



## Legislation Details (With Text)

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**On agenda:** 9/19/2017      **Final action:** 9/19/2017

**Title:** Sheriff's Office, Health and Human Services Agency, and Public Defender, recommending the Board:  
 1) Accept the conditional award authorized under Senate Bill 844 Adult Local Criminal Justice Facilities Construction financing program for the Placerville Rehabilitation and Re-Entry Jail Expansion Project, and  
 2) Authorize CAO to sign all related documents, agreements, requests for reimbursements all other associated documents pertaining to the program. (Est. Time: 45 Min.)

**FUNDING:** Custody Services Special Revenue Fund, SB 844 Funding and General Fund.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Presentation - Senate Bill 844 Adult Local Criminal Justice Facility BOS Sept 19 17, 2. 6A - Sheriff Vanir BT 06-27-17, 3. Executed Budget Transfer, 4. 5A - Resolution Blue Route 2-14-17, 5. 5B - Application Resolution 2-14-17, 6. 5C - Proposal Form 2-14-17, 7. 5D - Proposal Instructions 2-14-17, 8. 5E - Sections 1-5 2-14-17, 9. 5F - A0.0 Existing Jail Site Plan 2-14-17, 10. 5G - A0.3 EDCJ Floor Plan Studies 2-14-17, 11. 5H - A0.4 EDCJ Conceptual Site Plan 2-14-17, 12. 5I - A0.51 EDCJ Jail Building Massing 2-14-17, 13. Executed Resolution 033-2017 2-14-17, 14. 4A - CEQA Blue Route 2-8-17, 15. 4B - CEQA Revised Resolution 2-8-17, 16. 4C - Senate Bill 844 Adult Local Criminal Justice Facility BOS CEQA 2-8-17, 17. Executed Resolution 024-2017 2-8-17, 18. Resolution 024-2017, 19. 3A - Staff Report 1-24-17, 20. 3A - Revised Staff Report 01-24-17, 21. 3B - CEQA Resolution 1-24-17, 22. 3C - CEQA Resolution Exhibit A 1-24-17, 23. 3D - CEQA Resolution Exhibit B 1-24-17, 24. A - Vanir Jail Assessment Blue Route 6-7-16, 25. B - Vanir Jail Assessment Contract 6-7-16, 26. Executed Agreement 455-S1611 (6-7-16)

Date	Ver.	Action By	Action	Result
9/19/2017	7	Board of Supervisors	Approved	Pass
6/27/2017	6	Board of Supervisors	Approved	Pass
2/14/2017	6	Board of Supervisors	Approved	Pass
2/8/2017	4	Board of Supervisors	Approved	Pass
1/24/2017	3	Board of Supervisors	Continued	Pass
12/6/2016	2	Board of Supervisors	Approved	Pass
6/7/2016	1	Board of Supervisors	Approved	Pass

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## DEPARTMENT RECOMMENDATION

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### Discussion

#### Need for the Expansion Project

Acceptance of this award would provide the County with \$25,000,000 in funding with a minimal matching requirement. This will allow for a much needed expansion, of the jail, enhancing jail services to better comply with regulations, and will help to minimize risk Of exposure to liability. The Placerville Jail faces several challenges:

- 1) American Disabilities Act (ADA) Deficiencies- The existing Placerville Jail has ADA deficiencies that will likely necessitate a significant capital investment in the near term. Rather than committing scarce capital resources to renovate the County's existing jail it is the intent to design and construct the expansion in a way that addresses many of the ADA issues.
- 2) Increased Female Population - The jail expansion would allow a more comprehensive use of the female housing space and reduce costs from transporting females between facilities to avoid capacity releases. The increase of females in custody trend is expected to continue.
  - a) From 2007-2016 there was a 31.3% increase in the female average daily population (ADP).
  - b) 20% of the females are AB 109 inmates, serving longer sentences.
  - c) With this increased population, there has been an increase of incarcerated inmates carrying pregnancies to term.
  - d) Due to the limited classroom/programming space, the females' access to programming is not optimal.
- 3) Need for Medical and Mental Health Beds - The project will increase Medical and Mental Health beds from 8 to 14, which will:
  - a) Reduce isolation of mentally ill;
  - b) Improve inmate safety;
  - c) Reduce suicide hazards;
  - d) Improved access to recreation for medical and mentally ill inmates;
  - e) Improved access to programming for medical and mentally ill inmates.

