



**BOARD OF SUPERVISORS
AGENDA LETTER**

Agenda Number:

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

Department Names: County Executive Office
(CEO)
Department No: 012
For Agenda Of: November 9, 2021
Placement: Departmental
Estimated Tme: 45 minutes
Continued Item:
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Directors
Contact Info: Jeff Frapwell, Assistant County Executive Officer
Mona Miyasato, County Executive Officer
Janette Pell, General Services Director

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SUBJECT: Status Report on Criminal Justice Improvement Efforts and Main Jail Rehabilitation Project

Recommended Actions:

It is recommended that the Board of Supervisors:

- a) Receive and file status reports on criminal justice improvement efforts and the Main Jail Rehabilitation Project;
- b) Direct staff to pursue Option 2 for the Main Jail Rehabilitation Project;
- c) Provide other direction, as appropriate;
- d) Return with a status report in 60-90 days on the criminal justice improvement efforts; and
- e) Determine that the above actions are not a project under the California Environmental Quality Act (CEQA), because pursuant to sections 15378(b)(4) and 15378(b)(5) the recommended actions consist of organizational, administrative or fiscal activities of government that will not result in direct or indirect physical changes in the environment.

Summary Text:

This report provides information on two continuing efforts:

1. **Ongoing Criminal Justice System Improvements:** The Board of Supervisors has heard regular updates on efforts to improve the criminal justice system for the last two years. The most recent updates were held during the April 2021 Budget Workshops and July 13, 2021, at which the Board

requested that staff return with the specific efforts underway with timelines. These efforts have included work by all criminal justice partners—Probation, District Attorney, Public Defender, Sheriff, Courts, and Behavioral Wellness—and address improvements regarding data transparency, strategies to optimize due process, and strategies for continuous case planning to reduce recidivism, enhance whole person interventions, and ensure closure for victims and loved ones. Today’s presentation includes a project tracking timeline with target accomplishments identified through June 2022.

- 2. Main Jail Rehabilitation (Design Phase Only):** For several years, General Services has discussed the need to correct building deficiencies in the Main Jail, including fixing electrical, mechanical and American Disability Act (ADA) needs. The contract for design services will be presented to your Board in the coming weeks. Community members and some Supervisors have requested a discussion of this work and possible options before awarding the design contract.

Discussion

Ongoing Criminal Justice System Improvements Efforts

The criminal justice system is made up of law enforcement, judicial partners, and the corrections system. Each component has a unique function and goals. For the system as a whole to meet its major goals, the components must function together as a total system, rather than as a collection of independent agencies and departments. The initiatives identified represent opportunities to improve the experience of both those who work in the system and those who become part of the system—either through alleged criminal activity or as a victim of such activity—to work towards the shared goal of elevating safety, justice, wellness, and equity.

The attached tracking sheet lists 14 active criminal justice system improvement initiatives, including implementation status and expected completion date. Many of these have been discussed at prior Board presentations. The initiatives are grouped into three goal areas:

- **Transparency.** These initiatives help meet the goal of providing accessible data to the public and decisionmakers to promote evidence-based discussion and planning.
- **Equal justice.** These initiatives represent strategies to optimize due process, ensuring fair and just judicial proceedings.
- **Community solutions for public safety.** This category includes strategies for investment in continuous case planning to reduce recidivism, enhance whole person interventions, and ensure victim engagement.

Of the 13 initiatives in progress, three have made substantial progress and have been prioritized for implementation largely because they would result in immediate and long-lasting positive impact.

- **Data dashboard.** This initiative reflects the Board’s priority of promoting evidence-based practices in the criminal justice system. An interim data dashboard that updates every 30 days has been created and includes data from Probation and Sheriff. Data from Public Defender and District Attorney are being evaluated, and Probation is working with Courts on possibly integrating their data as well. This interim dashboard looking at system wide components is expected to be complete by February 2022. An interactive “real-time” dashboard is a longer-term goal and, once the interim dashboard is complete, will move forward with likely use of consultant resources, with anticipated completion goal of August 2022. The Sheriff implemented an online dashboard of jail data on his website using the same format as Probation.

- **Discovery.** This work seeks to identify technology solutions to enhance the efficiency of the discovery sharing process, from law enforcement to prosecutor to defense; identify potential need for additional staff in law enforcement, prosecution, or defense; and document the current process, ideal process, and create procedures to support the ideal process. In September 2021, an InnovateSBC collaborative process mapping and solution identification began, which includes 10 formal sessions with an InnovateSBC facilitator, as well as approximately 8 additional ad hoc meetings of smaller workgroups. This process will conclude in November, and is being followed by demos and conversations with potential discovery technology vendors. Recommendations regarding technology investments will be brought to the Board in 2022, with any staffing recommendations brought during the FY 2022-23 budget process in April 2022.
- **Resolve aged cases.** This is a collaboration between Public Defender, District Attorney, and Courts to resolve serious crime cases over 365 days old in order to promote closure for victims and defendants, as well as reduce the pre-trial jail population. A total of 121 cases have been identified, and the first 20 cases (10 from North County and 10 from South County) will be ready for court review by November 2021, and will have had an opportunity for court intervention (set for trial or settled) by December 2021. These cases will be considered in 20-case batches in a 60-day rotating cycle.

