



# **Monterey County Board of Supervisors**

**Response to the**

**Monterey County Civil Grand Jury  
2008 Mid-Year Final Report**

**September 30, 2008**

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**REPORT TITLE:** Law Enforcement Committee – AB 900  
**RESPONSE BY:** Monterey County Board of Supervisors  
**RESPONSE TO:** Findings F 1.1 – F 1.9

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***Finding F 1.1:*** *Overcrowding at the Monterey County Jail continues to cause security problems for staff and an increasingly violent inmate population.*

**Response F 1.1:** The respondent partially disagrees with the finding.

Overcrowding at the Monterey County Jail presents serious challenges; however, determining the appropriate level of security for the inmate population is a complex issue. Several components contribute to security, such as technology, design of areas, inmate density, staff training and staffing levels.

In August 2004, a facility assessment was completed for all County facilities. It was found that the Sheriff Adult Rehabilitation interior and exterior appeared to be in fair to good condition and the Main Jail Facility interior and exterior appeared to be in good condition. However, deficiencies were found in an approximate amount of \$600,000 for each facility. The Board of Supervisors dedicated funding to address the key deficiencies. Construction of a Jail Facility is necessary for the future placement of inmates. In the meantime, the Sheriff has been taking necessary steps to ensure the safety of staff and inmates.

***Finding F 1.2:*** *Monterey County will benefit from construction of new beds at the County Jail in two ways:*

- *Improved safety within the Jail for staff and inmates from reduction in the number of potentially violent inmates housed in dormitories*
- *Improved public safety from reduction in the risk of early release of inmates*

**Response F 1.2:** The respondent agrees with the finding.

***Finding F 1.3:*** *Monterey County will benefit from construction of a local state-funded re-entry facility because inmates who are required by law to be released in the communities in which their crimes were committed will be better prepared to lead crime-free lives.*

**Response F 1.3:** The respondent agrees with the finding.

The Board agrees that appropriately structured programs, coupled with the required funding, might produce positive outcomes for inmates. As an example, according to the California State Sheriff's Association, Correctional Day Reporting Centers (DRC's), which provide all or partial day custody along with intensive treatment, counseling, life skills, vocational readiness and educational remediation services are proven to reduce recidivism and link offenders to positive support in their communities. The California Department of Corrections and Rehabilitation's (CDCR) represented in their Master Plan for Re-entry facilities, that the CDCR will provide a variety of structured programs aimed at reducing recidivism, creating and strengthening partnerships with key stakeholders,

identifying innovative, evidence-based programming for offenders, and strengthening the State and local continuums of service for offenders. The cornerstone of their Master Plan is an overarching mission to improve public safety through crime prevention and recidivism reduction; however, the plan does not guarantee funding for community programs once an inmate is released into the community. The community will not benefit without assurances of this continuum of care.

***Finding F 1.4:*** *Because the sum of grant requests by all applicants under AB 900 exceeds the total authorized by legislation, the County must continue to compete in order to succeed in the grant request process.*

**Response F 1.4:** The respondent agrees with the finding. The following clarifies:

It has been communicated by the State, that twenty-four (24) counties requested approximately \$1.2 billion of an available \$750 million in AB 900 Phase I jail construction funding. Of the available fund dollars, the Correction Standards Authority (CSA) was able to fund 10 counties and partially fund two counties.

The CSA issued a “conditional” Intent to Award to counties selected through the Request for Proposal (RFP) process. The award was conditional where final award was based on a minimum of requirements being met: (1) project must be approved by the CSA and State Public Works Board (SPWB) at various stages throughout planning and construction; (2) county must enter into the state/county agreements as required; and (3) lease-revenue bonds are sold for each selected project. The lease-revenue bonds provide the funding to repay State debt for interim financing for the jail construction.

The conditional feature of the award required competition to compete for the award on an ongoing basis. Refer to R1.4 for conditions where the County was rejected by the CSA in being considered for continued consideration grant funding.

