

## 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



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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.



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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.



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## 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.

