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A Commitment to Service

COUNTY EXECUTIVE OFFICE

REVISED JAIL BED PROJECTIONS AND JAIL SITE ALTERNATIVES

NOVEMBER 13, 2012

BACKGROUND

In 2006 the County retained CGL Companies (CGL) and the Carey Group to assist the County's Criminal Justice Committee in developing an Adult Correctional System Master Plan. Among other things, the Plan, which was approved by the Board of Supervisors in two phases in November of 2007 and October of 2008, called for the implementation of evidence-based practices designed to reduce offender recidivism (including the creation of the Community Corrections Services Center) and for the construction of a new, 366 bed jail, but with central services functions (kitchen, laundry, maintenance, intake) sized to accommodate 500 inmates. The intent was to provide enough space to meet CGL's projected 2025 bed-need projections and allow for the cost-effective expansion of the jail beyond the 2025 bed number by just adding additional housing units.

The Adult Correctional System Master Plan Phase II report identified two options for siting a new, larger, jail:

- Demolish the existing Hall of Justice and Jail Annex and build the new jail on the site of those facilities in downtown Napa.
- Build the new facility on a larger (10 to 15 acre) site out of downtown Napa.

At that time, the Board approved staff's recommendation that the new jail be built on the site of the existing Hall of Justice/Jail Annex in downtown Napa.

On December 14, 2010, staff presented the Board with a *Major Facilities Preliminary Financing Plan and Feasibility Analysis* that recommended a preliminary financing approach for all of the County's major facility projects, including the Health & Human Services Campus Redevelopment Project, the Downtown Napa Campus Redevelopment Project and the Jail Replacement Project. With regard to the Jail Replacement Project, the *Financing Plan and Feasibility Analysis* identified two Phases:

Phase I would involve the demolition of the existing Jail and Hall Justice and the construction of a 366 bed jail on the portion of the County Superblock south of the current Administration Building and north of the Fifth Street parking garage, with the ability to easily expand to 500 beds on that site as needed.

The updated estimated cost for this Phase was put at approximately \$75.1 million in current dollars and \$97.2 million in inflation-adjusted dollars. The *Financing Plan and Feasibility Analysis* assumed that work on Phase I of the Jail Replacement Project would begin sometime after FY2014-15 and would be funded with a General Obligation Bond Issue.

Phase II would involve the construction of an additional 134 beds to bring the jail capacity to 500. This additional space would be built as needed and would cost an estimated \$8.9 million in current dollars and \$12.7 million in inflation-adjusted dollars. No funding source was identified for Phase II of the Jail Replacement Project.

At the December 14th meeting, the Board was asked to provide input on the Preliminary Financing Plan and to authorize staff to issue Requests for Proposals (RFP) for consultants to assist in developing a Final Financing Plan and California Environmental Quality Act (CEQA) assessments for the Health and Human Services and Downtown Napa campuses. No direction was sought with regard to the Jail Replacement Project, since work on that project was not proposed to occur until after FY2014-15. Staff also indicated to the Board that we would return in 2011 with public comments on the Conceptual Site Development and Phasing Plans for the Downtown and Health and Human Services campuses.

After hearing staff's December 14th presentation, the Board authorized staff to issue an RFP for consultants to prepare a CEQA assessment for the Health & Human Services Campus Redevelopment Project, but not the Downtown Campus Project. Instead, the Board asked staff to return at a later date with answers to a number of questions regarding the Downtown Napa project.

On January 12, 2011 staff facilitated a community meeting at the Downtown Napa Main Library to solicit public input on the Downtown Campus Redevelopment Plan. At that meeting, which was attended by approximately 90 people, most of the comments were directed at the plan to keep the jail in downtown Napa. Among other things, speakers questioned whether keeping the jail downtown was a viable option given the Governor's prison inmate realignment proposal, argued that the land the new jail would sit on could better be used for retail or other purposes and argued that the proposed new jail would be too big and not fit in with the surrounding land uses. Speakers also asked for an explanation of the original reasons for the decision in 2008 to keep the jail in downtown Napa.