Though these three initiatives are prioritized for implementation, work continues on many others, and will conclude by the end of the fiscal year, on June 30, 2022. The next Board update will include the status of these 14 initiatives, as well as any additional strategies that may be taken into consideration.

Main Jail Discussion

Jail inmate population and number of beds: The County jail population is currently 644 (as of October 28, 2021). The rated bed capacity at the Main Jail in Santa Barbara is 852. Since the onset of the pandemic, the jail census has fluctuated but overall has declined since March 2020 due in part to pandemic-related response measures implemented by the courts, law enforcement and others. COVID-19 is still an issue of concern in the Main Jail, and mitigating measure are still in place. The Northern Branch Jail, which has 346 beds, is scheduled to be fully open and operating by late December 2021 or early January 2022 and will help provide a more modern facility for many inmates now in custody.

Whether the jail population will, or should, continue at this lower census in the near term or longer term future is unknown and subject to debate. In June 2021, the Sheriff presented a staffing plan at varying jail inmate population levels, identifying areas of the jail that would not be staffed if inmate populations declined. The Sheriff has objected to permanently reducing the overall number of beds in the jail, concerned that future increases in jail population could lead to overcrowding again if rated beds are eliminated.

To help understand the trends given the changing landscape and identify what interventions could impact these trends, the County Executive Office has contracted with a criminal justice consultant to evaluate projections. The Sheriff will be involved and consulted in this, which is scheduled to be completed in spring.

Rated Bed Requirement: The Board in June also directed staff to work with the State agencies to remove any requirements on the number of jail beds in the County system to allow greater flexibility. Certain documents with the State cite a number of 1,034 rated beds. Staff has begun the process of seeking amendments to these documents, working with the necessary State agencies

Main Jail Rehabilitation Project: The Main Jail complex consists of buildings constructed from the 1960s through early 1990s. Based on the high annual emergency repairs, deferred capital, and the class

action lawsuit by Disability Rights California (DRC), a study was conducted and the recommended work to the facility are primarily Deferred Capital and ADA compliance based. Much of the typical year-over-year capital projects or larger scale maintenance within the complex, such as HVAC systems, structural upgrades, interior efficiency re-configuration elements, security electronics and other building systems have been placed on hold until the larger project can be designed and implemented as part of the rehabilitation project. **The scope of work for the rehabilitation project is critical to the long-term viability of the facility and not driven by specific jail population and/or the DRC settlement requirements.** We are cognizant, however, that overall improvements related to the class action litigation will also address some of the underlying ADA issues and improve the conditions of areas within the facility.

The estimated cost of the proposed project, delineated by component (deferred capital requirements, litigation related improvements and project design and management cost) is summarized in the table below.

Summary Costs

Scope of Work	Estimate
ADA improvements, Code Compliance	\$5,498,288
Fire, Life, Safety (Egress & path of travel)	\$3,376,036
Deferred Capital (Roof replacements, HVAC, plumbing, electrical, security electronics, structural)	\$5,192,224
Deferred Capital Related Work	\$14,066,548
Programming Space/Medical & Mental Health area and cell improvements	\$6,160,820
Design and Project Management Costs	\$3,945,000
Grand Total	\$24,172,368

Concerns about the Main Jail Rehabilitation Project

Several concerns have been expressed about the Main Jail Rehabilitation project.

- 1) The project should not rehabilitate areas of the jail that will not be needed if the jail census remains at the current level or is projected to be lower.
- 2) Project planning should include renovating, rebuilding or building new areas of the jail to allow more modern, direct supervision models similar to the Northern Branch Jail.
- 3) Project planning should include developing better areas to allow greater out of cell time for inmates or attributes to ensure appropriate conditions for inmates.
- 4) The County should be thinking long-term and conceptualizing a more ideal facility or campus that better supports rehabilitation of inmates.

In response to the concerns identified above, staff has developed four options for your consideration:

Option 1: Proceed with planned rehabilitation project – Estimated Project Cost \$24.2 million

Initiate the design effort necessary to address the replacement of critical building components (e.g. roof, heating/cooling/ventilation systems, and security electronics), improvements related to the federal American's with Disability Act, and modifications required to satisfy the court approved settlement of the class action lawsuit brought against the County by Disability Rights California. Through the design effort, staff will ensure that improvements are not made within portions of the existing jail that are no longer needed as a result of long-term declining jail population and the successful implementation of jail diversion efforts. The final plan would return to the Board prior to the approval of a construction contract for further discussion and direction.

Time Required: 3.5 to 4 years

Project Funding: This project of approximately \$24.2 million is on an approved list of capital projects to be funded by a planned Certificate of Participation (COP) debt issuance. Debt for this project is paid for by ongoing General Fund. Staff is scheduled to provide an update on those nine capital projects to be funded by the COP in the coming weeks.

