



# Butte County Board of Supervisors Agenda Transmittal

Clerk of the Board Use Only

Agenda Item:

4.05

**Subject:** SB 863 Financing Program for Jail Construction, Application and Resolution

**Department:** Sheriff, Administration & General Services

**Meeting Date Requested:** August 11, 2015

**Contact:** Sheriff Kory Honea      **Phone:** 538-6759

**Regular Agenda**

**Consent Agenda**

**Department Summary:** *(Information provided in this section will be included on the agenda. Attach explanatory memorandum and other background information as necessary).*

The existing Butte County Jail lacks the proper capacity for our population, and the capacity it has is inadequate due to impacts of AB109. The Prison Realignment of 2011 has resulted in longer sentences and inmates serving time for more serious crimes. Over the years, the Sheriff has had to release significant numbers of inmates to avoid overcrowding, and has been limited in the kind of programs that can be run in the jail suitable for the new population. There is a need for a new kind of jail, one that can house more inmates while being able to provide services aimed at reducing recidivism. The Sheriff, the Chief Administrative Office and County General Services are requesting approval to apply for up to \$40 million in state funding through the Construction of Adult Local Criminal Justice Facilities Project under the SB 863 Financing Program. Funding will require the County to contribute a minimum of \$4.445 million combined cash and in-kind match. Cash match includes impact fees and inmate welfare funds. In-kind includes land value and staff time dedicated to project management and transition planning. The proposed project is to construct a standalone facility located adjacent to the existing jail. The new facility would include 36 special population beds for treatment of inmates with medical and mental health issues, a new medical and dental clinic, 96 beds to replace existing substandard cells, a variety of program treatment rooms, and a new central control and intake area.

It is anticipated that operating costs will increase by about \$1 million annually over current operating expenses. Counties throughout the state are applying for these limited funds, which will be awarded based on the proposed project and counties' ability to demonstrate readiness-to-proceed. Proposals are due to the Board of State and Community Corrections (BSCC) on August 28, 2015.

**Fiscal Impact:**

The action requires the Board to approve \$4.445 million in matching funds. Of this, approximately \$1,080,000 is anticipated to be in-kind, and \$3.365 million in cash match. Cash match includes impact fees and inmate welfare funds. In-kind includes land value and staff time for project management and transition planning. In the mid-term, the County may need to appropriate additional cash for costs not included in the grant. In the long-term, the action would result in increased operations, programming and maintenance costs for the jail, anticipated to be an additional \$1 million annually over current expenses.

**Personnel Impact:**

It is anticipated that General Services will require a Limited Term Project Manager to manage the design and construction phases of the project. Once constructed additional staff will be needed to run the facility. The exact number is yet to be determined, but will likely include Correctional Deputies, Correctional Technicians and General Services maintenance staff.

**Action Requested:**

Adopt resolution and authorize the Chair to sign.

**Administrative Office Review:** Andy Pickett, Deputy Chief Administrative Officer



July 27, 2015

Butte County Board of Supervisors  
25 County Center Drive  
Oroville, CA 95965

RE: Jail Program, Inmate Treatment, Capacity and Replacement Housing Project Staff Report

Dear Board of Supervisor Members:

The Sheriff of Butte County, the Chief Administrative Officer, and General Services Director are seeking the support of the Butte County Board of Supervisors in their efforts to obtain \$40,000,000 in funding for the "Jail Program, Inmate Treatment, Capacity and Replacement Housing Project."

#### EXECUTIVE SUMMARY

On April 4, 2011, Governor Brown signed AB 109, the 2011 Public Safety Realignment Act. This law altered the California criminal justice system by changing the definition of certain felonies and shifting housing for these offenders from State Prison to local County jail. While already near or at capacity, AB 109 has resulted in the Butte County Jail receiving additional inmates who tend to have longer sentences than traditional County inmates, are more criminally sophisticated and require higher levels of treatment and services. The existing jail was not designed to manage the security needs or provide for the level of services these inmates require.

In an effort to manage the impact of AB 109, the Sheriff and the County's other criminal justice agencies make extensive use of alternatives to incarceration programs. These programs include Pretrial Release Program (OR), the Sheriff's Work Alternative Program (SWAP), the Alternative Custody Supervision (ACS) Program's Electronic Monitoring Program, evidence-based counseling through the Sheriff's Day Reporting Center and the Sheriff's Parole Program. Despite the use of these alternatives to incarceration programs, the continuing high population levels at the jail required an average of 154 early releases per month in 2014 due to the lack of housing capacity.

To assist counties with the challenges associated with AB 109, the legislature passed, and the Governor signed, SB 863 authorizing state lease-revenue bond financing for the acquisition, design

and construction of Adult Local Criminal Justice Facilities. SB 863 pays for 90% of total project costs, to a maximum of \$40 million with a minimum 10% match by the County. Matching funds would be a combination of impact fees, Inmate Welfare Funds and the value of land and project administration.

The 52 year old Main Jail facility is approaching the end of its serviceable life; its deficiencies are serious and cannot be economically corrected within the building's current footprint. Recidivism reduction efforts are impacted by the existing linear configuration and lack of program and treatment space.

The proposed project will be a separate, stand-alone facility north of the existing jail connected to the existing secure corridor system. The project provides 36 special population beds for treatment of inmates with medical and mental health issues, a new medical and dental clinic, 96 beds to replace existing substandard linear open-bar cells, a variety of program treatment rooms, new central control, and intake area.

The costs to operate the new facility are anticipated to be about \$1.0 million higher than the \$9.2 million it takes to operate the existing jail. The actual amount to operate the new facility will depend on the final design of the facility.

The SB 863 application is due to the Board of State and Community Corrections on August 28, 2015. Awards are scheduled to be announced in November 2015.

#### FACILITY BACKGROUND INFORMATION

Since it was originally built in 1963, the Butte County Jail has been expanded, renovated and remodeled as a result of increasing inmate populations and changing inmate security levels. There have been three significant additions or alterations to the 1963 jail. These occurred in 1987, 1994 and 1998. Key characteristics and descriptions of the jail facilities include the following:

***Main Jail Facility:*** The original 1963 portion of the facility has a current maximum rated bed capacity of 198 inmates. This facility is laid out in an open bar front, linear fashion and contains two 48-bed male dorms and a 99-bed unit of varying small dorms and cells for women. The Medical Unit contains three additional single rooms used for medical, administrative segregation, discipline, and isolation.

The original portion of the facility contains Central Control, female housing, medical housing, visiting, booking office, booking holding, administration, staff lockers/toilets, food preparation facility, laundry staging, medical/mental health support space, a vehicle sallyport, indoor multi-purpose recreation and outdoor

recreation yards. Most living units and support functions are designed off of a long central corridor that is also the main circulation pathway in the facility.

The medical and booking areas were remodeled in 1998 by repurposing the original inmate gymnasium and vacating one of the old linear housing areas. At that time, a docile waiting area was added to the booking room for inmates not requiring a holding cell. The medical unit was increased to provide more professional quarters and meet more of the specialized medical need. Due to budget constraints, several important functions and spaces were not included which has led to operational and supervision shortcomings in each area.

*East Facility:* In 1987 a new housing facility was built. The “East Facility” was designed for lower risk classification inmates, or minimum security. The capacity of the building was 96 divided into six-16 bed dorms, one of which was designated for females. Supervision of the inmates included an officer station. The housing was considered linear and indirect because the officer could only see the inmates when they were in a common dayroom. The housing units and bathroom/shower areas could only be supervised when an officer did a routine intermittent walk through.

Between 1987 and 1994, higher classification level inmates, many of which were felons, were placed in the East Facility as the Main Jail became more crowded. The result was that inmates with longer sentences or facing more serious crimes walked away from the facility at a greater and unacceptable rate. It was not feasible to harden and lock the facility. When the 1994 jail addition was completed, all inmates vacated the East Facility and it became Sheriff Administrative space and jail support space. This space now includes laundry, conference / meeting space, jail storage, dispatch, and general Sheriff’s administration.

*West Facility:* The 1994 West Facility has a rated capacity of 416 inmates distributed between two separate two-tiered male housing units for both medium and maximum security inmates. The West Facility consists of Housing Unit C and Housing Unit D. Unit C is a 176 bed maximum security structure consisting of single and double occupancy cells; Unit D contains six medium security dorm units totaling 240 beds. This addition also includes a multipurpose space, recreation yards, visiting, medical exam rooms, and conference and interview rooms. In contrast to the Main Jail, the West Facility was designed with a modern, podular layout to allow visual supervision of inmates in their housing units from a centralized control station.

Also in 1994, the kitchen of the Main Jail was remodeled to accommodate the increased inmates housed in West Facility. The kitchen space was substantially

increased by using an existing inmate dining room as a new food serving line, serving tray washing area and cart/tray storage. Other areas of the kitchen were also remodeled to provide for new warming equipment, cooking equipment, food preparation space and various food storage spaces.