***Finding F 1.5:*** *Receiving a grant under AB 900 depends on the Monterey County Board of Supervisors identifying a re-entry site. Making the new jail a reality depends on Monterey County securing required additional funding. The re-entry site must be approved by August 14, 2008.*

**Response F 1.5:** The respondent partially disagrees with the finding.

On July 10, 2008, the Corrections Standards Authority Board extended the due date for site submittal to September 13, 2008.

There were many conditions in receiving a grant under AB 900 beyond the identification of a re-entry site. Refer to F1.4 regarding the “conditional” aspects of the award throughout the process. The siting agreement places the County on the finalized list for conditional award for jail construction. Once the CSA Board approves the final list, the approval process begins. Part of the process includes, but is not limited to, approval of the Jail project by the CSA, CDCR and the SPWB at various stages throughout planning

and construction. The County was required to enter into various state/county agreements, which included the county translating the Jail proposal into formal architectural plans and specifications that were subject to approval by the SPWB and CSA. Federal Tax Law required that construction be substantially complete (approximately 90%) within three years after construction began. If construction bids were higher than expected, the County was solely responsible for the payment of the anticipated Jail project costs. The CSA would not approve a reduction in the proposed and accepted scope of work. Final approval of funding eligibility was subject to CDCR certification and (ability to sell lease-revenue bonds on the project) by the SPWB.

The Jail RFP, issued December 20, 2007, indicated that the Public Safety and Offender Rehabilitation Services Act of 2007 required that preference points be given to counties, which included: (1) assisting the CDCR in siting CDCR re-entry facility; and/or (2) assisting the CDCR in siting mental health day treatment and crisis care for parolees; and/or (3) providing a continuum of care so that parolees with mental health and substance abuse needs can continue to receive services at the conclusion of parole. It was noted that if a county did not agree to assist CDCR, since the total amount of points received are based on all evaluation factors which determines a county placement on the funding list, counties may still be eligible for jail construction funding if they receive greater points on other evaluation factors that in total outweigh the points received by counties that are awarded preference points. Proposal submittal was March 18, 2008. During the CSA Board meeting on May 8, 2008, the CSA Board decided only counties that agreed in the jail construction proposal to assist the State in siting a re-entry facility by indicating such in a Board of Supervisors' resolution would be considered for funding. This was a fundamental change during the process.

Additionally, to receive the grant the County must demonstrate adequate local funding for the local match and ongoing operational costs of the facility. In April 2008, the Sheriff's Office and CAO offered financing alternatives for the local match. It was outlined by the CAO, in order to maintain the County's fiscal integrity, the financing source(s) must be sufficient to cover one-time costs such as construction and relocation expenses, and must also cover ongoing expenditures for operations and debt service. In light of the County's overall fiscal capacity and after hearing various funding options and the implications of such, the Board of Supervisors directed staff to develop a new revenue source for funding the new jail.

Refer to R1.4 for conditions where the County was not able to make a site selection.

***Finding F 1.6:*** *The opportunity represented by AB 900 will not occur again soon. The second phase of funding is smaller and will come later. If Monterey County misses the current window of opportunity, citizens will bear a larger part of the costs of improvements to the County Jail or face increasing risks to public safety.*

**Response F 1.6:** The respondent partially disagrees with the finding.

Though it may appear that funding is available simply through an application process, the Corrections Standard Authority (CSA) is unwilling to provide any guarantees for AB 900 Jail funding at any point. This was of major concern, because during the first due diligence, the CSA was requiring the County to guarantee site locations for their Secure Community Rehabilitation Facility. The process as outlined would have resulted in the County receiving another corrections facility, while not receiving any financial support for a jail expansion.

The CSA had identified funding for services rendered for an inmate while housed in their Secure Community Rehabilitation Facility; however, no funding was guaranteed for the continuum of care expected in the community, once an inmate was released.