Option 2: Proceed with planned rehabilitation project and assess the longer-term inmate housing and program space needs on the South County Main Jail campus – Estimated Initial Cost \$24.9 million

Similar to project description under Option 1 above, including addressing the current critical building components, ADA and modifications to satisfy the settlement, **plus** initiate a broader assessment to understand the longer term need for replacement housing unit(s) within the Main Jail campus and better operational space for the inmates and staff (such as a direct supervision housing model). Should the Board select this option, the assessment would take into consideration the results of the jail population projection study currently beginning as well as input from both internal and community criminal justice system stakeholders. Once the assessment is completed, the Board can decide how to best proceed.

Time Required: 3.5 to 4 years

Project Funding: Same as Option 1. The additional costs to fund an assessment could be included in the upcoming capital improvement program budget or other revenue sources.

Option 3: Proceed with reduced level of deferred capital and ADA requirements at the Main Jail and construct Sheriff's Treatment and Re-Entry (STAR) facility at the NBJ - Estimated Cost: Main Jail \$16.8 million; NBJ STAR Facility \$50.3 million; Total Estimated Project Cost \$67.1 million plus ongoing staffing and operational costs

In conjunction with the Sheriff's Department, identify portions of the Main Jail to permanently close and replace some or all of the reduced rated bed capacity by constructing a new facility at the Northern Branch Jail. Under this option, the design firm would scale back the deferred capital and ADA portions of the currently planned project to only invest in those portions of the Main Jail that will not be permanently closed. This option would be implemented in two phases; the scaled back rehabilitation project at the Main Jail, and the construction of the previously considered STAR facility at the NBJ. The second phase will require the completion of a needs assessment and inmate population forecast, and updating/finalizing the previous project design developed as part of County's grant application for State funding in 2015.

This option would change the County's current approach and timeline. Amending the existing State AB 900 funding agreements will also likely be needed as this option potentially alters the total number of rated beds.

Further, should the Board select this option, staff would need to work with the Sheriff's Department to estimate the net additional General Fund resources needed to address the annual staffing and operational costs associated with the STAR facility.

Time Required: 2.5 to 3 years for rehabilitation of Main Jail; 4 to 6 years for construction of new facility at Northern Branch Jail

Project Funding: At a cost of \$67.1 million project cost, no funding has been identified for this larger project, which is estimated at approximately \$42.9 million more than the original project concept. The current COP debt that is planned could not accommodate this project unless the Board decide to forgo funding other projects.

Option 4: Proceed with reduced level of deferred capital and ADA requirements at the Main Jail, demolish portions of the existing Main Jail, and construct new inmate housing unit at Main Jail— Estimated Cost: Main Jail Phase 1 - \$16.8 million; Main Jail New Facility Phase 2 - \$40.1 to \$43.5 million; Total Estimated Cost \$56.9 to \$60.3 million

Similar to Option 3, the architectural firm would scale back the deferred capital and ADA portions of the currently planned project to only invest in those portions of the Main Jail that will not be permanently closed. This option would also be implemented in two phases; the scaled back rehabilitation project at the Main Jail, and the separate design and construction a replacement new facility. In conjunction with the Sheriff's Department, the second phase will require the completion of a needs assessment, the inmate population forecast, and the engagement a separate architectural firm to design the replacement facility.

This option would change the County's approach and timeline.

As with Option 3 above, should the Board select this option, staff would need to work with the Sheriff's Department to estimate the net additional General Fund resources needed to address the annual staffing and operational costs associated with the new facility.

Time Required: 2.5 to 3 years for rehabilitation of Main Jail; 4 to 6 years for construction of new beds at Main Jail

Project Funding: At a cost of up to \$60.3 million, no funding has been identified for this larger project, which is estimated at approximately \$36.1 million more than the original project concept. The COP debt that is planned could not accommodate this project unless the Board decided to forgo funding other projects.

Summary of Options to Address Main Jail Deferred Capital Needs

Option	Rehabilitation of Main Jail	New Construction at Main Jail	New Construction at NBJ	Est. Cost
Option 1	Deferred Capital/ADA, Program Space, and Medical and Mental Health Area and Cell Improvements	None	None	\$24.2 million
Option 2	Deferred Capital/ADA, Program Space, and Medical and Mental Health Area and Cell Improvements	(1) Study need for replacement housing and better operations (2) Future space TBD	None	\$24.9 million, plus cost of future space TBD
Option 3	Reduced Deferred Capital/ADA	None	Construct STAR facility	\$67.1 million, plus ongoing General Fund operational costs
Option 4	Reduced Deferred Capital/ADA and new construction	(1) Demolish portions (2) Construct new housing unit	None	\$56.9 to \$60.3 million, plus ongoing General Fund operational costs

Recommendation:

Proceed with Option 2.

- This is the least expensive alternative to address the immediate deferred capital, ADA deficiencies and current DRC settlement requirements.
- The amount of time required to accomplish this option is considerably shorter than Options 3 or 4.
- Provides adequate time to thoroughly develop needs assessment, forecast future required rated capacity in a post-pandemic environment and to evaluate the need for additional program, diversion, and/or inmate housing capacity.

Attachment:

Attachment A: Criminal Justice Initiative Tracking Sheet

Authored by:

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cc: Criminal Justice Department Directors