The 2015 Jail Needs Assessment Update identified the following functional use areas as highly deficient: (1) Housing and Dayrooms, (2) Classrooms and Program Space, (3) Medical/Mental Health/Dental, and (4) Intake Processing/Release Area. Overall, each of the following functional use areas are highly deficient in space as compared to other, similar facilities throughout the state. This is because much of the facility and its infrastructure is of the 1963 era, when there were very few jail standards to be met. Today, modern custody standards have emerged along with the space needed to manage jail facilities while providing safety to staff, inmates, and the public.

### THE INMATE POPULATION

Over the past 13 years, the jail has been processing an average of 1,010 bookings each month. This represents an average of 33 bookings per day. The jail has a 2014 average daily inmate population (ADP) totaling 587. Currently, the jail is operating at 95.6% of the Board of State and Community Corrections (BSCC) rated custody bed capacity. Pretrial inmate population in 2014 comprised about 60.3% of the total custody bed space. Sentenced inmate population made up 39.7% of the detention bed space. Because of crowding, over the past three years the jail has virtually eliminated most pretrial and sentenced misdemeanants from the incarcerated population. Prior to taking these steps, the County jail had an ADP of misdemeanants that ranged between 65 and 125.

**AB 109 Public Safety Realignment Act:** On April 4, 2011, Governor Brown signed AB 109, the 2011 Public Safety Realignment Act. This 652 page law, alters the California criminal justice system by (a) changing the definition of a felony, (b) shifting housing for low level offenders from State Prison to local County jail, and (c) transferring the community supervision of designated parolees from the California Department of Corrections and Rehabilitation (CDCR) to local county probation departments. The AB 109 legislation reassigns three groups of offenders previously handled through the State Prison and Parole System to California counties. The first group includes convicted offenders receiving sentences for new non-violent, non-serious, non-sex offender (N3) crimes that will be served locally (one year or more). Offenders in this category will have no prior violent or serious convictions. The second group involves post-release offenders (up to three years) coming under Probation Department supervision for (N3) crimes released from State Prison. The third group includes State parole violators who are revoked to custody. The AB 109 Realignment Act has had a significant impact on county jail custody trends. Between 2011-14, the County jail has processed 3,061 AB 109 Realignment Act inmates. The

jail has booked an average of 24 sentenced felons a month into the detention facility.

**Proposition 47:** On November 4, 2014, California voters approved Proposition 47 which reduced the classification of most “non-serious and non-violent property and drug crimes” from a felony to a misdemeanor. Specifically, the initiative (1) reduced felony and wobbler offenses for simple drug possession to straight misdemeanors for most people, (2) reduced a number of theft-related wobblers to straight misdemeanors for most people, and (3) retroactively allowed most people convicted of felonies under prior law to reduce their convictions to misdemeanors if their crimes would not have been felonies if committed after the initiative’s effective date. Proposition 47 has not been in effect for long enough to conclusively determine the ultimate impact this new legislation will have on county jails inmate ADP levels. A comparative analysis of changes in total monthly jail releases between 2014 (baseline period) and the first five months in 2015 when the law was beginning to be implemented, however, shows a reduction of 67 facility releases a month, which if this continues, will result in an estimated drop in future jail ADP levels by 42 custody beds.

**Inmates Requiring Medical and Mental Health Services:** The jail population “snapshot” taken on June 28, 2015 showed that 22 male and eight female inmates were classified as needing medical and mental health services. These inmates represented approximately 5.0% of the jail’s total population when the “snapshot” was taken. For the years 2010 through 2014, an average of between 18 and 30 inmates required medical practitioner contact each day.

In the one-day “snapshot” taken on June 28, 2015, the jail system held a daily population (ADP) of 594 incarcerated inmates, 9.3% or 55 of the inmate population were sentenced AB 109 related inmates. The other 539 incarcerated inmates were pretrial and sentenced local adult offenders and other detainees being held on warrants and holds from federal/State law enforcement agencies. Because of the desire to expand inmate treatment and counseling services coupled with the provisions contained in the Superior Court Consent Decree (Case #84429) “capping” inmate housing capacities, the jail has pursued a wide range of inmate population management policies/alternative programs directed to all incarcerated offenders.

The jail currently has an inmate population in which nearly half the detainees (48.4%) require high-security housing. The jail, however, currently only contains 31 cells which can accommodate this inmate population. The other housing in the facility includes double-occupancy cells and dormitory beds/bunks. Only 18.5% (111) of inmates are classified as requiring minimum security dormitory housing beds. In contrast, the jail is configured with 421 dormitory-style beds which account for 68.6% of available housing. This stark difference in inmate security classifications compared to the

type of custody beds contained in the jail not only complicates classification decisions, but places the safety of inmates, staff, and visitors at higher risk.

### POPULATION MANAGEMENT & ALTERNATIVES TO INCARCERATION

A primary target population for alternative programming which has helped minimize jail overcrowding has been AB 109 sentenced felony inmates who are being redirected in large numbers to the Sheriff's Office's Alternative Custody Supervision (ACS) Program. A total of 705 County Prison (N3) offenders have been referred to the ACS Program in lieu of continued incarceration in the County jail while they complete their Court sentence. The County Prison (N3) offenders enrolled in the Program are strictly supervised through the use of electronic monitoring equipment and they must participate in structured evidenced-based treatment/counseling while fulfilling their Court sentence through the alternative to custody program. To date, these AB 109 offenders represent 75.5% of the participants supervised by the Sheriff's Office. Overall, the average daily population of the Alternative Custody Supervision (ACS) Program has risen 22.8% over the past 36 months.

Because of the lack of bed space, the overwhelming majority of jail detainees (68.1%) secure a release from the facility after booking or prior to completing their Court sentence. Only 31.9% are continuing custody inmates (time served, etc.) who are sentenced or held in a pretrial status pending disposition of their arrest. Because of the continuing high population levels at the jail in 2014, a total of 1,847 inmates or 154 a month were released due to the lack of pretrial and sentenced housing capacity. Nearly 61.7% of the average monthly releases due to the lack of jail housing capacity since 2010 have involved felony offenders. If these early releases were not occurring because of the lack of jail bed space, the facility's average daily population considering the average length of jail stay (20 days) would increase by 103 inmates.

The average length of jail stay in 2013 was 23 days, and 20 days in 2014. Nearly two out of every three individuals booked into the facility are able to secure a release within five days or less. In 2014, for example, 6,747 detainees (53.7%) were booked and released from the jail in less than two days. Another 1,288 detainees (10.3%) were released between three to five days following their intake into the detention facility. A further indication of the lack of jail bed capacity in the County jail system is shown by comparing the average length of jail stay in Butte County and California county jails generally. In September 2014, the average statewide length of jail stay was 29 days, with the length of the incarceration in the Butte jail at 20 days. Equally significant, the average length of stay for both pretrial and sentenced detainees in the Butte jail is also significantly lower as compared to California statewide data.

The County's criminal justice system makes extensive use of both pretrial and sentenced alternatives to incarceration programs. In a "snapshot" taken on June 28, 2015, 1,081 offenders were under the jurisdiction of the Sheriff's Office and criminal justice system and were either in

custody or participating in one of five alternatives to incarceration programs. A total of 594 (54.9%) offenders were in-custody pretrial or sentenced inmates. The remaining 487 individuals (45.1%) were participating in five primary alternatives to incarceration programs in lieu of continued incarceration in the County jail facility. A total of 139 of the “snapshot” population were Pretrial Release Program OR defendants. Another 131 were enrolled in the Sheriff’s Work Alternative Program (SWAP). An additional 137 were being supervised through the Alternative Custody Supervision (ACS) Program’s Electronic Monitoring Unit. A total of 75 convicted felons and misdemeanants were participating in evidence-based counseling through the Sheriff’s Day Reporting Center and five sentenced offenders were in the Sheriff’s Parole Program.

### PROGRAM /TREATMENT SPACE & REPLACEMENT HOUSING

Future inmate population bed needs for Butte County’s jail system are estimated to be 757 by 2019 and 785 by 2034. These population projections take into consideration (a) peak housing capacity factors, and (b) inmate classification requirements. The projection of inmate ADP also assumes that when additional bed capacity is made available, early releases for pretrial and sentenced inmates will be reduced. The jail will also have reached full implementation of the AB 109 Realignment law by the end of 2015.

The linear housing and dayroom section of the 52 year old Main Jail facility is approaching the end of its life expectancy and warrants replacement. The Needs Assessment analysis shows that the identified deficiencies are serious and cannot, from a constructability and cost standpoint, be economically corrected within the building’s current footprint. Furthermore, the linear configuration/layout and lack of appropriate program and recreation space in the current detention facility does not allow for maximized rehabilitation of male and female offenders, which affects recidivism reduction efforts and cost to the County. The maintenance and operational costs of the building’s old mechanical, electrical, plumbing and security systems are also burdening the County.