***Finding F 1.7:*** *A few efforts to create public awareness and understanding of the opportunity and benefits offered by AB 900 have been undertaken. Additional public engagement and information activities are in the planning stages.*

**Response F 1.7:** The respondent agrees with the finding. The reasons therefore are described in the response to Recommendation 1.1.

***Finding F 1.8:*** *While much work has been done to estimate costs related to AB 900, estimates of financial benefits, such as those from reduction in crime, have not been completed.*

**Response F 1.8:** The respondent agrees with the finding. It is clarified that the County is not the appropriate entity to quantify benefits. Refer to R1.2 response.

***Finding F 1.9:*** *If the County is successful in acquiring the \$80,000,000 grant and funding related expenses, it will be critical that the project be executed to plan. Success of large capital projects requires oversight and experienced personnel.*

**Response F 1.9:** The respondent agrees with the finding.

**REPORT TITLE:** Law Enforcement Committee – AB 900  
**RESPONSE BY:** Monterey County Board of Supervisors  
**RESPONSE TO:** Recommendations R 1.1 – R 1.5

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***Recommendation R 1.1:*** *The Board of Supervisors immediately identify specific responsibility and accountability for implementing broad and intense public information programs related to the window of opportunity represented AB 900. For example, the Board of Supervisors could appoint as the responsible party one of the public information officers of the organizations most involved. Citizens who live or work near the sites of new construction, especially the re-entry facility, should be engaged and heard. At the same time, the issues and opportunities related to AB 900 will touch every citizen in the County and an aggressive countywide public information program should be planned and executed. [Related to Findings F1.1, F1.2, F1.3, F1.6, and F1.7]*

**Response R 1.1:** The recommendation has been implemented, as summarized below.

October 2006, Sheriff Kanalakis confirmed the establishment of an Executive Steering Committee (ESC). It was determined the Sheriff would advise on membership and determine any additional ESC participants, such as representatives from the Board of Supervisors, Capital Projects and others.

The ESC was formed to be the executive decision-making body to provide the foundation for the process that leads to funding, designing and constructing additional detention beds and new law enforcement facilities. The ESC established its measure of success to the realization of additional detention beds and law enforcement facilities at the least possible cost to the citizens of Monterey County. The ESC saw the improvement of public safety and the preservation of scarce county resources of paramount concern.

In the last quarter of FY 2007-08, the Sheriff formed an action-based committee, called the Jail Expansion and Secure Community Re-entry Facility Ad Hoc Committee (SCRF). The committee includes as co-chairs, Supervisor Fernando Armenta, Supervisor Simon Salinas, Sheriff Mike Kanalakis and other key support staff members. In August 2008, the Salinas City Council members joined in SCRF sessions and assisted in determining appropriate strategies and methodologies for public outreach.

In July 2008, under the Jail Expansion and SCRF's direction, the Communications Coordinator-County Administration Office, Ms. Maia Carroll, was assigned to provide support to the Ad Hoc Committee in implementing public information programs. Ms. Carroll immediately coordinated public outreach meetings in two locations: (1) August 7, 2008 at Sherwood Hall; and (2) September 4, 2008 at Everett Alvarez High School. On September 2, 2008, a group from SCRF, which included elected officials from both the County and City of Salinas met with concerned citizen groups.

The SCRF was committed to extensive public outreach. The State's Request for Proposal (RFP), identified in it a Primary Due Diligence, which requires the final determination

and completion of a Re-entry Siting Agreement, and associated Board Resolution and applicable city Council Resolution. Upon completion of the Primary Due Diligence, which was scheduled for completion on September 18, 2008, the Secondary Due Diligence, the final phase of the approval process, did require extensive public outreach meetings. These meetings were planned to be a neighborhood outreach program, which was identified under the "Secure Re-entry Outreach Performance Target Goals".

