

Monterey County Civil Grand Jury



Mid-Year Final Report

July 16, 2008

Monterey County Civil Grand Jury

P.O. Box 414 Salinas, CA 93902 (831) 775-5400 Ext. 3014

July 16, 2008

The Honorable Russell D. Scott
Presiding Judge, Superior Court of California
County of Monterey
240 Church Street
Salinas, CA 93901

Dear Judge Scott:

This letter forwards a Mid-Year Final Report of the 2008 Monterey County Civil Grand Jury. Most Monterey County Civil Grand Juries have not issued mid-year reports; the last mid-year report was issued in 1996. However, in this case there is a matter of timing urgency that requires immediate action by the Monterey County Board of Supervisors.

The Law Enforcement Committee of the 2008 Monterey County Civil Grand Jury has spent the last six months reviewing the 2007 Civil Grand Jury Report and studying the conditions and operations of prison and jail facilities in the County. As the Civil Grand Jury became more knowledgeable of the subject, it became concerned. While law enforcement agencies do their best to improve their criminal investigative techniques, they are still having trouble turning the tide of violence being perpetrated by gang members in the community. As arrests continue, the concern that plagues all County citizens is what is going to be done with inmates who are charged with crimes or are convicted. The correctional institutions are overwhelmed with inmates. Dormitories house hundreds of inmates on stacked beds. These conditions have become breeding grounds for violence, riots, and life threatening injuries to inmates and correctional officers. These conditions do not auger well for preparing inmates for re-entry into society.

The State of California recognized these serious conditions and acted by passing Assembly Bill 900 (the Public Safety and Offender Rehabilitation Services Act of 2007). AB 900 offers financial assistance to counties in need and that can qualify. Monterey County has initially qualified for a grant and has been awarded a conditional \$80 million dollars. These funds will be provided to the County if two conditions are met:

- First, the County must recommend by August 14, 2008 a location for a facility that will provide training and education for incarcerated individuals in a major effort to return inmates to a productive life in the community. The State of California will finance the construction and operation.
- Second, the County must provide \$20 million in matching funds for expansion of the County Jail.

In addition, the County must find funds in the amount of approximately \$59 million in one-time costs and approximately \$11 million to \$15 million in annual recurring costs to design and operate an expanded and improved County Jail and provide community services for the re-entry facility.

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What happens if these conditions are not met?

If it misses the opportunity represented by AB 900, Monterey County stands to lose the \$80 million state grant and the new re-entry facility to be built by the State. What will happen then? In the long term, inmates will be released into the community from overcrowded facilities.

Citizens of Monterey County cannot afford to miss this opportunity in an atmosphere of continued violent crime in our neighborhoods. Therefore, the Monterey County Board of Supervisors must adopt a professional communication program informing all citizens of the danger ahead if immediate action is not taken. The Supervisors must insure that County Jail facilities are upgraded from their nearly 30-year-old condition and that the re-entry facility is located within County boundaries.

The 2008 Monterey County Civil Grand Jury has carefully investigated the opportunity provided by AB 900 from the perspective of the citizens of Monterey County. We believe it is incumbent upon the Board of Supervisors to take the steps necessary to educate the public about the issues and support activities needed to remain eligible for the \$80 million grant from the State of California for jail expansion before the expected deadline of September 8, 2008.

Timing is essential. The Board of Supervisors must take immediate action.

Sincerely,



Bruce J. Obbink
Foreperson

LAW ENFORCEMENT COMMITTEE – AB 900

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SUMMARY

Purpose of the Investigation The Monterey County Civil Grand Jury investigated activities in the County related to Assembly Bill 900 (The Public Safety and Offender Rehabilitation Services Act of 2007) adopted by California Code of Regulations, Title 15, Division 1, Chapter 1, Subchapter 6, Sections 1700 through 1792. The purpose of the investigation was to:

- Understand costs and benefits of the legislation to the County, and
- Understand whether benefits are being adequately pursued.

