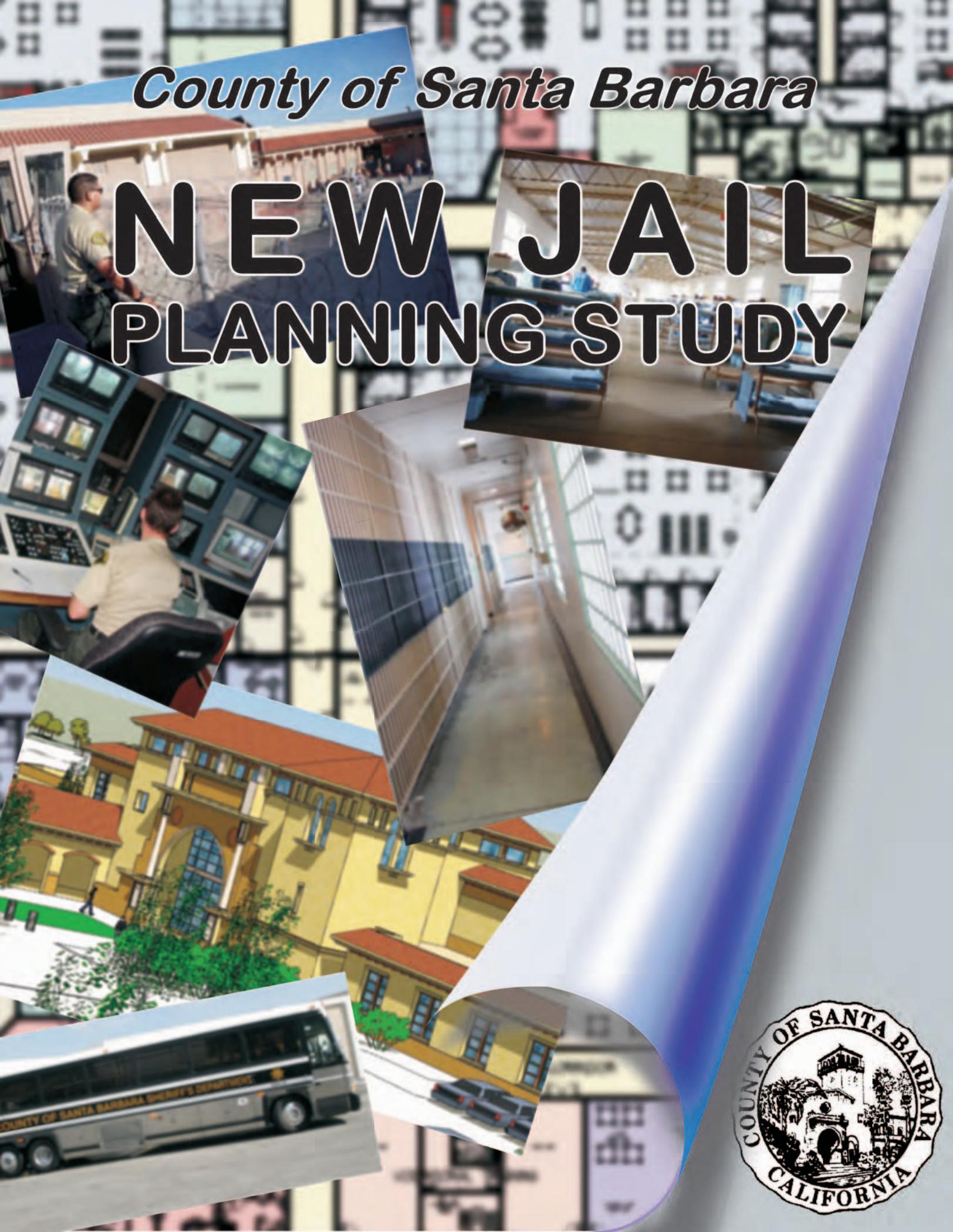


County of Santa Barbara

NEW JAIL PLANNING STUDY





Front Cover:

Designed by Leslie Robinson-Stone,
Information Systems Support, County Executive Office

Background - Detail of proposed interior footprint of new jail.

Photos clockwise from upper left:

- ◆ Corrections Officer oversees inmate activity.
- ◆ Honor Farm sleeping quarters.
- ◆ Interior hallway of Main Jail facility.
- ◆ Proposed exterior architectural rendering of new jail.
- ◆ Inmates are moved between facilities and the courts via bus.
- ◆ Corrections Officer uses computer to monitor and control access throughout the main jail.

COUNTY OF SANTA BARBARA

New Jail Planning Study

Presented December 13, 2005

to the

Board of Supervisors

**Salud Carbajal
Susan Rose, Chair
Brooks Firestone
Joni Gray, Vice Chair
Joseph Centeno**

**First District
Second District
Third District
Fourth District
Fifth District**

by

**Michael F. Brown,
County Executive Officer**

**Jim Anderson,
Sheriff-Coroner**

New Jail Planning Study

December 13, 2005

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Introduction

With population growth, the strengthening of sentencing laws, rising numbers of criminal court cases, and increases in the amount of time taken to process criminal cases, jail overcrowding has become a growing issue throughout the country. The County of Santa Barbara, like so many others, is faced with finding an effective solution to jail overcrowding, not only because it is good public policy and in the best public safety interests of the community, but because it is mandated by Court Order. The County has vigorously attempted to address overcrowding through a number of measures over the years; however, the issue is increasingly difficult to address through these stopgap measures.

On April 12, 2005, the Board of Supervisors directed the Sheriff and the County Executive Officer to proceed with planning for a new jail at the Laguna County Sanitation District (LCSD) site as well as identifying alternatives for relieving short-term jail overcrowding issues.

On May 24, 2005 the Board of Supervisors approved proceeding with the schematic design portion of plans for a new County jail. Staff has been moving forward with the intent to potentially acquire the property located in the LCSD and the schematic design phase is complete.

The purpose of this planning study is to provide the Board of Supervisors with a thorough understanding of the planning elements leading to the construction and operations of a new County Jail facility and includes a discussion of the following elements:

- The need for a new jail
- The history of Court Orders regarding jail overcrowding
- Grand Jury reports focusing on jail overcrowding issues
- Overcrowding alternatives employed by the County
- Environmental overview of the proposed site for a new jail
- Land acquisition options
- Facility design
- Capital and operational costs
- Funding alternatives for a new jail
- Jail alternatives

Needs Assessment

The need for a new County Jail has been the subject of numerous Court Orders and the recommendation of many Grand Jury Reports. In spite of creative approaches to reducing overcrowding, the Average Daily Population (ADP) and inmate-on-inmate assaults have steadily increased from 2003 to the present, and the number of inmates transported between North County and Santa Barbara continues to escalate. Failure to address the issue of overcrowding could result in Court-imposed sanctions, including the possibility of monetary



Executive Summary

penalties that would place a long-term financial burden on the County. In addition, if the criteria for alternative sentencing programs continue to be relaxed, inmates charged with more serious crimes will be released, inmates not currently eligible for early release will be excused from completing their sentences, and misdemeanors of a more serious nature (i.e., assaults against peace officers, failure to register as a sex offender, annoying or molesting children under the age of 18, carrying a concealed weapon, etc.) would be cited and released directly into the community. This would pose a serious issue to public safety.

Court Orders

Since a 1988 lawsuit, the County of Santa Barbara has been the recipient of numerous Court Orders addressing the issue of overcrowding. With each Court Order, the Sheriff's Department has instituted measures to reduce overcrowding, thereby providing short-term relief to a long-term problem. In the February 13, 1989 Order, the Court indicated that it was "of the opinion that this long-term planning must be done with a view towards establishing suitable facilities in the North County." The County's failure to comply with Court Orders could result in a finding of contempt and an assessment of fines by the Court.

Grand Jury Reports

Although Grand Juries have consistently praised the Sheriff and his staff for managing the challenges posed by jail overcrowding, they have also persistently stressed the importance of constructing a new jail in North Santa Barbara County. In the most recent Grand Jury Report (2004-2005), "No Vacancy – The Need for a North County Jail," the findings stated that the Main Jail was overcrowded, that the majority of the population of the jail was from the northern part of the County, that an estimated 1,575 beds would be needed by the year 2020 and that the County should continue in earnest to build the North County Jail. These findings were consistent with Grand Jury findings and recommendations over the past ten years.

Overcrowding Alternatives

On August 2, 1988, as a result of a lawsuit concerning jail overcrowding at the Main Jail, the Superior Court issued an Order authorizing the Sheriff to institute an early release program. Additionally, the Court Order directed the Jail Overcrowding Task Force to prepare and present to the Court a report with specific recommendations for the expansion of the early release program and County Parole programs; feasibility of a house arrest program; and expansion of own recognizance releases.

As a result of Court Orders, the Sheriff's Department, Jail Overcrowding Task Force, County Departments, and the Courts have attempted to resolve the overcrowding issue through a number of alternative sentencing programs including: Work Furlough/Electronic Monitoring, the Sheriff's Work Alternative Program (SWAP) and the County Parole Program.



Executive Summary

In addition to these programs and the relaxation of eligibility criteria for them, the Sheriff's Department has taken other steps to reduce inmate population in the Main Jail including:

- Relaxed criteria for the Honor Farm
- Amended criteria for cite and release of most misdemeanors
- Release of inmates who are arrested for felony charges, but reduced to misdemeanors at arraignment
- Relaxing booking criteria
- Expanded early release criteria to include inmates who have 21 or less days to serve

The Sheriff's Department is considering additional measures to reduce jail overcrowding, which may not be in the best interest of public safety, including: further relaxing criteria for the jail alternative programs; eliminating the booking of persons charged solely with a State parole violation; not accepting *any* misdemeanor bookings, regardless of the specifics; creating a Day Reporting Center for a drug treatment program potentially diverting up to 30 inmates.

In a snapshot profile taken in September 2004, 98 inmates were released to the street. A subsequent snapshot for September 2005 showed a 74% increase with 171 inmates released directly to the street; 62 of these, or 36%, were serving sentences on felony convictions. The charges ranged from drug possession to armed robbery to unlawful sexual acts with a minor. With the relaxation of criteria for the Electronic Monitoring program, there was a sharp increase in EM escapes. In spite of all the significant attempts made to create and employ the various measures noted above, the average daily population in the jail facilities continues to increase.

Environmental Overview

In 1993, the County began an extensive site selection process to attempt to locate a suitable site for a North County jail facility. Although a large number of sites were evaluated for suitability, one site, 232 acres located north of Orcutt Creek and Highway 1 on Laguna County Sanitation District (LCSD) land, has been identified as the most appropriate location. On April 12, 2005, the Board of Supervisors voted unanimously in favor of securing this property.

Some preliminary environmental assessments have been performed on this site including preliminary constraints analyses in the areas of biological and cultural resources. In addition, the site has been tested and is free of hazardous substances. The Planning and Development Department expects to complete an Administrative Draft EIR on the site in approximately six weeks and anticipates a Draft EIR will be available for public review by March 2006.

It is likely that regulatory agencies will require acreage be set aside for mitigation of endangered species habitat. It is estimated that approximately 20 acres of habitat will be disturbed due to construction activities. The United States Fish and Wildlife Service has suggested that a ratio of 2:1 may be acceptable; therefore, approximately 40 additional acres of land would need to be acquired to satisfy this environmental requirement.



Executive Summary

Land Acquisition

The Laguna County Sanitation District (LCSD) site is being appraised to estimate the current Fair Market Value (FMV). Due to the nature of the work performed by LCSD, approximately 50 acres of the proposed site is currently used for irrigation. Some portion of this loss of available land may need to be replaced. In addition, regulatory agencies will likely require roughly 40 acres of land for mitigation of habitat loss as well as road access will need to be obtained.

Though there are various options for acquiring the proposed site, the recommended approach is to use an Option To Buy Agreement to secure the right to purchase the property at a later date. Under this agreement, the County, through a nominal monetary consideration, would reserve the right to purchase the property in the future. This is a practical and sound strategy as it does not require any significant outlay of funds until such a time as the land is purchased and allows the flexibility needed for a complex, long term project of this nature.

Facility Design

The proposed design provides for a total population of 808 (expandable to 1520) inmate beds. The site plan separates public, inmate services and staff access points. This will provide segregation of incompatible vehicular and pedestrian circulation patterns and promote economic and efficient building expansion as well as minimize any view corridor obstruction. Provision for a future court facility is also planned next to the support building.

The design has been created to provide for maximized use of the facility, a highly functional environment, and for segregation of unique inmate populations.

Capital and Operational Costs

The estimated cost to build the new County jail (capital cost) is \$153,000,000. Costs are based on design estimates from the schematic design phase and verified by two independent cost estimators. The estimated gross cost to operate the new County Jail is \$23,333,000 per year. Because approximately 44 staff would be reassigned from the Main Jail to the new facility, the adjusted net operating cost estimate is reduced to \$19,150,000.

Funding Alternatives

In planning for the construction of a new County Jail, a wide spectrum of options were carefully considered and thoroughly analyzed. They include: construction grants; pay-as-you-go; designation fund financing (savings account); general obligation bonds; certificates of participation; the sale of County property, potential future oil revenue; and sales and use tax increases.



Although a sales tax requires a 2/3 percent vote of the electorate, it is the single option that would cover both the capital and operational costs. Further, pursuing a ½% sales tax increase is the most viable, direct, and timely option for a long-term capital project of this nature. The earliest a measure could be taken to the voters would be June 2006; the next countywide general election after that is November 2006.

Jail Alternatives

As part of the overall analysis to plan for the construction of a new jail facility, staff reviewed existing alternatives to incarceration and explored with a team of experts, including the Sheriff, the Judge managing court orders related to overcrowding, the District Attorney, the Public Defender, and the Director of Adult Drug and Mental Health Services, the potential for creating and implementing new programs that may mitigate or delay the need for construction of a new jail. Systemic changes to the criminal justice system, particularly those related to arraignment, pretrial, trial, and sentencing are countywide changes that would take time to coordinate and implement.

Among the options explored were two already employed by the County: A Jail Overcrowding Task Force and piecemeal programmatic changes. The other alternatives reviewed include:

- A Court Delay Reduction Program
- System studies
- Reducing the jail stay of illegal immigrants
- Renting jail space from other law enforcement entities
- Adding Psychiatric Health Facilities (PHFs)
- Forming a consortium with other cities/counties to maximize the use of any available jail space
- Converting to direct filing of court cases
- Securing interim housing for inmates

Although staff will continue to explore these alternatives, they should not be viewed as permanent, viable alternatives to a new jail facility. Most, if not all, such alternatives would depend on establishing partnerships and would have monetary costs associated with them. Additionally, professional resources that specialize in this area may be required. Although these alternatives are worthy of exploration, they would likely only serve as stop gap, short-term measures and would not eliminate the need for a new jail facility.



Introduction

The County of Santa Barbara documented the need for a North County jail facility as far back as 1990 with the “Analysis of Projected Detention System Bed Space Requirements” report. The need was later identified in the 1992 “North County Santa Barbara Correctional Master Plan” report. In March 1999, the “Santa Barbara County Custody Needs Assessment” built upon the previous reports and identified the critical need for adult detention beds in Santa Barbara County. The 1999 report provided an in-depth discussion including reasons for overcrowding, the needs of northern Santa Barbara County, the inefficacy of Alternative Sentencing Programs, description and trends of inmate populations, and population projections through 2020.

As referenced in the March 1999 “Adult Custody Needs Assessment,” the existing facilities in Santa Barbara County have been overcrowded since the early 1980’s. Since that time, overcrowding issues have become exacerbated, the population and demand for services in North County have increased, and, in spite of relaxing criteria, existing incarceration alternative programs have reached a limit that, according to many in the justice community is compromising the public safety of the citizens of Santa Barbara. These growing concerns led to a formal presentation to the Santa Barbara County Board of Supervisors by Sheriff Jim Anderson on April 12, 2005.

This section provides an update to both the 1999 Needs Assessment document and the 2005 formal presentation to the Santa Barbara County Board of Supervisors.

Background

On September 22, 1998, as a result of a 1988 lawsuit concerning jail overcrowding at the Santa Barbara County Main Jail, the Superior Court of the State of California for the County of Santa Barbara issued a Court Order that, within one year of the date of issue, imposed a cap decreasing the number of male inmate beds in the Main Jail from 702 to 587. Upon completion of the phased reduction of inmate beds, in order to ensure that male inmates would not be required to sleep on the floor, and in recognition of classification issues, a “flex” cap of 530 was ordered to allow for early release of inmates when the “flex” cap was reached. The Court Order authorized the utilization criteria incorporated in a Jail Overcrowding Task Force Report, in determining which inmates were to be released early when the “flex” cap was reached.

Throughout the past several years, this Court Order and a previous Court Order issued in 1990 limiting the number of female inmate beds to 65, were amended to the current population caps of 605 males (“flex” cap at 520) and 101 females. Additionally, these orders have been amended with respect to reviewing and changing the criteria for inmates to participate in the Alternative Sentencing programs and Honor Farm operated by the Sheriff’s Department.



Needs Assessment

Sheriff's Department Mandate

Section 4000 of the California Penal Code mandates that County Jails are to be kept by the Sheriff's Departments of the counties in which they are respectively situated, and are used as follows:

- A. Detention of persons committed in order to secure attendance as witnesses in criminal cases;
- B. Detention of persons charged with crime and committed for trial who:
 - o Cannot raise bail
 - o Do not qualify for release on Own Recognizance (OR)
 - o Are considered a flight/safety risk
- C. Confinement of persons committed for contempt, or upon civil process, or by other authority of law; and
- D. Confinement of persons sentenced to imprisonment therein, upon a conviction for crime.

Adult Detention Facilities Overview

The County of Santa Barbara Sheriff's Department currently operates three adult detention custody facilities:

Main Jail - located in Santa Barbara, is a Type II facility, as described by the California Code of Regulations, Title 15, and is used for the detention of persons pending arraignment, during trial and upon sentence commitment. This facility was built in 1971 and rated for 352 inmates. At that time, the population in the County of Santa Barbara was 264,000. This facility has been overcrowded since the early 1980's. Beginning in 1987 and ending in 1999 several additions were constructed (in attempts to deal with the jail overcrowding) bringing the rated capacity to 618 beds. The Main Jail facility has an additional 95 non-rated beds. Non-rated beds do not meet the Title 24, California Code of Regulations for Adult Detention Facilities. Non-rated beds are used to mitigate the overcrowding conditions of inmates sleeping on the floor. However, the use of these beds continues to be a concern for officer and inmate safety as well as litigation issues that could arise from not meeting the Title 24 Standards.

Honor Farm - designed and constructed in 1961 as a minimum security Type III detention facility, as described by the California Code of Regulations, Title 15, to be used only for the detention of convicted and sentenced prisoners. It had a California Board Rating of 86 beds. As a result of overcrowding at the Main Jail, beds were added to this facility, bringing the rated capacity to 161 beds. The Honor Farm facility has an additional 124 non-rated beds and is now used to house both sentenced and pre-trial inmates.



Santa Maria Branch Jail - is a Type I facility, as described by the California Code of Regulations, Title 15, used for the detention of persons for not more than 96 hours (excluding holidays after booking). This facility was built in 1971 and has a rated capacity of 38 beds.

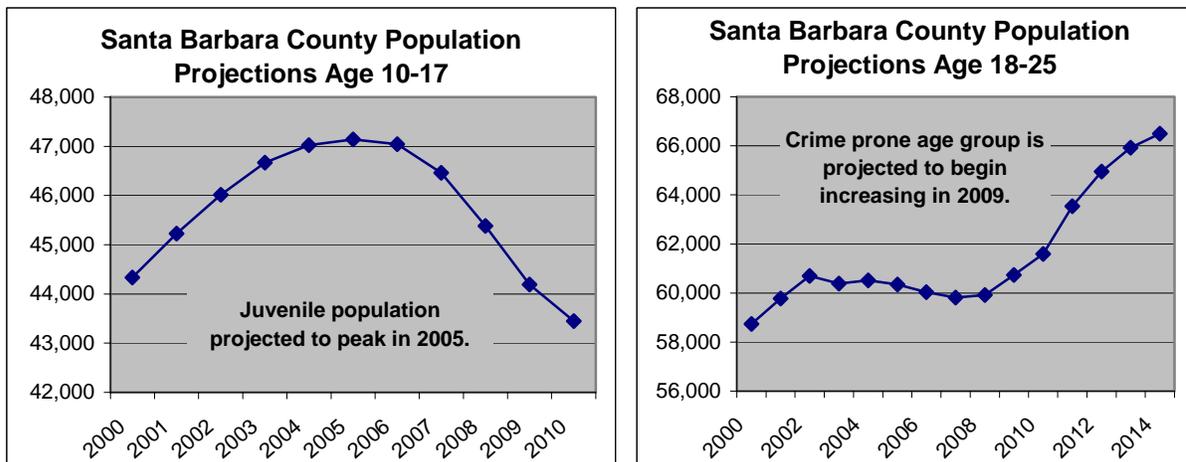
It should be noted the average life span of custody facilities is between 30 – 35 years. The Main Jail and Santa Maria facility were constructed almost 35 years ago and the Honor Farm almost 45 years ago. Thus, the County of Santa Barbara's adult facilities have already exceeded the lifespan anticipated when they were originally constructed and are not currently addressing the demands of the County.

Needs Analysis

The State of California, Department of Finance (DOF) estimated the population of Santa Barbara County to be 420,000 on July 1, 2004¹. This represents a 59% increase from 264,000 in 1970. The DOF estimates that the population of Santa Barbara County will be 442,000 by the year 2009. There has not been a new Adult Detention Facility built in the County of Santa Barbara since 1971. To provide prospective, according to a recent General Services data query, 45 facilities were built for the County since 1995 totaling more than 304,000 square feet. However none of these facilities provided more jail bed space.

Population Projections:

The charts below also taken from the DOF show that the juvenile population (age 10 – 17) is projected to peak in 2005 in Santa Barbara County and that the crime prone age group (age 18 – 25) is projected to begin increasing in 2009.



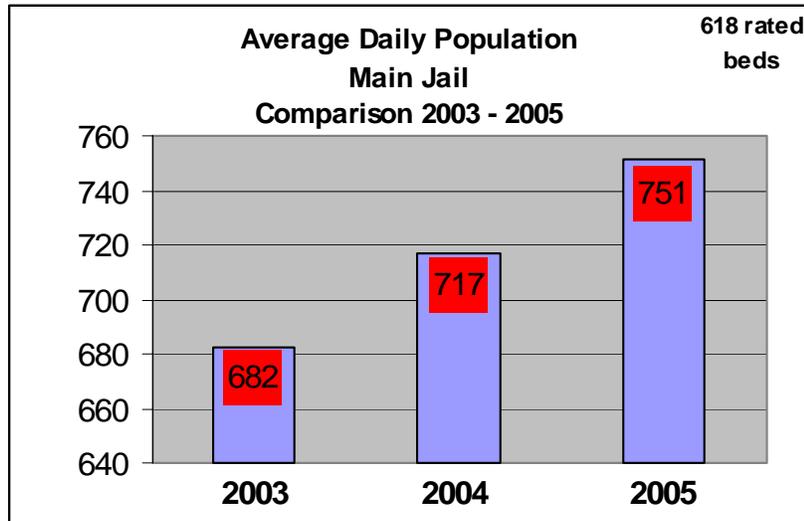
¹ Source: UCSB Economic Forecast Project, 2005 Santa Barbara County Economic Outlook, CA Department of Finance, Demographic Research Unit, Report E-2 & E-6.



Needs Assessment

Average Daily Population:

Following is a chart showing the Average Daily Population (ADP) increases from 2003 to 2005.



During the month of February 2005, the Main Jail ADP was 804. The average daily floor sleeper count for that month was 102.