The Secure Reentry Outreach Performance Target Goals were:

- **Target Audience:** (1) Monterey County residents; and (2) neighborhoods within a three-mile radius of the facility.
- **Communication:** Full transparency and detail regarding the Re-entry Facility and Jail Expansion Project.
- **Desired Outcome:** (1) reduce crime in Monterey County; and (2) reduce fears of Re-entry Facility as being dangerous; and (3) part of the overall County push toward an updated Justice Complex System (Salinas Courthouse Complex, New Juvenile Hall Facility and local Fire and Public Safety jurisdictions).
- **Outreach Tools:** (1) primarily neighborhood (high school) or/and town hall meetings (Sherwood Hall).
- **Frequency:** Minimum of two. Based on availability of CDCR staff.
- **Stakeholders:** Reach out to: (1) County citizens and neighborhoods near proposed Re-entry Facility location (neighborhood associations); (2) Ex-offender and faith-based support groups; (3) Monterey County Probation Department; (4) Police Departments in Monterey County; (5) California State Parole; (6) Education (Hartnell, Monterey Peninsula College, MPUSD, CSU-Monterey Bay and County of Office Education); (7) Turning Point (Prison Advocacy); (8) Business Community; and (9) Media (print, radio and television).
- **Communication Methods:** (1) neighborhood/town hall meetings; (2) distribute brochure on frequently asked questions (FAQ) in bilingual format; (3) website to post FAQ, email FAQ to stakeholders, provide information links to design and crime statistics; utilize a one stop information center; (4) public service announcements in 30-second segments, which would contain low pressure but sound information and drives audience to website (government channel and possibly commercial TV stations); and (5) documentary on first person stories, where there were to be interviews that humanize inmates and show how continuum of care services impacted their ability to become productive citizens after their release from prison. This was aimed to alleviate the fear factor and increase support for the proposed facility and programs.

***Recommendation R 1.2:*** *The Board of Supervisors, assisted by the County Sheriff and County Administrative Office, provide objectives for public information programs related to AB 900 that reflect the broad, countywide nature of the opportunity as well as the risks of failure to act. Quantitative benefits, such as potential cost reduction from lower crime rates, need to be included in public information alongside qualitative benefits, such as increased public safety and improved quality of life for former inmates. [Related to Finding F1.7 and F1.8]*



**Response R 1.2:** The recommendation will not be implemented, because it is not reasonable. Implementation was not within the authority or control of the Board of Supervisors to implement the recommendation. The State is the responsible entity for quantifying and communicating the benefits of a State Re-entry facility not the County. However, while participating in public hearings in the County, the California Department of Corrections and Rehabilitation (CDCR), shared what they calculated as the economic benefits for the local community. Some of the benefits they identified are listed below:

1. ***New permanent jobs***-the number of jobs will vary depending on the size and program of each facility. A 500-bed facility (CDCR has estimated a population of 300 for Monterey County) requires a staff of approximately 300 (same ratio equates to 180-positions for 300-bed), which would be a mix of state and contracted employees. They estimate half of the jobs will be custody (peace officer) classifications, while other jobs may include: medical, educational, vocational, administrative, food preparation, trades and religious services;
2. ***Spin-off jobs***-the CDCR estimates that every two new direct jobs will produce one spin-off job in the community. This means a new 500-bed facility with 300 staff would generate approximately 300 additional jobs in the community; approximately 90 additional jobs for a 300-bed facility;
3. ***Construction jobs***-a large number of temporary jobs in the construction trade will be created during the life of constructing the facility. The State contracts with the private sector for the construction of facilities. The number of new temporary jobs is dependent on the company and how many they seek to hire locally;
4. ***Payroll and purchases***-for a 500-bed facility, a staff of 300 is estimated to generate \$30 million in annual salary and benefits. A staff of 200 generates approximately \$22 million. They anticipate income to the community through the staff shopping in the community. They also anticipate income from the facility purchasing goods and services;
5. ***One-time funding for schools and local government***-the re-entry facility budget will include special funding of \$800 per bed to be divided equally between local schools and local government. For a 500-bed facility, the payments would be \$200,000 for schools and \$200,000 for local government.