In the early summer of 2011, following the passage of 2011 Public Safety Realignment by the State Legislature, staff consulted with CGL and revised the 2007 projections to factor in what the impact on the jail might be from the realignment to the counties of certain inmates who had previously been sentenced to state prison. Because at that point no offenders had actually been realigned, the projections were based largely on data concerning the number of Napa County offenders who would have been sentenced to local custody rather than prison in the prior year if Realignment had been in effect. These new projections assumed all of those offenders would have been sentenced to straight jail time (though the law provided that offenders could receive split sentences—which would involve serving some time in jail and some time on community supervision). These projections yielded a need for 416 rated beds and 448 total beds by 2025.

On June 9, 2011, staff facilitated a follow-up community meeting, held at the historic Courthouse, and specifically focused on the jail replacement project. At this meeting, which was attended by approximately 25 people, staff provided background information on jail operations, reviewed the issues presented to the Board of Supervisors in 2008, when the decision was made to keep the jail in downtown Napa, discussed projections on the likely impact of the State's corrections realignment plan

on Napa County's Jail, provided an updated report on the cost of siting a 526 bed jail at two separate sites – one in downtown Napa and one out of the downtown area – as well as the cost of constructing and operating two separate jails – one in downtown Napa and one out-of downtown. Staff also presented renderings of how a 526 bed jail might look if constructed on the downtown Napa site. As proposed, that jail would have contained five above-ground floors, but would have been the height of a typical four-story building. Comments at this meeting were more balanced, with some still arguing that the jail should be located out of the downtown area and some arguing for the downtown location.

On August 9, 2011, staff presented the Board of Supervisors with a Jail Location Options Update that included the bed need projections revised to reflect the potential impact of realignment, the three jail site/configuration options mentioned above and the renderings of how a 526 bed jail might look if constructed on the downtown Napa site. Based on the options analysis presented at that meeting, staff recommended that the Board maintain its position that the downtown Napa site is the preferred location for a new jail, but that it delay making a final decision on jail size and location until additional analysis is conducted. We identified two issues, in particular, that we felt required further analysis:

- Constraints on future growth capacity at the downtown site, especially since we had not had any actual experience with 2011 Realignment at that time and were still in the process of implementing various programs and other alternatives to incarceration and did not know what the impact on the jail population would be; and
- How construction of a downtown Napa jail could be phased and what could be done with inmates during the construction period.

The Board accepted staff's recommendation.

We have now completed the analysis discussed above and this report describes our conclusions.

REVISED JAIL BED PROJECTIONS

As noted above, the original 2007/08 CGL projections identified the need for a 366 bed jail by 2025. At that time, CGL actually projected that the County would need 427 rated jail beds by 2025 without factoring in any recidivism reductions due to the use of evidence-based practices and, based on information provided by the Carey Group, projected that the County would need 324 rated beds by 2025 if evidence-based recidivism reduction practices were put in place. Based on that, CGL prepared a Facility Program and Concept Plan that detailed the design of a facility for 342 rated beds (the projected 324 beds plus 18 beds due to the operational cost-efficiencies of 32 or 64 bed pods) and 24 non-rated beds (for things like intake, crisis management, medical, holding, etc), for a total of 366 beds. This compares to the current jail, which has 277 total beds and 264 rated beds.

As also noted above, these projections were revised in the summer of 2011 – before Realignment was actually implemented- to reflect the potential effect of 2011 Public Safety Realignment on the jail's population. Those revised projections yielded a need for 416 rated beds and 448 total beds by 2025.

Realignment has now been in effect since October of 2011, and staff has once again revised the 2007 projections to factor in the impact of 8 months of actual experience with Realignment as well as the impact of other factors on the jail population since 2007. The results of that analysis are detailed in the attached report (Attachment A).

