

The Grand Jury recommends that by June 30, 2025:

- R1.** The Marin County Board of Supervisors should initiate a study to consider the creation of a Marin Justice Center, which would accommodate detainees charged with misdemeanors and low-level felonies. The Marin Justice Center might include mental health, medical, substance abuse, recreational, and programming facilities. Ideally, the Marin Justice Center could be located at or near the Civic Center.
- R2.** In the study for a Marin Justice Center, the existing Marin County Jail should be used for incarcerated individuals with classifications that pose a significant security risk to Sheriff's deputies, staff or other detainees. This would also allow for better access to programming spaces for this segment of the incarcerated population.
- R3.** To safeguard the lives of the general jail population, the Marin County Board of Supervisors should fund and direct the immediate removal of the ligature points in the Marin County Jail.
- R4.** The Marin County Board of Supervisors should include a small juvenile facility in its study for a Marin Justice Center campus. This would be a separate facility for juveniles, but with access to the food, recreational, medical, mental health, educational, and other facilities on the Marin Justice Center campus.
- R5.** The Marin County Board of Supervisors should close the existing Juvenile Hall when the new juvenile facility is opened.

## REQUIRED RESPONSES

Pursuant to Penal Code section 933.05, the Grand Jury requires responses from the following governing bodies:

From the following elected county officials within 60 days:

- Marin County Sheriff (F1-F5, R2)

From the following governing bodies within 90 days:

- Marin County Board of Supervisors (F1-F8, R1-R5)

The governing bodies indicated above should be aware that the comment or response of the governing body must be conducted in accordance with Penal Code section 933 (c) and subject to the notice, agenda and open meeting requirements of the Brown Act.

## INVITED RESPONSES

- Marin County Chief of Probation (F6-F8, R4, R5)
- Marin County Department of Public Works Director (F1, F3, F5 - F7, R3-R5)
- Marin County Department of Health and Human Services Director (F1-F5, R1-R5)
- Marin County Behavioral Health and Recovery Services Director (F1-F6, F8, R1-R5)
- Marin County Public Defender (F1-F8, R1-R5)
- Marin County District Attorney (F1-F8, R1-R5)

Note: At the time this report was prepared information was available at the websites listed.

Reports issued by the Civil 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 Civil Grand Jury. The California State Legislature has stated that it intends the provisions of Penal Code Section 929 prohibiting disclosure of witness identities to encourage full candor in testimony in Grand Jury investigations by protecting the privacy and confidentiality of those who participate in any Civil Grand Jury investigation.