#### *Butte County Jail*

#### *2015 Major Needs Assessment Findings and Conclusions*

##### Safety

- *Replace the antiquated linear “steel” bar-front cells and dormitories in the 52 year old Main Jail.*
- *Construct additional new generation housing capacity which (a) reflects the changing inmate security custody profiles, (b) reflects inmate classification characteristics and needs, and (c) will eliminate overcrowding.*

##### Efficiency

- *Construct additional new generation housing capacity which incorporates the flexibility to use modern direct visual supervision in a podular configuration, which meets “best practice” detention operational standards, and install*

*technology which provides flexibility to meet a wide range of varying inmate classifications.*

- *Replace the inadequate and undersized existing intake processing and release unit which does not have sufficient inmate holding to allow for the separation of inmates with varying security needs.*

#### Programming and Treatment

- *Expand classrooms and program space to allow for a wide variety of programming and evidence-based counseling which reduces recidivism while addressing individual inmate needs.*
- *Expand special use beds and support staff areas which can be used for inmates with medical and serious mental health treatment needs.*

The key change that will be brought about with construction of the new SB 863 facility will be the provision of more purpose-designed space intended for best practice counseling/treatment programming. Evidence-based programming will support all facets of a healthy and productive life, including nutrition, health, education, mental health, cognitive perception, and family functioning. This will be achieved through a cognitive, gender-specific approach that will be made available with improved program space layouts. A well-designed assessment and counseling area with adequate treatment space with a secure mental health records area will also be provided within the new facility. This expanded space will significantly enhance the counseling, treatment services, and clinical mental health case management support the County can make available to the resident population with emotional and other psychological mental health service needs.

#### SB 863 – ADULT LOCAL CRIMINAL JUSTICE FACILITIES CONSTRUCTION LEASE REVENUE BOND FINANCING PROGRAM

On June 20, 2014 Senate Bill 863 became law, authorizing state lease-revenue bond financing for the acquisition, design and construction of Adult Local Criminal Justice Facilities. In part, the law states:

*“The county adult criminal justice system needs improved housing with an emphasis on expanding program and treatment space to manage the adult offender population under its jurisdiction. Improved county adult criminal justice housing with an emphasis on expanding program and treatment space will enhance public safety throughout the state by providing increased access to appropriate programs and treatment. By improving adult criminal justice housing with an emphasis on expanding program and treatment space, this financing will serve a critical purpose by promoting public safety.”*

SB 863 is structured so the State pays most of the project costs, with a required local match. There is a competitive process for SB 863 financing, with awards organized by county size. For Butte

County, the maximum award is \$40 million, with a County match of \$4.445 million, for a total project amount of \$44.445 million.

**PROJECT DESCRIPTION**

The proposed project will be a separate, stand-alone facility north of the existing jail that will connect into the existing secure corridor system. The project provides 36 special population beds for treatment of inmates with medical and mental health issues, a new medical and dental clinic, 96 beds to replace existing substandard linear open-bar cells, a variety of program treatment rooms, and a new central control and intake area. Since future plans include the phased demolition and replacement of the oldest portion of the jail, and because the existing intake area is inadequate in capacity and amenities provided, a new intake area is included as part of this project.

**FINANCING**

As mentioned, SB 863 allows medium-sized counties to apply for funding for up to 90% of eligible project costs, with individual awards capped at \$40 million. Counties are responsible for providing a minimum of 10% matching funds. Staff is proposing to apply for the full \$40 million which will require matching funds of \$4.445 million for a project total of \$44.445 million.

The matching funds are a combination of cash and in-kind contributions consistent with the requirements of the application process. The specific sources and amounts of cash and in-kind match are:

**Names and Amounts of Specific Sources of Cash and In-Kind Contributions to the SB 863 Project**

<b>Sources of Cash Contribution</b>	<b>Amounts by Source</b>
1- Jail Impact Fees	\$1,840,000
2 - Inactive Sheriff Impact Fees	\$840,000
3- Inmate Welfare Funds	\$685,000
<i>Total Cash Contribution</i>	\$3,365,000
<b>Sources of In-Kind Contribution</b>	<b>Amounts by Source</b>
1- Value of Land	\$500,000
2- Project Administration and Planning (staff time)	\$580,000
<i>Total In-Kind Contribution</i>	\$1,080,000
<i>Total Cash &amp; In-Kind Contribution</i>	\$4,445,000

In the event that actual project costs exceed the \$44.445 million and/or there are project costs not eligible for state reimbursement or match as part of the SB 863 project staff has identified additional sources of non-discretionary funds to make up any shortfall. These include Criminal Justice Construction Funds, additional Inmate Welfare Funds and AB 109 (Criminal Justice Realignment) growth funds. Once the County receives notification of a conditional award, counties are not permitted to reduce their proposed and accepted scope of work, even if higher than expected construction bids are received.

All sources of cash contribution funding must be compatible with the lease-revenue bond financing structure of the SB 863 Program. In general, cash funding sources that are 1) lawfully available, 2) legal and authorized by the Board of Supervisors for such use, and 3) not previously pledged for some other purpose are adequate. The resolution titled 'Resolution Authorizing Submission of an Application for Funding of the Jail Program, Inmate Treatment, Capacity and Replacement Housing Project Under SB 863 and Providing for the Required Assurances,' hereinafter referred to as the resolution, contains specific required language wherein the Board is asked to provide assurance that the proposed cash match funding meets the three criteria listed above. The sources of cash and in-kind contributions are discussed individually below and detailed in the resolution.

#### *Sources of Cash Contribution*

Jail Impact Fees—Since 2007, Butte County has collected impact fees specifically for jail facilities. As these funds have been collected for the purpose of financing the acquisition, expansion, or construction of jail facilities, they are legally available and lawful for this use. \$1,840,000 in Jail Impact Fee Funds are needed for the project match.

On October 8<sup>th</sup> 2013, as part of the SB 1022 application, a predecessor to the SB 863 financing program, the Board of Supervisors authorized a loan of \$1,370,000 from Sheriff impact fees (\$620,000) and Fire impact fees (\$750,000) for the jail project. Statute does not permit expending impact fee funds on public improvements that they were not collected for, but the loaning of such funds for other public improvements is permitted, and as such, these funds are legally available and lawful to be loaned to the Jail Impact Fee account. These funds, in addition to the \$470,000 available in the Jail Impact Fee account at that time, were to be used for a jail project had the County's SB 1022 application been successful. These funds, totaling \$1,840,000, will now be directed to the SB 863 project.

All loaned funds will be repaid with future jail impact fee revenue including interest. The County is currently working with the incorporated municipalities of Butte County so that Jail Impact fees will be collected in all of Butte County, not just the unincorporated area. Based on the current Capital Improvement Plan (CIP) it is not anticipated the loaned impact fees will negatively impact other projects currently included in the CIP.

'Inactive' Sheriff Impact Fee—Between 1991 and 2007, Butte County collected impact fees for Sheriff's facilities, including jail facilities, substations, and equipment. The jail impact fee ordinance that passed in 2007 repealed the 1991 ordinance that established the Sheriff impact fee. Revenue

collection in this account ended, and the fund became known as the 'inactive' Sheriff Impact Fee. As these funds have been collected for the purpose of financing the acquisition, expansion, or construction of jail facilities, they are legally available and lawful for this use. It is anticipated that the entire balance of \$840,000 in this account will be used towards the SB 863 Project.

Inmate Welfare Fund—Revenue in the inmate welfare fund is derived from the profit earned by the store in the county jail that sells personal items to inmates as well as revenue related to the use of pay telephones by inmates. Government Code requires that inmate welfare funds be expended primarily for the benefit, education, and welfare of the inmate population. The SB 863 Project budget contemplates \$685,000 in inmate welfare funds being expended on the project, and all such funds would be used for program space where inmates would be provided educational and evidence-based programming intended to improve their life skills and reduce recidivism. Accordingly, these funds are legally available and lawful for this use.

#### *Sources of In-Kind Contribution*

Value of Land—The program allows the value of the land that comprises the project site to be claimed as an in-kind contribution. A recently conducted appraisal values the project site at \$500,000.

Project Administration and Planning—The program allows staff time spent performing certain activities in support of the project to be claimed as an in-kind contribution. The estimated value of the time that staff will spend performing such activities is \$580,000.

#### *Funding changes from SB 1022*

In the fall of 2013 Butte County applied for state funding for a similar jail project under SB 1022, but was not successful. At that time the Board of Supervisors authorized \$905,000 of in kind match and \$3,540,000 in cash contribution to the project. For a total of \$4,445,000 County match. At that time the impact fee loan was initiated and the entire County match was moved into the Capital Projects fund to be used for the Jail Project. The SB 863 project, while similar, includes \$1,080,000 of in kind match funds and \$3,365,000 of cash contribution for the project for a total of \$4,445,000 County match.

#### IMPACT ON GENERAL PURPOSE REVENUE

The project is not anticipated to impact the County's discretionary general purpose revenue (GPR). However, once completed and operating, GPR will be impacted. It is anticipated that the operating costs for the new facility will be about \$1.0 million higher than the current jail operating costs. At this point the only funding source available for the increased operational costs is GPR. However, the Sheriff will continue to explore funding opportunities to reduce or offset the increased operational costs.