Summary of Findings The Monterey County Civil Grand Jury found that:

- AB 900 provides a window of opportunity to acquire financial help from the State of California to invest in the Monterey County Jail.
- In order to take advantage of the opportunity, Monterey County needs to provide money for matching funds and ongoing costs of operations.
- AB 900 also provides incentive for Monterey County to provide a site where the State would build a re-entry facility. A local re-entry facility would improve public safety in Monterey County as well as improve Monterey County's standing for acquiring state funds to invest in the Monterey County Jail.
- There have been a few efforts to educate and engage the public in the issues.

Summary of Recommendations The Monterey County Civil Grand Jury recommends that specific actions be taken to increase public awareness of the issues addressed by AB 900 and the opportunities it presents to improve public safety. The Monterey County Civil Grand Jury also recommends continued support from the Board of Supervisors for obtaining state funding and providing close oversight for execution of the project.

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COMPLETE REPORT

Purpose of the Investigation The Monterey County Civil Grand Jury investigated activities in the County related to Assembly Bill 900 (The Public Safety and Offender Rehabilitation Services Act of 2007) adopted by California Code of Regulations, Title 15, Division 1, Chapter 1, Subchapter 6, Sections 1700 through 1792. The purpose of the investigation was to:

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- Understand whether benefits are being adequately pursued.

Background for the Investigation Overcrowding in correctional facilities, including the Monterey County Jail, has been a finding of the Civil Grand Jury in every year since 1999 and was highlighted in the 2003 report of the Monterey County Civil Grand Jury as follows: “Overcrowding in prisoner housing impacts all other problems.” The 2007 report from the Monterey County Civil Grand Jury included a web site address for the California Department of Corrections and Rehabilitation (<http://www.cdcr.gov>). From that web site the Grand Jury learned about Assembly Bill 900 (The Public Safety and Offender Rehabilitation Services Act of 2007).

AB 900 took effect in April 2007 to address the problem of overcrowding in county jails by providing funds for construction of new facilities. The legislation contains a number of provisions. However, the following have the greatest impact in Monterey County.

- AB 900 authorizes the State to issue bonds to fund \$1,200,000,000 for construction of county jail facilities within California in two phases. The first phase will allocate up to \$750,000,000 and the second phase, up to \$470,000,000.
- The second phase of funding will be available only after a significant number of jail beds and re-entry beds are under construction or sited.
- The money will be distributed through grants and grants will be awarded using a competitive process. The State issued a Request for Proposals that invited counties to compete by submitting grant requests.
- The competitive process gives preference to counties that commit to providing sites where the State will build re-entry facilities at State expense. The competition also favors counties who commit to providing community services, such as mental health services, that support the re-entry facilities.
- Counties of Monterey’s size are required to provide a 25% match for construction funding if they receive a grant.

Re-entry facilities are a new concept for the California Department of Corrections and Rehabilitation (CDCR). They are designed to serve state prison inmates during the last 12 months of their sentences and to prepare them for return to crime-free lives in the communities in which their crimes were committed, as

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required by state law. The CDCR considers construction of re-entry facilities to be the “centerpiece of real reform” in California’s correctional system.¹

Investigative Methodology The following methods were used for investigation:

- Review of prior reports from Monterey County Civil Grand Juries 1999-2007.
- Research into public sources about AB 900, including the web sites of the California Department of Corrections and Rehabilitation, Corrections Standards Authority, and the California Legislature.
- Interviews with Monterey County and State employees knowledgeable of AB 900 and related issues.
- Collection and study of documents such as the County’s response to the Request for Proposals and a related resolution by the Board of Supervisors.
- Collection and assessment of financial analyses of costs associated with AB 900.
- Observation, inquiry, and interviews during tours of the Salinas Valley State Prison, Soledad Correctional Training Facility, and Monterey County Jail.
- Attendance at the Monterey County Board of Supervisors meeting on April 15, 2008 when AB 900 was discussed.
- Review of media sources.