The ADP in the Main Jail thus far in 2005 is 751. This is 22% over the rated capacity and represents a 5% increase over 2004. The profile of these inmates is broken down as follows:

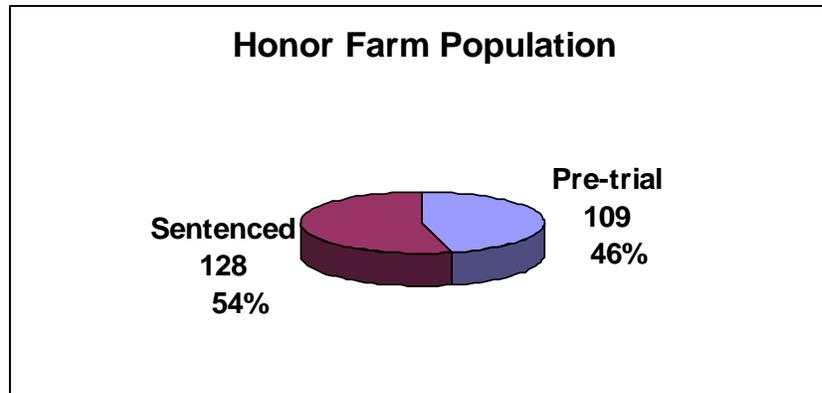
- 72% Pre-Trial (Statewide average is 66%)
- 70% Felony Charges (Statewide average is 77%)
- 55 % From North County Courts
- 13% Under Mental Health Care (receiving daily doses of mental health medications)

As noted above, the 72% pre-trial status inmates in Santa Barbara County jail facilities are higher than the State average. One reason for this discrepancy is that the criteria for Court Ordered Cap release is directed towards sentenced inmates; hence only sentenced inmates are “early released” decreasing their % accordingly. Additionally, the felony cases which account for 70% of the ADP, take longer to adjudicate than misdemeanor cases.

All pre-trial inmates who are considered to be less of a security threat are being considered for housing at the Honor Farm. This has resulted in a larger number of inmates, who were once housed (based upon charges, bail, and in-custody behavior), in medium security housing, now being sent to a minimum security facility that is almost 14 years beyond its expected life span. The ADP in the Honor Farm for 2005 is 238, 48% over the rated capacity. Additionally, 52% of Honor Farm inmates are from North County courts. Consequently, with the number of sentenced inmates being significantly lower than the pre-trial, the Honor Farm population is



occupied by 46% pre-trial inmates. This results in increased workload for staff to process these inmates to court and the necessity to consider pre-trial inmates for work assignments.



The combined ADP for both the Main Jail and the Honor Farm thus far in 2005 is 989. This is 27% above the combined rated capacity of both facilities.

- 13% Under Medical Care (receiving daily doses of medication)*
- 12% Have Immigration Holds*
- An average of 357 inmates seen by the jail doctor each month*

*Includes inmates housed at Honor Farm

Reported Assaults:

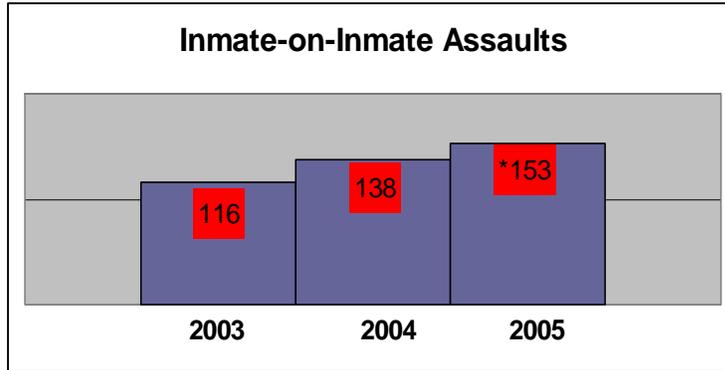
It is increasingly difficult to manage the inmate population in the jail facilities. All sentenced inmates who are considered to be a low risk to the community are being released early to either an alternative sentencing program or to the street. This leaves a population of largely hard core offenders and pre-trial inmates arrested on felony charges. This presents a problem for both the Main Jail and Honor Farm in that pre-trial arrestees are considered to need a higher level of security and require increased supervision due to court appearances, need for interaction with counsel, and the unstable behavior that can occur when facing legal uncertainty. As a result, inmate-on-inmate mutual combats and assaults (Penal Code 242) have increased by approximately 32% since 2003.

- 2003 – 116 reported incidents:
 - Mutual Combats – 91
 - Assaults – 25
- 2004 – 138 reported incidents:
 - Mutual Combats – 62
 - Assaults – 76



Needs Assessment

- 2005 – first 10 months 127 reported incidents*:
 - Mutual Combats – 88
 - Assaults – 39
- **153** projected for the full year



*Projected number at year end. Actual number first 10 months is 127

Although assaults on staff have decreased from 17 in 2003 to 14 in 2004 and, 10 reported during the first 10 months of 2005, the assaults appear to be better planned. A serious assault occurred this year that required the hospitalization of the assaulted officer. Additionally, staff is finding more sophisticated handmade weapons.

Transportation Issues:

The average number of inmates transported to and from North County Courts on a daily basis is 80. There are 246 court transport days each year. Two buses are used to transport these inmates. Each bus travels approximately 156 miles per day. This does not include special transports that sometimes require a van. There is at least one van that travels to Lompoc equaling 110 miles per day. Each court transport requires a minimum of two officers to provide security. The cost of transporting inmates to and from the North County Courts in Fiscal Year 2004/2005 was approximately **\$350,784**.

There are five (5) buses and seven (7) vans in the Sheriff's Department Fleet to accommodate all court transports. The age and capacity of the five buses are as follows:

- 1983 – 51 passenger with over 251,000 miles
- 1986 – 47 passenger with over 570,00 miles
- 1990 – 89 passenger with over 440,000 miles
- 1993 – 28 passenger with over 31,000*
- 2004 – 59 passenger with over 38,000 miles

* Out of service for the past month and used only as backup vehicle



On average, there is one bus per week out of service due to maintenance problems and state-required safety inspections.

Other Jurisdictions:

Santa Barbara County is not alone in the overcrowding issue. The 2004 Jail Profile Survey completed by the California Board of Corrections showed that 24 of the 62 jurisdictions have court ordered population caps. These include San Bernardino, Los Angeles, Orange, Riverside, Sonoma, Kern, Placer, Tulare, Stanislaus, Solano, and Ventura counties. The statewide average length of stay in a custody facility has declined approximately 10% since 1998. Below is a chart depicting the number of bookings and releases in 2004.

Jurisdiction	Total % Released Due to Lack of Housing Capacity	Total # of Persons Booked 2004	Total # Released Due to Lack of Housing Capacity	Total # of Pretrial Released Due to Lack of Housing Capacity	Total # of Sent. Released Due to Lack of Housing Capacity
San Bernardino	49%	77419	37730	34535	3195
Stanislaus	41%	21084	8658	5780	2878
Placer	29%	9327	2666	2058	608
Tulare	24%	20943	5016	3782	1234
Los Angeles	20%	179818	35338	6231	29107
Solano	19%	16634	3180	2537	643
Santa Barbara	10%	19168	1898	0	1898
Orange	10%	65798	6363	6113	250
Kern	9%	37452	3397	0	3397
Ventura	7%	30609	2190	0	2190
Sonoma	6%	17957	1030	0	1030
Riverside	6%	53869	3067	235	2832

Overcrowding Misconceptions

There are several misconceptions regarding jail overcrowding and which methods of relief would significantly reduce it. It has been suggested that construction of additional mental health facilities in the County would help alleviate the overcrowding by removing the mental health population. It must be understood that, although approximately 13% of the inmates are under mental health care, each of these individuals is in custody for committing a crime. Their cases must be adjudicated through the court system. Not all inmates under mental health care are so impaired that they meet the criteria of the Welfare and Institutions Code Section 5150, or Penal Code Section 4011.6 which allows for the transfer of mentally ill inmates to a mental health facility and space is very limited.

Another misconception is that the removal of persons being held on immigration holds would significantly relieve the overcrowding. These individuals held in custody also face local charges for violations of the law. Once these inmates' cases have been adjudicated, they are



Needs Assessment

either cap released to the immigration authorities or sent to prison. The number of inmates released to the immigration authorities since the 1999 court ordered population cap was imposed is 945. The Sheriff's Department does not allow for persons charged with only immigration violations to be booked into the facility.

Summary

The need for a new County Jail has been discussed since the early 1980's. It has been the recommendation of several recent Grand Jury Reports and mentioned as a possible solution to overcrowding in the Community Based Punishment Plan of 1996. The need for a new county jail is now more critical than ever before. A population projection was provided in the 1999 Needs Assessment document. This projection forecasted the need for **1,393** beds by the year 2010 and **1,575** beds by the year 2020. The current facilities are aging past their expected life-span. Due to lack of bed space, thousands of inmates a year are being released back into the community early, increasing the potential for serious crimes to be committed by someone who the court ordered to be behind bars. Additionally, the early release of many sentenced inmates has a significant adverse impact on their ability to complete the Sheriff's Drug and Alcohol Treatment Program and classes that provide education on anger management.

Criminals in the system clearly understand they can be released to appear on a citation, fail to appear on that citation, and, due to the new booking criteria, avoid being booked on the failure to appear warrant. Further, criminals have figured out they stand a better chance for early release if they do not apply for an alternative sentencing program. The 2005 ADP for inmates in alternative sentencing programs is 207; those programs are explained in detail in the Overcrowding Alternatives section of this report.

Based on the existing court "overcrowding order," the County of Santa Barbara could soon be facing sanctions imposed by the courts. If these sanctions result in monetary penalties, they would place a financial burden on the County. If the Sheriff is forced to control the overcrowding by no longer allowing misdemeanants to be booked into the facilities, the quality of life for the citizens of Santa Barbara will be adversely affected. To put it simply, a neighborhood dispute in which one individual assaults another would result with the aggressor receiving nothing more than a citation to appear in court. The assaulter would not be arrested and would probably remain in the area. Not only does this pose a problem for the assaulted individual, it makes it much more difficult for the officers on patrol to maintain peace.

After the Sheriff's presentation in April of 2005, the Board of Supervisors unanimously approved the motion that directed the Sheriff and County Executive Officer to proceed with planning for a North County Jail at the Laguna County Sanitation District site, provide alternatives for relieving short-term jail overcrowding issues, and return to the Board with recommendations as appropriate. In response to this directive from the Board of Supervisors, the Sheriff's Department took the aforementioned actions expanding the release criteria and limiting the booking criteria to attempt to alleviate, in the short-term, jail overcrowding.



Needs Assessment

The Sheriff's Department is committed to resolving the issue of overcrowding, and protecting the quality of life of the citizens of the County of Santa Barbara. The Department, cooperating with other County departments, has continued the planning process which began many years ago, towards the construction of a new facility located in the North County. Due to the critical need for a new facility, the Board accelerated the planning process to enable decision making about construction as soon as possible. The Sheriff's Department and staff from other departments have been moving forward with the intent to secure the property located on the Laguna County Sanitation District site. Moreover, the jail schematic design phase is complete and design development is ready to commence. It is recommended that critical planning continue to move forward. Each time the planning process is postponed, the cost of construction rises. In fact, for each month the project is delayed there is an estimated increase of approximately one-million dollars in construction costs.



Introduction

Finding an effective solution to the jail overcrowding issue is not only a matter of good public policy, it is mandated by Court Order. Since 1988, the Santa Barbara County Superior Court has been overseeing the County's efforts to eliminate jail overcrowding as a result of the lawsuit entitled Inmates of Santa Barbara Jail vs. Sheriff John Carpenter (Case #152487). Since the Court issued its August 2, 1988 Decision and Order in this lawsuit, the Sheriff's Department has implemented a number of measures to address jail overcrowding, including expanding the Santa Barbara jail by constructing a reception center, implementing early release programs, redirecting certain inmates to the Honor Farm, and establishing an electronic monitoring program.

Although these efforts temporarily address the overcrowding problem when first implemented, it is never long before inmates are sleeping on the floors again. As the County population continues to grow, the number of court cases rises, and the time for processing criminal cases through the court system expands, it is inevitable that the jail overcrowding alternatives employed by the Sheriff's Department only serve as stopgap measures. As the Court recognized in its February 13, 1989 Order, "[t]he Court is of the opinion that this long-term planning must be done with a view towards establishing suitable facilities in the North County."

Court Order Overview

The following overview of the Court's Orders provides a clear progression of the Sheriff Department's and the Jail Overcrowding Task Force's¹ efforts to resolve the jail overcrowding issue, and the Court's determination to find a solution.

- **Order of August 2, 1988** (Attachment 1) - The Court enters an Order authorizing the Sheriff to institute an early release program, and directs the Jail Overcrowding Task Force to prepare a report with specific recommendations regarding such options as expanding the Bail/Own Recognizance Unit, expanding the parole program, house arrests, and clearing outside agency holds.
- **Order of February 13, 1989** (Attachment 2) - The Court issues a detailed Order to the Sheriff requiring the implementation of a number of measures to reduce jail overcrowding. The Court recognizes that its Order will result in an increase in the level of services, and as a result, an increase in expenses, but concludes that "those expenses cannot be avoided if the overcrowding problem is to be seriously addressed and dealt with." Some of the measures ordered by the Court are an expanded field cite release program; sending inmates to the Honor Farm; making facility modifications to

¹ The Jail Overcrowding Task Force was instituted by the Sheriff in 1985 for the purpose of reviewing procedures and policies to alleviate overcrowding. It has countywide representation, including representatives from the Sheriff, Probation, District Attorney, Courts, Public Defender, County Counsel, Alcohol Drug and Mental Health Services, CEO and the Board of Supervisors.



Court Orders

the Honor Farm; expanding the Own Recognizance units' staff in North and South County; expanding the County parole program; proceeding with plans for facilities and development programs; and completing the planning and construction of a new reception center at the Main Jail.

- **Order of February 23, 1990** - The Court limits the number of female inmates to a maximum of 65 individuals.
- **Order of January 24, 1996** - As a result of additional beds in the jail basement dormitory, the Court increases the female cap to a maximum of 99 inmates.
- **Order of September 22, 1998** (Attachment 3) - The Court orders that within one year, there must be a reduction in the number of inmates in the male portion of the Main Jail from 702 to 587, with 587 being the new cap on the number of inmates. To ensure that the cap is not exceeded, the Court imposes a "flex" cap of 530 inmates. At any time that the male inmate population reaches 530 individuals, the Sheriff is authorized to impose release criteria to ensure that the capacity does not exceed 587 inmates. (This Order came more than two years after the Sheriff's Department argued against imposing a cap and instead allowing it to address the jail overcrowding issue in other ways, such as those provided by the February 13, 1989 Order.)
- **Order of September 7, 1999** - The Court modifies the early release program to require inmates eligible for early release to participate in an alternative program, such as electronic monitoring, parole, or Sheriff's Work Alternative Program (SWAP); failure of an inmate to agree to participate in an alternative program results in the inmate being passed over for early release. The female inmate cap is increased by 2 and male inmate cap is increased by 18.
- **Order of December 29, 1999** - The Court amends its prior Orders of September 22, 1998 and September 7, 1999 to allow the Sheriff to exceed the flex cap in times of emergency, including incidents causing mass bookings at the jail. In such instances of emergency, the Sheriff will not be required to immediately release inmates as would have been required under the previous Orders.
- **Order of April 2001** - The flex cap is reduced from 548 to 520 inmates.
- **Order of May 24, 2005** (Attachment 4) - The Court changes the booking criteria at the Main Jail; authorizes all pre-trial, post arraignment misdemeanor inmates who meet specified criteria into the electronic monitoring program or be issued a citation release (which is a promise to appear at the next scheduled hearing); and authorizes the reconfiguration of the Main Jail dormitory spaces to add 44 male beds, for a total of 649 beds.



The County's failure to comply with these Court Orders could result in a finding of contempt and an assessment of fines by the Court. This was the situation in the case of the Board of Supervisors of San Diego County, et. al., v. The Superior Court of San Diego County; Manuel Armstrong, et.al., Real Parties in Interest (1995) 33 Cal. App. 4th 1724. On appeal, the Court of Appeals concurred with the trial court's finding of contempt against the Sheriff of San Diego County for failing to comply with a consent decree and order limiting the population of one of the jails operated by the County. The Court found that it was the Sheriff's responsibility to operate the jail within the terms of the consent decree, and in this case, the Sheriff had not taken all steps available to him to meet the restrictions of the consent decree. The Court's remedy for contempt was to require the Sheriff to pay a fine of \$20 per day per prisoner who exceeded the cap set forth in the consent decree. The monies collected were placed into an escrow fund which was exclusively to be used to establish staff and reduce over-the-cap housing at the jail.²

Summary

The preceding chronology of Court Orders, issued relative to the Santa Barbara jail overcrowding issue, and the San Diego case cited above, demonstrate the increasing pressure being placed by the judicial system driving the need for a new jail facility. The County of Santa Barbara increasingly faces the risk of additional penalties and sanctions as long as jail overcrowding exists and increases.

² The Court of Appeals did overturn the trial court's finding of contempt against the San Diego County Board of Supervisors, determining that their only responsibility with respect to the consent decree was to provide a reasonable amount of funding for the jail to enable the Sheriff to operate it adequately. The Court of Appeals found that the Board had satisfied this requirement.



Attachment 1- Order of August 2, 1988

FILED
SUPERIOR COURT
SANTA BARBARA
AUG 2 1988
Kenneth A. Pettit,
County Clerk-Recorder
By Michael Villanueva
Deputy Clerk

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SANTA BARBARA

INMATES OF SANTA BARBARA COUNTY JAIL,)	No. 152487
)	
)	No. 156957
vs.)	
SHERIFF JOHN CARPENTER, et al.,)	No. 158862
Respondents.)	DECISION AND ORDERS
<hr/>		
SHAHROUZ JAHANSHAH, etc.,)	
)	
)	
vs.)	
JOHN CARPENTER, etc.,)	
Respondent.)	
<hr/>		
ABEL FRANSICO PULIDO,)	
)	
)	
vs.)	
JOHN CARPENTER, SHERIFF,)	
Respondent.)	

Further proceedings in the above-captioned matters were held on May 23, 1988. Evidence was presented which establishes that as of the date of hearing the rated bed capacity for the Santa Barbara County Jail was 408. Actual bed capacity



Attachment 1- Order of August 2, 1988

1 was 542. Inmate population was running at about 23% above
2 rated bed capacity, which would put it at 502. On two days in
3 April and one in May, the actual inmate population reached 557,
4 13 above actual bed capacity. At no time between July 1, 1987,
5 and the hearing date has the jail been without floor sleepers.
6 The range has been from a low of 1 on March 9, 1988, to a high
7 of 29, which occurred twice. The trend in inmate population
8 has been substantially upward. Average inmate population for
9 July, 1987, was 413. Average inmate population for April, 1988,
10 was 530.

11 Given the fact that actual inmate population has
12 exceeded bed capacity on only 3 occasions, mathematically, at
13 least, there should have been floor sleepers only on those
14 occasions. However, for housing purposes inmates need to be
15 classified, and problems of numbers of inmates in a particular
16 class exceeding space available for those so classified are
17 frequent. In addition, the classification process is sometimes
18 slow. In fact, the Sheriff's Department is working on this
19 problem and anticipates that a more efficient classification
20 process will result in fewer floor sleepers.

21 What the evidence presented did not disclose was the
22 length of time that the average floor sleeper goes without a
23 bed, and the percentage of inmates who cease being floor sleepers
24 as a result of finding a bed, as opposed to being released from
25 jail.

26 What is most disturbing is the trend which, if it
27 continues, will undoubtedly lead to a chronic overcrowding of
28 the County Jail, in which the inmate population will exceed bed



Attachment 1- Order of August 2, 1988

1 capacity on a routine basis.

2 To date, other than the suggestion by the Jail Command
3 that a more efficient classification process might alleviate the
4 problem, the only proposal made on behalf of respondent by way
5 of solution is the construction of a 128-bed capacity reception
6 center.

7 As of July 18, 1988, when this project was discussed
8 in some detail in a letter from the County Counsel, construction
9 planning had not been begun. Furthermore, the probability of
10 availability of County funds for actual construction is remote.

11 There has been in existence for the past several years
12 a jail overcrowding task force, with Countywide representation,
13 which numbers among its members the Court Administrative Officer,
14 an Undersheriff, the head of the Probation Department, repre-
15 sentatives from the District Attorney, Public Defender, County
16 Counsel, Public Works, and Municipal Court. The task force meet:
17 fairly regularly. To date, no recommendations attributable to
18 the task force have been presented to the Court by way of re-
19 solving jail overcrowding.

20 It seems imperative that now is the time for procedure
21 and policies to be implemented which will prevent jail overcrowd
22 ing from reaching the levels of 1986-87.

23 ORDERS

24 1. The Sheriff is authorized to institute an early
25 release program pursuant to §4024.1 of the Penal Code.

26 2. The Sheriff is directed to prepare a plan for earl
27 release based upon a three-day pass system pursuant to §4018.6
28 of the Penal Code. The plan should exclude inmates with sentence



Attachment 1- Order of August 2, 1988

1 of 60 days or less.

2 3. The jail overcrowding task force is directed to
3 prepare and present to the Court a report with specific recom-
4 mendations regarding the following:

5 1) Earlier release for those inmates not being
6 released pretrial under existing OR/bail procedures.

7 2) Staffing requirements and attendant cost to
8 expand bail/OR unit to allow adequate screening and pretrial
9 early release of more County Jail inmates.

10 3) The feasibility of expanding the use of the
11 County parole program in reducing jail overcrowding.

12 4) The feasibility and attendant costs of a pro-
13 gram of house arrest similar to one being implemented in Orange
14 County.

15 5) A plan of release of pretrial detainees in
16 addition to routine O/R and bail releases and sight releases to
17 be implemented in the event of a court-ordered deadline to re-
18 duce overcrowding. For example, O/R release all persons whose
19 bail by schedule is less than a specific amount.

20 6) A plan for clearing outside agency holds and
21 a transfer of inmates to those agencies.

22 7) The feasibility of releases.

23 As to each of the tasks assigned to the Jail
24 Overcrowding Task Force, an estimate of potential impact on
25 overcrowding should be included with the recommendation.

26 4. Further hearing on these matters is set for
27 September 26, 1988, at 8:30 a.m. At that hearing, the Sheriff
28 should present his report regarding the results of the revised

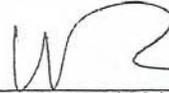


Attachment 1- Order of August 2, 1988

1 classification procedures. He should also present his recommen-
2 dation regarding the three-day pass early release program, with
3 projected impact, and a report as to the impact of the Penal Code
4 §4024.1 early release program. The Sheriff should also present
5 an updated statistical report on jail overcrowding, to include,
6 if possible, information as to the average length of time an
7 inmate is on the floor and the extent to which the termination
8 of his status as a floor sleeper is due to pretrial release as
9 opposed to finding a bed.

10 Also, at the hearing on September 26 a representa-
11 tive or representatives of the jail overcrowding task force should
12 be present to advise the Court of the progress being made in the
13 areas assigned and provide estimated dates by which report and
14 recommendations will be made.

15 DATED: August 2, 1988.



17
18 William L. Gordon
19 Judge of the Superior Court
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Attachment 1- Order of August 2, 1988

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA BARBARA <input checked="" type="checkbox"/> Santa Barbara <input type="checkbox"/> Santa Maria 1100 Anacapa St, 93101 312 E Cook St, 93454		FILED SUPERIOR COURT SANTA BARBARA AUG 3 1988 Kenneth A. Pettit, County Clerk-Recorder By <u>Ofelia R. Villanueva</u> Deputy Clerk
SHORT TITLE OF CASE: Inmates of Santa Barbara County Jail vs. <u>Sheriff John Carpenter, et al.</u> Shahrourz Jahanshahi vs. <u>John Carpenter</u> Abel Fransico Pulido vs. <u>John Carpenter, Sheriff</u>		
		Case Number: 152487 156957 158862 CLERK'S CERTIFICATE OF MAILING

I certify that I am not a party to this cause, and that a true copy of the document(s) listed as follows:

DECISION AND ORDERS

Listing of documents mailed continued on reverse were served to each person or entity named below, by placing a copy thereof in a sealed envelope addressed to each of them as shown with postage thereon fully prepaid, and on the date shown below depositing it in the US mail at Santa Barbara Santa Maria CA.