## RESOLUTION WITH REQUIRED ASSURANCES AND DEMONSTRATING READINESS TO PROCEED

As part of the SB863 application staff is requesting that the Board adopt the attached resolution with the required assurances and demonstrating the County's readiness to proceed. As follows:

1. *Identifying the County Construction Administrator, Project Financial Officer and Project Contact Person* – Grant Hunsicker, General Services Director will serve as the Construction Administrator, Meegan Jessee, Deputy Administrative Officer will serve as the Financial Officer and Kory Honea, Sheriff will be the Project Contact.
2. *Authorization of project documents* – the SB 863 financing program requires authorization of the project documents that will be used to secure state financing for the project. The resolution provides the State assurance that the County approves the form of and has authorized the Chief Administrative Officer to execute the five agreements that comprise the 'project documents' as a condition of participating in the state financing program. If awarded funds, as part of the SB 863 program, the state would reimburse the County for up to \$40 million. The state would then finance its payments to the County through lease-revenue bond financing.

Broadly, the manner in which the lease-revenue bond arrangement works is:

- The County leases the site to the Board of State and Community Corrections (BSCC);
- BSCC grants the County the right to enter site and construct the facility;
- BSCC leases the site to the State Public Works Board (SPWB), who in turn issues bonds to pay for facility construction;
- SPWB leases the site and facility back to BSCC, which creates the revenue stream to repay bonds;
- BSCC subleases facility to County for use at no cost (no cost for lease—County assumes full responsibility for operation, maintenance, and repair);
- When bonds are retired, County assumes title of facility.

The project documents are as follows and included as attachments B – F (Please note the attached documents provided by the state reference AB 900, a predecessor to SB 863. The state has indicated no substantive changes will be made to these documents):

- Project Delivery and Construction Agreement
- Board of State and Community Corrections Agreement
- Ground Lease
- Right of Entry for Construction and Operation
- Facility Sublease

There are also two agreements to which the County would not be a party to—the Site Lease and the Facility Lease. These agreements are solely between the Board of State and Community Corrections and the State Public Works Board.

The project documents have been reviewed by County Counsel, General Services and Administration. Exhibit titled "Matrix of Major Related SB 863 Agreements for Jail Program and Capacity Expansion Project is a chart that displays the relationships between the agreements and a summary of each (attachment A).

3. *Authorization for application* – The resolution authorizes Kory Honea, Sheriff to submit the SB 863 application to the state (draft Application included as Attachment G)
4. *Assurance that the County will adhere to state requirements and terms of the project documents in the expenditure of any financing allocation and county matching funds.*
5. *Authorization of adequate county contribution funds as detailed above including \$1,080,000 of in kind match and \$3,365,000 of cash match.*
6. *Assurance that County matching funds meet state financing requirements and authorization for the County to proceed with the project when state financing is awarded.*
7. *Assurance that the County will staff the facility that will be constructed as part of the project within ninety (90) days.*
8. *Assurance that the County owns the property upon which the project will be constructed and that the property value is \$500,000 which will be used as a portion of the project in kind match.*
9. *Assurance that the County adopted an Addendum to the Initial Study/Mitigated Negative Declaration for the Supplemental Jail Facility in accordance with the California Environmental Quality Act.*
10. *Selection of the design-build delivery process* – SB 863 allows the County to choose between two project delivery methods; Design-build and Design-Bid-Build. Design-build is the preferred delivery method, because it will allow the County the opportunity to receive state reimbursement for project costs earlier, establish a fixed construction cost earlier, and maximize flexibility and efficiency during the design and construction process.

#### TIMELINES

Application Funding Award – November 2015

Solicit and Contract Architectural Bridging/Design Criteria Services – March 2016

Real Estate and CEQA Work Completed – March 2016

Architectural Bridging/Design Criteria Services complete – May 2017

Solicit, Contract and Notice to Proceed for Design-Build Entity – May 2018

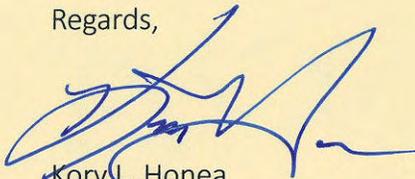
Construction Completed – May 2020

Staffing/Occupancy – August 2020

ATTACHMENTS

- Resolution: Resolution Authorizing Submission of an Application for Funding of the Jail Program, Inmate Treatment, Capacity and Replacement Housing Project Under SB 863 and Providing for the Required Assurances
- Matrix of Project Documents (Attachment A)
  - Project Delivery and Construction Agreement for Design-Build Project (Attachment B)
  - Board of State and Community Corrections Jail Construction Agreement (Attachment C)
  - Ground Lease (Attachment D)
  - Right of Entry for Construction (Attachment E)
  - Facility Sublease (Attachment F)
- Draft Project Application w/4 page Attachment (Attachment G)
- Butte County Jail Needs Assessment Update July 2015 (Attachment H)
- CEQA Documentation (including Resolution, Notice of Determination and letter from County Counsel) (Attachment I)
- Real Estate Appraisal (Attachment J)

Regards,



Kory L. Honea  
Sheriff-Coroner



**BOARD OF SUPERVISORS**  
COUNTY OF BUTTE, STATE OF CALIFORNIA

**RESOLUTION AUTHORIZING SUBMISSION OF AN APPLICATION FOR FUNDING OF THE JAIL PROGRAM, INMATE TREATMENT, CAPACITY AND REPLACEMENT HOUSING PROJECT UNDER SB 863 AND PROVIDING FOR THE REQUIRED ASSURANCES**

**WHEREAS**, the Sheriff maintains the safety of the community and operates the county jail in a safe and humane manner and recognizes the SB 863 Financing Program assists counties in providing upgrades to jail facilities to replace outdated, compacted housing and provides space for evidence-based treatment programs for inmates; and

**WHEREAS**, the County of Butte desires to authorize the Sheriff to submit an application under the SB 863 Financing Program for partial funding of the Jail Program, Inmate Treatment, Capacity and Replacement Housing Project (Project) in the amount of \$40 million; and

**WHEREAS**, the Board of State and Community Corrections (BSCC) requires that County submit a resolution with its application with the required assurances, including authorizing an adequate amount of available matching funds to satisfy the counties' contribution, approve the forms of the project documents deemed necessary to effectuate the financing and authorizing the appropriate signatory or signatories to execute those documents at the appropriate times; and

**WHEREAS**, the County must provide matching funds totaling \$4,445,000 (or 10% of the estimated project total of \$44,445,000) for the Project; and

**WHEREAS**, the required matching funds can be any combination of in-kind and cash match; and

**WHEREAS**, the Project budget includes \$1,080,000 of in-kind matching funds, including \$500,000 for the value of the land owned by the County to be used for the Project and \$580,000 for the value of the staff time estimated to be spent on the Project; and

**WHEREAS**, the remaining required cash match is \$3,365,000; and

**WHEREAS**, in order to provide the sufficient quantity of cash match to meet the total required match, it is necessary to use a combination of Impact Fees and Inmate Welfare Funds, as detailed below; and

**WHEREAS**, in order to provide the sufficient quantity of impact fees for the cash match in addition to using the funds available in the Jail Impact Fee account and in the now inactive Sheriff Impact Fee account, it is necessary to loan up to \$1,370,000 in impact fees from other accounts to the Jail Impact Fee account to be paid back from future revenues in the Jail Impact Fee account; and

**WHEREAS**, the Board of Supervisors authorized the necessary loan of up to \$1,370,000 in impact fees from other impact fees accounts on October 8<sup>th</sup> 2013; and

**WHEREAS**, facilities financed pursuant to SB 863 may be delivered through either a design-bid-build or a design-build process.

**NOW, THEREFORE, BE IT RESOLVED** that the County of Butte (the “County”) is seeking funding for its proposed project within the Adult Local Criminal Justice Facilities Construction Financing Program (the “SB 863 Financing Program”).

**BE IT FURTHER RESOLVED** that the County’s Construction Administrator for the project is Grant Hunsicker, Director of General Services; that the County’s Project Financial Officer for the project is Meegan Jessee, Deputy Administrative Officer; and that the County’s Project Contact Person for the project is Kory Honea, Sheriff; and

**BE IT FURTHER RESOLVED** that the Board of Supervisors of Butte County does hereby approve the forms of the project documents deemed necessary, as identified by the State Public Works Board to the BSCC, to effectuate the financing authorized by the legislation including, but not limited to the Project Delivery and Construction Agreement, the Board of State and Community Corrections Agreement, the Ground Lease, the Right of Entry for Construction and Operation, and the Facility Sublease. The Chief Administrative Officer, or his designee (collectively, the “Authorized Officers”), acting alone, is hereby authorized for and in the name of the County to execute the project documents.