The need to appropriately address these challenges in order to ensure to safeguard the constitutional rights of inmates and avoid potential liability has been demonstrated in lawsuits across the state in recent years. These lawsuits have typically resulted in settlements where the counties agreed to invest substantial sums in improving jail conditions. In nearly all of the recent litigation, the sufficiency of the medical and mental health care provided to inmates has been a key issue. Other recurrent issues have been accommodations to disabled inmates, facility compliance with the ADA, dental care, and inadequate correctional staffing. County Counsel has provided several examples of such

lawsuits and their outcomes:

- Fresno: The County of Fresno's jail system was sued by the Prison Law Office and Disability Rights California for allegedly providing inadequate medical, mental health, and dental care as well as for ADA violations and inadequate response to inmate-on-inmate violence. The parties agreed to a consent decree in 2015 requiring substantial renovations to jail facilities, increased medical staffing, the hiring of 127 additional correctional officers, and the payment of \$900,000 in attorneys' fees plus \$40,000 in additional attorneys' fees every year for plaintiffs' counsel to monitor compliance with the consent decree.
- Riverside: The Prison Law Office sued the County of Riverside alleging inadequate medical and mental health care within the Riverside County jail system. In 2016, the parties stipulated to a consent decree increasing medical and mental health staffing, providing ongoing specialty care to inmates with chronic conditions, increasing available mental health treatment options for inmates, and other forms of increased access to medical and mental health care. Riverside County also agreed to pay \$1.25 million dollars in attorneys' fees to the Prison Law Office, as well as \$150,000 per calendar year in attorneys' fees for compliance monitoring.
- Monterey: The ACLU and other groups sued the County of Monterey alleging numerous deficiencies at the jails stemming from overcrowding. These included excessive inmate violence, inadequate medical and mental health care, inmate suicides, and failure to provide reasonable accommodations to inmates with disabilities. The parties settled in 2015, with the County agreeing to make significant improvements to the jail facilities to increase access for disabled inmates and improve safety for the general population. The County also agreed to increase staffing and establish procedures to improve continuity of care for inmates. Finally, the County agreed to pay \$4.8 million in attorneys' fees as well as up to \$250,000 per year in additional attorneys' fees for compliance monitoring.

It is clear that the Jail's deficiencies must be addressed, if the County wishes to avoid exposure to risk litigation such as that outlined above, which could result in millions of dollars in costs for attorney fees, monitoring, and mandated corrective actions. Acceptance of the grant funding and initiation of the expansion project will allow the County to demonstrate its commitment to excellent services within the jail, and will enhance collaboration with stakeholders.

### **Stakeholder Efficiencies Gained from the Jail Expansion**

#### **a) HHSA**

- Office space for access to conduct confidential psychiatric and psychologist evaluations for assessments
- Space for Restoration of Competency facilitation. Currently this is conducted in a holding cell.
- Improved security for staff and clients
- Reductions in time wasted waiting for a visiting booth for:
  - CPS family bonding and interviews
  - Enhanced CPS child visitation program
  - Re-entry connection with families

- Public Guardian conservatorship interviews
- Eligibility Worker inmate interviews
- Ability for EDSO Crisis Intervention Team, Homeless Outreach Team, and California Forensic Medical Group to partner with, and collaborate with HSA and Probation regarding medical/mental health services, homelessness, and re-entry services.

b) Public Defender's Office

Currently the three attorney visiting booths are used by the Public Defender's Office, clergy, private counsel, CPS, and other services. The expansion will provide visiting space for confidentiality and a room to communicate and review documentation.

