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DEVON BELL
UNDERSHERIFF

To: The Honorable Board of Supervisors
From: Edward N. Bonner, Sheriff-Coroner-Marshall, in Cooperation with the County Executive Office
Captain Wayne Woo, Jail Commander
Bekki Riggan, Principal Management Analyst
Date: May 7, 2013
Subject: South Placer Adult Correctional Facility – Phase I Transition and Funding Plan

Action Requested

Your Board is requested to:

1. Receive a briefing from the Sheriff's Office on the South Placer Adult Correctional Facility (SPACF) Phase I Transition Plan;
2. Receive a briefing from the County Executive Office on the funding plan for the Phase I Transition Plan; and,
3. Provide direction to staff relative to funding the Phase I Transition Plan in the FY 2013-14 Proposed Budget.

Background

In the late 1990s, the County completed a Criminal Justice System Master Plan that called for a South Placer Justice Center to include courts, a correctional facility and office space for the District Attorney and the Probation Department. In 2006-07, the Auburn jail was experiencing demand beyond its capacity, requiring the use of early release mechanisms for approximately 17 percent of all arrestees booked into the jail under the County's Federal consent decree. The County's 2008 needs assessment called for additional jail beds and recommended construction of the SPACF. This project was supported by the Criminal Justice Policy Committee and approved by your Board on June 23, 2009.

In October of 2011, the State implemented AB109, Public Safety Realignment, which shifted responsibility for lower level convicted felons from the state to the counties. AB109 has impacted the entire criminal justice system - particularly the average daily population at the jail - creating safety challenges for staff and inmates. The California Department of Corrections and Rehabilitation (CDCR) estimated that Placer County would experience an increased average daily population of 276 at full implementation of AB109 in 2015. In addition, an updated needs assessment conducted by the Sheriff's Department in 2012 identified jail impact due to AB109 and projected the need for up to 1025 jail beds, *an increase of 379 over current capacity of 646*, by 2018. Currently, approximately 50% of our sentenced inmate population is attributable to AB109. To date, the longest court-ordered sentence to be served locally is 8 years and 4 months, well beyond the one-year sentences originally envisioned for county jails.

Along with 16 other California counties, the Auburn jail operates under a federal consent decree that requires the Sheriff's Office to release inmates in lieu of exceeding the jail's rated capacity. The 1990 Court order states that we must release inmates when we reach the jail's rated capacity of 646 and that we may release inmates at 90% percent of capacity, or at 581. Operating at 90% of capacity provides the flexibility needed for classifying and housing inmates to safely manage the inmate population. This flexibility becomes more imperative with the increased level of criminal sophistication and gang-related issues associated with the AB109 population, many of whom have previously served lengthy prison terms.

As the two-year mark for implementing AB109 approaches, Placer's jail population is reaching levels similar to those experienced in 2007-08 when releases under federal consent decree equated to 94 years of unserved time. The average daily population (ADP) has steadily climbed from 528 in 2011, to 598 in 2012 and 626 for the first quarter of 2013.

Maintaining the court-ordered jail population cap is accomplished through releasing pre-trial inmates on a promise to appear (PTA) or releasing sentenced inmates prior to the completion of their court ordered sanction with credit for time served (CTS). PTA and CTS use has increased steadily since the implementation of AB109. When comparing the first quarter of 2012 with the first quarter of 2013, PTAs increased from 44 to 462, an increase of 950%. During this same period of time, CTS releases increased from 38 to 96, an increase of 152% resulting in 252 days of unserved inmate sentences. During the month of April 2013, early releases resulted in 2.5 years of sentenced time that went unserved.

These early federal capacity releases not only impact public safety, the courts and our public safety partners, they also hinder the County's ability to implement AB109 effectively and as the legislation intended. Absent the ability to ensure that court-ordered jail sentences are served, the criminal justice system begins to lose credibility and falls out of balance. Overall effectiveness is compromised as offenders quickly learn of the likelihood of an early jail release with credit for time served and that the system lacks the ability to apply sanctions should they fail their program or violate the terms of their probation. In addition, the near certainty of an early release reduces offender motivation for evidence-based programs that can reduce rates of recidivism.

By opening the SPACF minimum security facility (120 beds) and Housing Unit 2 (120 beds), the Phase I proposal would bring 240 of the 390 newly constructed beds on-line. In addition, the proposal would allow for the closure of the antiquated minimum security barracks in Auburn that currently house 160 inmates in a retrofitted, 1941 Army hospital warehouse constructed with unreinforced masonry. The Phase I proposal results in a net add of 80 beds to overall system capacity and provides the necessary "breathing room" to more effectively manage jail impact from AB109.

In recognition of the impact of the 2008 recession on the county's discretionary revenues, the Sheriff's Office has developed the most cost-effective approach possible to opening the facility and to add some additional beds in response to the impacts of AB109. The additional 80 beds will provide more flexibility to the inmate classification system and will expand capacity in the areas with the highest number of federal consent decree releases and will begin the rebalance the public safety system.

The SPACF Phase I Plan includes a 5-member transition team to develop policies, procedures and post orders, test all facility and safety protocols and coordinate the logistics of opening and transitioning to a new facility. The goal is to hire the 5-person transition team as soon as possible, and hire the remainder of the requested staff (31) by October 2013. This timeline will allow the Sheriff's Office to open the SPACF in early 2014.