Glen Mowrer, Jr., Public Defender
 Seymour Weisberg, Deputy
 Courthouse, 3rd Floor
 Santa Barbara, CA 93101

Robert M. Sanger, Esq.
 Sanger & Ganschow
 1616 Chapala Street
 Santa Barbara, CA 93101

Thomas W. Sneddon, Jr.,
 District Attorney
 Gerald Franklin, Esq.
 1105 Santa Barbara Street
 Santa Barbara, CA 93101

Kenneth L. Nelson, County Counsel
 Stephen D. Underwood, Deputy
 105 East Anapamu Street
 Santa Barbara, CA 93101

Listing of additional addresses continued on reverse
 Mailed on (Date): August 3, 1988
 Kenneth A Pettit, Clerk of the Santa Barbara Superior Court
 By Ofelia R. Villanueva, Deputy
 Ofelia R. Villanueva



Attachment 2- Order of February 13, 1989

1 Further proceedings in the above-captioned matters were
2 held on January 30, 1989. Robert Sanger and Jake Stoddard,
3 Deputy Public Defender, appeared on behalf of Petitioners.
4 Respondents were represented by Stephen D. Underwood, Senior
5 Deputy County Counsel.

6 In its August 1988 Order this Court directed the Jail
7 Overcrowding Task Force to prepare and present to the Court a
8 report outlining specific recommendations with regard to various
9 programs designed to alleviate overcrowding at the Santa Barbara
10 County Jail. Those reports and recommendations were submitted
11 to the Court for the January 30, 1989 hearing and the Court
12 wishes to commend the Task Force, the County Board of
13 Supervisors, the Sheriff and other County officials and counsel
14 for the respective parties for their diligence in bringing
15 forward recommendations designed to alleviate overcrowding at
16 the Santa Barbara County Jail.

17 Evidence at the hearing showed that the present main
18 jail has 606 temporary/permanent beds (male side). There are an
19 additional 142 beds at the Jail Honor Farm (male). While it
20 appears that the chronic problem of floor sleepers as noted at
21 past hearings has been drastically reduced due to the prompt
22 classification of inmates and additional beds in the main jail
23 cells, overcrowding still exists at the facility.

24 Evidence also indicated that the average inmate jail
25 population increased an estimated 20% in 1988 to its highest
26 levels ever, with the expectation that the jail inmate
27 population will continue to rise in future years. In order to
28 prevent the jail from being increasingly overcrowded and to



Attachment 2- Order of February 13, 1989

1 previously deemed ineligible.

2 5. The Sheriff is to implement necessary facility
3 modifications ^{AND STAFFING ✓} to create a holding unit at the Honor Farm for
4 persons arrested for public intoxication and driving under the
5 influence. ^{THE UNIT SHALL BE OPERATIONAL WITHIN 90 DAYS}

6 6. The Own Recognizance (O.R.) units' staffs in both
7 the North and South Santa Barbara County (Municipal Courts) are
8 to be expanded to allow for more timely processing of interviews
9 and release of arrestees.

10 7. Pursuant to the legal mandates of CLETS and
11 agreements with the Sheriff's Department and Municipal Courts,
12 the O.R. units are to be given access to CLETS and DMV records
13 at the Santa Barbara County Jail so as to permit more timely and
14 knowledgeable decisions concerning O.R. release until
15 installation of the units' own terminals.

16 8. The Santa Barbara Municipal Court O.R. unit shall
17 evaluate misdemeanor arrestees not otherwise cite released and
18 persons arrested on misdemeanor warrants to determine
19 eligibility for O.R. release.

20 9. The Santa Barbara Municipal Court O.R. unit is to
21 develop criteria to liberalize existing O.R. release criteria
22 for arrestees and to establish administrative release procedures
23 for persons arrested on warrants based upon criteria developed
24 by the municipal courts.

25 10. The District Attorney's Office is to assign a
26 Deputy District Attorney to the arraignment calendar in Santa
27 Maria Municipal Court.

28 11. The Santa Barbara County Municipal Courts are



Attachment 2- Order of February 13, 1989

1 encouraged to order sentencing reports on felony cases upon
2 certified pleas and pre-plea reports after preliminary hearings
3 so as to expedite the processing of such reports.

4 12. The County is to expand the County Parole Program
5 by changing existing parole criteria to allow persons with 1/3
6 of their sentence served to become eligible for County parole,
7 expand its current bi-weekly hearing schedule to weekly hearings
8 and to provide supervision to those defendants released on
9 parole, and make inmates aware of these changes.

10 13. The County is ordered to immediately begin to
11 proceed with plans for facilities and development programs to
12 relieve jail overcrowding. Programs are to include, but not be
13 limited to detention, as well as mental health, alcohol and drug
14 diversion and detoxification facilities. The Court is of the
15 opinion that this long-term planning must be done with a view
16 towards establishing suitable facilities in the North County.

17 14. The County is ordered to complete the planning and
18 construction of a new reception center at the Main Jail.

19 15. The County is ordered to provide the necessary
20 funds, staffing, equipment, space and take any other measures
21 necessary to implement the above orders.

22 16. All remaining issues raised at the hearing and not
23 previously dealt with by this Order are taken under submission.

24 17. The Court shall retain jurisdiction over the
25 matter and a further hearing is set for July 31, 1989 at
26 9:00 a.m., at which time the Court will review each of the
27 orders contained herein as to program progress and impact on
28 jail overcrowding.

-5-



Attachment 2- Order of February 13, 1989

1 18. The parties may, without prejudice and upon
2 reasonable notice, set a hearing on any of the matters raised by
3 this Order or any additional orders, prior to the July 31, 1989
4 date.

5 Dated: February 13, 1989


WILLIAM L. GORDON
JUDGE OF THE SUPERIOR COURT

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Attachment 3- Order of September 22, 1998

SEP 22 1998 10:00

SANTA BARBARA CO. COUNSEL

805 568 2982 P.02/06

ORIGINAL

1 STEPHEN SHANE STARK, COUNTY COUNSEL
2 STEPHEN D. UNDERWOOD, CHIEF DEPUTY (SBN 063057)
3 COUNTY OF SANTA BARBARA
4 105 E. Anapamu St., Suite 201
5 Santa Barbara, CA 93101
6 (805) 568-2950 / FAX: (805) 568-2982

Attorneys for the Sheriff of the
County of Santa Barbara

FILED
SANTA BARBARA
SUPERIOR COURT

SEP 22 1998

GARY M. BLAIR
Executive Officer
By *Opelia R. Villanueva*
OPELIA R. VILLANUEVA-Deputy Clerk

F *[Signature]*
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V
CO
CA
AC
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SR
AP
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ST

7 SUPERIOR COURT OF THE STATE OF CALIFORNIA
8 FOR THE COUNTY OF SANTA BARBARA

10 INMATES OF SANTA BARBARA
11 JAIL

Case No: 152487

12 Petitioners,

[consolidated with case numbers
156957, 158862, 179020]

13 vs.

STIPULATION TO IMPOSE CAP
ON MAIN JAIL AND ORDER
THEREON

15 SHERIFF JOHN CARPENTER

Date: September 22, 1998
Time: 8:30
Dept: Six

16 Respondent.

Assigned Judge: William L. Gordon

19 Petitioners are represented by Robert M. Sanger, Esq. and Michael
20 McMahon, Assistant Public Defender and Respondent is represented by Stephen D.
21 Underwood, Chief Deputy County Counsel. The parties hereto agree that chronic
22 overcrowding has occurred in the men's portion of the Santa Barbara County Main Jail
23 in recent years, and as a result it has been necessary for the main jail to place beds in
24 day rooms and to "triple bunk" beds in various housing units within the male portion
25 of the main jail. In addition, while placing beds in the dayrooms and triple bunking
26 some cells has lessened the number of "floor sleepers," it has created increased safety
27 concerns for both male inmates and corrections staff, including, but not limited to,
28 increased possibility of escapes, inmate on inmate assaults, gang-related assaults and

COUNTY COUNSEL
of Santa Barbara
2 Anapamu Street
Santa Barbara, CA 93101
(805) 568-2950



Attachment 3- Order of September 22, 1998

SEP-07-2000 10:05

SANTA BARBARA CO. COUNSEL

805 568 2982 P.03/06

1 other health and safety issues.

2 The parties to this Stipulation are members of the Jail Overcrowding
3 Task Force and were members of the Task Force's subcommittee which reviewed
4 conditions in the jail and alternatives to incarceration. As a result of the
5 subcommittee's work and report to the Task Force, the Task Force recommended a
6 reduction in the number of beds in the male portion of the main jail, along with other
7 alternatives to provide for the early release of sentenced male inmates from custody in
8 order to achieve a lower number of male inmates housed in the main jail. The
9 recommendation was for a decrease in the number of beds in the mail portion of the
10 main jail from its current capacity of 702 to 587, its rated capacity. Accordingly, the
11 Sheriff has determined it appropriate to reduce the number of beds in the male portion
12 of the main jail. The reduction in the number of beds is planned to be phased in during
13 the next year.

14 As a result of overcrowding and the removal of beds, some male inmates
15 will be released earlier than their normal sentence date. The parties recognize that the
16 early release of male inmates poses concerns for the community. In order to lessen
17 those concerns, every effort is being made to ensure that those persons who are
18 released pose the least danger to the community. Those with non-violent property
19 crimes and non-violent crimes against persons will be the first released, those of a
20 higher risk, including those charged with spousal abuse and assaults will remain in jail.
21 In addition, programs will be established to require those released to serve their time
22 through alternative sentencing programs, which will include SWAP, County Parole,
23 electronic monitoring and increased supervision by Probation staff.

24 Reducing the number of beds is the first and most important aspect in
25 alleviating overcrowding and providing for the safety of sheriff's staff, inmates, and
26 the community. In order to accomplish the reduction of beds and alleviate
27 overcrowding, **IT IS HEREBY STIPULATED AS FOLLOWS:**

- 28 1. Within one (1) year from the date of this signing of this order,

COUNTY COUNSEL
Santa Barbara
Jaspeanu Street
Santa Barbara, CA 93101
(805) 568-2950



Attachment 3- Order of September 22, 1998

SEP-27-2000 10:05

SANTA BARBARA CO. COUNSEL

805 568 2982 P.04/06

1 there shall be a cap on the number of beds in the male portion of the main jail of 587.

2 2. The Sheriff is ordered to phase in the reduction of beds in the
3 male portion of the main jail from 702 to 587 during that one (1) year period.

4 3. Upon the completion of the phasing out of the 115 beds and
5 reaching 587 beds, in order to ensure that male inmates will not be housed in areas
6 where they will be required to sleep on the floor, and for purposes of classification,
7 there shall be a "flex" cap of 530 inmates. It is at this flex point that the Sheriff's
8 Department will begin using the release criteria in order to ensure the capacity will not
9 exceed 587 inmates.

10 4. That the Sheriff is authorized to utilize the early release criteria,
11 incorporated as part of the Jail Overcrowding Task Force's Final Report, in
12 determining which male inmates are to be released early when the "flex" cap is
13 reached.

14 5. If, during the one (1) year period, circumstances change which
15 necessitate relief from this order, the Sheriff shall provide the parties twenty (20) days
16 written notice of such changed circumstances and shall calendar the matter for a
17 hearing before this court.

18 6. This matter shall be placed on the court's calendar at a date not
19 less than twelve (12) months from the date of this order and not exceeding thirteen (13)
20 months from this order for a full status report.

21 Dated: 9-14-98

Sanger & Swysen

22
23 By Robert Sanger
24 Robert M. Sanger
Attorneys for Petitioners *DBB*

25 Dated: _____

Glen Mowrer
Public Defender

26
27 By _____
28 Michael McMahon
Assistant Public Defender
Attorneys for Petitioners

COUNTY COUNSEL
City of Santa Barbara
1200 West Main Street
Santa Barbara, CA 93101
805/963-1000



Attachment 3- Order of September 22, 1998

SEP-07-2000 10:06

SANTA BARBARA CO. COUNSEL

805 568 2982 P.05/06

1 there shall be a cap on the number of beds in the male portion of the main jail of 587.

2 2. The Sheriff is ordered to phase in the reduction of beds in the
3 male portion of the main jail from 702 to 587 during that one (1) year period.

4 3. Upon the completion of the phasing out of the 115 beds and
5 reaching 587 beds, in order to ensure that male inmates will not be housed in areas
6 where they will be required to sleep on the floor, and for purposes of classification,
7 there shall be a "flex" cap of 530 inmates. It is at this flex point that the Sheriff's
8 Department will begin using the release criteria in order to ensure the capacity will not
9 exceed 587 inmates.

10 4. That the Sheriff is authorized to utilize the early release criteria,
11 incorporated as part of the Jail Overcrowding Task Force's Final Report, in
12 determining which male inmates are to be released early when the "flex" cap is
13 reached.

14 5. If, during the one (1) year period, circumstances change which
15 necessitate relief from this order, the Sheriff shall provide the parties twenty (20) days
16 written notice of such changed circumstances and shall calendar the matter for a
17 hearing before this court.

18 6. This matter shall be placed on the court's calendar at a date not
19 less than twelve (12) months from the date of this order and not exceeding thirteen (13)
20 months from this order for a full status report.

21 Dated: _____

Sanger & Swysen

22
23 By _____
24 Robert M. Sanger
Attorneys for Petitioners

25 Dated: 9/11/98

Glen Mowrer
Public Defender

26
27 By Michael McMahon
28 Michael McMahon
Assistant Public Defender
Attorneys for Petitioners

COUNTY COUNSEL
of Santa Barbara
1300 Camino Street
Santa Barbara, CA 93101
(805) 568-2950



Attachment 3- Order of September 22, 1998

SEP-07-2000 10:07

SANTA BARBARA CO. COUNSEL

805 568 2982 P.06/06

1 Dated: Sept. 15, 1998

Stephen Shane Stark
County Counsel

2
3 By [Signature]
4 Stephen D. Underwood
5 Chief Deputy County Counsel
6 Attorneys for Respondent

ORDER

7 Based upon the Stipulation of the parties and the court's review of the
8 Jail Overcrowding Task Force's Final Report, IT IS HEREBY ORDERED AS
9 FOLLOWS:

- 10 1. Within one (1) year from the date of this signing of this order,
11 there shall be a cap on the number of beds in the male portion of the main jail of 587.
12 2. The Sheriff is ordered to phase in the reduction of beds in the
13 male portion of the main jail from 702 to 587 during that one (1) year period.
14 3. Upon the completion of the phasing out of the 115 beds and
15 reaching 587 beds, in order to ensure that male inmates will not be housed in areas
16 where they will be required to sleep on the floor, there shall be a "flex" cap of 530
17 inmates.
18 4. That the Sheriff is authorized to utilize the early release criteria
19 attached as part of the Jail Overcrowding Task Force's Final Report in determining
20 which male inmates are to be released early when the "flex" cap is reached.
21 5. If, during the one (1) year period, circumstances change which
22 necessitate relief from this order, the Sheriff shall provide the parties twenty (20) days
23 written notice of such changed circumstances and shall calendar the matter for a
24 hearing before this court.
25 6. This matter shall be placed on the court's calendar at a date not
26 less than twelve (12) months from the date of this order and not exceeding thirteen (13)
27 months from this order for a full status report.

28 COUNTY COUNSEL
Santa Barbara
Anaperna Street
Santa Barbara, CA 93101
(805) 568-2950

Dated: Sept 22, 1998

[Signature]
Judge of the Superior Court
WILLIAM I GORDON

TOTAL P.06



Attachment 4- Order of May 24, 2005

MAY-30-2005 10:19

SANTA BARBARA CO. COUNSEL

805 568 2982 P.02/05

1 STEPHEN SHANE STARK, COUNTY COUNSEL
2 STEPHEN D. UNDERWOOD, Chief Assistant (SBN 063057)
3 MICHAEL C. GHIZZONI, Deputy County Counsel (SBN 149514)
4 COUNTY OF SANTA BARBARA
5 105 E. Anapamu St., Suite 201
6 Santa Barbara, CA 93101
7 (805) 568-2950 / FAX: (805) 568-2982

Attorneys for the Santa Barbara County Sheriff

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA BARBARA

MAY 24 2005

GARY M. BLAIR, EXEC. OFFICER
By Y. MEAD
Deputy Clerk

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA

9 FOR THE COUNTY OF SANTA BARBARA

10 INMATES OF SANTA BARBARA JAIL

11 Petitioners,

12 v.

14 SHERIFF JOHN CARPENTER

15 Respondent.

Case No: 152487

[consolidated with case numbers
156957, 158862, 179020]

STIPULATION AND ORDER TO CHANGE
CONDITIONS OF CONFINEMENT AT THE
SANTA BARBARA COUNTY MAIN JAIL

Date: May 5, 2005
Time: 3:30 p.m.
Dept: 12

Assigned Judge: Honorable Brian Hill

18 After considering recommendations by the Jail Overcrowding Task Force,
19 Sheriff Jim Anderson has proposed these measures to alleviate overcrowding at the
20 Santa Barbara County Main Jail:

- 21 1. Provide the Sheriff with authority to change booking criteria, to:
- 22 - Increase the booking criteria for traffic and/or misdemeanor warrant bail,
 - 23 from \$1,000 to \$2,000 per individual warrant;
 - 24 - Increase out-of-county warrant bail, from \$2,000 to \$5,000 per individual
 - 25 warrant; and,
 - 26 - Refuse misdemeanor bookings into the County Jail.
- 27 2. Allow all pre-trial, post-arraignment misdemeanor inmates who meet the Sheriff's

STIPULATION AND ORDER TO CHANGE CONDITIONS OF CONFINEMENT

1



Attachment 4- Order of May 24, 2005

MAY-30-2005 10:19

SANTA BARBARA CO. COUNSEL

805 568 2982 P.03/05

1 qualification criteria into the electronic monitoring ("EM") program, or issue them a
2 citation release ("promise to appear").

3 3. Reconfigure existing Santa Barbara County Main Jail dormitory spaces, to add 44
4 male beds -- increasing total male beds from 605 to 649 -- as follows:

- 5 - Change East 25 Dormitory from a male medical unit dormitory to a female
6 general population dormitory;
- 7 - Change East 24 Dormitory from a male general population dormitory to a
8 male medical unit dormitory;
- 9 - Change Female Basement Dormitory 1 to a male, 24-bed, protective
10 custody dormitory; and,
- 11 - Change Female Basement Dormitories 2 and 3 to a male, 60-bed, general
12 population dormitory.

13 IT IS HEREBY STIPULATED by and among James Egar, Public Defender,
14 Robert Sanger, Esq. and Stephen D. Underwood, Chief Assistant County Counsel, on
15 behalf of all parties to these proceedings, that the measures proposed above by
16 Sheriff Jim Anderson be implemented upon the execution of this order by the court.

17 Dated: May 24, 05

Sanger & Swyden
By 
Robert M. Sanger
Attorneys for Petitioners

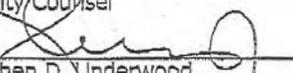
20 Dated: _____

James Egar
Public Defender

By _____
James Egar
Public Defender
Attorneys for Petitioners

24 Dated: April 22, 2005

Stephen Shane Stark
County Counsel

By 
Stephen D. Underwood
Chief Assistant County Counsel
Attorneys for Respondent

27 COUNTY COUNSEL
County of Santa Barbara
65 East Annapolis Street
Santa Barbara, CA 93101
(805) 568-2980

28 STIPULATION AND ORDER TO CHANGE CONDITIONS OF CONFINEMENT



Attachment 4- Order of May 24, 2005

MAY-30-2005 10:19

SANTA BARBARA CO. COUNSEL

805 568 2982 P.04/05

1 qualification criteria into the electronic monitoring ("EM") program, or issue them a
2 citation release ("promise to appear").

3 3. Reconfigure existing Santa Barbara County Main Jail dormitory spaces, to add 44
4 male beds -- increasing total male beds from 505 to 649 -- as follows:

- 5 - Change East 25 Dormitory from a male medical unit dormitory to a female
6 general population dormitory;
- 7 - Change East 24 Dormitory from a male general population dormitory to a
8 male medical unit dormitory;
- 9 - Change Female Basement Dormitory 1 to a male, 24-bed, protective
10 custody dormitory; and,
- 11 - Change Female Basement Dormitories 2 and 3 to a male, 60-bed, general
12 population dormitory.

13 IT IS HEREBY STIPULATED by and among James Egar, Public Defender,
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16 Sheriff Jim Anderson be implemented upon the execution of this order by the court.

17 Dated: _____ Sanger & Swysen

18 By _____
19 Robert M. Sanger
Attorneys for Petitioners

20 Dated: 5/24/05

James Egar
Public Defender

21 By James Egar
22 James Egar
23 Public Defender
Attorneys for Petitioners

24 Dated: April 22, 2005

Stephen Shane Stark
County Counsel

25 By Stephen D. Underwood
26 Stephen D. Underwood
27 Chief Assistant County Counsel
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County of Santa Barbara
200 East Anapamu Street
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(805) 668-2900

STIPULATION AND ORDER TO CHANGE CONDITIONS OF CONFINEMENT



Attachment 4- Order of May 24, 2005

MAY-30-2005 10:19

SANTA BARBARA CO. COUNSEL

805 568 2982 P.05/05

ORDER

Based on the Stipulation of the parties, IT IS HEREBY ORDERED that the Santa Barbara County Sheriff is authorized to:

1. Change booking criteria at the Santa Barbara County Main Jail, to:

- Increase the booking criteria for traffic and/or misdemeanor warrant bail, from \$1,000 to \$2,000 per individual warrant;
- Increase out-of-county warrant bail, from \$2,000 to \$5,000 per individual warrant; and,

Refuse misdemeanor bookings into the County Jail.

2. Allow all pre-trial, post-arraignment misdemeanor inmates at the Santa Barbara County Main Jail who meet the Sheriff's qualification criteria into the electronic monitoring ("EM") program. Issue them a citation release ("promise to appear").

3. Allow existing spaces at the Santa Barbara County Main Jail to be reconfigured to add 44 male beds -- increasing total male beds from 605 to 649 -- as follows:

- Change "East 25" dormitory from a male medical unit dormitory to a female general population dormitory;
- Change "East 24" dormitory from a male general population dormitory to a male medical unit dormitory;
- Change Female Basement Dormitory 1 to a male, 24-bed, protective custody dormitory; and,
- Change Female Basement Dormitories 2 and 3 to a male, 60-bed, general population dormitory.

//

Dated: 5/24/05

B. E. I. T. W.
Judge of the Superior Court

COUNTY COUNSEL
County of Santa Barbara
106 East Annapolis Street
Santa Barbara, CA 93101
(805) 568-2950

STIPULATION AND ORDER TO CHANGE CONDITIONS OF CONFINEMENT



Introduction

The Civil Grand Jury (Grand Jury) is a division of the Superior Court, keeping watch over numerous government agencies, cities and districts throughout Santa Barbara County. The Grand Jury may investigate, evaluate, and make recommendations to any city, county, or special district agency that receives County funds. California law requires the Grand Jury to inspect County and city jails and detention facilities, and to review County financial accounts and records.

Overview of Grand Jury Reports of Jail Facilities and Overcrowding

Over the last ten years, many Grand Juries have addressed the critical issue posed by overcrowding and urged the construction of a North County jail facility. Following is a brief review of the findings and recommendations found in many of those reports.

- **1994-1995 Grand Jury** - Recommended that the “Board of Supervisors immediately seek financing for the construction and operation of a North County jail by whatever means available.”
- **1995-1996 Grand Jury** – Found that the Santa Barbara Main Jail is consistently overcrowded and recommended that the County implement a plan to build a North County Jail as recommended by previous Grand Juries.
- **1997 – 1998 Grand Jury** – Found that “overcrowding of the main jail in Santa Barbara and lack of a major jail in the north county are the basic reasons for many of the problems associated with the Sheriff’s custodial operations.” The report further noted that “each additional detainee requires more time of an already overburdened staff” and went on to note that this can cause serious problems for the jail staff.
- **1999 – 2000 Grand Jury** – Although this Grand Jury commended Sheriff Department staff for “human treatment of the inmates while dealing with lack of space, personnel and funding,” and commended staff for “their careful administration of the early release program that is carried out under most difficult circumstances,” its recommendation for the construction of a new jail was equally strong. The Grand Jury stated, it believed “the best remedy to overcrowding is to construct an urgently needed jail in the North County.” It also recommended that the County continue in their efforts to inform citizens of “this very critical need.”