Each of the Authorized Officers is authorized to execute these respective agreements at such time and in such manner as is necessary within the SB 863 Financing Program. Each of the Authorized Officers is further authorized to execute, acknowledge and deliver any and all documents required to consummate the transactions contemplated by the Project Delivery and Construction Agreement, the Board of State and Community Corrections Agreement, the Ground Lease, the Right of Entry for Construction and Operation, and the Facility Sublease; and

**BE IT FURTHER RESOLVED** that Sheriff Kory Honea is hereby authorized to sign, on behalf of County, the BSCC Applicant’s Agreement which is part of the BSCC application for funding, and is further authorized to submit the application for funding to BSCC on County’s behalf; and

**BE IT FURTHER RESOLVED** that the Board of Supervisors hereby provides assurance that County will adhere to state requirements and terms of the agreements between the County, the BSCC and the State Public Works Board in the expenditure of any financing allocation and county match funds; and

**BE IT FURTHER RESOLVED** that the Board of Supervisors hereby authorizes funds from the sources and in the amounts identified below to be used towards the match requirement of the Project including \$1,080,000 in in-kind match and \$3,365,000 in cash match:

<b>SB 863 Project Match</b>	
<b>In Kind Match</b>	
\$500,000	Value of the land owned by the County to be used for the Project.
\$580,000	Value of the staff time estimated to be spent on the Project including project management and transition planning.
<b>\$1,080,000</b>	<b>In-Kind Match Subtotal</b>
<b>Cash Match</b>	
\$1,840,000	Jail Impact Fees
\$840,000	Sheriff Impact Fees from an inactive impact fee account in the amount of \$840,000
\$685,000	Inmate Welfare Funds

<b>\$3,365,000</b>	<b>Cash Match Subtotal</b>
<b>\$4,445,000</b>	<b>Total Match</b>

**BE IT FURTHER RESOLVED** that the matching funds authorized by this resolution meet the requirements set forth below:

- 1) County Cash Contribution Funds Are Legal and Authorized. The payment of the county cash contribution funds for the proposed adult local criminal justice facility project (i) is within the power, legal right, and authority of the County; (ii) is legal and will not conflict with or constitute on the part of the County a material violation of, a material breach of, a material default under, or result in the creation or imposition of any lien, charge, restriction, or encumbrance upon any property of the County under the provisions of any charter instrument, bylaw, indenture, mortgage, deed of trust, pledge, note, lease, loan, installment sale agreement, contract, or other material agreement or instrument to which the County is a party or by which the County or its properties or funds are otherwise subject or bound, decree, or demand of any court or governmental agency or body having jurisdiction over the County or any of its activities, properties or funds; and (iii) have been duly authorized by all necessary and appropriate action on the part of the governing body of the County.
- 2) No Prior Pledge. The county cash contribution funds and the Project are not and will not be mortgaged, pledged, or hypothecated by the County in any manner or for any purpose and have not been and will not be the subject of a grant of a security interest by the County. In addition, the county cash contribution funds and the Project are not and will not be mortgaged, pledged, or hypothecated for the benefit of the County or its creditors in any manner or for any purpose and have not been and will not be the subject of a grant of a security interest in favor of the County or its creditors. The County shall not in any manner impair, impede or challenge the security, rights and benefits of the owners of any lease-revenue bonds sold by the State Public Works Board for the Project (the "Bonds") or the trustee for the Bonds.
- 3) Authorization to Proceed with the Project. The Project proposed in the County's SB 863 Financing Program proposal is authorized to proceed in its entirety when and if state financing is awarded for the Project within the SB 863 Financing Program.

**BE IT FURTHER RESOLVED** that the Board of Supervisors hereby provides assurance that County will fully and safely staff and operate the facility that is being constructed (consistent with Title 15, California Code of Regulations, Chapter 1, Subchapter 6 section 1756 (j) 5) within ninety (90) days after project completion.

**BE IT FURTHER RESOLVED** that the Board of Supervisors hereby provides assurance that County has project site control through fee simple ownership of the site, and right of access to the project sufficient to assure undisturbed use and possession of the site, and will not dispose of, modify the use of, or change the terms of the real property title, or other interest in the site of facility subject to construction, or from the BSCC, for so long as the SPWB lease-revenue bonds secured by the financed project remain outstanding.

**BE IT FURTHER RESOLVED** that the Board of Supervisors hereby provides assurance that on June 23, 2015 the County adopted an Addendum to the Initial Study/Mitigated Negative Declaration for the Supplemental Jail Facility in accordance with the California Environmental Quality Act.

**BE IT FURTHER RESOLVED** the County has selected the design-build delivery process.

**BE IT FURTHER RESOLVED** that the Board of Supervisors hereby attests to \$500,000 as the current fair market land value for the proposed new facility.

**PASSED AND ADOPTED** this 11th day of August, 2015, by the following votes:

AYES:

NOES:

ABSENT:

NOT VOTING:

\_\_\_\_\_  
DOUG TEETER, Chair  
Butte County Board of Supervisors

ATTEST:  
PAUL HAHN,  
Chief Administrative Officer and Clerk of the Board

By: \_\_\_\_\_  
Deputy

**MATRIX OF MAJOR RELATED SB 863 AGREEMENTS FOR JAIL PROGRAM, INMATE TREATMENT, CAPACITY AND REPLACEMENT HOUSING PROJECT**

<u>TITLE OF AGREEMENT</u>	<u>PARTIES TO AGREEMENT</u>	<u>SUMMARY</u>
Project Delivery and Construction Agreement (PDCA) ↓ ↓ ↓ ↓	State Public Works Board Board of State and Community Corrections <i>County of Butte</i>	The PDCA provides the general framework for the entire project. County is “agent” of State agencies. Project’s State financing is contingent on sale of bonds. County can terminate PDCA after construction bids are received, but before contract awarded. Parties also agree to comply with BSCCJCA, Ground Lease, Right of Entry and other project documents. (Executed concurrently with BSCCJCA).
Board of State and Community Corrections Jail Construction Agreement (BSCCJCA)	Board of State and Community Corrections <i>County of Butte</i>	The BSCCJCA defines the specific terms of the facility construction and reimbursement from State. State reimburses County 30-60 days in arrears and withholds final 5% as security until project completion. County must “staff and operate” new facility within 90 days of completion. Incorporates California Department of General Services' GTC-610 (general terms and conditions applicable to all State of California contracts). Termination of BSCCJCA and/or PDCA may require County to refund State Financing. (Executed concurrently with PDCA).
Ground Lease (Exhibit B to PDCA ) ↓ ↓ ↓ ↓ ↓	Board of State and Community Corrections <i>County of Butte</i>	County leases Site to BSCC. State Public Works Board can re-let new facility if default occurs under Facility Sublease. County also promises BSCC quiet enjoyment of site and improvements (the new facility). Terminates on same date as Facility Lease, but not before all State indebtedness for Project repaid. County has limited right to terminate Ground Lease by properly terminating PDCA. (Executed concurrently with Right of Entry for Construction).
Right of Entry for Construction (Exhibit C to PDCA )	Board of State and Community Corrections <i>County of Butte</i>	BSCC grants County a license to enter Site, for site analysis and County’s construction and operation of new facility. (Executed concurrently with Ground Lease).
Site Lease ↓ ↓	Board of State and Community Corrections State Public Works Board	BSCC leases Site to SPWB. (Executed concurrently with bond issuance, Facility Lease and Facility Sublease.) <b>[County not a party to]</b>
Facility Lease ↓ ↓	State Public Works Board Board of State and Community Corrections	SPWB leases Facility (site and new facility) to BSCC. Creates the lease-revenue stream with which to pay back bonds. (Executed concurrently with bond issuance, Site Lease and Facility Sublease.) <b>[County not a party to]</b>
Facility Sublease (Exhibit D to PDCA)	Board of State and Community Corrections <i>County of Butte</i>	BSCC leases Facility (site and new facility) to County. Terminates on same date as Facility Lease, but not before all State indebtedness repaid. County appoints BSCC as County’s agent to re-let the Facility if County defaults. (Executed concurrently with bond issuance, Site Lease and Facility Lease).

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**PROJECT DELIVERY AND CONSTRUCTION AGREEMENT  
[ENTER PROGRAM NAME] FINANCING PROGRAM**

by and among

**STATE PUBLIC WORKS BOARD  
OF THE STATE OF CALIFORNIA**

and

**[DEPARTMENT OF CORRECTIONS AND REHABILITATION  
OF THE STATE OF CALIFORNIA**

and]

**BOARD OF STATE AND COMMUNITY CORRECTIONS  
OF THE STATE OF CALIFORNIA**

and

**[ENTER COUNTY NAME]**

Effective Date of **[MONTH] [DAY], 20[YEAR]**

**(FOR A [ENTER TYPE OF FACILITY] FACILITY  
LOCATED IN THE COUNTY OF [ENTER COUNTY NAME])**

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**PROJECT DELIVERY AND CONSTRUCTION AGREEMENT**  
**[ENTER PROGRAM NAME] FINANCING PROGRAM**  
**(FOR A [ENTER TYPE OF FACILITY] FACILITY**  
**LOCATED IN [ENTER COUNTY NAME] COUNTY)**

This PROJECT DELIVERY AND CONSTRUCTION AGREEMENT (this “Agreement”) is entered into as of [MONTH] [DAY], 20[YEAR], (the “Effective Date”) by and among the STATE PUBLIC WORKS BOARD OF THE STATE OF CALIFORNIA (the “Board”), an entity of state government of the State of California (the “State”), [the DEPARTMENT OF CORRECTIONS AND REHABILITATION OF THE STATE OF CALIFORNIA (the “Department”), an entity of state government of the State,] the BOARD OF STATE AND COMMUNITY CORRECTIONS OF THE STATE OF CALIFORNIA (the “BSCC”), an entity of state government of the State, and the COUNTY OF [ENTER COUNTY NAME] (the “Participating County”), a Political Subdivision of the State. For purposes of this Agreement, the Board, the Department, the BSCC and the Participating County are referred to collectively as the “Parties,” and individually as a “Party.” The Board[, the Department] and the BSCC are referred to collectively herein, as the “Agencies” and individually as an “Agency.”