An estimated ten Public Defender lawyer hours are wasted weekly in the jail lobby waiting for a visiting booth; sometimes ending without being able to see their client. This leads to:

- Delays in court proceedings
- Increased EDSO Court transportation trips to and from Court to allow inmates access to counsel

c) Courts

- More Attorney visiting booths and designated space for video arraignments will increase court security and efficiencies.

d) Probation

Office space and storage for:

- Pretrial Officer for face to face Assessment and Supervision
- Alternative Sentencing Officer (Electronic Monitoring) and,
- Probation staff within the jail to work on transitional plans, assessments, and case planning with inmates in conjunction with the Inmate Services Officer prior to an inmate's release.

e) Volunteer Drug/ Alcohol, Clergy, Veteran's services, and Re-Entry services;

- Less competition for classroom space
- Services to more inmates

Advocacy Groups have indicated their desire to work with the Sheriffs to improve conditions in the jail and have stated that litigation is the least preferable option; however, their success in litigation has traditionally been their most effective tool in motivating counties and the state to work with them.

## **Request for Proposal Background and Proposal Rankings**

On June 27, 2016, Senate Bill (SB) 844 became law, authorizing up to \$270 million for construction and/or renovation of criminal justice facilities. The "Local Jail Construction Financing Program" was for the purpose of expanding program and treatment space; thereby promoting public safety. This financing is to enhance program space and meet the demands of changing landscape in California in regards to corrections and rehabilitation where emphasis is being placed on Health and Welfare services for inmates and their families with the ultimate goal of reducing recidivism.

El Dorado County submitted an application, with a plan, that would address our current issues which include:

- AB 109 inmates and Longer Sentences
- Americans with Disabilities Act (ADA) Compliance
- Housing for Increased Female Population
- Managing Inmate Classification Housing Options
- Medical and Mental Health Treatment space
- Professional Visits
- Programming Space
- Recreation Yards

Fifteen small counties were eligible for this financing, eight applied, and on June 8, 2017 the Board of State and Community Corrections (BSCC) Executive Steering Committee rated El Dorado County number two (scoring 111.1 out of 132 points) to receive one of the six awards, for the full amount of \$25 million.

RANKED PROPOSAL RANKINGS							
#	APPLICANT	COUNTY SIZE	RATING SCORE	TOTAL SCORE	RANK	REQUESTED	IF FUNDED
1	Contra Costa County	Large	120.9	120.9	1	\$70,000,000	\$70,000,000
2	San Joaquin County	Large	114.2	114.2	2	\$7,672,000	\$0
3	San Francisco County	Large	107.1	107.1	3	\$70,000,000	-\$7,672,000
4	Placer County	Medium	107.7	107.7	1	\$30,000,000	\$30,000,000
6	Plumas County	Small	112.2	112.2	1	\$25,000,000	\$25,000,000
7	El Dorado County	Small	111.1	111.1	2	\$25,000,000	\$25,000,000
5	Mendocino County	Small	110.6	110.6	3	\$25,000,000	\$25,000,000
8	Lassen County	Small	104.4	104.4	4	\$25,000,000	\$25,000,000
9	Mono County	Small	101.2	101.2	5	\$25,000,000	\$25,000,000
10	Modoc County	Small	99.2	99.2	6	\$24,516,000	\$24,516,000
11	Mariposa County	Small	91.9	91.9	7	\$13,647,883	\$484,000
12	Del Norte County	Small	74.4	74.4	8	\$24,849,000	-\$13,163,883

**State Funding of Awards:**

The Awards are funded through lease revenue bonds.

The conditions of the award are predicated on the requirements the county projects are approved by the BSCC, Department of Finance (DOF), and the State Public Works Board (SPWB).

The SPWB will hold the property. The SPWB will lease the Adult Local Criminal Justice Facility (ALCJF) to the BSCC, who will sub-lease it to the county for its use and operation in the care, custody, and rehabilitation of local adult offenders. Once paid in full, the participating county will own the ALCJF (approximately 25-35 years). Participating counties are NOT responsible to the State for debt service or rent payments in connection with the lease revenue bonds.

**Funding Delivery Method**

Payment will be made to El Dorado County in arrears (reimbursement) based on invoices (which may include progress reports) submitted to the BSCC on a monthly basis. El Dorado County will pay the design-build contractor first and then submit reimbursement requests to the BSCC. Invoices are processed by the BSCC upon receipt, and then forwarded to the appropriate state agencies for

payment. The typical turn-around time for reimbursement to counties, from the \$25 million award, after submittal of an invoice is approximately 30-60 days. El Dorado County will be responsible for funding upfront costs, estimated at approximately \$400,000, for bridging documents and Project Management Costs; before the Construction phase begins.