Grand Jury Reports

- **2002 – 2003 Grand Jury** – This Grand Jury identified the need for a North County Jail as a “critical need.” Its report stated:

“The 2002-2003 Santa Barbara Grand Jury strongly supports the recommendation of the previous Grand Jury with regard to the building of a North County Jail. The population of Santa Barbara County has exploded in the last twenty years with a corresponding increase in crime. The majority of inmates at the Main Jail are now from the North County. Severe overcrowding in the Main Jail has mandated early release of some inmates. This early release potentially places the citizens of this County at risk. The necessity for building a North County Jail can no longer be ignored.”

The citation above is also illustrated elsewhere in this report as an ongoing and increasing concern. The recommendation of this Grand Jury, once again, was “to alleviate overcrowding in the Main Jail, resulting in the early release of inmates, a jail needs to be constructed in North County.”

- **2004 – 2005 Grand Jury (Attachment 1)** – This most recent report was entitled, “No Vacancy – The Need for a North County Jail.” This jury recognized the challenges that overcrowding has created and commended staff on the professional manner in which they “handle a changing a potentially volatile population.” It also found, very significantly, that the Main Jail was overcrowded, that the majority of the population of the jail was from the northern part of the county, and that an estimated 1,575 beds would be needed by the year 2020. Their recommendations reiterated that the County should continue in earnest to build a new jail in the North County, and should present several workable solutions to fund and operate it.

Throughout the history of Grand Jury findings regarding jail issues, the County has reasonably and responsibly attempted to address the issue of overcrowding in a variety of ways. Most recently, the Board directed staff to proceed with planning for a new jail at the Laguna County Sanitation District site. Since that time, a schematic design has been completed, an initial assessment of environmental objectives has been conducted, acquisition options have been identified, and a thorough cost and funding analysis has been conducted. For both the construction and operation of a new jail.

Summary

The preceding summary of numerous Grand Jury Reports and their findings and recommendations further illustrate the urgent need to proceed with the construction and operation of a new jail facility in North County. The County has made nearly every conceivable attempt to alleviate jail overcrowding through creative means. However, these means alone are no longer able to address the growing public safety incarceration needs of the County.



Attachment 1- Grand Jury Report

NO VACANCY

THE NEED FOR A NORTH COUNTY JAIL

The 2004-2005 Santa Barbara County Civil Grand Jury again recognizes the critical need for a jail facility in the northern part of Santa Barbara County.

The Santa Barbara County Main Jail is located off Calle Real between Turnpike and El Sueño Roads in Santa Barbara. The Jail is operated by the County Sheriff. The State Board of Corrections (BOC) rated capacity for this facility is 618 beds—543 beds for men and 75 for women.

At the time of the Grand Jury's annual inspection, the Jail was filled to capacity with an additional 68 inmates sleeping on mattresses on the floor in cell areas. The BOC, in its most recent annual assessment of the Jail, cited the Santa Barbara County Sheriff for this overcrowding violation of the Jail's rated capacity. Overcrowding can add significantly to the antisocial behavior of inmates and inhibit the ability of Corrections staff to effectively supervise a volatile and dangerous population.

The Average Daily Population (ADP) of the Main Jail in 2004 was 717—16% over the rated capacity as determined by BOC. In 2003, the ADP was 10.5% over the rated capacity. The Sheriff estimates that by the year 2020, 1,575 beds will be needed. This is a 154% increase over present capacity in only 15 years.

In the early 1980s, a lawsuit was brought against Santa Barbara County because of jail overcrowding. The resulting court order judged the overcrowding condition illegal. In interviews and briefings with the Santa Barbara County Grand Jury, the Board of Supervisors, and the media, the County Sheriff has stated that the Main Jail overcrowding is continuously out of compliance with the court order.

The court order also required that action be taken to eliminate the situation. A committee of representatives from the Courts, Public Defender, County Counsel, District Attorney, Mental Health, Probation, Sheriff's Department and local police agencies was asked to find solutions to alleviate this overcrowding. As a result, the committee created the criteria for an early release program that have been used for the past two decades to ease the problem and attempt to comply with the court order.

This early release program is only for persons incarcerated for misdemeanors. It has been a useful tool to temporarily alleviate overcrowded conditions. The program is no longer working because overcrowding has become a sustained rather than a temporary condition. With an increase in felony arrests, the percentage of misdemeanants has dropped to about 29% of the total jail population. Since only misdemeanants are eligible for early release, the program has become less effective.



Attachment 1- Grand Jury

In 2004, a total of 1,898 inmates (1,598 male, 300 female) were granted early release due to jail overcrowding. It should be noted that there are several negative impacts of the early release program. For example, public safety is threatened and justice is compromised when criminals do not serve the full term for their illegal acts. Also, it is not a fair and equitable practice of law enforcement. The 1999-2000 Grand Jury stated that the early release program "is a poor solution to overcrowding because it simply puts criminal offenders back on the streets."

Northern Santa Barbara County is growing rapidly in population with a concurrent increase in criminal activity. In 2004, an average of 55% of the inmates incarcerated in the Santa Barbara Main Jail were from the North County. In that area, there is one temporary holding facility with 35 beds which is located in Santa Maria. After 96 hours, arrestees must either be transported to the Main Jail or be released.

Secure vehicles are required on a daily basis to transport inmates from the Main Jail facility in the South County for arraignment, court hearings and trials in the North County. The resulting staff, fuel, and vehicle maintenance and replacement costs significantly impact the Sheriff's Department annual budget. In the year 2004, transportation costs exceeded \$350,000.

The Sheriff is aware of the acute need for a North County jail and his responsibility to be in compliance with the court order and the mandates of the State Board of Corrections. To this end, the Department has been studying possible locations for such a facility and has gone so far as to set aside money from its budget to fund such studies. The Board of Supervisors has long acknowledged the need, but has not specifically allocated any funds.

In March 2000, Measure U2000, a tax initiative proposing a sales tax increase to build a new jail facility in North County, was placed on the ballot. It failed to pass. Dramatic changes in population statistics and demographics suggest that the issue should now be revisited. Whether there are one or two counties in the future, it is time for the Board of Supervisors to accept the fact that the existing jail facility is no longer adequate. This issue has been before the Board of Supervisors for years and previous Grand Juries have also brought attention to the situation.



Attachment 1- Grand Jury Report

Investigation

The Grand Jury inspected the Main Jail facility as part of its annual required visit. We interviewed correctional personnel and scrutinized population statistics. We reviewed Grand Jury Final Reports dating back to 1994 as well as the Board of Corrections findings regarding Santa Barbara County jail population issues.

Finally, we attended the Board of Supervisors general meeting on April 12, 2005, during which the Santa Barbara County Sheriff gave a detailed presentation on the critical need for a North County jail. Following that presentation, the BOS, by a unanimous vote, directed the Sheriff and the Chief Executive Officer to proceed with plans for a North County jail at the Laguna Sanitation District site near Santa Maria. They were also directed to find new alternatives for relieving short-term overcrowding and present recommendations to the Board.

Findings:

1. The Main Jail, located in the South County, is overcrowded.
2. In 2004, 55% percent of the jail population was from the northern part of the county.
3. An estimated 1,575 beds will be needed to house inmates in this county by the year 2020.
4. The County Board of Supervisors has now directed the Chief Executive Officer to allocate funds for the land acquisition and studies needed to build a North County jail.

Recommendations:

1. The Board of Supervisors should continue in earnest to build the North County jail.
2. The Board of Supervisors should present to the public several workable solutions to fund and operate a North County jail.

Affected Agencies

Santa Barbara County Board of Supervisors

Findings 1, 2, 3, 4

Recommendations 1, 2

Santa Barbara County Sheriff Department

Findings 1, 2, 3



Introduction

On August 2, 1988, as a result of a lawsuit concerning jail overcrowding at the Santa Barbara County Main Jail, the Superior Court of the State of California for the County of Santa Barbara issued a Court Order authorizing the Sheriff to institute an early release program pursuant to Section 4021.1 of the California Penal Code, and to prepare a plan for early release based upon a three-day pass system pursuant to Sections 4018.6 of the California Penal Code. The Court Order directed that the plan should exclude inmates with sentences of 60 days or less. Additionally, the Court Order directed the Jail Overcrowding Task Force to prepare and present to the Court, a report with specific recommendations regarding the following:

- Earlier release for inmates not being released pre-trial under existing Own Recognizance (OR) or bail procedures
- Staffing requirements and costs to expand the Court pre-trial services unit to allow adequate screening and pre-trial early release of more County jail inmates
- The feasibility of expanding the use of the County Parole program
- Feasibility and costs of implementing a house arrest program
- A plan for the release of pretrial detainees in addition to OR release and bail releases to be implemented in the event of a court-ordered deadline to reduce overcrowding. For example, OR release all persons whose bail is less than a specific amount
- A plan for clearing outside agency holds and transfer of inmates to those agencies
- The feasibility of releases as to each of the tasks assigned to the Jail Overcrowding Task Force, and an estimate of potential impact on overcrowding was to be included with the recommendation

In a Court Order issued on February 13, 1989 the Court ordered the County, among other actions, to immediately begin to proceed with plans for facilities and development of alternative programs to relieve jail overcrowding. Programs were to include, but not be limited to, detention as well as mental health, alcohol, and drug diversion and detoxification facilities. The Court issued the opinion that the long-term planning must be done with a view towards establishing suitable facilities in the North County. The County was ordered to complete the planning and construction of a new reception center at the Main Jail (the Reception Center was opened in 1993). The County was ordered to provide the necessary funds, staffing, equipment, and space, and to take any other measures necessary to implement the orders.



Overcrowding Alternatives

Since the issuance of the above mentioned Court Orders and several subsequent Court Orders and amendments, the Sheriff's Department, Jail Overcrowding Task Force, County Departments, and the Courts have continued to address the overcrowding of the Santa Barbara County Main Jail. This section illustrates the most recent actions taken pursuant to the Court Order issued on May 5, 2005.

Alternative Sentencing Programs Overview

The Santa Barbara County Sheriff's Department operates the Alternative Sentencing Programs. Within the Alternative Sentencing Programs staff monitors individuals by using a combination of technology and field check visits.

The Sheriff's Alternative Sentencing programs Average Daily Population (ADP) increased from 170 in 2004 to 207 in 2005. This represents a 22% increase in program participation without corresponding increases in staffing.

Work Furlough/Electronic Monitoring (WF/EM):

Inmates in this Sheriff operated program continue their jobs within the community, while serving their court imposed sentence. A portion of the incarceration costs for these inmates is reimbursed by participants through a daily fee assessment. Due to jail overcrowding, the Work Furlough program was modified several years ago to allow these inmates to be placed on Electronic Monitoring (EM) rather than being held in the facility. Additionally, in an effort to alleviate overcrowding, the program was expanded to allow participation by unemployed individuals.

Participants in EM are monitored by attaching a transmitter to the ankle or wrist of the participant. There are three different monitoring capabilities used, and the type of device used is based upon level of supervision needed for the participant.

Radio Frequency (RF) - A transmitter is attached to the inmate's ankle or wrist and a monitoring unit is plugged into power and phone at the inmate's home. This monitors when the individual comes in and leaves the home. Inmates are given time off to leave home for work and household needs. When not at work they are on a curfew and must be at home.

Cellular Radio Frequency - The same as RF with the exception that this device is used when the inmate does not have a hard phone line in the home.

Global Positioning System (GPS) - Same as above except when the inmate returns home, information is downloaded by the monitor and officers can verify where the inmate has been during the day.



Overcrowding Alternatives

For budgetary reasons, the County Probation Department discontinued their EM Program designed to provide intensive supervision of individuals considered to be a higher risk for release than those needing moderate supervision.

Sheriff's Work Alternative Program (SWAP):

Originally, convicted misdemeanants with 60 days or less to serve were eligible to apply for this program as an alternative to jail. The program involves assignment to one of several work sites throughout the County. Participants may serve their sentences in increments, such as weekends, so as not to affect their full-time jobs. Participants also pay a daily fee to offset the cost of the program. This program was modified and the length of sentence is no longer a factor in qualifying criteria for the program. The average daily population in the SWAP is 140.

County Parole:

Originally, inmates were qualified to apply for County Parole after serving one-third or more of their sentences. Once the application was received, processed, and considered for review, a hearing before the County Parole Board was set. The County Parole Board consisted of a representative from the Sheriff's Department, one from the Probation Department, and a volunteer citizen of the County. The Parole Board would make its decision based upon an interview with the inmate, a review of the parole packet (included was the inmate's criminal history, in-custody behavior report, probation plan, and review and recommendation of the probation officer), and a majority vote. Those inmates considered to be low-risk non violent offenders with employment and residential stability were the target population for the program and were supervised by the County Probation Department.

As a result of the need to review the County Parole Criteria, and in an effort increase the number of inmates released to the program, inmates are now eligible to fill out an application requesting County Parole after serving *seven* days of their sentences.

Unfortunately over the last several years, the number of inmates participating in the County Parole program has declined. The ADP in the program in 2003 was one. In 2004 the ADP was two. To date in 2005, there have been no inmates released on County Parole. This decline may be a result of the increase in participation of the alternative sentencing programs within the Sheriff's Department and cap release procedures that result in less desirable individuals applying for the program.



Overcrowding Alternatives

Additional Overcrowding Measures for Consideration

In order to continue to comply with the Court Order cap that limits the number of inmates in the Main Jail facility and requires that no inmates sleep “on-the-floor,” additional measures are being considered. The measures being considered include expanding the criteria for EM to accept pre-trial felonies, not booking persons charged solely with a state parole violation, not accepting misdemeanor bookings, and creation of a Day Reporting Center which would have an increased cost associated with it. Additional drastic measures may also have to be taken. It is very likely that in the near future the Sheriff may be forced to refuse to accept violation of probation bookings in which no state prison commitment is expected, and to limit the types of misdemeanor arrests accepted for booking. This is already being done by several counties in California that are also dealing with overcrowding issues. These counties include Los Angeles, Orange, and San Diego. These measures are seen as a last step to avoid sanctions from the Court for violation of the Court Order.

Continuing Actions to Alleviate Overcrowding

The Sheriff’s Department is taking additional steps to reduce the inmate population in an attempt to comply with the Court ordered population caps. Most recently (in the past 10 months), the following steps have been taken:

- Proceeding with planning to acquire property and construct a new jail facility to be located on the Laguna County Sanitation District site in the Santa Maria area.
- Changed Honor Farm Criteria:
 - Misdemeanor bail amount no longer a consideration
 - Felony probation violators eligible for Farm consideration
 - Pre-trial non-violent offenders eligible for Farm consideration
 - Increased available pre-trial beds from 90 to 140 (significant concern of potential for escape and violence to staff and inmates)
 - Option for pre-trial inmates to work inside work crews



Overcrowding Alternatives

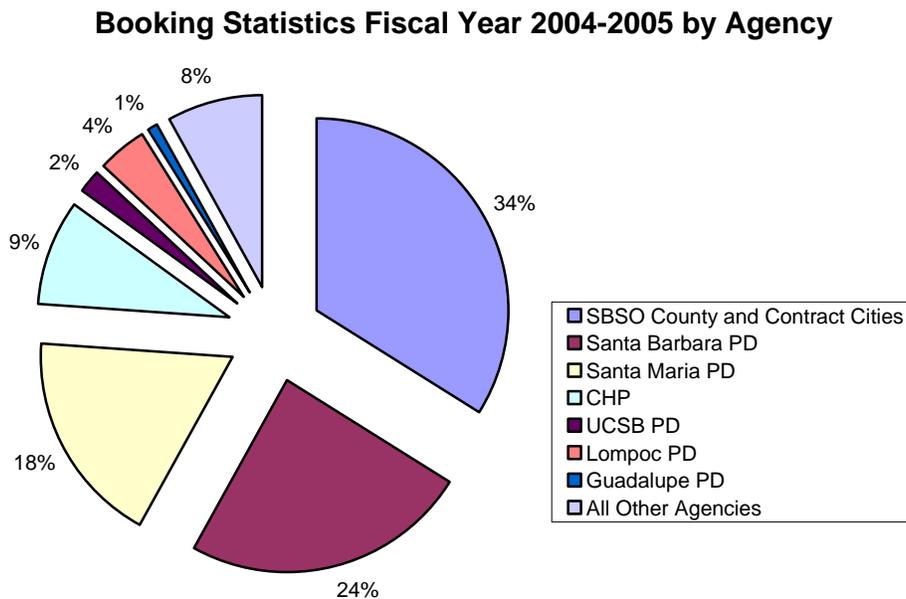
- Release Criteria Amended:
 - Cite Release **all** new misdemeanor bookings, except:
 - Assaults and batteries against peace officers, emergency personnel, educators, and public officials
 - Violation of a protective order
 - Failure to register as a sex offender
 - Lewd acts in a public place
 - Exhibition of a deadly weapon
 - Annoying or molesting children under the age of 18
 - Carrying a concealed weapon
 - Carrying a loaded firearm
 - Citation release of inmates who have been arrested on felony offenses that are reduced to misdemeanors at arraignment
 - Since June of this year, 63 have been cite released and three placed on EM
 - This has a significant impact on drug court program, as sanctions are a critical part of treatment
- Electronic Monitoring:
 - Expanded criteria for acceptance into program
 - Eliminated court ordered exclusionary charges (119) from consideration
 - Now allowing previously exclusionary charges
 - 70% of the escapes from the EM program occurred after the relaxation of the program criteria
- Modified County Parole procedures by eliminating the hearing process. Decision to place an inmate on parole is based upon a review of the application by representatives from Probation and the Sheriff's Department.



Overcrowding Alternatives

- Booking Criteria:
 - Increased traffic/misdemeanor warrant bail from \$1,000 to \$2,000
 - Increased out-of-county criminal warrant bail from \$2,000 to \$5,000
 - Increased minimum bail on local warrants for booking from \$1,000 to \$2,000
 - Judges seeing an increase in failures to appear by defendants
 - Result – Monthly booking totals have declined by approximately 2% per month from 2004

The following chart shows the breakdown of booking by agency:



- Courts:
 - Expedited processing of State sentencing packets for inmates sentenced to California Department of Corrections
 - Increased Pre-Trial Services Unit efforts to release on OR; and, time served on municipal code/traffic warrants

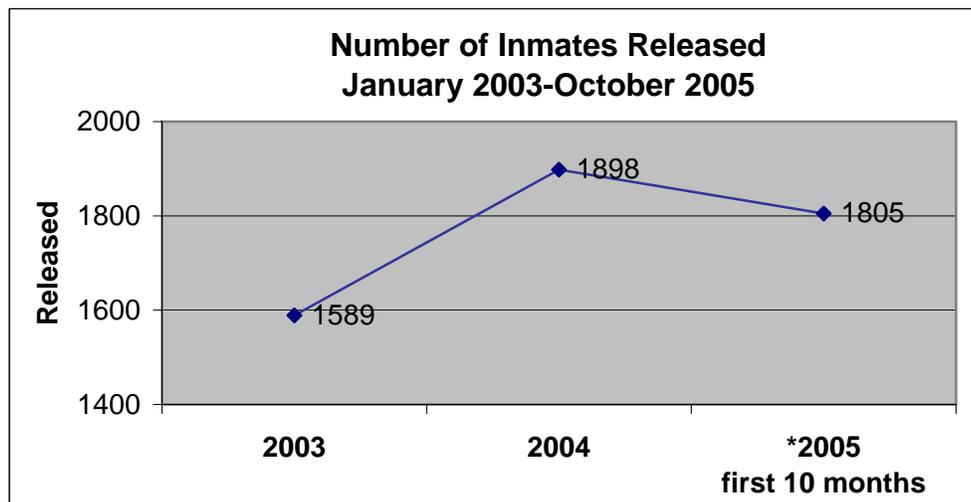


Overcrowding Alternatives

In addition to the measures discussed previously in this document, the Sheriff's Department has expanded the criteria of early release to allow for the releasing of inmates who have 21 days or less to serve on their conviction. Thus far in 2005, 1,805 inmates have been released early.

- 1,344 released directly to the street
- 461 released to Alternative Sentencing programs or other agencies

The chart below shows the number of inmates released from January 2003 to October of 2005



Since February 1999 a total of 9,864 inmates have been released prior to completion of their sentences.

Additional measures to reduce jail overcrowding that are being considered:

- Expanding the criteria for EM to accept pre-trial felonies
- Not booking persons charged solely with a state parole violation
- Not accepting misdemeanor bookings, and
- Creating a Day Reporting Center for a drug treatment program potentially diverting up to 30 inmates

The Jail Overcrowding Task Force continues to meet and discuss the status of overcrowding at the Santa Barbara County jail facilities; the impact overcrowding is having on the criminal justice system within Santa Barbara County and to explore new ideas for resolving these issues.



Overcrowding Alternatives

Results of Overcrowding Alternatives on Public Safety

As alternative sentencing criteria are relaxed and expanded, additional public safety issues are generated. As presented to the Board of Supervisors in April of 2005, a snapshot profile taken in September 2004 showed **98** inmates were released directly to the street. A subsequent snapshot taken September 2005 showed that **171** inmates were released directly to the street. The number of inmates released early that were serving sentences on felony convictions was **62**. These charges ranged from drug possession, to armed robbery, to unlawful sexual acts with a minor and sexual acts against a person who was restrained, medically disabled, or institutionalized.

With the relaxed criteria that allow inclusion of inmates who previously did not qualify for the EM program, some notable and significant public safety concerns have arisen. One example occurred when an inmate who was booked directly into the EM program was charged, while in the program, with attempted murder on an individual who was visiting his home. The inmate was subsequently convicted of assault with great bodily injury. Another example occurred when an inmate was cap released into the EM program. His charge of spousal abuse did not qualify him for release to the street, but based upon the relaxed criteria for the program, his criminal history, and no objection from his victim, he was released into the EM Program. Less than one month from his placement into EM, he absconded from the program. Sheriff's staff attempting to locate him discovered he was booked into the Monterey County Jail on new charges of spousal abuse. ***It should also be noted that 70% of the escapes from the EM program occurred after the relaxation of the program criteria.***

Despite the changes made in the criteria for bookings, alternative sentencing programs, and cap release procedures, the ADP of the facilities continues to increase. This may be due, in part, to a resistance from the courts to embrace the early release criteria. The County continues to receive court remands that hold inmates in custody in pre-trial status for a specified time and then are brought back to court with the order stating "dress out for release." This excludes them from consideration for Cap Release. One of the post arraignment misdemeanor cite releases was remanded back into custody during a first court appearance after release, with a new order for the Sheriff's Department to not release the defendant.