WHEREAS, pursuant to [ENTER STATUTE] (the “Law”), the Board is authorized to finance the acquisition, design and construction of a [ENTER TYPE OF FACILITY] facility approved by the BSCC pursuant to Section [ENTER SECTION] of the California Government Code (the “[ENTER PROGRAM NAME] Financing Program”); and

WHEREAS, pursuant to California Code of Regulations Title 15, Division 1, Chapter 1, Subchapter [ENTER SUBCHAPTER] and this Agreement and other agreements relating to this Project, the cost of certain design and construction activities will be eligible for reimbursement under the [ENTER PROGRAM NAME] Financing Program; and

WHEREAS, the Participating County has proposed to build or renovate a [ENTER TYPE OF FACILITY] facility, as more particularly described in **Exhibit A** attached hereto (the “Project”), to be located at [ENTER PHYSICAL ADDRESS], real property controlled by the Participating County through fee-simple ownership (the “Site”); and

WHEREAS, the Participating County intends to lease the Site to the [ENTER “Department” OR “BSCC”] pursuant to a Ground Lease in substantially the form attached hereto as **Exhibit B** (the “Ground Lease”) executed by and between the Participating County and the [ENTER “Department” OR “BSCC”] and consented to by the Board; and

WHEREAS, the [ENTER “Department” OR “BSCC”], as lessee under the Ground Lease, and the Participating County intend to enter a Right of Entry for Construction and Operation (the “Right of Entry”) in substantially the form attached hereto as **Exhibit C** concurrently with the execution of the Ground Lease authorizing the Participating County to enter the Site for the purpose of constructing the Project on the Site and for operation of the Project upon substantial completion of construction (the Site and the Project, collectively, the “Facility”), as more particularly described herein; and

WHEREAS, concurrently with the execution of this Agreement, the BSCC and the

Participating County, with the consent of the Board[ and the Department], intend to enter into an agreement to assist in complying with BSCC's rules and regulations concerning jail construction for the [ENTER PROGRAM NAME] Financing Program (the "BSCC Agreement"); and

WHEREAS, the Board intends to oversee and issue lease revenue bonds for the Project, subject to satisfaction of certain conditions and requirements of the Board, including but not limited to establishment of Project scope, cost and schedule; approval of performance criteria or performance criteria and concept drawings; involvement in approval of the Design-Build Solicitation Package (as hereinafter defined) and authorization for the Participating County to solicit design-build bids or proposals; requesting actions to be taken to obtain one or more interim loans in connection with the Project (the "Interim Loan") and, subject to section 1.3 below, the Board intends to issue and sell its lease revenue bonds to repay the Interim Loan and provide additional financing for the Project, as necessary (the "Bonds"); and

WHEREAS, prior to authorization by the Board of actions to be taken to provide for the Interim Loan, the [ENTER "Department" OR "BSCC"] shall have certified to the Board that the Participating County is a participating county as required by Section [ENTER SECTION] of the California Government Code and the BSCC shall have approved the Project in accordance with Section [ENTER SECTION] of the California Government Code; and

WHEREAS, an Interim Loan for the Project may be made pursuant to Sections 16312 and 16313 of the California Government Code (Pooled Money Investment Board loans), Section 15849.1 of the California Government Code (General Fund loans), and/or any other appropriate source in an amount or amounts, which in the aggregate do not exceed the Maximum State Financing (as hereinafter defined); and

WHEREAS, the agent for sale for all Board bonds is the State Treasurer; and

WHEREAS, concurrently with the issuance of the Bonds, the [ENTER "Department" OR "BSCC"], as lessee under the Ground Lease, intends to enter into a Site Lease whereby the [ENTER "Department" OR "BSCC"], as lessor, shall lease the Site to the Board, as lessee (the "Site Lease"); and

WHEREAS, concurrently with the execution of the Site Lease, the Board, as lessee under the Site Lease, intends to enter into a Facility Lease whereby the Board, as lessor, shall lease the Facility to the [ENTER "Department" OR "BSCC"], as lessee (the "Facility Lease"); rental payments under the Facility Lease shall secure the payment of principal of and interest on the Bonds; and

WHEREAS, concurrently with the execution of the Facility Lease, the [ENTER "Department" OR "BSCC"], as lessee under the Facility Lease, and the Participating County intend to enter a Facility Sublease in substantially the form attached hereto as **Exhibit D**, whereby the [ENTER "Department" OR "BSCC"], as sublessor, shall lease the Facility to the Participating County, as sublessee (the "Facility Sublease"), for its use, operation and maintenance; and

WHEREAS, in the event the Board is unable to issue the Bonds to finance the Project and the Interim Loan has been provided, the [ENTER "Department" OR "BSCC"] shall commit

a sufficient amount of its annual support appropriation to repay the Interim Loan and any other interim financing costs associated with the Interim Loan.

NOW, THEREFORE, FOR AND IN CONSIDERATION of the mutual agreements of the Parties set forth herein and other good and valuable consideration, the adequacy and sufficiency of which are hereby acknowledged by the Parties, and intending to be legally bound, the Parties hereby agree as follows:

## ARTICLE 1

### GENERAL

#### 1.1 General Covenants, Acknowledgements and Agreements of the Parties.

(a) The Parties hereto acknowledge and agree that an authorization by the Board to request the Interim Loan and the issuance of the Bonds by the Board is done in reliance upon, among other things, the promise of the relevant Parties to execute, deliver and perform their respective obligations, as applicable, under the Site Lease, the Facility Lease, the Facility Sublease, a Tax Agreement and Certificate in a form satisfactory to the Board to be executed in connection with the issuance of the Bonds (the "Tax Certificate"), a Continuing Disclosure Agreement in a form satisfactory to the Board to be executed in connection with the issuance of the Bonds (the "Continuing Disclosure Agreement") and all related certificates, agreements or other documents, including an indenture and supplemental indenture, if any, authorizing the Bonds that the Chair or Executive Director of the Board or a duly authorized designee thereof may deem necessary or desirable to effectuate the sale of the Bonds. Such indenture, supplemental indenture, if any, the Site Lease, the Facility Lease, the Facility Sublease, the Tax Certificate and the Continuing Disclosure Agreement, are collectively referred to herein as the "Bond Documents."

(b) The Parties accept and agree to comply with, to the extent respectively applicable to them, all terms, provisions, conditions, and commitments of this Agreement, the Project Documents (as hereinafter defined) and the Bond Documents, including all incorporated documents, and that they will do and perform all acts and things permitted by law to effectuate the issuance of the Bonds.

(c) The Participating County[, the Department] and the BSCC agree and acknowledge that the Project is subject to approval and oversight by the Board and the State Department of Finance ("Finance") consistent with the policies and laws governing the expenditure of a State capital outlay appropriation.

1.2 Approvals, Consents and Actions Necessary to Maintain Eligibility in the [ENTER PROGRAM NAME] Financing Program. The Participating County acknowledges its eligibility for Project financing pursuant to the [ENTER PROGRAM NAME] Financing Program is subject to and contingent upon the following approvals, consents and actions:

(a) A determination by the Board that the Site meets the standard requirements for a site being leased in connection with the issuance by the Board of its lease revenue bonds;

(b) A determination by the Board that the Participating County match as set forth in Article 3 has been satisfied as required by the Law and the source of the Cash (hard) Match (as hereinafter defined) and any associated security or terms related thereto has been determined by the Board to be compatible with the financing of the Project pursuant to the [ENTER PROGRAM NAME] Financing Program;

(c) The Board has established the scope, cost and schedule for the Project consistent with the Participating County's initial proposal submitted to the BSCC and the Participating County has agreed that the Project shall be constructed and completed in accordance with such Project scope, cost and schedule established by the Board, except to the extent any modifications thereof may be approved by the Board through the State's standard capital outlay process;

(d) The Board has approved the Ground Lease, the Right of Entry and the Facility Sublease;

(e) Both the Board and Finance have approved the Performance Criteria or Performance Criteria and Concept Drawings for the Project. As used herein "Performance Criteria" shall mean the information that fully describes the scope of the proposed project and includes, but is not limited to, the size, type, and design character of the buildings and site; the required form, fit, function, operational requirements, and quality of design, materials, equipment, and workmanship; and any other information deemed necessary to sufficiently describe the Participating County's needs; including documents prepared pursuant to paragraph (1) of subdivision (d) of Section 20133 of the California Public Contract Code. As used herein "Concept Drawings" shall mean any drawings or architectural renderings that may be prepared, in addition to performance criteria, in such detail as the Participating County determines necessary to sufficiently describe the Participating County's needs;

(f) Finance has approved the Design-Build Solicitation Package for the Project and authorized the Participating County to proceed with soliciting competitive bids or proposals for design and construction of the Project. As used herein "Design-Build Solicitation Package" shall mean the performance criteria, any concept drawings, the form of contract, and all other documents and information that serve as the basis on which competitive bids or proposals will be solicited from the design-build entities;

(g) Finance has approved award of the Design-Build Contract (as hereinafter defined) for the Project;

(h) BSCC and the State Fire Marshal have approved the Construction Documents for the Project. As used herein "Construction Documents" shall mean architectural plans and specifications that are one hundred percent (100%) complete and generally include: completed specifications and construction drawings; and special interest items (corrections, modifications, or additions made to the documents). The Construction Documents shall include a complete set of plans and specifications showing and describing all phases of a project, architectural, structural, mechanical, electrical, civil engineering, and landscaping systems to the degree necessary for the purposes of construction by the design-build entity;

(i) The [ENTER "Department" OR "BSCC"] has provided the Board the

certification required by Section [ENTER SECTION] of the California Government Code, which certification the [ENTER "Department" OR "BSCC"] intends to provide upon satisfaction of the required statutory and regulatory conditions;

(j) The Board has adopted a Resolution authorizing steps be taken to seek the Interim Loan together with declaring its intent to reimburse any such Interim Loan with the proceeds from the Bonds;

(k) A determination by the Board that it will receive with respect to the Bonds the normal and customary opinions and certificates delivered in connection with an issuance of lease revenue bonds by the Board; and

(l) The sale of the Bonds.