As can be seen we have prepared projections of Average Daily Population (ADP) and needed jail beds (both rated and unrated) through 2030 (five years further than the 2007 and 2011 projections) under three different scenarios:

1. A "High-end" projection that assumes that we will not continue to implement evidence based practices designed to reduce recidivism and manage the jail population (or that those practices will not work). This projection yields a total (rated and unrated) bed capacity requirement of 438 by 2025 and 470 by 2030.
2. A "Mid-range" projection that assumes that we will continue to implement population management and recidivism reduction practices, like the Community Corrections Services Center and that those practices will be effective in reducing recidivism. This projection essentially represents the same assumptions as the original 2007 CGL projections and the 2011 revised projections, again, revised to reflect actual experience since those projections were made. This projection yields a total bed capacity requirement of 366 by 2025 and 398 by 2030.
3. A "lower-range" projection that assumes that, in addition to the use of the evidence-based practices assumed in the Mid-range projection, the County will establish some form of staff secure or minimum security custody facility that would initially house 36 inmates. A facility of this type is currently under consideration by the Community Corrections Partnership (CCP). This projection yields a total jail bed capacity requirement of 302 by 2025 and 334 by 2030.

As you can also see from the attached report, we are recommending that jail planning proceed based on the Mid-range scenario. As detailed in the section below, we are also recommending that, to the extent practical, initial jail construction be based on the Mid-range scenario's 2025 projection (366 beds) but with central facilities built to accommodate a larger jail (526 beds) so that expansion can occur simply by adding housing units. We are recommending using the 2025 projection because of the inherent uncertainty involved in making projections about jail bed needs and because of the substantial construction and operational costs that can be incurred in "over-building." This is particularly true now, not only because Realignment is relatively new, but because we are still developing new alternative programs – including potentially an alternative custody facility – and we do not know what impact those new programs will have on the jail's population.

JAIL SITE ALTERNATIVES

As noted above, the County has been considering two site options for the construction of a new jail – a downtown Napa site and an out-of-downtown site. We believe that the principal objectives for each site option should be to (1) to construct a facility that meets our projected needs for 2025 (366 beds) and provides for future expansion to 526 beds if feasible, and (2) to maximize our flexibility by investing in alternatives to incarceration.

I. Downtown Alternative

The first option is to implement a phased demolition and construction approach for a new jail in place of the current facility in Downtown Napa. As you know, the original plan approved by the Board in 2008 called for building a 366 bed jail with expansion capacity for 500 beds. For the downtown Napa site, this would require a five-story jail. Since that original decision, however,

we have considered input provided by downtown Napa residents and business owners concerning the impact of a five-story jail on the community and determined that construction of a five-story jail on the site of the current Jail/Hall of Justice in downtown Napa would not be desirable. Consequently, we would recommend that any jail build on the downtown Napa site be limited to a maximum of four stories.

As the attached report from CGL shows, limiting the jail to four stories at the current Hall of Justice/Jail Annex site means that the new jail could not contain more than 398 beds. Further, if this option is chosen, we would recommend that the jail be built to this level at once (rather than the 366 level) because, given the nature of the site, it would not be cost-effective to build 366 beds with expansion capacity to 398. Additionally, the building's design would be based on the nearby historic Courthouse, with higher floor-to-floor elevations, larger windows, and exterior design elements differ from most contemporary jails that would allow the building to better fit the downtown environment.

The new facility would have a mix of housing classification levels, and would greatly enhance the mental health and medical bed capacity to 32 and 14 respectively. The new facility would provide adequate programming and educational space and expand the recreation areas available to inmates. However, given the site constraints it would still follow the "jail" model of utilizing mainly indoor yard space for recreation.

Jail Construction

The facility would total 398 beds, constructed in four phases:

- 1) Demolition of the of the Hall of Justice (North Jail)
- 2) Construction of first ½ of New Jail
- 3) Demolition of the Jail Annex (South Jail)
- 4) Construction of second ½ of New Jail

By limiting the height to four stories, the new facility will be complete after Phase 4. Core facilities such as the kitchen, laundry and utilities would be sized to meet the 398 capacity. The total estimated demolition costs for the new facility are \$10.8 million; total estimated construction costs are \$93.2 million.