Information Gathered from the Investigation The Monterey County Civil Grand Jury collected the following information:

- The most recent major infrastructure investment in the County Jail was made 30 years ago.
- Although numbers vary from day-to-day, the Monterey County Jail typically houses approximately 140% of its designed inmate capacity.
- Because the total inmate population has increased while jail capacity has remained the same, less violent offenders have been placed in alternative programs; space in the jail has been reserved for the more violent offenders.
- While overall rates of violent crime in Monterey County are not increasing, the profile of the inmate population in the Monterey County Jail is increasingly violent.
- Overcrowding has required that inmates whose past crimes and other histories indicate the potential for violence be housed in open dormitory settings with other inmates rather than in secure individual cells.
- It is the consensus of correctional facility administrators that early release of inmates will be required unless new facilities are constructed.

¹ California Department of Corrections and Rehabilitation, AB 900 Prison Reforms: Achieving Results <http://www.cdcr.ca.gov/News/AB_900_Achievements/index.html>

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- Early release of inmates results in risk to public safety.
- Services that a re-entry facility would be designed to provide would better prepare inmates to lead crime-free lives after returning to the community.
- The \$1,200,000,000 funding for new jail construction authorized by AB 900 will take place in two phases:
 - \$750,000,000 is being granted through a competitive process in 2008.
 - An additional \$470,000,000 will be available after at least 4,000 of the local jail beds from Phase I funding are under construction or sited and at least 2,000 re-entry beds are under construction or sited.
- The sum of grant requests by all applicants under AB 900 exceeds the total authorized by legislation.
- With the authorization of the Board of Supervisors, the Monterey County Sheriff's Office submitted a response to the AB 900 Request for Proposals on March 18, 2008. The proposal requested \$80,000,000 for construction of new Monterey County Jail facilities, to include:
 - a new central control
 - program spaces
 - intake/release area
 - expanded support services space
 - renovations of other areas
 - a net gain of 448 maximum- and medium-security beds for a facility that currently houses approximately 1100 inmates

The proposal indicated support from the Board of Supervisors to offer a site for a state re-entry facility within the County. A resolution by the Board of Supervisors documents that support.

- On May 8, 2008 the Corrections Standards Authority notified Monterey County of its ranking in the grant request process. The County's ranking qualifies for the requested \$80,000,000 grant, pending identification of a site for the construction of a state-funded re-entry facility that is acceptable to the State.
- On July 1, 2008 the Monterey County Sheriff's Office announced that a re-entry site had been selected. The site is on the old Natividad Hospital grounds in Salinas.
- A new assessment of eligibility for funding is scheduled for September 8, 2008. In order to retain continued eligibility, the Monterey County Board of Supervisors must approve a site for a re-entry facility by August 14, 2008.
- If the County qualifies for the grant, the County must provide \$20,000,000 in matching funds (25% of \$80,000,000) for construction.
- To make the new jail a reality, the County must also provide funding for one-time costs and ongoing operating expenses. At the April 15, 2008 meeting of the Monterey County Board of Supervisors an estimate of \$39,000,000 in one-time costs and \$11.2 to \$15.6 million in annual operating costs was presented. The components of the estimate are:

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- \$39,000,000 in costs related to construction of the jail:
 - ♦ \$30,000,000 in planning, architecture, site preparation, and related expenses.
 - ♦ \$3,000,000 to relocate departments currently occupying space required for the expansion.
 - ♦ \$6,000,000 for debt insurance and reserves.
- \$8,000,000 in annual operating costs for the new facility, largely for increased correctional staffing.
- \$3,200,000 in annual costs for increased behavioral health services to support the state-funded re-entry facility.
- Some planning options also include costs of borrowing money required for construction at an estimated \$4,400,000 annually.
- There are examples of large capital projects in the County and State that were delivered late and/or overrun their budgets.
- After evaluation of 21 potential sites for a re-entry facility in Monterey County, the Sheriff's Office recommended a site on the Old Natividad Hospital grounds in the City of Salinas.
- A resolution from the City of Salinas approving the recommended site for the re-entry facility is required by August 14, 2008 in order for Monterey County to remain eligible for the \$80,000,000 grant.