1.3 [ENTER PROGRAM NAME] Lease Revenue Bond Financing. State financing for the [ENTER PROGRAM NAME] Financing Program is predicated on the Board's ability to issue Bonds for the Project. The Board, acting in good faith, intends to authorize the request for the Interim Loan and, subject to approvals, consents, and actions set forth in section 1.2, to issue Bonds for the Project. The Agencies will make reasonable and good faith efforts to assist in gaining assurance that the Site, the Project, the Participating County's ultimate use of the Project and the Cash (hard) Match (as hereinafter defined) are developed and implemented in such a way to facilitate the financing of the Project through the issuance and sale of the Bonds.

Prior to the Board's authorization to request the Interim Loan, the [ENTER "Department" OR "BSCC"] shall have certified to the Board that the Participating County is a participating county as required by Section [ENTER SECTION] of the California Government Code and the BSCC shall have approved the design and construction of the Project in accordance with Section [ENTER SECTION] of the California Government Code. Certification from the Department to the Board regarding BSCC and State Fire Marshal approval of the Construction Documents must be provided as soon as those approvals have been received and before the issuance and sale of the Bonds.

Notwithstanding the Board's good faith efforts to authorize and provide financing for the Project, the State (including without limitation the Board[, the Department,] and the BSCC) shall not be obligated to issue Bonds for the Project or authorize the Interim Loan request upon the Board's good-faith determination that such financing is not feasible or appropriate, based upon any one or more of the following factors: the lack of suitability of the Project's configuration or site for lease revenue bond financing, local funding that is incompatible with the issuance of lease revenue bonds by the Board, adverse market conditions, adverse outcomes to legal challenges, inability to obtain access to the financial markets or inability to obtain reasonable rates, inability to receive opinions and certificates customarily delivered in connection with the issuance of lease revenue bonds, or another occurrence or state of affairs that would make it objectively infeasible or inappropriate for the Board to issue Bonds or authorize the Interim Loan request.

In the event the Board determines that it is not feasible or appropriate to issue Bonds or to authorize the Interim Loan request, the Participating County is not entitled to receive the Maximum State Financing (as hereinafter defined) or other State funding for the Project, and

shall not receive reimbursement from the State for any Project costs. However, in the event the Board is unable to issue the Bonds to finance the Project and the Interim Loan has been provided, the [ENTER "Department" OR "BSCC"] shall commit a sufficient amount of its annual support appropriation to repay the Interim Loan and any other interim financing costs associated with the Interim Loan and all associated costs.

1.4 The [Department and the ]BSCC Act as Liaison of the Board and Finance to the Participating County. The Parties hereto acknowledge that obtaining the approvals and consents of the Board and/or Finance and the provision of documents to the Board and/or Finance as set forth in this Article I and otherwise herein shall be a responsibility of [the Department and ]the BSCC. The [Department and the ]BSCC will act as liaisons between the Participating County and the Board and Finance, and on their own behalf and behalf of the Board and Finance, will work with the Participating County to obtain such consents and approvals, and to provide such documents to the Board and Finance, as applicable.

1.5 Representations and Warranties of the Participating County.

(a) Under the provisions of the State Constitution, the applicable State statutes, and applicable jurisprudence of the State, the Participating County has the power to enter into this Agreement, to be bound hereby, to consummate the transactions contemplated hereby and to perform its obligations hereunder.

(b) The Participating County has taken all actions and has obtained all consents necessary to enable the Participating County to enter into this Agreement, to be bound hereby, to consummate the transactions contemplated hereby and to perform its obligations hereunder.

(c) The person executing and delivering this Agreement on behalf of the Participating County has been duly authorized and empowered to do so.

(d) The execution and delivery of this Agreement on behalf of the Participating County will bind and obligate the Participating County to the extent provided by the terms hereof.

(e) There exists no litigation or other proceeding pending or threatened against the Participating County that, if determined adversely, would materially and adversely affect the ability of the Participating County to consummate the transactions contemplated hereby or to perform its obligations hereunder.

(f) The execution and delivery of this Agreement and the Ground Lease, the Right of Entry, the BSCC Agreement and the Facility Sublease, the consummation of the transactions herein and therein contemplated and the fulfillment of or compliance with the terms and conditions hereof and thereof, will not conflict with or constitute a violation or material breach of or default (with due notice or the passage of time or both) under any applicable law or administrative rule or regulation, or any applicable court or administrative decree or order, or any indenture, mortgage, deed of trust, loan agreement, lease, contract or other agreement or instrument to which the Participating County is a party or by which it or its properties are otherwise subject or bound, or result in the creation or imposition of any lien, charge or

encumbrance of any nature whatsoever upon any of the property or assets of the Participating County, which conflict, violation, breach, default, lien, charge or encumbrance might have consequences that would materially and adversely affect the consummation of the transactions contemplated by this Agreement, the Ground Lease, the Right of Entry, the BSCC Agreement or the Facility Sublease, or the financial condition, assets, properties or operations of the Participating County.

1.6 Representations and Warranties of the Board.

(a) Under the provisions of the State Constitution, the applicable State statutes, and applicable jurisprudence of the State, the Board has the power to enter into this Agreement, to be bound hereby, to consummate the transactions contemplated hereby and to perform its obligations hereunder.

(b) The Board has taken all actions and has obtained all consents necessary to enable the Board to enter into this Agreement, to be bound hereby, to consummate the transactions contemplated hereby and to perform its obligations hereunder.

(c) The person executing and delivering this Agreement on behalf of the Board has been duly authorized and empowered to do so.

(d) The execution and delivery of this Agreement on behalf of the Board will bind and obligate the Board to the extent provided by the terms hereof.

(e) There exists no litigation or other proceeding pending against the Board (with service of process having been accomplished) that, if determined adversely, would materially and adversely affect the ability of the Board to consummate the transactions contemplated hereby or to perform its obligations hereunder.

1.7 Representations and Warranties of the [Department and the ]BSCC.

(a) Under the provisions of the State Constitution, the applicable State statutes, and applicable jurisprudence of the State, the [Department and the ]BSCC each have the power to enter into this Agreement, to be bound hereby, to consummate the transactions contemplated hereby and to perform its obligations hereunder.

(b) The [Department and the ]BSCC have each taken all actions and have obtained all consents necessary to enable the [Department and the ]BSCC to enter into this Agreement, to be bound hereby, to consummate the transactions contemplated hereby and to perform its obligations hereunder.

(c) The persons executing and delivering this Agreement on behalf of the [Department and the ]BSCC have been duly authorized and empowered to do so.

(d) The execution and delivery of this Agreement on behalf of the [Department and the ]BSCC will bind and obligate the [Department and the ]BSCC to the extent provided by the terms hereof.

(e) There exists no litigation or other proceeding pending against the

[Department or the ]BSCC (with service of process having been accomplished) that, if determined adversely, would materially and adversely affect the ability of the [Department or the ]BSCC to consummate the transactions contemplated hereby or to perform its obligations hereunder.

(f) The execution and delivery of this Agreement and the Ground Lease, the Right of Entry, the Site Lease, the Facility Lease, the BSCC Agreement and the Facility Sublease, the consummation of the transactions herein and therein contemplated and the fulfillment of or compliance with the terms and conditions hereof and thereof, will not conflict with or constitute a violation or breach of or default (with due notice or the passage of time or both) under any applicable law or administrative rule or regulation, or any applicable court or administrative decree or order, or any indenture, mortgage, deed of trust, loan agreement, lease, contract or other agreement or instrument to which the [Department or the ]BSCC is a party or by which it or its properties are otherwise subject or bound, or result in the creation or imposition of any lien, charge or encumbrance of any nature whatsoever upon any of the property or assets of the [Department or the ]BSCC, which conflict, violation, breach, default, lien, charge or encumbrance might have consequences that would materially and adversely affect the consummation of the transactions contemplated by this Agreement, the Ground Lease, the Right of Entry, the BSCC Agreement or the Facility Sublease, or the financial condition, assets, properties or operations of the [Department or the ]BSCC.