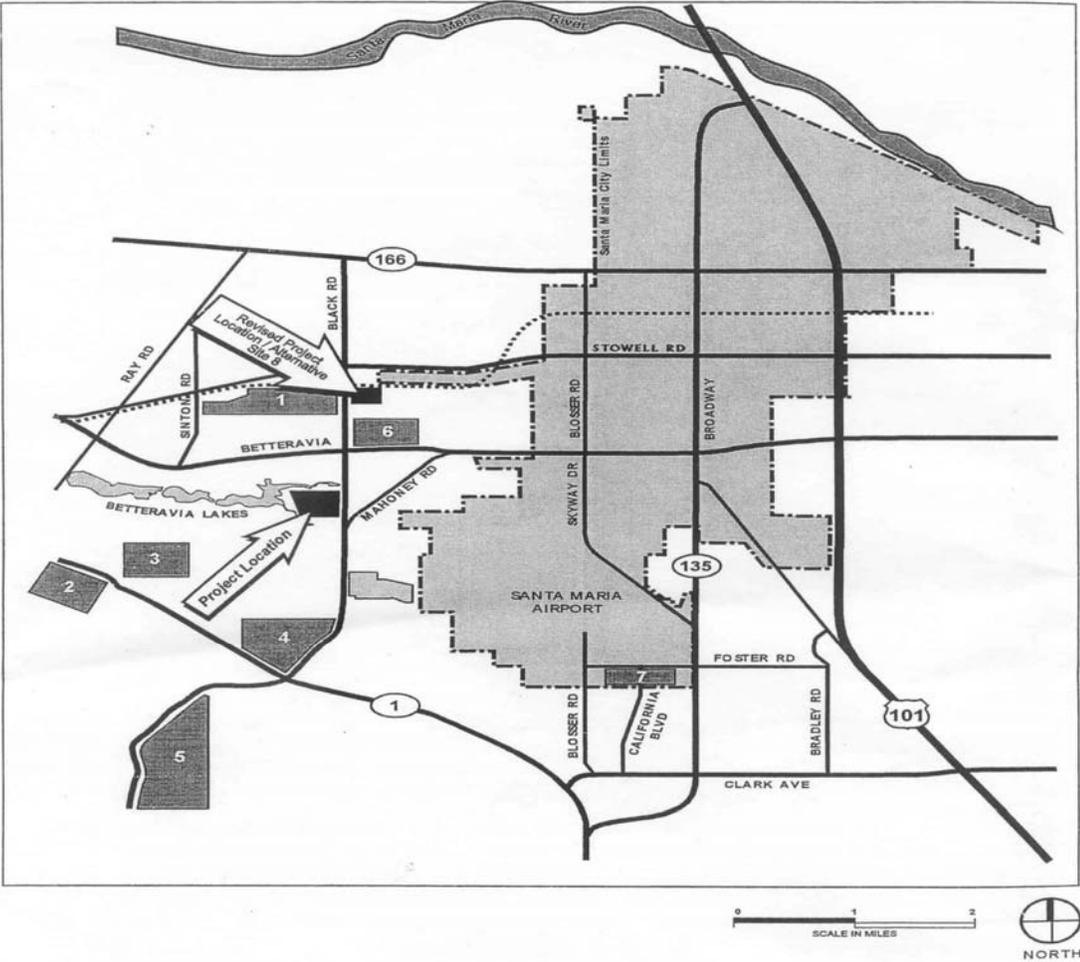
Summary

Over the years, as jail population has grown and Court Orders and Grand Jury Reports have been issued, the Santa Barbara Sheriff's Department has significantly expanded programs and resources aimed at reducing jail overcrowding. These measures are reaching maximum capacity and cannot be relied upon to alleviate a long-term and growing concern.



Introduction

In 1993, the County began an extensive site selection process to attempt to locate a suitable site for a North County jail facility. Originally 275 potential sites were identified but further refinement of the site selection criteria reduced this number to 29 sites, and then down to six sites. A supplemental constraints study identified two other potential sites, bringing the number of potentially feasible sites to eight. In 1997, a Draft EIR was prepared to study the eight sites. One of those sites is the County Laguna Sanitation District site currently proposed for the new jail, and is identified as Site 3.



In addition to Site 3, three other alternative sites were considered in particular detail. One of those alternatives was referred to as Site 8. Site 8 is the so-called “Holly Sugar” site, a 100-acre parcel located on the west side of Black Road between Betteravia Road and Mahoney Road. In 1998, a Draft EIR studied what was called Revised Site 8, which was a 99-acre site located along the east side of Black Road about 1,500 feet south of Stowell Road. In 2000, a third Draft EIR was prepared for a site called the “Unocal Site,” a 100-acre site located north of



Environmental Overview

Betteravia Road, between Black Road and E Street. The site encompassed the northern half of Alternative Site 6 (northeast corner of the intersection of Betteravia Road and Black Road) plus some additional acreage to the immediate east. Ultimately Site 3, the proposed Laguna County Sanitation District site, was found to be superior in its compatibility with the environment and the goals of the project.

Current Status

On April 12, 2005, the Santa Barbara County Board of Supervisors voted unanimously in favor of proceeding with planning for a new jail in North County at the Laguna County Sanitation District (LCSD) site in the Santa Maria Valley. The site is located north of Orcutt Creek and Highway 1 and appears on the alternative site map as Site 3. Prior to the release of a Request for Proposals (RFP) for the preparation of another EIR, preliminary constraints analyses were performed in the areas of biological and cultural resources. In addition, the site has already been tested and is free of hazardous substances.

The Planning and Development Department (P&D) expects to complete an Administrative Draft EIR on the LCSD site in approximately six weeks and anticipates a Draft EIR will be available for public review by March 2006. As required by CEQA, the EIR will fully evaluate the project's effects relative to biological, cultural, agricultural, and visual resources, aesthetics, circulation, air quality, and urban services.



Approach to Biological Resources

It is believed federally protected species exist at the proposed building site. If so, the United States Fish and Wildlife Service (USFWS) will have to grant the project an Incidental Take Permit (ITP) before any construction can proceed. Generally, a habitat conservation plan (HCP), detailing the potential harm to the species and methods to mitigate, is required before



Environmental Overview

an ITP is given. Because the project involves a federal agency, namely the United States Immigration and Customs Enforcement (ICE), the procedure for obtaining an ITP is different and does not require an HCP. On behalf of ICE (the Action Agency), the County will consult with the USFWS to determine the mitigation measures needed to obtain the ITP. As the lead federal agency, ICE must ensure that the project satisfies National Environmental Policy Act (NEPA) requirements in addition to CEQA requirements.

Additionally, it is likely that regulatory agencies will require that acreage be set aside for mitigation of endangered species habitat. It is estimated that approximately 20 acres of habitat will be disturbed due to construction activities. The USFWS has suggested that a ratio of 2:1 may be acceptable; therefore approximately an additional 40 acres of land would need to be acquired to satisfy this environmental requirement.

Summary

Before a new County Jail can be constructed on any site, a thorough environmental analysis must be conducted. Although preliminary and cursory analyses have been undertaken on the Laguna County Sanitation District site, the County will need to move forward with a draft EIR, which will fully evaluate the project's environmental impacts. This analysis will aid the County in determining mitigation and required for construction to occur and any steps that need to be taken to satisfy environmental requirements.



Introduction

The site the County Board of Supervisors directed staff to pursue for a potential New County Jail is located on a portion of the Laguna County Sanitation District (LCSD) property. The proposed jail site is designed to be located on 50 acres of a 232 acre LCSD parcel of land.

The LCSD is a dependant Special District of the County of Santa Barbara. The County Board of Supervisors acts as the LCSD Board of Directors. Because the parties believe opportunities exist that may benefit the jail facility and LCSD, the County and LCSD have agreed through a Letter of Intent to set forth some preliminary conceptual terms and conditions which may apply to the County's offer to purchase a portion of LCSD property known as Assessor Parcel No. 113-210-015 (232 acres).

Currently, the subject property is being appraised in accordance with Federal Guidelines. The appraisal assignment is to estimate the current Fair Market Value (FMV) of the larger parcel, and then the current FMV of the 50 acre portion of the property proposed for the new jail facility. During this time additional studies are also being performed for the purpose of due diligence.

Laguna County Sanitation District Impacts

Wastewater services provided by LCSD generally consist of collection, treatment, and disposal. LCSD treats the water and then the treated water is discharged on site via spray irrigation or sold to off site parties as recycled water. During the winter months, when spray irrigation demand (evapo-transpiration) is low, it is necessary to store the treated water in ponds until the following spring. During the winter, therefore, storage is a key component of the overall system.

The proposed New County Jail could affect all three components. The expansion of the LCSD plant occurs as development occurs. Building the jail facility at the LCSD site would entail the facility occupying the 50 acres currently used for irrigation. Some portion of this loss of available land may need to be replaced based upon the District's operating permit with the Regional Water Quality Control Board. The need for the full 50 acres for irrigation replacement is highly unlikely, and the project team will consider other cost effective alternatives during project development. For example, instead of replacing the land, the District might create additional on-site storage capacity (used in winter months) or identify additional offsite users of recycled water, or a combination of both.

Set-Aside for Environmental Mitigation

As discussed in the Environmental Overview section of the study, wildlife agencies will likely require the project to preserve roughly 40 acres of land for mitigation of habitat loss. This land will have to be purchased, or a preserve easement could potentially be purchased from



Land Acquisition

another land owner. It is possible that a portion of the replacement land LCSD may need to acquire could be used for this mitigation. The United States Fish and Wildlife Service feels the quantity of irrigation performed currently may not provide suitable habitat, so a lighter application would likely be required. In any event, additional purchase of land or land easement will be required for mitigation.

Access to the Subject Property

The subject property does not have adequate primary or secondary access suitable for a public facility. Therefore, more substantial primary and secondary access would need to be acquired through a road easement from adjacent property owners. Acquiring the easement would help to resolve any public health and safety access concerns which may relate to the public facility.

A review of the neighboring properties reveals the best primary access may be through the adjacent property to the south of the subject property. The primary access would be acquired by a road easement. The road would require a 3,000 foot improvement. The primary access roadway would be in a north and south direction, and connect to the State Highway Route 1. To connect to the State Highway Route 1, a small bridge would need to be constructed to cross Orcutt Creek.

The best secondary access may be through the adjacent property to the east of the subject property. The secondary access could be constructed on an existing traveled dirt roadway which connects to Black Road.



The primary and secondary access roads would not be considered public roadways and therefore would not be placed into the County road maintenance system. The nature of the roadways would be to serve the jail facility and may require some security, fencing, and gates. At this time the primary and secondary access roads have not been valued for acquisition.

Utilities for the Subject Property

Utilities include water, electricity, natural gas, sewer, telephone, and potentially cable. As previously mentioned, LCSD currently provides wastewater collection, treatment, and disposal services to the Orcutt community in the Santa Maria Valley. In addition to wastewater services, the District could provide refuse collection and disposal, street cleaning and sweeping, as well as provide domestic water supply. Because these additional services are not proposed by LCSD at this time, the County can determine at a later date if off-site utility easements are required for the jail facility.

Acquisition Options

In acquiring land the Board has several options to consider, all of which would include an appraisal to ensure a fair rate to the buyer (the County). The following information is provided as a foundation for understanding these options.

Usually, a real estate property interest is transferred by a conveyance. The most common type of conveyance is a deed, a written instrument that conveys the property interest in real property. A deed would be used for this real estate transaction. In addition to the deed, a real estate contract would be executed by both parties, and each party incurs obligations to perform.

Contracts take various forms. Until formal direction is received from the Board, the contract options to be considered are as follows:

- **A Purchase Contract** for the sale of real estate generally includes a statement as to the amount of the deposit, an accurate legal description of the property, financial provisions, further terms and conditions, type of deed to be conveyed, and a closing date and place.
- **A Lease/Option Agreement** is similar to an option agreement; however, the owner allows the buyer to lease the subject property (with consideration) until the option is exercised sometime in the future. Under the terms of the lease, the buyer would obtain possession of the property at a later date. If the option is not exercised, the amount of consideration is retained by Seller as satisfaction in full for holding the property for the Buyer. Such documents, when properly drawn, contain all the basic essentials to be found in the detailed contract.



Land Acquisition

- **An Option Agreement** for the sale of real estate is a right or privilege given by an owner to another person to purchase the property at some time in the future for a stated price and terms. Generally, a nominal monetary consideration accompanies the option agreement which may be forfeited if the option is not exercised. In this arrangement, the County would have the ability to release itself from any obligation to purchase.

Summary

The Purchase Contract and Lease/Option Agreement options may not be practical based on various circumstances. First, the Purchase Contract would require immediate funding for a project that currently does not have full funding allocated. Additionally, if the environmental review process has not been completed, then the Purchase Contract would require a contingency for the completion of the environmental review before the acquisition of the subject property is completed.

The Lease/Option requires a lease payment be paid to the seller until the time the property is actually purchased. Therefore, the County would be paying an annual payment before it is needed. This is not a practical approach for the County because possession of the subject property is not contemplated until the construction of the jail facility is complete.

Of the three acquisition approaches described above, the Option Agreement is recommended as the most practical and sound financial strategy for the County to consider as it does not require any significant outlay of funds until such a time as the land is purchased, and allows the flexibility needed for a complex, long term project of this nature. Also, securing an appropriate site and acquiring a qualified, acceptable location for the jail is something the County should continue to do as the long-term need for the facility has been clearly illustrated.



Introduction

On May 24, 2005, the Board of Supervisors approved continuing architectural services associated with Program Updating, Master Planning, and Schematic Design for a new County Jail. This section details the work that has been done in this regard.

The proposed facility would be located on approximately 50 acres in the southeast quadrant of the Laguna County Sanitation District (LCSD) site. This area was preferred for development to minimize the off-site development cost for site access and utilities. It is anticipated that the primary access to the site would be from State Highway 1.



The site is void of large vegetation and would require minimum site clearing and grubbing. The site gradient falls gently across the site, allowing for a single story footprint for the majority of the facility.

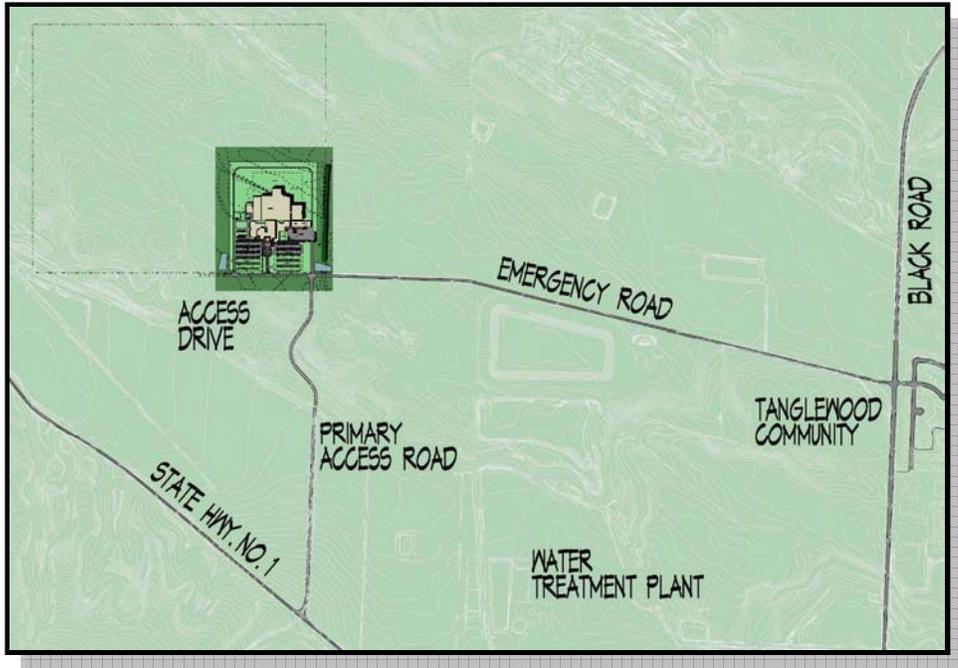
The site plan is organized to separate public, inmate services, and staff access points. This arrangement would provide segregation of incompatible vehicular and pedestrian circulation patterns. This is accomplished by locating the public and service portions of the building in a “support building” in front of, and separated from, the detention housing portion. Additionally, this arrangement promotes economic and efficient building expansion as well as minimizing any view corridor obstruction.

Public vehicular and pedestrian arrival would be from the south or front approach to the support building via designated public parking and entrance plaza. Service vehicles access the secured and screened service yard at the east side of the support building. Provision for a future court facility with associated secured judges’ parking is also planned at the east boundary of the support building. Inmates would be brought to the facility at the west side of the support building via enclosed, secured vehicular sally ports. Staff would access the facility via a fenced staff parking area at the east boundary of the support building.

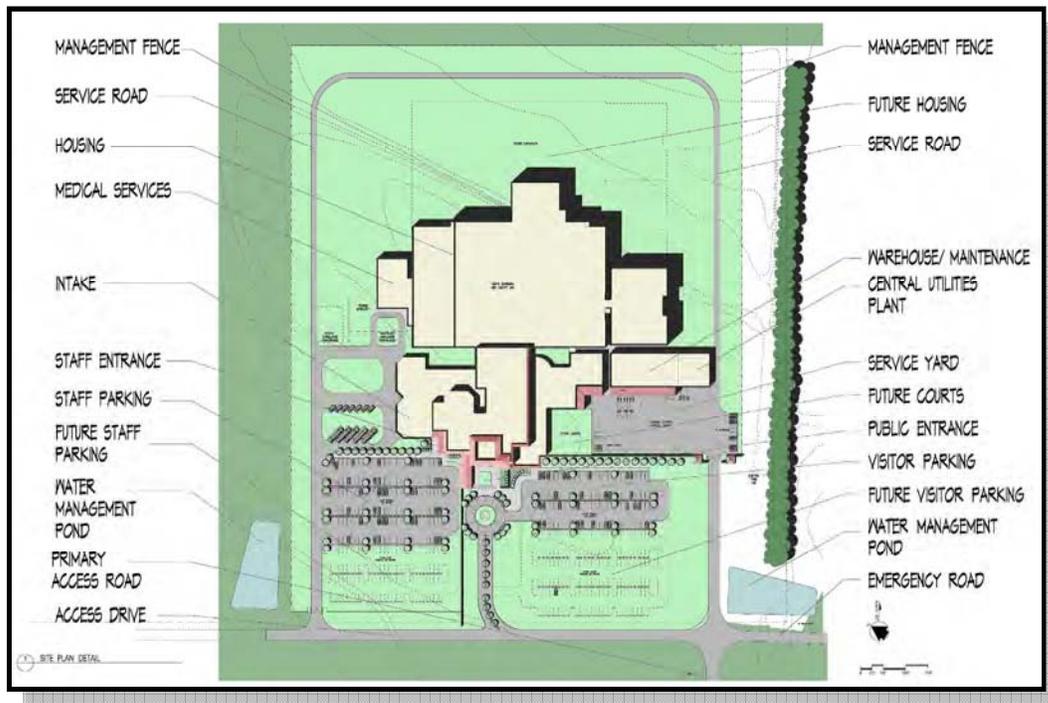


Facility Design

The exterior wall of the building would be the primary security barrier with with maintenance fence providing control of pedestrian access to the site. The complex would be looped with a services and fire fighting drive located outside the facility maintenance fence.



Site Plan



Exterior Footprint



The design solution for the new County Jail reflects an approach to accommodate a total population of 808 (readily expandable to 1520) inmates beds. The detention building would be expandable by locating additional housing units along extensions of the initial corridor system. Functions in the support building such as Intake, Food Service, Administration, Staff Support, Maintenance and the like are designed to accommodate the full build-out of 1520 inmate beds. Available proven technologies for security, such as the touch screen control and CCTV monitoring system, electronic security verification system, and jail management records system are included in the design.

Housing areas are provided as follows:

The inmate housing areas would be laid out in a “street grid” fashion with straight, intersecting corridors. Each housing area would have an exercise yard, court video booth, video visitation area, a multipurpose classroom, and access to medical and dental exam rooms. This would allow for the services to come to the inmate, thereby considerably reducing the amount of inmate movement and save on personnel costs related to facility design.

Seven (7) Direct Supervision Housing Units would house up to 72 inmates in 36 two-person cells, and will share a dental and medical treatment room with the adjacent General Population Housing unit. These rooms, located between the housing units, would be accessed by a common vestibule. This design also allows staff members to have visual contact of each others work station.

One (1) Administrative Segregation Indirect Supervision Housing Unit would house up to 64 inmates in single person cells. These housing units would have four sections of 16 cells (eight upper, eight lower). Each section would have a dayroom and yard. The upper level has been designed to allow officers access between sections so that a security check of the entire upper level can be completed (all four sections) at one time. A separate control room would control door access in this housing unit.

Three (3) Combination Direct/Indirect Housing Units would house up to 64 general population inmates and 16 segregation inmates. The segregation housing would have yards and dayrooms separate from the General Population area. It is anticipated that these housing units would be used to house the female and mental health inmates.

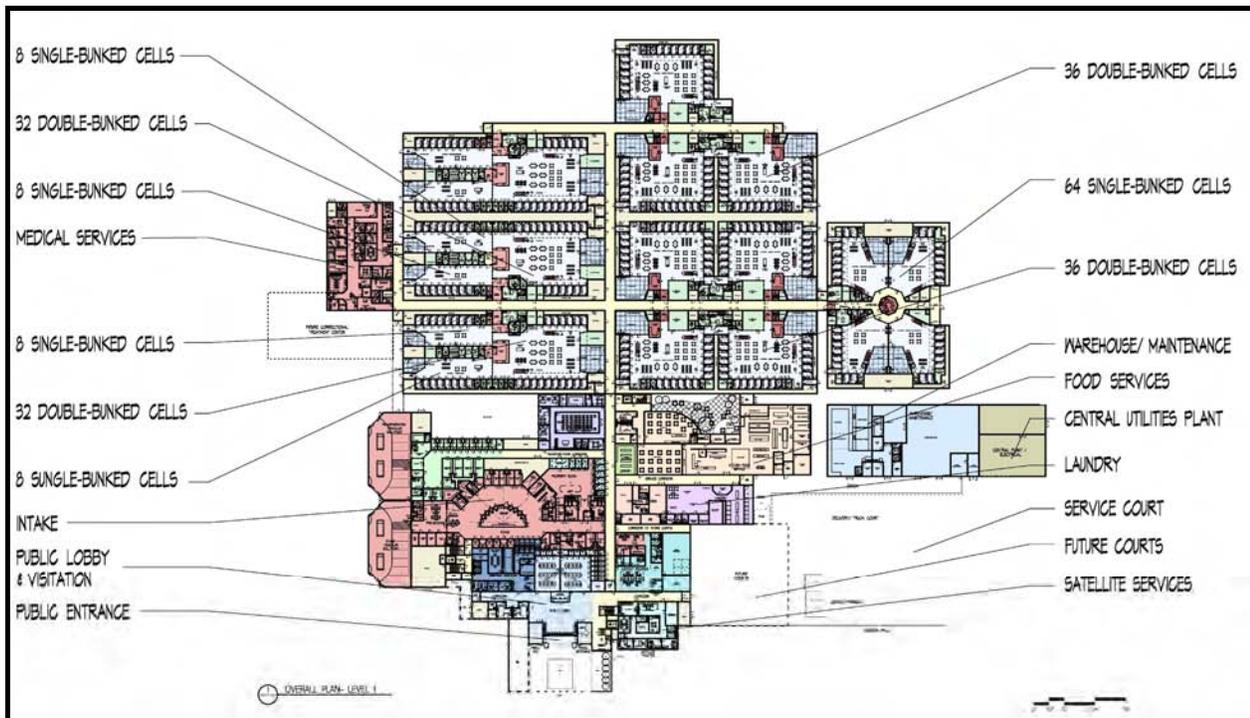
The recreation yards provide for maximization of natural lighting into the dayrooms. The windowless cells incorporate natural lighting via “borrowed dayroom light. This configuration also allows the preferred perimeter chase system and provides for greater security in the recreation yards.



Facility Design



Architectural Rendering



Interior Footprint



Summary

The proposed design for a new County Jail not only meets the current needs of the County of Santa Barbara, but also allows great flexibility for self-contained expansion in the future. The design has been created in such a way to provide for maximized use of the site and the facility, a highly functional environment, and provides for segregation of unique inmate populations. Additionally, through the use of state-of-the-art technology and thoughtful facility design, the design provides a safe environment for staff, inmates, and the surrounding community.



Introduction

The costs outlined in this section of the study cover both the capital and operational costs associated with a new jail facility. The current capital estimate to build new County jail is \$153,000,000; and the operational estimate to run a new County jail is \$19,150,000 in net additional annual costs.

Capital estimates are adjusted for inflation through January 2007 in order to provide a more accurate representation of the cost to build the facility at the estimated potential construction start date. Costs are based on design estimates from the schematic design phase and verified by two independent cost estimators. Operational costs have been increased to reflect the increases in salaries and benefits anticipated to be in effect in 2009.