**Recommendation R 1.3:** *The County Administration Office support public information efforts by analyzing the potential financial benefits of improved public safety. Even a simple financial comparison between the cost of a typical repeat offender in the local community vs. the cost of the same individual returned to a crime-free life could be effective. It is possible that more could be done and the Grand Jury encourages taking the analysis as far as practical and using the data in public information programs. [Findings F1.7 and F1.8]*

**Response R 1.3:** The recommendation will not be implemented because it is not reasonable. The State is the appropriate entity for the County to analyze the financial benefits of a State operated Re-entry facility. The State is the appropriate entity to do so.

**Recommendation R 1.4:** *The Board of Supervisors continue to support the Sheriff's Office and Re-entry team by approving a site for the re-entry facility by August 14, 2008. [Related to Findings F1.4 and F1.5]*

**Response R 1.4:** The recommendation will not be implemented. This effort would have continued as work in progress as noted below. Additionally, the State changed the date for re-entry site approval from August 14, 2008 to September 13, 2008.

The Board has been supportive of the Sheriff's Office and Re-entry team as demonstrated in the following actions to date.

May 1, 2007, the Board of Supervisors authorized the Sheriff to sign an agreement with the California Department of Corrections and Rehabilitation (CDCR) to work together to resolve Jail and Prison overcrowding and the development of a Re-Entry Facility in Monterey County.

May 22, 2007, the Board of Supervisors received and accepted the final report on "Jail Facility Needs Assessment", directed staff to proceed with the Environment Impact Study, directed staff to hire an architect to design the appropriate facility, and directed staff to continue to explore funding sources. June 2007, the Board of Supervisors approved staff recommendation for an allocation of \$1 million to better position the County in its pursuit of potential grant funding for the Jail.

March 11, 2008, the Board authorized the Sheriff to sign and submit an application for a local adult detention facility AB 900 construction grant; authorized the use of appropriations from County's Capital Projects Fund for grant preparation costs in the amount of \$37,280; and directed staff to return April 1, 2008 for consideration and determination of funding approach for County contribution, operations expenditures and debt service requirements given the financial condition of the County's General Fund.

April 15, 2008, the Sheriff's Office and CAO offered financing alternatives for the local match. It was outlined by the CAO, in order to maintain the County's fiscal integrity, the financing source(s) must be sufficient to cover one-time costs such as construction and relocation expenses, and must also cover ongoing expenditures for operations and debt service. In light of the County's overall fiscal capacity and after hearing various funding options and the implications of such, the Board of Supervisors directed staff to develop a new revenue source for funding the new jail.

August 26, 2008, the Board gave direction to staff to discuss the siting agreement issues with CDCR staff, continue community input in cooperation with the City of Salinas and present recommendations to the Board on September 9, 2008.

September 9, 2008, staff identified key siting agreement issues:

1. No guarantee that facility will remain as a rehabilitation facility;

2. No guarantee that County will receive grant funds to expand the Monterey County Jail;
3. No assurance of adequate program funding; and
4. Final site selection by the State.

Staff recommended adding provisions to the siting agreement, purchase agreement or a side agreement letter:

1. ***Use restriction for the rehabilitation facility***-the execution of the Siting Agreement by the County was to be conditional upon the County and CDCR reaching agreement regarding restricting the use of any proposed re-entry location for the rehabilitation facility unless the County consented in writing to a change in use;
2. ***County right to terminate the Siting Agreement if there is no guarantee of jail grant funding***-the County wanted the option to decline to sell and convey title to any proposed re-entry location unless sufficient assurances, as determined by the County in its sole discretion, were provided by the State of California regarding the receipt by the County of \$80 million in AB 900 grant funds for the construction of a new jail facility. The execution of the Siting Agreement by the County was to be conditional on the execution of an appropriate agreement by the County and either the CDCR or the CSA regarding the receipt of AB 900 grant funds;
3. ***Provision of programmatic funding for continuum of care upon an inmate's release from the re-entry facility***-Recognizing that the CDCR cannot make budgetary commitments for the State of California, the County sought the guarantee of the CDCR to continue dialogue to further develop programmatic needs and resource requirements. Where the CDCR would further commit to pursue budgetary support for any requirement that were specifically identified as directly related to re-entry facility continuum of care; and
4. ***Final selection of a site is dependent on community involvement and feedback.***-the final site assessment and selection was to continue during the CDCR's secondary due diligence, and the County sought to enter into an appropriate agreement concerning final site assessment, dependent on community feedback. Based on community feedback, the County would have had the option to remove "2" proposed sites from consideration.