### Matching Funds

Because El Dorado County's population is under 200,000 we petitioned the Board of State and Community Corrections (BSCC) for a reduction in our county contribution. The BSCC Board approved the county's contribution reduction request.

As outlined in our SB844 RFP Budget Summary, El Dorado County's matching contribution will equate to 4.71% (\$1,236,119) instead of 10%.

The matching costs will be covered through In-kind contributions (\$912,335), through the General Fund (\$180,284) and from Custody Services Special Revenue Funds (\$143,500)

Non reimbursable In-Kind Contribution matches include: Land value established by the County at (\$120,335), County Administration staff salaries & benefits directly associated with Project Administration (\$250,000) and Transition Planning (\$542,000).

EDC has already met (\$143,500) of our non-reimbursable cash match from having paid for services for a Needs Assessment Study and professional services as part of completing CEQA requirements with EDSO's Custody Services Special Revenue Fund.

The additional cash contributions El Dorado County will be responsible for are the State Agency Fees of (\$150,284) and a Compliance Audit of (\$30,000).

Required Matching Funds:	\$1,236,119
In Kind Contributions:	- \$ 912,335
General Fund Contribution:	- \$ 180,284
Jail Special Revenue Fund:	- \$ 143,500
Total:	\$ 0

### Operational Costs

#### Utilities

The project will be a highly functional, ADA accessible, energy efficient, and an environmentally resource conscious correctional and reentry facility. CAO Facilities Staff are projecting the utilities cost for the expansion to be a 20% total increase for the site of \$104,202. This is based on square footage of the expansion in relation to the current facility. The table below shows a breakdown of the last 3 fiscal years total utility costs.

Fiscal Year	PG&E	Hunt & Sons	City of Placerville	EID	Total Utilities
FY 13/14	\$239,320	\$82,219	\$157,764	\$24,851	\$504,154
FY 14/15	\$248,100	\$67,815	\$175,447	\$26,789	\$518,151
FY15/16	\$274,472	\$58,912	\$180,018	\$27,330	\$540,732
3 Year Average of Total Utility Cost: \$521,012					
Projected Yearly Cost– 20% of Utilities for Expansion: \$104,202					

Maintenance

Yearly maintenance of the new facility is estimated in 2017 dollars at \$80,000

**Staffing Needs and costs:**

The terms of the grant require the facility to be staffed within 90 days of completion. The Sheriff's Office prepared an estimate of staffing needs for the new facility using the National Institute of Corrections Standards and Title 15. The resulting analysis shows that the Sheriff's Office will need a net increase of 8 positions:

- 4 Housing Control Officers will operate the control tower 24/7
- 3 Medical/Health Services Officers
- 1 Sergeant

The following table shows the year one salaries and benefits cost for additional staffing which will be **\$966,831**.

These costs are based on the current year salaries and benefits estimates.

El Dorado County Recovery, Rehabilitation, and Reentry Facility (RRF) Staffing Allocation and Annual Personnel Costs		
Position	#New Staff Required	Year One Personnel Costs
Housing Control Officer	4	\$474,788
Health Area Control	3	\$356,091
Sergeant	1	\$135,952
<b>Total New Staff Positions/Costs</b>	<b>8</b>	<b>\$966,831</b>

Total Yearly Operational Cost in 2017 Dollars

Staffing: \$966,831  
 Utilities: \$104,202  
 Maintenance: \$ 80,000  
 Total **\$1,151,033**

**ALTERNATIVES**

Failure to execute the jail expansion project could leave the County vulnerable to litigation related

constitutional violations, ADA compliance, and Title 15 Regulations. The issues identified must be addressed, whether through the SB844 award or other means.

**OTHER DEPARTMENT / AGENCY INVOLVEMENT**

CAO, HHS, Public Defender and Probation

**CAO RECOMMENDATION**

Approve as recommended.

**FINANCIAL IMPACT**

The expenses directly associated with this action will be paid for from SB844 and,

The long-term operational impacts and additional staffing costs are estimated at \$1,151,033. This funding would have to be identified in future year budgets.

**CLERK OF THE BOARD FOLLOW UP ACTIONS**

N/A

**STRATEGIC PLAN COMPONENT**

Public Safety

**CONTACT**

Randy Peshon