Capital Cost Estimates

Construction and Fixed Infrastructure Estimates:

The estimated construction cost of the facility based on an 808 bed, 328,928 square foot facility located on a fifty acre parcel at \$343 per square foot is approximately \$112,822,000. This estimate includes construction of the physical building and fixed infrastructure such as air conditioning and control systems.

Onsite Preparation and Offsite Estimates:

Onsite preparation Projects such as site demolition and preparation, stubbing out utilities from street to site, and landscaping are included in the cost for onsite preparation which is estimated at an additional \$5,209,000

Offsite costs include such things as the construction of primary and emergency access roads from current public access ways to the site, the construction of a bridge at one point of one road, and the placement of utilities from the public access way to the site, including street lighting for the roads. Estimated offsite costs total \$8,190,000.

Land Acquisition and Other Soft Cost Estimates:

Soft costs for the project include a myriad of projects and needs for a jail not otherwise included in the categories above. Elements include the cost of land acquisition (\$2.5 million), architectural fees (\$5.8 million), a project manager (\$2.5 million), utilities consulting (\$1.7 million), and environmental impact measures (\$1.2 million). Other smaller elements include furniture, fees and insurance. Total soft costs are estimated at \$26.8 million.

Total Capital Costs are estimated at \$153 million.



Capital and Operational Costs

Summary of Estimated 808 Bed Facility Capital Costs		Cost
Number of beds	808	
Square Footage	328,928	
Cost per sq. ft.		\$343
Construction		\$112,822,000
Onsite Preparation		5,209,000
Building Construction		118,031,000
Offsite Costs		8,190,000
Subtotal		126,221,000
Soft Costs		26,779,000
Total		\$153,000,000

Operational Cost Estimates

Operational Cost Estimates:

The estimated gross cost to operate a new 808 bed County Jail is \$23,333,000 per year; however, net additional Operational costs are estimated to be \$19,150,000. Operational costs include salaries and benefits, services and supplies including inmate medical services, and site maintenance and utilities. The costs have been increased to reflect the increases in salaries and benefits anticipated to be in effect in 2009.

The model to develop staffing takes into account the 24/7 nature of a majority of the positions in the jail. Corrections Officers, Records Clerks, and Utility Clerks hold “posts” that require staffing around the clock. To determine the number of FTE’s, a “relief factor” of 5.46 per post position was used. This factor accounts for the shifts, vacation, training, and anticipated sick time based on a study of staffing done in 2002.

Non-salary expense reflects the need to provide medical services to the inmates, the utilities and maintenance of the facility, and other items.

Some current staff will be relocated to the new facility from the Santa Maria Holding Facility and the Main Jail. This will result in the transfer of 44 positions totaling an annual cost of \$4,183,000. Therefore the net increase in staff and cost related to the new facility totals 140 positions and \$19,150,000 in annual costs.



Capital and Operational Costs

Summary of Estimated 808 Bed Facility Annual Operational Costs		
	Staff	Cost
Sworn Staffing	86	\$8,180,000
Civilian Staffing	54	3,202,000
	140	11,382,000
Other Operational costs		
Jail Medical		3,500,000
Utilities		1,337,000
Maintenance		1,782,000
Food, uniforms, linens, etc		1,149,000
Net increase in resources to operate facility		\$19,150,000
Existing staff transferred to new facility	44	4,183,000
Full cost to operate 808 Bed facility	184	\$23,333,000

Summary

In order to provide for the anticipated jail bed needs over the 30 year life required of large capital projects, it is recommended that the Board consider planning for an 808 bed facility at an estimated one time capital cost of \$153 million and an on-going annual net additional operational cost of \$19.2 million.



Introduction

Choosing the most efficient and cost-effective method to fund construction and operation of a new jail is a complex process. One of the first decisions to be made is whether to seek outside sources of funding, pay cash, save, or borrow. Exploring state and federal grant funding to offset the expense is also an important consideration. Each of these funding methods is currently used by the County and is a prudent funding choice depending on the scope and nature of a particular capital improvement. When financing a capital project over time is necessary, a repayment source must be identified and evaluated to determine the stability of the revenue.

In preparing this report, a wide spectrum of funding, financing, and revenue options were carefully considered and thoroughly analyzed.

Funding Options

Due to the significant cost of a jail, a review of all funding options was necessary. The following are key funding alternatives which were considered and a brief analysis of each.

Federal and State Construction Grant Programs:

One option considered and analyzed was applying for a State and/or Federal Construction Grant. Construction Grants cannot be applied toward ongoing operational costs and can require matching funds from the grant recipient.

- **VOI/TIS Incentive Grant Program:** The Violent Offender Incarceration and Truth-in-Sentencing (VOI/TIS) Incentive Grant Program funds the construction of local adult and juvenile facilities. The Corrections Standards Authority (CSA), formerly known as the Board of Corrections, administers the allocation of federal and state grant funding for such construction projects. All appropriations of VOI/TIS funds are subject to the availability of funds and reflect annual federal funding determinations and adjustments.

Under this federal grant program, from 1997-2002 all states were eligible to receive annual formula-driven grants for local adult and juvenile detention facility construction. Federal law allows up to 15 percent of a state's grant to be used for adult and juvenile detention facility construction by counties. However, states may declare "exigent circumstances" in order to allocate more than 15 percent to counties, but exigent circumstances funds can only be used for local juvenile facility construction.

Since 1997, the Legislature has appropriated approximately \$318 million in federal VOI/TIS funds to the CSA for distribution to counties on a competitive basis for the construction of local adult jail and juvenile detention facilities. The vast majority of the available funds (\$280 million) was appropriated to build or expand local *juvenile* detention facilities as a result of the Legislature's declaration of exigent circumstances. All state appropriations of VOI/TIS funds are subject to the availability of funds and reflect annual federal funding determinations or adjustments.



Funding Alternatives

Currently, all VOI/TIS funds have been appropriated and allocated, and at this time there are no further federal funds expected to be available to states under this program. All construction projects are slated to be completed by 2007.

- **State Funded Grant Construction Projects:** Since FY 1998-99, the State legislature has appropriated \$172 million from the State's General Fund for competitive grants supporting the renovation, reconstruction, construction, and replacement of county juvenile facilities and the performance of deferred maintenance. Since federal construction grant funds are limited to adding bed space and related support space, this provides counties with needed renovation and deferred maintenance funds not otherwise available. Currently, all state funds have been appropriated and allocated. All construction projects are slated to be completed by 2007

A list of statewide facility construction projects under construction, on the drawing board, and completed is included as an attachment at the end of this section (Attachment 1). As shown on the list:

- All available funds have been committed;
- Only one adult facility is under construction at this time;
- Most Federal and State funds have been allocated to the construction of juvenile facilities or renovating existing facilities;
- There are no additional construction grant funds currently available.

Based on the preceding, seeking Construction Grant Funding for this project does not appear to be a viable option for the County. However, should a Construction Grant become available in the future, in order to be competitive it would be important that the County would have already secured the land upon which to build a jail. Thus, it is important that the County continue with the land acquisition process.

There has been some discussion at the State of placing a statewide bond measure on the ballot in the future for jail capital expenses but there is no initiative pending at this time.

Pay-As-You-Go:

A pay-as-you-go plan entails using existing County General Funds to pay capital and operational costs as they are incurred, including any annual debt service charges for capital costs. It can be the least expensive alternative if financing is not used because there would be no debt and no payments. An additional benefit is that future revenues are not encumbered and actual expenditures can be handled more efficiently when the revenues are appropriated from the current budget.

Therefore, funding a jail with a pay-as-you-go plan would involve using existing County revenues for capital costs and would also require appropriating significant annual funding for



Funding Alternatives

ongoing operational costs. Employing this strategy is a fiscally sound approach for short-term projects with costs that are recurrent as to purpose or amount; however, it is not prudent with expensive long-term projects, such as a jail.

It is usually the case that jail projects are financed over the course of their useful lives. Large projects like a jail with long, useful lives are better suited for financing over the estimated life of the asset. Smaller projects with shorter useful lives can be better planned, managed, and funded from current revenues on a pay-as-you-go basis. Capital projects that lend themselves to a pay-as-you-go strategy include certain equipment acquisitions, such as telephone systems, computer and software upgrades, and capital maintenance projects such as roof replacements.

Further, using a pay-as-you-go plan without securing financing, burdens current taxpayers to the benefit of future generations that have the use and corresponding benefit of the asset. This issue is particularly relevant when trying to fund a jail that will last 30 years or more. Not only do current taxpayers not realize the benefit while funds are being expended, undue pressure is placed on the overall operating budget of the County, thereby negatively impacting the other priority programs and levels of services delivered to the local taxpayers.

The General Fund (GF) would be the payment source for a pay-as-you-go plan. With an estimated capital cost of \$153 million, construction is too costly to be charged to a single-years' budget. Even if the County were to finance the capital costs over 30 years and use the GF as the payment source, the annual debt payment would be approximately \$12 million and would require massive GF budget cuts, shifts in allocations, and severe reductions in program and service levels countywide. Additionally, these cuts and reductions would not account for the cost of ongoing operations of the new jail which is \$19.2 million a year (increasing each year) for a total requirement of \$31.2 million in the first year for a pay-as-you go plan. Therefore, it is unlikely that a new jail would be built if pay-as-you-go were the only funding alternative.

The pay-as-you-go plan is not a financially sound alternative for the County as \$31.2 million/year represents 18% of the \$168.2 million in discretionary GF revenue in the 2005-06 Adopted Budget. Further, most of the GF is mandated and, as indicated in the 2005-06 Budget Hearings presentation, only 9% is truly discretionary, leaving only approximately \$15.1 that is available for curtailments. This would require major service reductions and even so, is clearly insufficient to cover the projected annual \$31.2 million cost of a new jail.



Funding Alternatives

However, the following is a hypothetical list of the type of General Fund curtailments that would need to be considered to reach \$31.2 million per year.

IT SHOULD BE NOTED THAT THIS DATA IS HYPOTHETICAL AND DOES NOT CONSTITUTE A RECOMMENDATION BY THE COUNTY EXECUTIVE OFFICER. IT IS ONLY AN ILLUSTRATION AND SOME OF THE ILLUSTRATED CURTAILMENTS MAY EVEN IMPINGE UPON FEDERAL, STATE OR COURT MANDATES.

New County Jail Estimated Annual Ongoing Costs	
Capital Annual Debt Service	\$ 11,974,000
Operational Annual Net Cost	19,150,000
Total Annual Jail Requirement	\$ 31,124,000
Hypothetical General Fund Discretionary Ongoing Cuts	
<u>Eliminate Contributions to Unrestricted Reserves</u>	
Eliminate Annual Contribution to Capital Maintenance	\$ 2,000,000
Eliminate Annual Contribution to Strategic Reserve	1,500,000
Eliminate Annual Contribution to Capital Projects	500,000
Eliminate Annual Contribution to Roads	500,000
Sub Total	<u>\$ 4,500,000</u>
<u>Miscellaneous Non-Departmental Reductions</u>	
Reduce Non-Clinical TSAC Programs	\$ 2,128,049
Reduce 20% of Contributions to Libraries	488,688
Sub Total	<u>\$ 2,616,737</u>
<u>General Fund Program Reductions and Eliminations</u>	
Eliminate Parks Day Use North and South Funding	\$ 2,063,357
Eliminate Human Services Commission Funding	1,339,473
Eliminate Sheriff Aviation Funding	1,185,641
Reduce 50% of Comprehensive Planning Funding	881,254
Eliminate Fire Helicopter Operations Funding	860,400
Eliminate Economic Development Funding	646,831
Eliminate Clean Water Funding	400,000
Eliminate Government Access TV Funding	309,412
Eliminate Cooperative Extension Funding	213,070
Eliminate Project Management Funding	144,803
Sub Total	<u>\$ 8,044,241</u>
Total General Fund Discretionary Cuts	<u>\$ 15,160,978</u>
Proportionate Department Ongoing Cuts to Reach \$31,124,000	
	13% Cut
Sheriff	\$ 5,951,440
Probation	2,068,501
Social Services	1,160,565
General Services	1,100,422
District Attorney	1,009,011
Clerk-Recorder-Assessor	819,747
Public Defender	644,677
Auditor Controller	458,819
Treasurer-Tax Collector-Public Administrator	351,803
County Executive Office	338,670
Planning & Development	306,085
Board of Supervisors	272,569
Human Resources	254,978
Fire	234,151
County Counsel	231,091
Public Works	213,825
Agriculture & Cooperative Extension	212,061
Alcohol, Drug & Mental Health Services	204,211
Public Health (Animal Services)	130,398
Sub Total	<u>\$ 15,963,022</u>
Total Annual General Fund Curtailments	<u>\$ 31,124,000</u>



Funding Alternatives

In addition, if new jail financing is secured in conjunction with employing a pay-as-you-go plan, the County's total debt affordability capacity and credit rating would need to be taken into consideration. That is, rating services (eg. Moody's and Standard & Poor's) would need to be convinced that the County has sufficient funding to repay any debt issued; simply committing to reduce expenditures may not be sufficient to so convince them. In addition, the ability to pursue other capital financing may be limited, and likely more expensive, based on potential credit rating reductions.

Designation (Savings) Account:

One alternative to pay-as-you-go funding for the jail is to set aside monies over time in an accumulated "designation" account until the balance reaches the level necessary to acquire the facility. This "savings account" approach is the opposite of borrowing. A designation account reflects monies available to be budgeted or spent in the current year but are not spent as policy makers have chosen to set them aside for a future capital project. The size of the project is limited only by the amount of money and the number of years over which a jurisdiction is willing to contribute to the designation. This method of funding was used for the jail schematic design costs. Currently, the Sheriff's jail designation account contains prior unanticipated Federal revenue from the State Criminal Alien Assistance Program, a reimbursement program for costs related to jailing illegal immigrants who commit crimes.

The revenue source for a capital designation account could be any unspent appropriation or unanticipated reserves. The funding of a capital designation can either be set formally, as a certain percentage of annual General Fund revenues or implemented informally, with contributions dependent on the amount of discretionary revenues available each year. Capital designation funding does not require the payment of interest or the encumbrance of future revenues, as is the case with financing. In fact, through interest accrued on of the reserved funds, the amount of the capital ultimately available typically exceeds the sum of the installments.

The main disadvantage to this approach is that the acquisition of assets is deferred and the cost of deferral, both in terms of actual costs and public safety, is significant when the need for a jail is immediate. For instance, even if the County was able to put away \$5 million a year in a designation account, it would take over 30 years to save enough to build the jail. That estimate is conservative, as it does not take into account the inflation of construction costs over the 30-year period. Additionally, this approach places a burden on current citizens and taxpayers by setting aside revenues *today* which are used to acquire *future* assets. Because paying cash or saving to acquire the jail are not considered feasible choices, the alternatives are to either forgo the project or choose to acquire it by borrowing the funds.



Funding Alternatives

Financing Options

Following are the key financing alternatives considered and a brief analysis of each.

General Obligation Bonds:

General Obligation Bonds (GOs) are bonds secured either by a pledge of the full faith and credit of the issuer or by a promise to levy taxes in an unlimited amount as necessary to pay debt service, or both. With very few exceptions, local agencies are not authorized to issue "full faith and credit" bonds. The GOs of such agencies are typically payable only from ad valorem (in proportion to the value) property taxes, which are required to be levied in an amount sufficient to pay interest and principal on the bonds coming due in each year. Therefore, in order to secure a GO, the jurisdiction must take the issue to the voters.

By way of background, pursuant to Article XIII A of the State Constitution, the proceeds from the sale of GOs may only be used to finance "the acquisition or improvement of real property" (the land and the building). There is general agreement among practitioners and issuers that the limitation to "real property" means that vehicles, equipment, furnishings and supplies may not be financed with GOs. Generally, anything which is truly portable, or which can be removed from land or a building without causing damage to the land or building, may not be financed. Due to these restrictions placed on GOs, the only component of the jail project that would benefit from this financing strategy would be the capital component and not the operational costs. The cost of ongoing operations and the necessary furnishings and ancillary equipment and materials would require financing from another source.

Additionally, GOs are restricted to those purposes approved by the voters. Taken together, the statutes (or charter provisions) authorizing the election and the issuance of the bonds, the resolution calling for an election and the specific language contained in the ballot measure itself, create a contract which is binding upon the local agency once the voters have given their assent. GOs are secured by the legal obligation to levy an ad valorem property tax upon taxable property in the jurisdiction of the issuer in an amount sufficient to pay the debt service without limitation as to rate or amount. There is no General Fund (GF) impact as the repayment is from an off-budget revenue source and the GF is not liable for the payment of debt service on the bonds. Therefore, operating funds are not required to pay debt service on the bonds.

The approval process for GOs includes an election in which at least two thirds of the qualified voting electorate approves the issuance of bonds, and in doing so approves the levy of an ad valorem (property) tax to pay the bonds. The unlimited taxing power supporting repayment is well received by the bond market and has historically provided issuers with their lowest cost of funds relative to other financing mechanisms.

The main disadvantage to financing through GOs is that they provide incomplete financing in that they can only finance capital and not operational costs. The jail project requires a \$19.2 million annual allotment (plus any needed COLA adjustments for salaries, utilities, etc. over time) for operations and cannot be completed without additional alternative funds. In order to provide this funding, a GO would have to be coupled with another revenue source.



Funding Alternatives

Certificates of Participation:

Certificates of participation (COPs) are lease financing agreements in the form of securities that can be issued and marketed to investors in a manner similar to tax-exempt debt. By entering into a tax-exempt lease financing agreement, a public agency is using its authority to acquire or dispose of property, rather than its authority to incur debt. Public agencies may enter into a leasing agreement with a non-profit organization to directly lease the asset they wish to acquire, construct, or improve. COPs are sold through an underwriter and the proceeds of the sale of the COPs are used to pay the cost of acquiring or constructing improvements.

The California Constitution requires voter approval for issuance of long-term debt paid from the general fund of a city, county, school district, or the state. Because COPs are not technically classified as debt, they do not require voter approval.

Santa Barbara County debt management policies (and common sense) require that a specific source for debt service payments be identified before COPs can be issued. Also, County debt management policies prohibit the use of COP proceeds for services or ongoing operating expenses.

In order to issue COPs and provide a source for the ongoing operations, revenue sources and debt affordability need to be identified. The options would be to absorb the additional costs within existing financial resources or look at alternative funding. As previously outlined in the pay-as-you-go discussion, absorption is not a viable option. Borrowing to finance the jail is not a feasible option if the funds necessary to make the annual debt payments and operation costs are unavailable. Although COPs are a proven successful financing mechanism when a reliable revenue source exists, they do not come with a specific revenue source. Therefore, in order to successfully use a COP, the County would need to generate new revenues (eg. a sales tax) for both financing and operational expenses.

Revenue Options

It is clear that the County needs to identify revenue options in order to successfully fund and finance a project of this scope. Following is a review and analysis of the various revenue sources that were considered.

Sale of County Property:

One possible means for generating revenue would be to designate County property as surplus and place it for sale. Before such property can be sold, however, the Board must declare it to be surplus. In addition, prior to taking any such action, it would be prudent for the County to conduct a comprehensive review of its own current and future needs for the property and the financial impact of selling land to finance a large capital project of this nature. Further, in reviewing vacant County land that could potentially be placed for sale, there is insufficient potentially "surplus" real estate to generate the kind of revenue needed to construct and operate a jail. Finally, Counsel has advised that any County "surplus" property must first be offered for sale to other public jurisdictions before being offered for sale on the open market.



Funding Alternatives

Staff has determined that the maximum amount that could be realized would require the sale of *all* vacant County property and would only generate approximately \$40 million, which would include a significant County parcel and would still be insufficient to fund the project. Therefore this does not appear to be a viable revenue option for the project.

Oil Development:

In January 1997, a State statute was enacted providing that under certain prescribed conditions, 20% of State revenues (royalties) derived from new oil/gas leases would be allocated to counties or cities whose shoreline fronts the leases. The statute sunsetted in January 2002. Since that time, the County has sponsored various measures to reinstate the statute only to have the language removed by the Governor or at the end of the annual legislative process.

The passage of a new oil royalty revenue sharing measure for local jurisdictions whose shorelines front oil leases, (e.g. Santa Barbara County) combined with local approval of a major offshore oil development project, could provide the County with many tens of millions of dollars per year over the life of the project.

However, such legislation does not currently exist. If again proposed, its chances of passage would be speculative; moreover, it would take at least one (if not two) years to be enacted. Further, whether a major potential offshore oil project fronting the County's shoreline would be approved is speculative. In any event, the regulatory/hearing process for such a project would take significant time to complete, and, if a project were approved, additional time would be required to make it operational.

Therefore, staff has concluded that the potential for new oil development off our coast is speculative, and its potential revenue to the County would take too long to obtain to be seriously considered at this time as a part of funding the new jail.

Sales Tax:

In conducting the funding alternatives analysis, a variety of taxes such as utility, transient occupancy, motor vehicle fuel, business license, and documentary transfer taxes were reviewed. None of these options were considered viable as they would not generate adequate revenue, and all require a two-thirds vote. The single tax that generates adequate revenue is the sales tax.

A sales tax is one that is imposed upon every retailer in the County based upon that retailer's sale or lease of tangible personal property. As opposed to a general tax, in which proceeds are used for general governmental purposes and requires a majority (50% plus 1 vote), a sales and use tax is considered a special tax, which is used for a specific purpose. A special tax which is used for a specific purpose requires an election in which at least two-thirds of the qualified voting electorate approves the additional revenue.

Although there are a variety of issues including timing considerations involved in employing a sales tax revenue strategy, it appears to be the clearest, most direct and timely manner in which to secure the necessary funding for a long-term project of this nature.



Funding Alternatives

The County is authorized to impose additional transactions and use (sales) taxes of up to 1.5%. Currently, 0.5% of this allotment is taken up by Measure D which is designated to maintain and improve city and county roads and certain State highways throughout Santa Barbara County. This leaves an additional 1% which could be implemented countywide within Santa Barbara County.

Current Use in Santa Barbara County:

The sales tax rate in Santa Barbara County is 7 $\frac{3}{4}$ %. The distribution of the taxes from sales in Santa Barbara County is as follows:

5%	Distributed to the State of California General Fund for State programs.
$\frac{1}{4}$ %	Distributed to the State of California Fiscal Recovery Fund.
$\frac{1}{2}$ %	Distributed to the State of California and allocated to counties for health and welfare programs (realignment).
$\frac{1}{2}$ %	Distributed to the State of California and allocated to local agencies for public safety programs (Proposition 172).
$\frac{3}{4}$ %	Distributed to cities or counties (unincorporated area) to support general operations.
$\frac{1}{4}$ %	Designated by statute for county transportation purposes and may be used only for road maintenance or the operation of transit systems.

7 $\frac{1}{4}$ %	State mandated sales tax rate.
$\frac{1}{2}$ %	Designated to maintain and improve city and county roads and certain State highways throughout Santa Barbara County (Measure D).

7 $\frac{3}{4}$ %	Total sales tax rate in Santa Barbara County.
1%	Allowable for local uses if approved by voters.

8 $\frac{3}{4}$ %	State allowed maximum sales tax rate.



Funding Alternatives

Financing Scenarios

On November 7, 2005, the Debt Advisory Committee (DAC) reviewed various financing scenarios for both an 808-bed and 512-bed jail facility. The DAC discussed the advantages of an 808 bed facility and the minimal incremental savings of a 512-bed facility. In other words, not only does a 512-bed facility fail to meet the 30-year lifespan required of a large capital project of this nature, due to economies of scale, the 37% reduction in jail bed capacity (as opposed to an 808-bed design) would only reduce costs by approximately 17%. The Sheriff, Courts, and other criminal justice system partners have also agreed that a 512-bed is not a viable long term solution.

In reviewing the financing scenarios, the DAC directed staff to conduct further study and pursue GOs and sales tax strategies to provide the funds necessary to construct and operate a new jail.

The following tables and graphs illustrate the various financing scenarios and the degree of potential funding gaps, opportunities, shortfalls, and financial cliffs in each of the scenarios. The tables and graphs illustrate that the best alternative involves a ½% sales tax increase.