If a new jail is built on the site of the existing Hall of Justice/Jail, even with phasing it will likely be necessary to identify additional options to accommodate inmates during the approximately four to five year demolition/construction period. It is estimated that Phases 1 & 2 will take approximately 28 months to complete. During that time, the County will need to find housing for approximately 70-90 inmates. After construction of the first ½ of the new jail is complete and demolition begins on the Jail Annex, alternative housing will be required for approximately 30-40 inmates for the approximate 24 months of Phases 3 & 4.

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Staff and the CCP are currently evaluating the feasibility of implementing a 50-bed staff-secure residential re-entry facility, where jail inmates would, potentially, serve part of their sentence prior to release. If that facility is implemented in the near future, it could potentially absorb a number of the jail inmates that would be displaced during construction.

In addition, several counties and municipalities have bed space available to lease with rates ranging from \$65-\$70/day. At the high end, this additional cost is estimated to be \$7.9 million dollars total for the construction period, which may be offset in whole or in part by salary and benefit savings due to a reduced need for Correctional Officers during the construction period.

Another alternative housing option would be to lease modular correctional facilities. If this option is utilized the facility would need to be built to the maximum beds needed (90) which may not be cost effective since the need for temporary beds drop off sharply after the first ½ of the new jail is complete. Initial research has shown that these facilities can be leased for approximately \$50/day per bed, which would not include the cost of the land to locate these facilities on. The costs would be approximately \$7.02 million dollars total for the construction period with additional unknown land lease costs. Finding appropriate space to house these facilities may also be difficult.

Considering the leasing of beds with other counties to accommodate inmates, the estimated construction related cost for the Downtown Alternative option could be as much as \$111.9 million.

Downtown Jail Operational Costs

CGL has also provided a staffing plan for a new 398-bed jail. This report does not reflect the recent approval by the Board of Supervisors of changes to the staffing model of the Corrections Department. It still includes the use of overtime/extra help rather than a shift relief factor and the use Correctional Technicians in certain posts. As you will recall in September, based on a staffing evaluation, the Board approved the addition of 8 Correctional Officers and the conversion of 8 of the 13 Correctional Technicians to Officer Positions. Though the ultimate costs may vary because of the staffing changes made in September, the staffing concept provided by CGL in this report is still valid for comparison purposes.

Using 2011 salary figures, CGL's report reflects on-going staffing costs of \$12.2 million dollars. This compares to the current cost of operating the Jail of approximately \$9.15 million (using 2011 figures).

II. Out-of-Downtown Alternative

The second option under consideration is the purchase of a property outside of downtown Napa. CGL has provided the County with basic facility design, construction costs and operational costs for an out-of-downtown facility that would house 366 beds with core facilities designed for occupancies up to 526 beds.

Construction of a facility out of downtown would significantly change the operations of the jail and add costs related to the transportation of inmates to and from the Court house, though these costs could potentially be partially mitigated if the County and the Courts determine that use of video arraignment could be implemented. Under this scenario, for the foreseeable future, we would recommend that the existing downtown Jail remain and function as a holding facility for pre-trial inmates with Court appointments.

Jail Construction

Although the purchase of the property on which to build a new out-of-downtown jail facility could add additional time to the project, the construction process in this option is much simpler and could likely be completed within 24-30 months after purchase of the property and required EIR/CEQA processes are complete. The design of this facility will more closely mirror other contemporary jail facilities; that is, the design will be one or two stories in height using a floor mezzanine housing type which allows for greater visibility by fewer staff, reducing operation costs and improving the security over a vertical jail that requires movement of inmates between floors through elevators. The County would not be required to find alternative housing for inmates during this construction period as all inmates would remain in the current facility.

CGL has included a land purchase price estimate of \$8.4 million in their calculations. Construction costs would run approximately \$64.4 million for a total of \$72.8 million. This cost assumes that the County would continue to use the existing jail annex as holding cells for inmates with court appointments as described above. If the County ever demolished the jail annex, it would be necessary to construct a holding cell facility adjacent to the Criminal Courts Building, which would add additional costs.