Findings of the Investigation The Monterey County Civil Grand Jury made the following findings regarding AB 900:

- F1.1. Overcrowding at the Monterey County Jail continues to cause security problems for staff and an increasingly violent inmate population.
- F1.2. 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
- F1.3. 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.
- F1.4. 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.
- F1.5. 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.
- F1.6. 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

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larger part of the costs of improvements to the County Jail or face increasing risks to public safety.

- F1.7. 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.
- F1.8. 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.
- F1.9. 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.
- F1.10. The 2008 Monterey County Civil Grand Jury agrees with the Monterey County Sheriff's Office's thorough evaluation and resulting recommendation for construction of a re-entry facility at the Old Natividad Hospital grounds.

Recommendations of the Grand Jury The Monterey County Civil Grand Jury believes that now is the time for citizens to “bite the bullet” and assume the costs of a critically important infrastructure investment. To that end, the Monterey County Civil Grand Jury recommends that:

- R1.1. 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]
- R1.2. 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]
- R1.3. 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

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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]

- R1.4. 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]
- R1.5. 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]
- R1.6. The Salinas City Council adopt a resolution before August 14, 2008 approving the site that has been recommended by the Monterey County Sheriff's office for construction of the re-entry facility [Related to Finding F1.10]

Required Responses Parties responsible for responding:

- Findings F1.1, F1.2, F1.3, F1.6, and F1.7 and Recommendation R1.1: Board of Supervisors responds to the Recommendation with the identity of responsible party or parties.
- Findings F1.7 and F1.8 and Recommendation R1.2: Board of Supervisors responds to the Recommendation with the objectives.
- Findings F1.7 and F1.8 and Recommendation R1.3: Board of Supervisors responds to the Recommendation with their plan.
- Findings F1.4 and F1.5 and Recommendation R1.4: Board of Supervisors responds to the Recommendation with statement(s) of their commitment to the effort.
- Finding F1.9 and Recommendation R1.5: Board of Supervisors responds to the Recommendation with a description of their actions to ensure that personnel assigned to planning and execution of the jail construction project are qualified and experienced.
- Finding F1.10 and Recommendation R1.6: Salinas City Council responds to the Recommendation with the adopted resolution.

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Requirements for Responses Responses must comply with the following:

CALIFORNIA PENAL CODE SECTION 933.05

- (a) For purposes of subdivision (b) of Section 933, as to each grand jury finding, the responding person or entity shall indicate one of the following:
 - (1) The respondent agrees with the finding.
 - (2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.
- (b) For purposes of subdivision (b) of Section 933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:
 - (1) The recommendation has been implemented, with a summary regarding the implemented action.
 - (2) The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.
 - (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.
 - (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.

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PUBLIC SOURCES OF INFORMATION

- A.** California Department of Corrections and Rehabilitation, AB 900 Prison Reforms: Achieving Results
<http://www.cdcr.ca.gov/News/AB_900_Achievements/index.html>

Information obtained from this source:

1. Change in philosophy represented by AB 900
2. Benefits of re-entry facilities and related services
3. Benchmarks for success of AB 900

- B.** Corrections Standards Authority, AB 900 Final Request for Proposals
<http://www.cdcr.ca.gov/Divisions_Boards/CSA/CFC/Index.html>

Information obtained from this source:

1. Request for Proposals
2. Current status of responses to the Request for Proposals
3. Changes to the law to support AB 900 (Title 15 regulations/AB 900 Jail Construction Program)