The approved additional provisions were in the best interest of the County and would have allowed the County and its citizens to maintain control over their assets and not the State. Later it was determined in a September 18, 2008 meeting with the CSA and confirmed by subsequent response of the CSA that the County's approach was not supported by the State.

At the September 9, 2008 Board of Supervisors' meeting, staff was directed to include the following four additional provisions:

1. Identify alternative site locations in unincorporated areas;

2. Adopt resolution requesting a re-entry facility in Monterey County;
3. Authorize Board Chair to sign the revised Siting Agreement; and
4. Authorized members of the Ad Hoc Jail Committee to meet with CDCR senior staff on September 12, 2008 and attend the CSA meeting on September 18, 2008, and share the County's position.

On September 16, 2008, the Board provided the following further direction to staff concerning the re-entry facility and terms of the siting agreement:

1. The County requests the CDCR to construct and operate a Secure Community Rehabilitation Facility (SCRF) within the unincorporated area of Monterey County;
2. The Chair of the Board execute the siting agreement on the condition the CDCR either agree to the terms in that agreement or that separate agreements are negotiated, which contain those terms, as certified by the Chief Administrative Officer (CAO) and County Counsel to the County's Ad Hoc Committee on SCRF siting;
3. County staff is authorized and directed to continue negotiations with CDCR regarding the terms and conditions of the siting agreement, any other necessary agreements, and with regards to potential sites within the unincorporated area of the County;
4. The County reaffirms the actions taken on April 8, 2008, by and through the adoption of Resolution No. 08-123, but with respect to potential SCRF sites located solely in the unincorporated area of the County;
5. The Chair of the Board and Sheriff sign a letter to the CSA Board, which reflects the County's continued interest in siting a SCRF in the County, but that sets forth the County's concerns with respect to certain issues, adequacy of the site selection process, and the County requests additional time, up to 180 days, to conduct a final site selection and due diligence by both the County and CDCR; and
6. The CAO and County Counsel, or their designees, are authorized and directed to continue actions to implement the intent and purposes of the motion.

On September 18, 2008, Chairman Armenta, Sheriff Kanalakis and Rick Sauerwein attended the Corrections Standards Authority (CSA) meeting and presented the County's requests as noted above. The CSA denied the County's request for an extension of time to conduct a final site selection and to complete the due diligence process.

***Recommendation R 1.5:*** *The Board of Supervisors, in their oversight responsibility, ensure that people involved in planning and execution of the jail construction project are experienced and have track records of success in projects of similar nature and scale. [Related to Finding F1.9]*

**Response R 1.5:** The recommendation has been implemented. Resource Management Agency Director, Wayne Tanda and Acting Public Works Director, Paul Greenway were involved in the preliminary requirements for the project. Rick Sauerwein, who was assigned as the Project Manager, has several years experience with similar projects while in the Armed Forces. The Architectural Services Director was to oversee construction; Mr. Gordon

Siebert was designated as the County Construction Manager. He is a registered Professional Engineer in California and has 35+ years of experience in designing, construction and administration of complex capital projects including a new Police Substation, City of San Jose, \$125 million; Police Department Headquarters Morgan Hill, \$7 million; Fire Department Headquarters, San Jose, \$6 million, among many other projects.