The following table illustrates the Pay-As-You-Go alternatives and the 3 scenarios endorsed by the DAC for further study. The table summarizes financing scenarios for the first full year of jail operations based on utilizing COPs and GOs for financing coupled with ¼% sales tax and ½% sales tax increase as revenue options for annual capital debt service and operational costs.

Summary of Financing Scenarios First Full Year of Operations (\$000)				
Scenario	A	B	C	D
	Pay-As-You-Go	GO / 1/4% Sales Tax Ongoing / Pay- As-You- Go	1/4% Sales Tax 30 Yr Term / 1/4% Sales Tax Ongoing	1/2% Sales Tax Ongoing
Capital Component (\$153 million financed over 30 years)				
Financing Type	COPs	GOs	COPs	COPs
Sources of Funds				
Property Taxes	\$ -	\$ 10,643	\$ -	\$ -
Uses of Funds				
Annual Debt Service	11,974	10,643	11,974	11,974
General Fund Impact	\$ (11,974)	\$ -	\$ (11,974)	\$ (11,974)
Operational Component (\$19.2 million - year 1)				
Sources of Funds				
Sales Taxes	\$ -	\$ 15,427	\$ 30,855	\$ 30,855
Uses of Funds				
Expenditures	19,150	19,150	19,150	19,150
General Fund Impact	\$ (19,150)	\$ (3,723)	\$ 11,705	\$ 11,705
Summary of Impact on General Fund				
First Year Total General Fund Surplus (Shortfall)	\$ (31,124)	\$ (3,723)	\$ (269)	\$ (269)



Funding Alternatives

Scenario A:

This scenario proposes utilizing COPs for financing with Pay-As-You-Go as the source of funds. The annual COP debt service payment over 30 years is estimated to be approximately \$12 million. With annual operating expenses estimated at \$19.2 million, this scenario would have a first year annual shortfall of \$31.1 million.

Scenario B:

This scenario proposes utilizing GOs for financing using an ad valorem property tax and a ¼% sales tax into perpetuity as the sources of funds. The annual GO debt service payment over 30 years is estimated to be approximately \$10.6 million per year with first year annual operating expenses estimated at \$19.2 million. Using an estimated sales tax revenue of \$15.4 million, this scenario would have a first year annual shortfall of \$3.7 million.

Scenario C:

This scenario proposes utilizing COPs for financing using a ¼% sales tax for 30 years and a ¼% sales into perpetuity as the sources of funds. The annual COP debt service payment over 30 years is estimated to be approximately \$12 million with first year annual operating expenses estimated at \$19.2 million. Using an estimated sales tax revenue of \$30.9 million, this scenario would have a first year annual shortfall of \$269 thousand.

Scenario D:

This scenario proposes utilizing COPs for financing using a ½% sales tax into perpetuity as the source of funds. The annual COP debt service payment over 30 years is estimated to be approximately \$12 million, with first year annual operating expenses estimated at \$19.2 million. Using an estimated sales tax revenue of \$30.9 million this scenario would also have a first year annual shortfall of \$269 thousand.

Scenario - 50 Year Trend Analysis Tables and Graphs:

The following tables and graphs trend the various financing scenarios estimated over a fifty year period. The graphs take the annual COP and GO debt service payments over 30 years and incorporate an estimated 3.7% increase on operational expenses each year. Sales tax revenues are estimated to increase at 2.7% per year¹. These graphs are only estimates and used here as an aid to help identify large potential funding gaps, shortfalls, and financial cliffs.

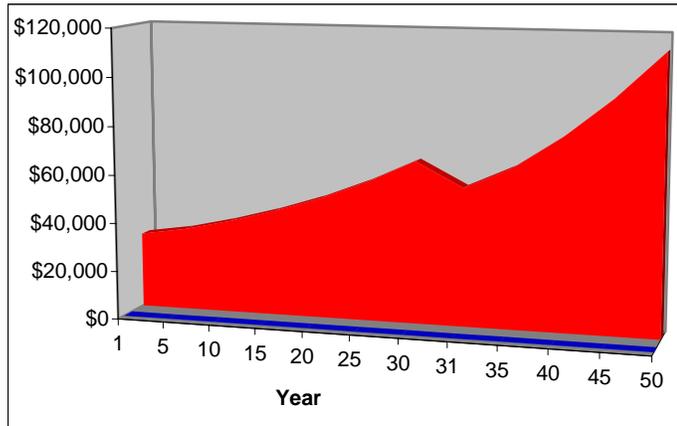
¹ The UCSB Economic Forecast Project, 2005 Santa Barbara County Economic Outlook contains a 2.7% retail sales tax forecast percent change through 2009.



Funding Alternatives

Scenario A (Pay As You Go)

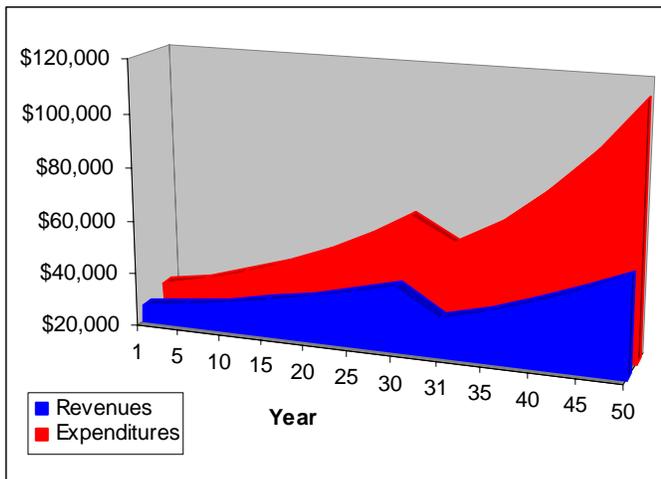
Yr	Expenditures (\$000)	Revenues (\$000)	Surplus/ (Shortfall)
1	\$ 31,124	\$ -	\$ (31,124)
5	34,119	-	(34,119)
10	38,531	-	(38,531)
15	43,821	-	(43,821)
20	50,165	-	(50,165)
25	57,773	-	(57,773)
30	66,897	-	(66,897)
31	56,955	-	(56,955)
35	65,864	-	(65,864)
40	78,984	-	(78,984)
45	94,718	-	(94,718)
50	\$ 113,587	\$ -	\$ (113,587)



Scenario A is estimated to develop into very large annual shortfalls from \$31.1 million to \$66.9 million in year thirty. Even after a decrease of expenses due to the debt service payoff in year thirty-one, operational expenses continue to rise in the scenario (3.7% annually), and by year thirty-five the annual shortfall is back up to \$65.9 million with a maximum shortfall in year fifty of \$113.6 million.

Scenario B (GOs, ¼% Sales Tax Ongoing and Pay As You Go)

Yr	Expenditures (\$000)	Revenues (\$000)	Surplus/ (Shortfall)
1	\$ 29,793	\$ 26,070	\$ (3,723)
5	32,789	27,805	(4,984)
10	37,200	30,251	(6,950)
15	42,491	33,044	(9,446)
20	48,835	36,236	(12,598)
25	56,443	39,883	(16,560)
30	65,566	44,049	(21,517)
31	56,955	34,308	(22,647)
35	65,864	38,166	(27,698)
40	78,984	43,604	(35,380)
45	94,718	49,817	(44,901)
50	\$ 113,587	\$ 56,916	\$ (56,671)



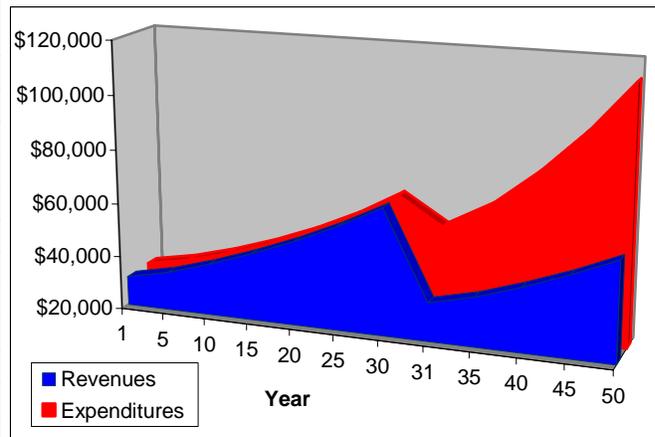
Scenario B is estimated to begin with a relatively smaller shortfall of \$3.7 million in year one (shortfall is -13% of expenditures), and develop into relatively large shortfall of \$21.5 million in year thirty (shortfall is -33% of expenditures). Even after a decrease of expenses due to the debt service payoff in year thirty-one, with operational expenses continuing to rise in the scenario (3.7% annually); by year thirty-five the annual shortfall is back up to \$27.7 million or -42% of expenditures with a maximum shortfall in year fifty of \$56.7 million.



Funding Alternatives

Scenario C (¼% Sales Tax 30 Years and ¼% Sales Tax Ongoing)

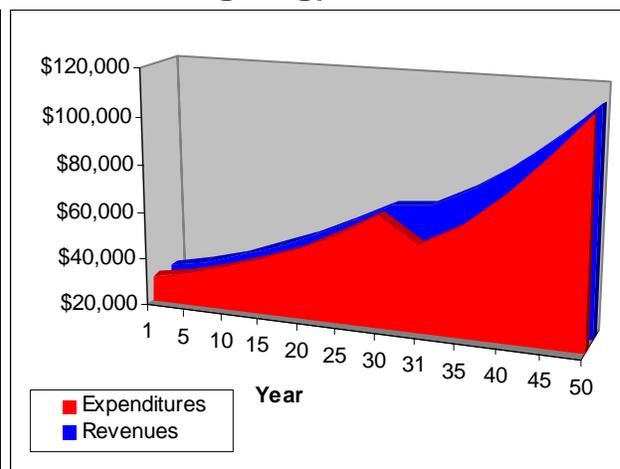
Yr	Expenditures (\$000)	Revenues (\$000)	Surplus/ (Shortfall)
1	\$ 31,124	\$ 30,855	\$ (269)
5	34,119	34,325	205
10	38,531	39,216	685
15	43,821	44,803	982
20	50,165	51,188	1,022
25	57,773	58,481	708
30	66,897	66,814	(83)
31	56,955	34,309	(22,646)
35	65,864	38,167	(27,697)
40	78,984	43,606	(35,379)
45	94,718	49,819	(44,899)
50	\$ 113,587	\$ 56,918	\$ (56,669)



Scenario C is estimated to begin with a relatively small shortfall of \$269 thousand in year one (shortfall is -1% of expenditures), and maintain this relatively small shortfall of \$83 thousand in year thirty. However in this scenario it is proposed that the ¼% Sales Tax would end after year thirty to match the debt service payoff; therefore in year thirty-one with operational expenses continuing to rise in the scenario (3.7% annually), the annual shortfall has shot up to \$22.6 million or -42% of expenditures creating a financial cliff, maximized at \$56.7 million in year fifty.

Scenario D (½% Sales Tax Ongoing)

Yr	Expenditures (\$000)	Revenues (\$000)	Surplus/ (Shortfall)
1	\$ 31,124	\$ 30,855	\$ (269)
5	34,119	34,325	205
10	38,531	39,216	685
15	43,821	44,803	982
20	50,165	51,188	1,022
25	57,773	58,481	708
30	66,897	66,814	(83)
31	56,955	68,618	11,663
35	65,864	76,334	10,471
40	78,984	87,211	8,227
45	94,718	99,638	4,920
50	\$ 113,587	\$ 113,835	\$ 249



Scenario D is also estimated to begin with a relatively small shortfall of \$269 thousand in year one (shortfall is -1% of expenditures), which could easily be repaid with surpluses in future years. In this scenario it is proposed that the ½% Sales Tax would remain into perpetuity; therefore after a decrease of expenses due to debt service payoff in year thirty-one and sales tax revenue expenses continuing to rise in the scenario (2.7% annually), by year thirty-one the annual surplus is \$11.7 million or 21% of expenditures. This surplus condition in the scenario



Funding Alternatives

lasts for 15 years and could create the potential to do some capital maintenance and replacement at the existing Main Jail or for unanticipated expenses at the new jail. By year fifty the annual surplus is estimated to level off to \$249 thousand; thus, this demonstrates that increasing sales tax by ½% seems to provide sufficient annual revenue for capital and operational costs for a new jail. Scenario D appears to be the most viable scenario.

Summary

The funding, financing and revenue alternatives that have been reviewed in this section are:

- Construction Grants – not available at this time.
- Pay-As-You-Go – not a financially sound alternative for the County as \$31.2 million annually represents 18% of the \$168.2 million in “discretionary” General (GF) Fund revenue in the 2005-06 Adopted Budget. Further, most of GF Revenue is mandated, only 9% (\$15.1 million) is truly discretionary, which clearly is insufficient for the \$31.2 million annual cost of the jail.
- Designation (Savings) Account – not the recommended strategy as it would significantly delay the implementation of a jail facility that is needed today and requires current taxpayers to shoulder the financial burden of an asset that would not be realized for decades.
- General Obligation Bonds plus ¼% sales tax – not the recommended strategy as GOs cannot cover any ongoing operation costs. Due to the \$153 million estimated cost of an 808-bed facility, GOs would fall short by approximately \$3.7 million and continue to increase, even including an additional ¼% sales tax into perpetuity.
- Certificates of Participation – cannot be used to cover the cost of ongoing operating expenses. In order to successfully use a COP, the County would need to generate new revenues for both financing and operational expenses.
- Sale of County Property - the sale of all vacant County property would only generate approximately \$40 million in one time funds which would still be insufficient to fund the project and would take significant time to process.
- Oil Development - the potential for new oil development off our coast is speculative, and its potential revenue to the County would take too long to obtain to be seriously considered at this time as a part of funding the new jail.
- Sales Tax – requires a 2/3 vote of the electorate; would cover both the capital and operational costs. Based on the preceding analysis, it appears that the most viable and timely option is to pursue a ½% sales tax increase.



Funding Alternatives

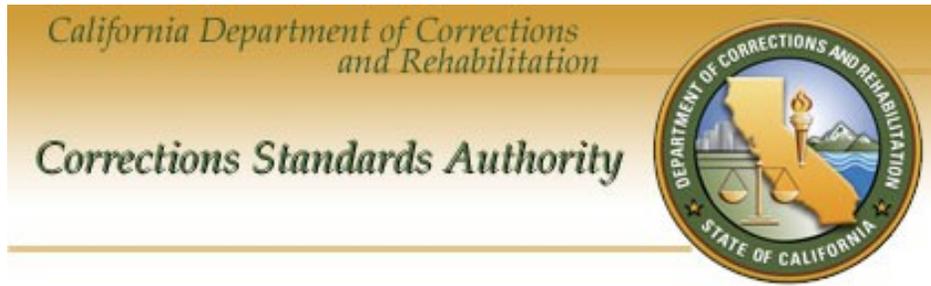
To enact a ½% sales tax, the Board would first have to adopt, by a two-thirds vote, an ordinance proposing the tax. Next, the tax measure would have to be put before the electorate.

The earliest the measure could be taken to the voters would be June 6, 2006; this would require that the ordinance with the exact wording of the Measure would need to be adopted by the Board by February 14, 2006 according to the Registrar of Voters June 6, 2006 Primary Election measure calendar.

The Board may want to consider the timing of the election, should the sales tax option be selected. The County Split proposition is slated for the June 6, 2006 election; continuation of Measure D has been discussed for the November 7, 2006 election, and there will not be another General Election (countywide) until June 2008. The cost of placing the measure on the 2007 consolidated district election (non-countywide) would be approximately \$1.4 million.



Attachment 1- Construction Grants



			
Adult facilities under construction. Juvenile facilities under construction.	Adult facilities on the drawing board. Juvenile facilities on the drawing board.	Completed Construction Projects.	Active Project Contact Persons.

ADULT FACILITIES UNDER CONSTRUCTION (UPDATED NOVEMBER 2005) F = Federal VOI/TIS Funds

Riverside (#032-01)	\$969,027 (F)	Add 120 medium-security dormitory beds and related ancillary space to the Larry D. Smith Correctional Facility (adult jail).
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JUVENILE FACILITIES UNDER CONSTRUCTION (UPDATED NOVEMBER 2005) F = Federal VOI/TIS Funds S = State General Funds

Alameda (#047-00)	\$33,113,670 (F)	Construct 330 beds of a new 358-bed juvenile hall (additional 28 beds added at county's expense). This facility will replace the current dilapidated 299-bed, 48-year-old Alameda County Juvenile Hall.
Fresno (#028-01)	\$24,120,000 (F)	Construct a new 240-bed juvenile hall and related ancillary space, which will replace the current, outmoded 265-bed, 46-year-old Fresno County Juvenile Hall. (The county will add an additional 240-bed commitment facility at the county's expense.)
Napa (#051-00)	\$5,200,866 (F) \$178,022 (S)	Construct a new 60-bed juvenile hall consisting of two 30-bed housing units. Each unit will contain a combination of single-occupancy and double-occupancy wet rooms and related support space. This facility will replace the current dilapidated 34-bed, 47-year-old Napa County Juvenile Hall (net gain of 26 beds).
Orange (#119-98)	\$8,444,770 (S)	Construct a new 120-bed Leadership Academy (juvenile camp) and related support space; eliminate 60 outmoded juvenile hall beds (net gain of 60-beds).
Sacramento (#035-99)	\$6,220,330 (F) \$742,800 (S)	Add 90 beds and related support space to the Sacramento County Juvenile Hall.
San Francisco (#015-99)	\$15,075,000 (F)	Construct a new 150-bed juvenile hall consisting of a combination of single- and double-sleeping rooms in pods ranging from 10 to 30 beds each. This facility will replace the 51-year-old dilapidated 132-bed facility, for a net gain of 18 beds.
Santa Clara (#054-00)	\$20,071,384 (S)	Add 210 beds and demolish 186 dilapidated beds built 43 years ago at the Santa Clara Juvenile Hall (net gain of 24 beds). The project consists of seven 30-bed housing units, each unit containing 14 double-occupancy and two single-occupancy wet rooms and related support space.



Attachment 1- Construction Grants

San Mateo (#029-01)	\$21,105,000 (F)	Construct a new 180-bed juvenile hall and a 30-bed girls' camp (210 total beds) and related ancillary space, which will replace the current, outmoded 163-bed, 54-year-old San Mateo Juvenile Hall (net gain of 47 beds).
Siskiyou (#030-01)	\$3,961,087 (F)	Construct a new 40-bed Charlie Byrd Juvenile Justice Center (juvenile hall) which will replace the current, outmoded 24-bed Siskiyou County Juvenile Hall (net gain of 16 beds).
Sonoma (#055-00)	\$8,000,000 (F)	Construct a new 140-bed juvenile hall consisting of seven 20-bed housing units. Two units will consist of 20 single-occupancy wet rooms; four units will consist of four single-occupancy and eight double-occupancy wet rooms; and one unit will consist of a 20-bed post-adjudicated dormitory. All related support space will be constructed with a combination of federal and county funds. This facility will replace the current dilapidated 120-bed, 50-year-old Los Guilucos Sonoma County Juvenile Hall (net gain of 20 beds).

ADULT FACILITIES ON THE DRAWING BOARD (UPDATED NOVEMBER 2005) F = Federal VOITIS Funds

None

JUVENILE FACILITIES ON THE DRAWING BOARD (UPDATED NOVEMBER 2005) F = Federal VOITIS Funds S = State General Funds

None

COMPLETED CONSTRUCTION PROJECTS (UPDATED NOVEMBER 2005) ADULT FACILITIES

Calaveras (#078-97)	\$325,000 (F)	Added 4 maximum-security double cells (8 beds), dayroom space and related security electronics at the Main Jail.
Colusa (#079-97)	\$102,350 (F)	Renovated 9 barred single-cells by adding solid cell fronts and interior block walls. Upgraded security/fire life safety systems and related HVAC system at the Main Jail (5 maximum- security cells and 4 medium-security cells).
Fresno (#080-97)	\$1,000,000 (F)	Added 17 maximum-security single cells and related support space at the South Annex Jail.
Fresno (#096-98)	\$5,000,000 (F)	Added 288 beds and related support space at the Main Jail.
Kings (#081-97)	\$847,575 (F)	Added 13 double and 1 single occupancy maximum-security cells (27 bed housing unit) and required support space at the Branch Jail.
Lake (#035-01)	\$809,200 (F)	Added 35 beds and related ancillary space to the Lake County Jail.
Merced (#084-97)	\$304,327.75 (F)	Phase 1: Renovated existing storage space to construct 3 maximum security cells (2 single and 1 double occupancy), adding 4 beds at the Main Jail. Phase 2: Modified the 360-bed minimum-security dormitory facility at the Adult Correctional Facility by adding bars on the windows and doors, replacing wooden counter tops with steel, and reconfiguring roof access to prevent escapes.



Attachment 1- Construction Grants

Merced (#099-97)	\$613,886 (F)	Added 24 beds and related support space to the Merced County Adult Correctional Facility.
Orange (#048-97)	\$1,000,000 (F)	Constructed 25 maximum-security single cells as part of an overall expansion at the Theo Lacy Jail.
Placer (#085-97)	\$915,848 (F)	Constructed a center-dividing wall in an adjacent 92-bed medium-security dormitory creating two dormitories (52 beds and 54 beds). Converted a 44-bed medium-security dormitory to 16 maximum-security double cells (32 maximum security beds), a net gain of 2 beds.
Placer (#098-98)	\$2,747,249 (F)	Added 96 beds and related support space at the Main Jail.
Riverside (#049-97)	\$1,279,500 (F)	Added 16 beds and support space to the Blythe Jail.
Riverside (#086-97)	\$1,000,000 (F)	Constructed 27 maximum-security single cells and support space as part of a 96-cell expansion project at the Southwest Jail.
Riverside (#098-97)	\$512,349 (F)	Retrofitted 29 existing cell gates to pneumatic opening and locking systems (Old Jail, Project A). Repaired existing plumbing in cell blocks and plumbing chases and the waterproofing of floors (Old Jail, Project B).
Sacramento (#087-97)	\$1,000,000 (F)	Diagnostic evaluation of the Main Jail security door system control panels and modification and upgrades to correct problem areas and prevent escapes as part of an overall \$2.5 million security project.
Sacramento (#082-97)	\$127,949 (F)	Added 256 beds in existing maximum-security single cells, making these maximum-security double cells as part of an overall 508-bed double-celling project at the Main Jail.
Sacramento (#050-97)	\$270,000 (F)	Installed a perimeter electronic intrusion detection system with cable linked sensors at the Rio Consumnes Correctional Center.
San Bernardino (#099-98)	\$1,880,000 (F)	Added 56 beds and related support space to the Glen Helen Women's Rehabilitation Center.
San Joaquin (#052-97)	\$98,812 (F)	Updated the San Joaquin County Jail's existing security cameras (80) and monitors (14) and Adbec Series 1001 electronic locks (200) in the sheltered housing, medical housing, and intake units 1 and 2.
San Joaquin (#031-01)	\$8,012,581 (F)	Added 132 maximum-security beds and related ancillary space to the San Joaquin County Jail.
San Mateo (#088-97)	\$1,000,000 (F)	Constructed a 32-bed medium-security dormitory expansion, necessary support space, and security electronics at the Medium-Security Facility.
Santa Barbara (#053-97)	\$184,678 (F)	Upgraded the security of the female exercise yard and added steel cell fronts to 12 male cells.
Santa Barbara (#089-97)	\$872,036 (F)	Renovated existing space and added 20 beds to the Main Jail.
Santa Cruz (#054-97)	\$596,200 (F)	Upgraded the Main Jail security system.
Santa Cruz (#100-98)	\$572,906 (F)	Reconstructed a portion of the mail jail to increase CSA-rated capacity by 62 beds and upgraded security systems (Phase 1B)
Solano (#090-97)	\$1,000,000 (F)	Added 110 beds to the Sheriff's Justice Center Detention Facility.
Stanislaus (#091-97)	\$485,712.26 (F)	Project A - Added 84-beds in existing housing units at the Public Safety Center and upgrade security electronic systems, fixed tables and seating, and stainless steel fountains/basins. Project B - Added security fencing, screening of stairways, security electronics, Lexan covering over glass block, and upgraded security doors to the Men's Jail.
Sutter (#051-97)	\$776,148 (F)	Added a second 16-single cell maximum-security housing unit and dayroom space at the Sutter County Main Jail.