As we look ahead to Phase II, we plan to continue working closely with the County's Criminal Justice System Master Plan consultant. Our goal is to continue to make informed and fiscally responsible decisions that prioritize public safety, reduce recidivism and assist in the successful transition of offenders back into society.

South Placer Adult Correctional Facility (SPACF) Funding Recommendation

SPACF first year cost-estimates in FY 2013-14 totals approximately \$7.8M, including \$6.1M for on-going expenditures and \$1.7M for one-time expenses, mainly attributed to up-front Other Post Employment Benefit (OPEB) costs for 36 new corrections and support staff. Second year costs for FY 2014-15, are estimated at approximately \$9.0M, all of which are assumed to be on-going in nature.

Figure 1.

SPACF FY 2013-14 / Year-One Costs (Partial Year Operations)	
<u>Total Cost</u>	\$7.8M
\$1.7M One-Time	
• Upfront OPEB	
• Materials and Supplies	
\$6.1M On-Going	
• Salaries & Benefits (36 new staff)	
• Administrative & Overhead	
• Building Maintenance & Utilities	
• Other Services & Supplies	
<u>Solutions</u>	
PS Fund Balance (\$6.2M Total)	\$4.3M
New Sheriff AB109	\$1.8M
Sheriff's Existing Budget	\$1.0M
CDCR Correction to AB109 Revenue	\$700K
Total Solutions:	\$7.8M
<i>Anticipates \$1.9M Available for Other PS Fund Priorities</i>	

Due to anticipated growth in public safety revenues, cost reductions, and projected public safety fund balance, year-one SPACF costs are fully covered and do not require additional General Fund dollars. The FY 2013-14 funding recommendation includes \$4.3 in Public Safety Fund Balance, \$1.8M of new AB109 revenue for the Sheriff's Office, and \$1.0M from the Sheriff's existing operational budget. Facility costs for Building Maintenance and Utilities are estimated at \$700K in the first year and are off-set by anticipated AB109 revenue growth of \$700k due to a funding methodology correction by CDCR. Due to the uncertainty in projecting maintenance and utility costs of the new facility, the County Executive Office recommends these costs and off-setting revenues be budgeted in the CEO - Criminal Justice Budget until the facility is fully operational and these costs are more certain. This funding strategy for Phase I is anticipated to result in approximately \$1.9M available for other Public Safety priorities in FY 2013-14. Recommendations for this funding, along with updated revenue projections, will be reviewed and included in the FY 2013-14 Final Budget.

Figure 2.

SPACF FY 2014-15 / Year-Two Costs (Full Year Operations)	
Total Cost	\$9.0M
<ul style="list-style-type: none"> \$9.0M On-Going • Salaries & Benefits • Administrative & Overhead • Building Maintenance & Utilities • Other Services & Supplies 	
Solutions	
PS Fund Balance (\$3.3M Total)	\$3.3M
Sheriff's Existing Budget	\$1.4M
Public Safety Reserve (\$5.0M)	\$1.5M
CDCR Correction to AB109 Revenue	\$700K
Total Solutions	\$6.9M
Shortfall	(\$2.1M)
Requires \$2.1M in Other Solutions	

The FY 2014-15, Year-Two SPACF funding plan anticipates slowed growth in public safety revenues, sustained cost reductions from the prior year, and a diminished available public safety fund balance. The FY 2014-15 funding recommendation assumes a \$3.3M Public Safety Fund Balance, \$1.4M from the Sheriff's existing operational budget, and use of \$1.5M in Public Safety reserves. Full year facility costs, anticipated at \$1.4M, would be partially off-set with \$700K in AB109 revenues. As a result, year- two SPACF costs may require up to \$2.1M in additional funding solutions in order to balance the Public Safety Fund.

Potential Impacts to the General Fund

The FY 2013-14 SPACF costs are fully covered by available Public Safety Fund Balance and increased public safety revenues (Public Safety Sales Tax and AB109), and requires no additional General Fund. However, the FY 2014-15 SPACF funding plan assumes use of \$1.5M in Public Safety Fund reserves, continuing for three consecutive years through FY 2016-17 (\$4.5M total), and also assumes a redirect of \$2-3M from the General Fund.

Consistent with the County's multi-year budget framework, the General Fund is balanced, in part, by requiring Departments to absorb 60% (on average) of the projected cost increases through FY 2016-17. Doing so may require the defunding of approximately 25-30 currently vacant positions annually. Potentially redirecting \$2-3M from the General Fund assumes first reducing all projected unbudgeted revenue otherwise designated for General Fund reserves, infrastructure, or other priorities. In addition, it would require departments, including Public Safety (with the exception of Corrections) to decrease operating margins by 2.5% to 5%, potentially requiring further defunding of positions. These reductions would be ongoing.

Fiscal Impact

First year costs for transition to SPACF include \$1.7M in one-time costs and \$6.1M in on-going costs, for a total FY 2013-14 cost of approximately \$7.8M. Full year on-going costs starting in FY 2014-15 are estimated at approximately \$9.0M. Upon final Board direction, staff will make required expenditure and funding adjustments to the Sheriff's FY 2013-14 Proposed Budget for the South Placer Adult Correctional Facility (SPACF) Phase I Transition Plan.