Out-of-Downtown Jail Operational Costs

In addition to being a slightly smaller facility than presented in the downtown option, the design of the out-of-downtown facility will allow for some efficiency in the use of staff. The result is annual staffing costs of approximately \$12.1 million.

As CGL notes in their report, the operation of a facility located away from the Courts will add significant costs for transportation to and from the Court for inmates. For the 366 bed facility, they are estimating 2.4 Correctional Officer FTE and 2.4 Sheriff's Deputy FTE to run the transport program (those costs have been calculated in the above \$12.1 million figure). Along with these staffing costs, transportation costs for vehicle related costs will run roughly \$27,000. Taken together, the County would see an annual program cost for transporting inmates to or from the Courts of \$499,000. CGL does note that the use of technology for video arraignments or other non-trial appearances or the inclusion of certain Court facilities such as a hearing room at the new jail site could significantly reduce these costs.

III. Conclusion and Analysis

After considering the alternatives, staff is recommending that the *Out-of-Downtown* site be designated as the preferred alternative location for a new jail.

Both the out-of-downtown and downtown sites have advantages and disadvantages. The most significant advantage of the downtown site is its proximity to the Courts, which reduces cost and security risk associated with inmate movement. In our view, however, this is outweighed by the advantages of the out-of-town site, which include:

- Allowing the County to accommodate future growth. The uncertainty still surrounding Realignment 2011 and the possibility of additional phases of Realignment in the future require the County to think strategically about the type of facility that will be required in the long run. Although all the Criminal Justice

partners in the County have worked diligently to ensure there is a comprehensive and evidence-based approach to managing the correctional population, it is inevitable that the jail population will increase over time. As suggested by the population projections attached to this report, the 398 capacity offered by the downtown site (assuming the Board agrees to a four story height limit for the jail) could be met by 2030. The out-of-downtown site and the development of a jail with core facilities that can accommodate up to 526 inmates allows the County to ensure the significant capital investment of constructing a jail will provide sufficient facilities beyond just a 10-15 year horizon.

- The out-of-downtown site allows for the inclusion of substantial yard and recreational space which would be limited in the downtown site. Longer sentences as a result of Realignment will require jails to provide these types of facilities. The out-of-downtown site allows the County to mitigate the liability risk of not having these available to inmates, and even though the design concept of the downtown facility would include significant recreation and programming space, it would not have the space available to provide sufficient outdoor yards.
- The out-of-downtown site could in the future become a correctional services campus, potentially co-locating a staff secure residential facility, programming space and other service providers to help the inmates and probationers transition seamlessly back into the community with a lower risk of reoffending.
- The out-of-downtown site avoids the construction complexities associated with the Downtown site. As indicated, construction on the downtown site would need to be phased adding to the construction time period and would require us to relocate a certain number of inmates either out of the County or to a temporary secure facility in the County.
- The construction of a new downtown jail will require the relocation of day reporting and other court service currently housed in the Downtown Jail.
- The existing Hall of Justice is structurally sound and of a design which could be easily renovated to accommodate other County offices.
- The out of town site is the least costly option for initial construction costs.

The recommendation that the County proceed with jail planning based on the goal of building a new 366 bed jail with core facilities sized to accommodate 526 beds and with the preferred location being an out of downtown Napa site was discussed with the CCP at its meeting on October 30, 2012 and members of the CCP supported the recommendation. In discussion, CCP members emphasized that the out-of-downtown site provided the most flexibility in dealing with potential future expansion needs and the changing nature of the inmate population due to realignment, but cautioned against locating the new jail more than a 10 to 15 minute drive from downtown Napa because of the impact on law enforcement agencies that transport arrestees to the jail. Some members of the CCP also discussed the benefit of a two-jail option (pre-sentenced inmates at the downtown location and sentenced inmates at the out-of-downtown

location) in terms of court access, but recognized that that would be a much more costly option. It was also suggested that if all the parties could agree to the use of video arraignment some of the court access concerns might be partly mitigated.