

SANTA BARBARA COUNTY BOARD AGENDA LETTER



Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Agenda Number:

Prepared on: Thursday, July 14, 2005
Department: County Executive Office
Department Number: 012
Agenda Date: Tuesday, July 26, 2005
Placement: Administrative
Estimated Time: NA
Continued Item: NO
If Yes, date from:

TO: Board of Supervisors

FROM: Michael F. Brown, County Executive Officer

STAFF: John Jayasinghe, Administrative Analyst
(805) 568-2246

SUBJECT: Board of Supervisors' Response to the 2004-05 Grand Jury Report "No Vacancy"

Recommendation:

That the Board of Supervisors:

- A. Adopt the responses in Attachment (1) as the Board of Supervisors' responses to the 2004-05 Grand Jury Report "No Vacancy", and
- B. Authorize the Chair to execute the letter included in Attachment (1) forwarding the responses to the Presiding Judge.

Alignment with Board Strategic Plan:

The recommendations are primarily aligned with Goal #7: A County Government that is Accessible, Open, and Citizen-Friendly.

Executive Summary and Discussion:

The Grand Jury Report requires a response from two County departments, the Board of Supervisors and the Sheriff.

This report outlines the need for a North County Jail, due to overcrowding and the fact that the majority of jail population is from the North County. The report released on May 10, 2005, contains four findings and two recommendations. In accordance with Section 933(b), the governing body of the agency (Board of Supervisors) must respond within 90 days after issuance of the Grand Jury report.

Consequently, the Board of Supervisors responses must be finalized and transmitted to the Presiding Judge of the Courts no later than Friday, August 5, 2005. Consideration of the recommended Board response within the administrative agenda on July 26, 2005 will allow the Board additional time, if necessary, to discuss and adopt a response.

It is recommended that the Board agree with three of the four Findings and implement both Recommendations. Details are outlined in Attachment (1). The recommended board actions are aligned with the Sheriff Department's responses.

Mandates and Service Levels:

The Grand Jury Report was released on May 10, 2005. In accordance with California Penal Code Section 933(b), the governing body of the agency (Board of Supervisors) must respond within 90 days after issuance of the Grand Jury report. Consequently, the Board of Supervisors' responses must be finalized and transmitted to the Presiding Judge of the Courts no later than Friday, August 5, 2005. Section 933c requires that comments to Grand Jury Findings and Recommendations be made in writing.

Fiscal and Facilities Impacts:

The North County Jail estimated capital cost is \$84.3 million with estimating operating costs of \$14.5 million as published in the 2005-10 Capital Improvement Program. Part of the comprehensive project study will contain costing out a jail in phases thus these costs could be significantly reduced or phased in. In addition, the Board of Supervisors approved an initial expenditure for \$916,265 from Sheriff designated funds for continuing architectural services associated with program updating, master planning and schematic design on May 24, 2005. This expenditure is the first phase towards implementing the Grand Jury recommended actions of proceeding with planning for a North County Jail at the Laguna Sanitation District site and creating a comprehensive project in order to study and provide workable solutions to finance, cost, acquire, design, construct, and operate a North County Jail.

Special Instructions:

The response of the Board of Supervisors must be transmitted to the Presiding Judge of the Superior Court no later than Friday, August 5, 2005. The Clerk of the Board is requested to return the signed letter to Jennie Esquer, County Executive Office, for distribution to the Superior Court. The signed letter, written responses and a 3 1/2" computer disc with the response in a Microsoft Word file must be forwarded to the grand jury.

- Attachments:**
- (1) Letter to the Presiding Judge with Board of Supervisors Responses
 - (2) Sheriff Departments Responses
 - (3) Copy of 2004-05 Grand Jury Report on "No Vacancy"

CC: Jim Anderson, Sheriff
Charles Foley, Grand Jury Foreperson 2004-05

July 26, 2005

The Honorable Clifford R. Anderson, III
Santa Barbara County Superior Court
P.O. Box 21107
Santa Barbara, California 93121-1107

Santa Barbara County Grand Jury
Charles Foley, Foreperson
1100 Anacapa Street
Santa Barbara, CA 93101

Board of Supervisors' Response to the 2004-05 Grand Jury Report:
"No Vacancy"

Dear Judge Anderson:

During its regular meeting on Tuesday, July 26, 2005, the Board of Supervisors adopted the following responses as their responses to the 2004-05 Grand Jury's report "No Vacancy". The Board of Supervisors thanks the Grand Jury for its efforts on this important matter.

FINDING 1:

The Main Jail, located in the South County, is overcrowded.

Response: The Board adopted the Sheriff Department's response as its response, (agrees with the finding).

RECOMMENDATION 1:

The Board of Supervisors should continue in earnest to build the North County jail.

Response: The recommendation has been implemented, through direction from the Board on April 12, 2005 to the CEO and Sheriff Department to “proceed with planning for a North County Jail at the Laguna Sanitation District site”.

FINDING 2:

In 2004, 55% percent of the jail population was from the northern part of the county.

Response: The Board adopted the Sheriff Department’s response as its response, (agrees with the finding).

RECOMMENDATION 2:

The Board of Supervisors should present to the public several workable solutions to fund and operate a North County jail.

Response: The recommendation has not yet been implemented, but will be implemented in the future, prior to the County of Santa Barbara’s annual operating budget process for FY 2006-07 that begins in November 2005. The CEO has begun a comprehensive project in order to study and provide workable solutions to finance, cost, acquire, design, construct and operate a North County Jail. Departments included on this complex project are the Sheriff, County Counsel, Auditor, General Services, and Treasurer.

FINDING 3:

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.

Response: The Board disagrees with the finding, with respect to directing the CEO to allocate funds now for land acquisition and studies. However, the Board has directed staff to proceed with planning for a North County Jail and to provide workable solutions to fund and operate a North County Jail as outlined in Recommendations 1 and 2.

Sincerely,

Susan Rose
Chair, Board of Supervisors

cc: Charles Foley, Grand Jury Foreperson 2004-05
Jim Anderson, Sheriff

**SHERIFF'S DEPARTMENT RESPONSE
SANTA BARBARA COUNTY 2004-2005 GRAND JURY
NO VACANCY – THE NEED FOR A NORTH COUNTY JAIL**

FINDINGS AND RECOMMENDATIONS

FINDING 1

The Main Jail, located in the South County, is overcrowded.

Response to Finding 1

The Sheriff's Department agrees with this finding with respect to the Main Jail.

The Sheriff's Department has been under court order to reduce overcrowding in the Main Jail since August 2, 1988. The Sheriff's Department has attempted various remedies to alleviate overcrowding conditions at the Main Jail facility. While extensive, to date these remedies have had no significant impact on the overcrowding conditions mentioned in this report. In fact, we now must look to measures that are more stringent in an effort to reduce recent increases in the inmate population at the Main Jail.

FINDING 2

In 2004, 55% percent of the jail population was from the northern part of the county.

Response to Finding 2

The Sheriff's Department agrees with this finding. In 2004, the average daily population in the Main Jail and Honor Farm was 924 inmates, 502 of those housed in Santa Barbara were from the northern part of the county.

FINDING 3

An estimated 1,575 beds will be needed to house inmates in this county by the year 2020.

Response to Finding 3

The Sheriff's Department agrees with this finding. In 1999, Rosser Justice Systems conducted a needs assessment for the Sheriff's Department, the results of which project a need for 1,575 beds by the year 2020 throughout our custody system.

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.

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.

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