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Sutter (#051-97)	\$1,000,000 (F)	Added a maximum-security housing unit of 16 single cells, dayroom space, control room, and exercise yard and the Sutter County Jail.
Tehama (#034-01)	\$205,590 (F)	Added 12 dormitory beds and related ancillary space to the Tehama County Jail.
Tulare (#094-97)	\$740,029 (F)	Renovated and opened a closed facility as a 150-bed Women's Correctional Facility to accommodate minimum-security and medium-security sentenced inmates. Retrofitted security devices, modified housing units, removed carpeting and upgraded security fencing. Constructed a new 64-bed medium-security housing unit and related support space at a newly renovated and opened Women's Correctional Facility.
Tuolumne (#093-97)	\$66,667 (F)	Converted a medium-security 20 double-cell (40 bed) housing unit to a mezzanine level maximum-security unit containing 10 single cells (10 maximum-security beds) and a lower level unit containing 10 triple-bunked dormitory beds (30 medium-security beds).

COMPLETED CONSTRUCTION PROJECTS (UPDATED NOVEMBER 2005) JUVENILE FACILITIES

Butte (#012-99)	\$8,040,000 (F)	Constructed a new 120-bed juvenile hall consisting of six 20-room housing units and related support space. This facility replaced the current 45-year-old, 60-bed juvenile hall (net gain of 60 beds).
Contra Costa (#055-97)	\$1,000,000 (F)	Added 13 beds, eliminated 3 beds for a net gain of 10 beds, to the Tamalpais housing unit in the juvenile hall facility.
Contra Costa (#101-98)	\$22,239,425 (F)	Added 240 beds, eliminated 120 dilapidated beds, and added related ancillary space to the juvenile detention facility (net gain of 120 beds).
Del Norte (056-97)	\$4,747,623 (F)	Constructed a 34-bed juvenile hall consisting of single-and double-sleeping rooms in three pods. The facility replaced a 38-year-old juvenile hall (net gain of 26 beds). The county added ten additional beds with supplemental county funds.
Del Norte (#111-98)	\$999,852 (S)	Built a new kitchen, dining room and classroom at the Bar-O-Ranch facility. Also renovated and added space for recreation, medical exam, nurse's office, laundry and facility administration.
El Dorado (#048-00)	\$4,020,000 (F)	Constructed a new 40-bed juvenile hall consisting of two 20-bed housing units and related support space.
Glenn (#103-98)	\$686,500 (F)	Added 14 beds and related support space to the juvenile hall.
Humboldt (#112-98)	\$897,438 (S)	Expanded the public lobby with a secured entry sallyport; upgraded doors and locks; upgraded security control electronics; upgraded central control and fire safety systems; remodeled kitchen and food service area..
Imperial (#058-97)	\$2,600,086 (F)	Project added two maximum-security 10-bed living units and support space to the existing juvenile facility.
Kern (#011-99)	\$12,060,000 (F)	Constructed a new 120-bed medium-security juvenile treatment facility as well as a comprehensive administration, aftercare, vocational education, and multipurpose building. This facility expands the 80-bed Crossroads treatment facility (currently located at the Juvenile Hall) at a new site. The existing 80 beds will be converted into juvenile hall detention beds. The net gain is 120 beds, system-wide.
Kings (#113-98)	\$669,897.73 (S)	Remodeled existing juvenile hall maximum-security living unit by enlarging dayroom and adding two shower heads, thereby increasing rated capacity from 17 to 22 beds. Remodeled existing booking area by adding a holding room and vehicular sallyport. Enhanced security systems throughout the facility.
Lake (#059-97)	\$478,396 (F)	Added 12 beds to the Lake County Juvenile Hall.
Lake (#114-98)	\$74,500 (S)	Replaced the roof of the juvenile hall.
Lassen (#060-97)	\$2,000,000 (F)	Added 40 beds to an existing "special purpose" juvenile hall in order to convert to a "full service" juvenile hall operated by Lassen County in a memorandum of understanding with Modoc Plumas and Sierra Counties.
Los Angeles (#061-97)	\$1,920,230 (F)	Added 23 "boot camp" beds and a 12-room housing unit for intake assessment at Camp Joseph Scott. Also, converted the existing staff quarters to program space and moved staff quarters to a modular building.
Los Angeles (#049-00)	\$24,120,000 (S)	Added 240 beds (double-occupancy wet rooms), demolish 56 dilapidated beds built 44 years ago, and add related support space and a code-mandated parking structure to the Los Padrinos Juvenile Hall (net gain of 184 beds).



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Los Angeles (#115-98)	\$25,345,625 (S)	Added 240 beds, demolish 83 dilapidated beds, add related support space and a code mandated parking structure to the Central Juvenile Hall (net gain of 157 beds).
Madera (#104-98)	\$7,871,152 (F)	Constructed a new 70-bed juvenile hall and related support space, this replaced the current 42-year-old, 30-bed facility (net gain of 40 beds).
Marin (#105-98)	\$305,343 (F)	Added 9 beds and related support space to the juvenile hall.
Marin (#105-98)	\$87,461 (S)	Moved outdoor recreation area to accommodate federally funded bed project.
Mendocino (#062-97)	\$1,572,345 (F)	Added 12 beds (8 single-occupancy rooms and 2 double-occupancy rooms) and new intake center to the Mendocino County Juvenile Hall.
Mendocino (#116-98)	\$118,505 (S)	Replaced roof and HVAC system, constructed recreation yard restroom, renovated sallyport and installed a walkway canopy.
Merced (#026-99) Merced (#050-00)	\$1,000 (F) \$6,030,000 (S)	Constructed a new 120-bed juvenile hall and related support space at the Merced Juvenile Justice Center. This will replace the 53-year-old, 48-bed juvenile hall (net gain of 72 beds).
Monterey (#117-98)	\$664,102 (S)	Added 63 beds, eliminated 37 beds, and provided related support space at the Youth Center (net gain of 26 beds). Added a PC based proximity card reader system at the main entrance doors and vehicle sally port gate. Installed a new permanently affixed freezer unit.
Monterey (#118-98)	\$279,518 (S)	Added 12 beds to Juvenile Hall by converting the former kitchen and adjacent space to dorm housing.
Nevada (#106-98)	\$5,394,854 (F)	Constructed a new 60-bed juvenile hall and related support space. This replaced the 46-year-old, 19-bed facility (net gain of 41 beds).
Orange (#153-98)	\$4,872,000 (F)	Project added 60 beds and related support space to the Orange County Juvenile Hall.
Placer (#063-97)	\$963,511 (F)	Constructed a 15-bed housing unit to supplement a larger county-funded new juvenile hall.
Riverside (#064-97)	\$1,000,000 (F)	Constructed two 25-bed living units at the Indio Juvenile Hall.
Riverside (#120-98)	\$4,956,527 (S)	Constructed a new 99-bed juvenile hall and related support space.
Sacramento (#065-97)	\$371,466 (F)	Added 11 beds, demolished beds, and added a related security/intercom system at the juvenile hall (net gain of 7 beds).
Sacramento (#057-00)	\$3,345,954 (S)	Added 60 beds (two 30-bed housing units, each unit containing 12 double-occupancy wet rooms, one five-bed dormitory, and one handicap room), classrooms, parking, and related support space to the W. E. Thornton Youth Center.
San Bernardino (#016-99)	\$6,858,147 (F)	Added 40 double occupancy wet rooms (80 beds) and related support space to the West Valley Juvenile Facility.
San Bernardino (#071-97)	\$999,940 (F)	Converted non-rated treatment beds to 48 CSA-rated detention beds to be operated as part of the San Bernardino County Juvenile Hall.
San Bernardino (#052-00)	\$19,329,640 (S)	Constructed a new 200-bed high desert juvenile detention facility (100 double-occupancy wet rooms in ten housing units of 20 youth each) and related support space.
San Diego (#121-98)	\$36,500,000 (S)	Constructed a new 380-bed juvenile hall.
San Diego (#053-00)	\$800,000 (S)	Added 20 beds (four, five-bed dormitory style rooms), one classroom, and related support space to the Girls Rehabilitation Facility.
San Diego (#072-97)	\$1,000,000 (F)	Added a 30-bed, single occupancy, maximum-security living unit for pre-adjudicated detainees to the San Diego County Juvenile Hall.
San Diego (#122-98)	\$898,000 (S)	Performed renovation/deferred maintenance at the Youth Correctional Center: 1) repaired the fire alarm system; 2) rewired and re-roofed the kitchen; 3) refurbished dorms by replacing doors, HVAC, windows, and tile in the shower and toilet areas; and 4) constructed three new classrooms.
San Diego (#123-98)	\$999,999 (S)	Performed renovation/deferred maintenance at the Ranch Facility: 1) installed new generator and relocated exposed high voltage fuses; 2) replaced HVAC units in two buildings and installed new AC units in classrooms and dorms; 3) re-roofed dorms, classrooms and administration building, and installed roof drains on two buildings; 4) refurbished restrooms in two buildings; 5) replaced walkway ramps, including lighting; and 6) replaced door alarms.
San Joaquin (#073-97)	\$2,000,000 (F)	Added 60 beds and eliminated 46 dilapidated beds for a net gain of 14 beds to the San Joaquin County Juvenile Hall.
San Joaquin (#014-99)	\$3,015,000 (F)	Constructed a juvenile intake center with 30 maximum-security beds and related support space.
Santa Barbara (#074-97)	\$1,000,000 (F)	Added a 30-bed maximum-security living unit for pre-adjudicated detainees to the Santa Maria Juvenile Hall.



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Santa Barbara (#013-99)	\$8,040,000 (F)	Added 90 beds to the Susan J Gionfriddo Juvenile Justice Facility.
Santa Clara (#075-97)	\$1,000,000 (F)	Added 30 "boot camp" beds to the Muriel Wright Residential Center, a local detention facility.
Shasta J1 (#124-98)	\$163,182 (S)	Renovated the Shasta County Juvenile Hall by replacing the following: 60 metal frame beds with concrete beds, 42 wooden doors with hollow metal doors, 8 windows, and 8 toilets and sink combination. Converted the existing space to an ADA compliant intake shower/restroom and performed other security improvements.
Siskiyou (#067-97)	\$185,809 (F)	Reconstructed an existing laundry/storage area to add two single-occupancy rooms and on shower in the main housing unit and constructed the laundry/storage in the adjacent area at the Siskiyou County Juvenile Hall.
Siskiyou (#125-98)	\$32,212 (S)	Replaced and upgraded the existing HVAC system, balanced airflows, and replaced outdated control systems.
Solano (#068-97)	\$2,000,000 (F)	Added 28 beds (single, wet rooms) and related support space to the juvenile hall.
Sonoma (#069-97)	\$88,947 (F)	Converted existing storage space to add 2 maximum-security single occupancy rooms to the Sonoma County Juvenile Hall.
Solano (#097-97)	\$898,000 (F)	Added a 58-bed dorm addition to the existing camp that replaced the current 37-bed dorm which has been converted into classroom space (net gain of 21 beds).
Solano (#126-98)	\$1,000,000 (S)	At the Fouts Springs Youth Facility, constructed a multi-function building that includes intake, visiting, holding rooms, medical examination, counseling, security center and facility administrative space.
Solano (#034-99)	\$8,923,623 (F) \$121,377 (S)	Constructed a new 90-bed juvenile detention center consisting of three 30-bed housing units. Each unit will contain 18 single-occupancy and 6 double-occupancy wet rooms and related support space. This facility will replace the current 40-year-old 60-bed juvenile hall (net gain of 30 beds).
Stanislaus (#007-99)	\$2,545,364 (F)	Added two 20-bed units to the existing juvenile hall.
Stanislaus (#070-97)	\$2,000,000 (F)	Added 30 maximum-security beds to the Stanislaus County Juvenile Hall.
Stanislaus (#127-98)	\$430,215 (S)	Replaced 20 door controls, 2 gate locks, CCTV system, and electronics panel.
Tehama (#107-98)	\$4,000,000 (F)	Constructed a new 60-bed juvenile hall and related support space. This will replace the 32-year-old, 20-bed juvenile hall (net gain of 40 beds).
Trinity (#018-98)	\$2,733,994 (F)	Added a new 24-bed juvenile hall and related support space that replaced a ten-bed special purpose juvenile hall (net gain of 14 beds).
Ventura (#109-98)	\$25,425,981 (F) \$15,074,019 (S)	Constructed a new 420-bed juvenile justice detention/camp facility and related support space (63% paid with federal grant funds and 37% paid with state grant funds). This facility will replaced the current dilapidated 84-bed, 60-year-old Ventura County Juvenile Hall, the 40-bed WERC Camp, the 24-bed CTC Camp, and the 45-bed Colston Camp (net gain of 227 beds).
Yolo (#056-00)	\$7,505,619 (F)	Constructed a new 90-bed juvenile hall consisting of three 30-bed housing units. Each unit I contains ten single-occupancy and ten double-occupancy wet rooms and all related support space. This facility replaces a dilapidated 30-bed, 25-year-old Yolo County Juvenile Hall (net gain of 60 beds).
Yuba (#077-97)	\$2,698,098 (F)	Constructed a new 48-bed, minimum-security "boot camp" operated by Yuba County under a joint powers agreement with Sutter County.
Yuba (#110-98)	\$603,000 (F)	Added 15 beds and related support space to the Yuba-Sutter Juvenile Hall.

<http://www.bdcorr.ca.gov/cppd/construction%20grant/projects/projects.htm>



Introduction

As previously referenced in this report, the County of Santa Barbara faces increasing difficulties with jail overcrowding which has resulted in numerous Court Orders and Grand Jury Reports aimed at finding mechanisms to reduce overcrowding through the use of alternative sentencing programs. In spite of reductions in reported crimes, the average daily population of jail facilities continues to rise largely due to a steady increase in County population, a national trend toward the strengthening of sentencing laws, and increased time to process criminal cases through the court system.

An October 2000 U.S. Department of Justice report, “A Second Look at Alleviating Jail Crowding – A Systems Perspective,” identified the types of changes that can be made to reduce jail overcrowding as either “process” or “program” changes. The County of Santa Barbara has largely focused on **program** changes in the areas of:

- Relaxing criteria for acceptance into work furlough, electronic monitoring and community work programs
- Changing Honor Farm criteria
- Citing and releasing most misdemeanors
- Creating a Jail Overcrowding Task Force to address the 1989 Court Order
- Expanding use of Own Recognizance (OR) releases

Unfortunately, as described in the Overcrowding Alternatives section of this report, those programmatic measures are reaching maximum capacity and any additional expansion runs a significant risk to public safety. In addition, most research into jail overcrowding or “bloating” (e.g. “a condition in which a jail population is unnecessarily enlarged due to causes other than crime and sentencing laws”¹) confirms that, though these programmatic changes have merit, they are merely stop gap measures or temporary “band-aids” for a larger issue. More specifically, these measures are valuable in that they help organizations “buy time” while addressing the larger issues such as systemic societal problems that lead to incarceration and/or streamlining the criminal justice system. However, they cannot be relied upon as long-term solutions.

As part of the overall analysis to plan for the construction of a new jail facility, the County reviewed both the existing alternatives to incarceration and explored with a team of experts, including the Sheriff, the Judge managing court orders related to overcrowding, the District Attorney, the Public Defender, and the Director of Alcohol, Drug and Mental Health Services, the potential for creating and implementing new programs or processes that may eliminate or delay the need for construction of a new jail. Systemic changes to the criminal justice system, particularly those related to arraignment, pretrial, trial, and sentencing are countywide changes that would need to occur and will take time to coordinate and implement. Although the County continues to explore these alternatives with the parties that comprise the criminal justice system, they should not be viewed as permanent, viable alternatives to a new jail facility.

¹ Jail Bloating: A Common But Unnecessary Cause of Jail Overcrowding, Allen R. Beck, PhD., 2001



Jail Alternatives

In exploring jail overcrowding options, a wide variety of research, reports, and white papers were found. A number of the alternatives described in this report are derived from that research. Overall, the research demonstrates, as previously discussed, that creative solutions to jail overcrowding or “jail bloating” rely upon successful partnering with the various parties comprising the criminal justice and/or court system. Therefore, the efficacy of most of the alternatives described in this section is not solely within the control of the County. Rather, success will rely upon establishing the necessary partnerships and securing the support and cooperation of various entities. Fortunately, a number of the alternatives addressed in this report have the input of a number of the key parties and have conceptual agreement as measures that should be pursued.

Finally, in reviewing the alternatives addressed in this section, it should be kept in mind that they require further exploration and analysis and should only be viewed as short-term aids rather than long-term solutions. They do not replace the ultimate need to expand jail facilities.

Potential Alternatives

A number of alternatives center around process improvements to the criminal justice system - improvements that can potentially result in reductions in the amount of time inmates are occupying County jail facilities. In order to successfully affect any of these alternatives, strong partnerships must be formed between the Courts, prosecuting and defense attorneys, the County, the Sheriff, and others. The literature notes that establishing these partnerships can be challenging, and require participation at the highest levels of each of the organizations, i.e., the Presiding Judge, the District Attorney, the Public Defender department head, attorneys from the private sector, the Sheriff, the County Executive Officer. Following are some examples of the types of system reviews that may have potential, and some, as noted, have been implemented by Santa Barbara County:

Establishing a Jail Overcrowding Task Force – this is an approach already employed by the County of Santa Barbara. In 1985, the “Jail Overcrowding Committee” comprised of representatives from the Courts, Public Defender’s Office, County Counsel, District Attorney’s Office, Sheriff, local police agencies, Mental Health, Probation, and the Court’s Own Recognizance Unit. This Committee developed many of the jail overcrowding interventions which later appeared in a Court Order issued by Superior Court in 1989. This committee was later renamed the Jail Overcrowding Task Force and remains an operating committee to date.

Piecemeal or Program Improvements – These types of changes are made by seeking solutions to specific problems, rather than the core of the problem. Many of the measures recommended by the Jail Overcrowding Task Force, ordered by the Courts, and independently undertaken by the Sheriff fall into this category (i.e., relaxing program criteria, implementing electronic monitoring, early release programs, cite and release of misdemeanants, etc.). Though these measures definitely provide some relief from the bigger problem, as evidenced by the current state of jail overcrowding in Santa Barbara, they do not offer a long term solution. Further, even if they were or could be expanded, they would not resolve the core problem.



Court Delay Reduction Program - A Court Delay Reduction Program may be realized with a firm commitment from the courts, prosecuting and defense attorneys, the Sheriff, and the County in general to work together to reduce delays in the court system. An effective partnership of this nature could potentially agree to process improvements and measurements that would set standards for criminal case processing (i.e., 90% of all felony cases are adjudicated within 120 days of arrest; 98% within 180 days; and 100% within a year). Through this partnership and a commitment to process criminal matters more expeditiously the amount of incarceration time spent waiting for case disposition could be reduced.

System Studies – Hiring a consultant to study the Court system specifically, or the entire criminal justice system is another suggestion for streamlining processes in order to reduce the amount of overcrowding in jails. The literature suggests there are distinct advantages to obtaining the services of a consultant to conduct a study of this nature. Another approach would be to contract with the National Institute of Corrections (NIC) to conduct a Local System Assessment (LSA). Monterey County has completed the process and Merced County is in the preliminary stages of contracting for an LSA. NIC performs the assessments at no cost to the counties. Favorable outcomes from approaches of this nature are reliant upon forming a study oversight group that includes the presiding judge, elected prosecutor, court administrator, the public defender, sheriff, jail administrator, probation, representative of the local bar, and potentially a County Board member. The strength of this approach is that it can lead to a strong coordinated infrastructure.

Reducing Jail Stay of Illegal Immigrants – In the course of conducting this planning study, a committee also looked at a measure to reduce jail overcrowding by reducing the number of days illegal aliens are housed by the County. Currently about 12% of the jail population are aliens who have committed a crime after entering the U.S. illegally. The County and the Sheriff may wish to explore a partnership with the Office of Detention and Removal, Immigration and Custom Enforcement Division (ICE). The parties may be able to develop a more timely transfer of aliens from the County to ICE. This would reduce the number of days that illegal aliens whose cases have been adjudicated by the Court or have been placed on “hold.” Another advantage to exploring this option may be addressing a cost shortfall that occurs when aliens remain in County custody past the date their cases are disposed. Currently it costs \$230 per day for the County to house these individuals, and the federal government reimburses at a rate of \$55 per day. The County could seek federal legislation to increase the per diem reimbursement rate.



Jail Alternatives

Renting Jail Space – In a Mercury News article from November 12, 2005, it was reported that Santa Clara County has been renting 300 cells to federal and state authorities and a handful of additional cells to neighboring counties. On the other hand, in a Santa Barbara News Press article on November 26, 2005, it was reported that State programs are bursting at the seams. Nevertheless, this is an option the County may wish to explore by surveying surrounding municipalities and State and federal law agencies to determine if there are jails that may not be operating at full capacity and would be willing to enter into a contractual agreement to rent space to the County of Santa Barbara. Again, this would be a short-term solution to the County’s overcrowding situation, and could not be relied upon in the long term. Additionally, recent contacts with San Luis Obispo, Ventura, and Kern counties revealed that they have no additional jail space available. Therefore, there may be few or no opportunities in this arena. Nonetheless, a more thorough survey of city jails and other surrounding counties could be conducted.

Psychiatric Health Facility (PHF) – Typically Alcohol, Drug and Mental Health Services (ADMHS) attempts to expand drug and mental health treatment within the jail environment. There may be a potential to divert mentally ill and drug dependent individuals into treatment programs before a crime is committed or after the incident. This would entail expanding the number of PHFs to provide services for those who need intensive treatment in an acute care hospital setting. The estimated yearly operating cost of a 16-bed facility is approximately \$4 million; building costs are not yet known. Although this is an option to be explored, it should be kept in mind that any potential to positively impact jail overcrowding is unknown.

City/County Consortium – The County could explore establishing a consortium with surrounding counties and cities to address the overall problem of overcrowding. Through this partnership, there would be a potential for sharing of resources, creating agreements for the use of vacant cells, implementing plans to maximize the use of available space, and address both systemic and procedural issues. Additionally, through the consortium, the County could explore the feasibility of sharing the cost of construction and operations of a new jail facility.

Convert to “Direct Filing” of Court Cases – Currently the County of Santa Barbara court system uses a traditional approach to the assignment of court cases. At each step of the process, individuals are assigned to a different courtroom and judge. During each phase of the process, therefore, a new judge needs to familiarize him/herself with the case. Several years ago, San Luis Obispo converted to a “direct filing” approach in which cases are assigned to a single department from arraignment to sentencing. This has significantly sped up the process. Since 70% of Santa Barbara County inmates are pre-trial, converting to this approach would expedite cases through the system and help to alleviate overcrowding. The Court system, Sheriff, and District Attorney are all supportive of exploring this alternative, which may alleviate the problem during the years it will take to construct a new jail facility.



Jail Alternatives

Interim Housing for Prisoners – Another alternative to consider is exploring the cost and overall feasibility of retrofitting and/or renovating existing facilities to furnish interim housing for prisoners. There are currently two known options: the old jail in the Courthouse, and a vacant wing of a Probation facility. Currently these holding facilities do not meet State standards; however, it would be worthwhile to determine whether they could be brought up to standard in a relatively short period of time, and the cost of the necessary renovations.

Summary

In addition to the alternatives explored above, there are many other mechanisms already implemented focused on reducing overcrowding. This section of the report sets forth additional potential alternatives for exploration. Implementing most if not all such alternatives will depend on establishing sound, solution-oriented, partnerships with other entities. Additionally, professional resources that specialize in this area may be required. Again, though these alternatives are worthy of exploration, they will likely only serve as stop gap, short-term measures, and will not ultimately eliminate the need for a new jail facility.

