

A NEW NORTH COUNTY JAIL?

A Need That Will Not Go Away!

For approximately a generation, the need for a new North County Jail has been recognized. At the least, there have been costs and dangers associated with the south-north transfer of inmates/detainees, as well as the inconvenience. In the fullness of time, many additional challenges, such as aging facilities and population growth, have amplified the need, and there is a compelling case for action. The demand for action falls squarely on the County Board of Supervisors. Barring new taxes or bonds to support the need, the Grand Jury recommends exploration of other, more creative methods for financing construction of a new North County Jail.

INTRODUCTION

The Law, Justice and Public Safety Committee of the Grand Jury interviewed numerous witnesses from both governmental and non-governmental organizations, read reports from various investigative groups, and found universal support for the need for a new jail. The committee heard from representatives of the District Attorney's Office, the Sheriff's Department, County Counsel's Office, and the Public Defender's office. In addition, visits and discussions were held with management and staff in detention facilities, with randomly selected inmates/detainees, with personnel formulating a North County Jail Project, with a member of the Criminal Defense Lawyers Association, with the American Civil Liberties Union, and with members of the Board of Supervisors. Also, members of the Law, Justice and Public Safety Committee read voluminous reports from investigative groups. It was clear from these inquiries that the most immediate, actionable need comes from overcrowding within the existing County Jail. But even assuming mitigation of that problem, there are other reasons to support construction of a new jail.

OBSERVATIONS AND ANALYSIS

Numerous studies have recommended building a new North County Jail, not just because of overcrowding but also because the existing County Jail is aged and county population continues to grow. There is a continual court order to eliminate Jail overcrowding; however, due to legal mitigation, the order has not been enforced.

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The consequences of overcrowding in the County Main Jail demand that the Board of Supervisors provide new detention facilities. The overcrowding has numerous, entangled causes and among them are the following:

- Aging facilities cannot be brought into compliance with new standards.
- Changing demographics and population growth, especially in the North County, have increased the need for space.
- Inadequate enforcement of Federal immigration laws has resulted in a jail population of which illegal immigrants represent an annual average of 10 to 20% of the total.
- There has been an increase in the number of laws enforced by state and local governments and also more effective and/or aggressive police and judicial enforcement of those laws.
- Dilatory (though legal) court procedures increase jail holding times.
- Inadequate intervention programs to head off potential offenders and rehabilitation programs for actual offenders are inadequate.
- The absence of needed infrastructure and personnel to manage the mentally ill in the county is increasing the burden on detention facilities.
- Inadequate modern technology to allow for a more effective early-release program, e.g. electronic monitoring with appropriate staffing.

This list is not exhaustive, nor is each item of equal weight, but it is enough to illustrate the complexity of the problem.

Is overcrowding in the existing County Main Jail a threat to the community and to jail staff and to those incarcerated? It possibly can be and representatives from (and for) each affected group have expressed concerns. For example, one concern in the community is that the forced early release of criminals from an overcrowded facility can put people back on the street who have a proclivity to commit more crimes, especially without adequate rehabilitation. Nevertheless, there are no actual data to support the assertion that those convicted of minor crimes that are released early are a threat to the community.

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The greatest obstacle to building a new jail may not be the construction cost (estimated near \$160 million) but rather it may be the annual operating cost (estimated near \$20 million). Essentially all practical alternatives have been considered, even tents, but fear of costly legal challenges has led authorities to abandon most alternatives, except for a few associated with construction methods and phasing of the project.

The County Board of Supervisors has responsibility for providing a new jail. However, in the absence of political will fortified by public demand, it is unlikely that the Board will act.

So, what to do? The two simplest options are familiar to the public: the Board of Supervisors must either show leadership by funding a new jail from existing revenues, requiring cuts in other programs, or it must support a new tax to pay for a new jail. Neither option seems likely to be realized in a timely manner. This conclusion might possibly be changed by a catastrophic event which galvanizes public support (such as, for example, the murder or rape of a prominent person by a criminal released prematurely due to overcrowding or, perhaps, legal action which leads to an enforced court order to provide a new jail). It is even possible that a major public relations campaign could convince the voters that a new tax should be levied to fund a new jail or that it should be given funding priority over other demands.

There are a number of alternative options which might be used to reduce the direct impact on the current County budget. Among them are the following:

- Possible state support in the form of joint funding,
- Direct financing through the use of Certificates of Participation (a type of bond which places liens on County assets),
- Investment from the County retirement fund,
- A joint public/private venture which includes private financing (and there are many options within this category).

The above list is not exhaustive, but it illustrates that additional options exist beyond cutting back on existing programs or raising taxes.

The conclusion is simple: a new jail will be built in Santa Barbara County if, and when, the Board of Supervisors decides to fund an actual construction project.

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FINDING

Year after year, compelling evidence supports the need for a new jail. Yet the County Board of Supervisors has failed to act by placing a line-item construction project in the budget, or by identifying a source of funds for a future construction project.

RECOMMENDATION

The County Board of Supervisors should develop and present to the public a specific plan for funding and constructing a new North County Jail.

REQUEST FOR RESPONSE

In accordance with Section 933(c) of the California Penal Code, each agency and government body affected by or named in this report is requested to respond in writing to the findings and recommendations in a timely manner. The following are the affected agencies for this report, with the mandated response period for each:

Board of Supervisors – 60 days

Finding

Recommendation

INFORMATION ONLY - NO RESPONSE REQUIRED

Santa Barbara County Sheriff's Department

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APPENDIX

The following selected references offer more detailed supporting information for many of the key points made in this report.

1. John Jayasinghe, et al, County of Santa Barbara, **New Jail Planning Study**, published by the County Executive Office (Dec. 13, 2005).
2. Bill Crout and Kevin Warwick, **National Institute of Corrections**, *The Justice System Assessment*, published by the County of Santa Barbara (April 2006).
3. Association of State Correctional Administrators, **Alternatives for Financing Prison Facilities**, Published by Brown & Wood, LLP (1999).
4. Corrections Standards Authority, **Corrections Standards Authority Biennial Inspection-Penal Code 6031**, published by State Department of Corrections and Rehabilitation (February 17, 2006).