1.8 Compliance with Terms and Conditions of the Project Documents. The Parties agree to comply with all terms and conditions relating to the respective Party of this Agreement, the BSCC Agreement, the Ground Lease, the Right of Entry and all exhibits and schedules attached hereto and thereto relating to the Party (collectively, the “Project Documents”), as well as all applicable laws including, without limitation, the Law and those laws, regulations and guidelines set forth in the BSCC Agreement.

1.9 Conflicts Between Terms of Documents. In the event of any inconsistency in the Project Documents, except as otherwise provided herein, the inconsistency shall be resolved by giving precedence in the following order: 1) this Agreement; 2) the Ground Lease, 3) the BSCC Agreement and all exhibits and schedules attached thereto, and 4) the Right of Entry. In the event the Bonds are issued, any inconsistency between the Project Documents and the Bond Documents shall be resolved by giving precedence to the Bond Documents. To the extent the Parties mutually agree that a provision of a particular document should control with respect to an inconsistency between that document and another document or documents, notwithstanding the other provisions of this section, such provision shall control.

1.10 Indemnity. As required by Section [ENTER SECTION] of the California Government Code, the Participating County hereby agrees to indemnify, defend and save harmless the State, including but not limited to the Board[, the Department] and the BSCC, and each of their respective officers, governing members, directors, officials, employees, subcontractors, consultants, and agents (collectively, “Indemnitees”) for any and all claims and losses arising at any time out of the acquisition, design, construction, operation, maintenance, use and occupancy of the Project. The Participating County shall not be obligated to provide indemnity or defense where the claim arises out of the active negligence or willful misconduct of the Indemnitees. These obligations shall survive any termination of this agreement.

1.11 Assignment or Subletting of the Facility.

(a) *Assignment of Rights and Interest under this Agreement.* Except as otherwise contemplated hereunder, the Participating County may not sublicense, assign, or otherwise confer upon any other person or entity its rights or interests under this Agreement, nor may the Participating County delegate any of its duties or responsibilities required by this Agreement, whether by operation of law or otherwise, without the express, prior written consent of the Agencies, the rights and obligations hereunder imposed being personal to the Participating County.

(b) *Assignment or Subletting of the Facility.* The Participating County and the [ENTER "Department" OR "BSCC"] hereby covenant and agree that none of the Ground Lease, the Facility Lease or the Facility Sublease nor any interest of such Parties thereunder shall be sold, mortgaged, pledged, assigned, or transferred by the Parties thereto by voluntary act or by operation of law or otherwise; provided, however, that the Facility may be subleased in whole or in part by the Participating County with the prior written consent of the [ENTER "Department" OR "BSCC"] and the Board to the form and substance of such sublease, which consent shall not be unreasonably withheld, and, provided further that, any such sublease shall be subject to the following conditions:

(i) Any sublease of the Facility by the Participating County shall explicitly provide that such sublease is subject to all rights of the [ENTER "Department" OR "BSCC"] and the Board under the Facility Sublease, including, the right to re-enter and re-let the Facility or terminate such lease upon a default by the Participating County; and

(ii) At the request of the [ENTER "Department" OR "BSCC"] or the Board, the Participating County shall furnish the [ENTER "Department" OR "BSCC"], the Board and the State Treasurer with an opinion of nationally-recognized bond counsel acceptable to the Board to the effect that such sublease will not, in and of itself, cause the interest on the Bonds to be included in gross income for federal income tax purposes.

(c) *Restrictions on Private Use of the Facility.* The Participating County acknowledges that its ability to assign or sublet the Facility is subject to the provisions of section 6.1.2 hereof.

1.12 Relationship of the Parties. The Parties hereto acknowledge and agree that, to the extent expressly provided in this Agreement, the relationship of the Participating County to the Agencies is that of an agent to the Agencies and that the Participating County is principally responsible for the acquisition, design, construction, maintenance, and operation of the Project. Other than as set forth herein, nothing in this Agreement shall create between the Participating County and any of the Agencies the relationship of joint venturers, partners or any other similar or representative relationship, and the Participating County shall not hold itself out as an agent (except as expressly provided herein), representative, partner, member or joint venturer of the Agencies. The Participating County shall not make for or on behalf of the Agencies, or subject the Agencies to, any contract, agreement, warranty, guaranty, representation, assurance or other obligation, which has not been approved in advance in writing by the applicable Agency. This Agreement is for the sole and exclusive benefit of the Parties hereto and their respective successors and assigns, and no third party (including without limitation the owners of the Bonds)

is intended to or shall have any rights hereunder.

## ARTICLE 2

### TERM AND TERMINATION OF AGREEMENT

2.1 Term of Agreement. This Agreement shall commence on the Effective Date and shall terminate upon the later of (i) completion of the construction of the Project or (ii) if the Board issues the Bonds, execution and delivery of the Facility Sublease, unless terminated earlier as provided in section 2.2. The provisions of certain sections hereof as indicated by the express terms thereof will survive termination of this Agreement.

2.2 Termination of Agreement.

(a) *Termination by the State.* The [Department or the ]BSCC, with the consent of the Board, or the Board may terminate this Agreement in the event any of the following occurs:

(i) The Participating County's breach of a material term of this Agreement, any Project Document or any Applicable Laws (as defined in the BSCC Agreement) provided the Participating County has not cured such breach in all respects within thirty (30) days from notice of said breach, which cure period may be extended for a reasonable time with the consent of the Agencies if the Participating County demonstrates that such additional time is required to cure such breach in a diligent and commercially reasonable manner;

(ii) Substantive alteration of the Board approved scope, cost or schedule for the Project as set forth in **Exhibit A** without the prior written approval of the Board;

(iii) Failure to execute the Ground Lease or the Right of Entry;

(iv) Failure to provide the Participating County Funding (as hereinafter defined) when and as required under this Agreement, the Law or any Project agreement to which the Participating County is a party;

(v) In the event the Board determines the Participating County is no longer eligible for Project financing under the [ENTER PROGRAM NAME] Financing Program as set forth in section 1.2 hereof; or

(vi) Termination of the BSCC Agreement as provided for in Article 1, Section C of the BSCC Agreement.

(b) *Termination by the Participating County.* The Participating County may, prior to the State providing any amount of financing, terminate this Agreement in the event any of the following occurs:

(i) The State's breach of a material term of this Agreement, any Project Document or any Applicable Laws (as defined in the BSCC Agreement) provided the State has not cured such breach in all respects within thirty (30) days from notice of said breach, which cure period may be extended for a reasonable time with the consent of the Participating

County if the State demonstrates that such additional time is required to cure such breach in a diligent and commercially reasonable manner;

(ii) Failure of the State to execute the Ground Lease or the Right of Entry;

(iii) In the event the Board determines the Participating County is no longer eligible for Project financing under the [ENTER PROGRAM NAME] Financing Program as set forth in section 1.2 hereof.

(c) *Agreement.* The Parties may terminate this Agreement by mutual agreement. The Agencies agree to terminate this agreement in the event that the Participating County determines it cannot proceed with the Project after initial design-build bids or proposals are received, but before any design-build contract is awarded.

(d) *Notice of Termination.* Prior to terminating this Agreement under the provisions of this Article 2, the Parties shall provide to each other, as applicable, at least thirty (30) calendar days written notice, stating the reason(s) for termination and effective date thereof.

(e) *No Impairment.* Nothing in this Article 2 in any way alters or limits the authority of the Agencies to withhold all or a portion of the Maximum State Financing (as hereinafter defined) in accordance with law or otherwise as permitted hereunder or any other right or remedy available to the State at law or in equity for breach of this Agreement.

### ARTICLE 3

#### COST SHARING OF THE PROJECT

##### 3.1 Financing Eligibility of the Project.

(a) *General.* Subject to the terms and provisions hereof, the costs for design and construction of the Project shall be shared by the State and the Participating County with the State providing financing up to a maximum of [REDACTED] dollars (\$ [REDACTED]) (“Maximum State Financing”) and the Participating County providing the Cash (hard) Match (as hereinafter defined) funding and the In-Kind (soft) Match (as hereinafter defined) funding (collectively, the “Participating County Funding” and together with other Participating County-borne project costs not included as the Participating County Funding and the Maximum State Financing, the “Total Project Costs”). Provided, however, that the Board may provide all or a portion of the Maximum State Financing for Project costs at its discretion as set forth herein. The sources for the Maximum State Financing shall be limited to the proceeds of the Interim Loan, and the proceeds of the Bonds. If Bonds are issued and sold, the proceeds will be used to repay the Interim Loan and to provide additional financing for the Project as appropriate. If the Bonds are issued and sold, in no event or circumstance shall the State or the Agencies be obligated to pay the Participating County under this Agreement or any other Project Document any amount in excess of the Maximum State Financing.

(b) *Cash (hard) Match.* Subject to all terms and provisions of this

Agreement, the Participating County agrees to appropriate and spend cash (hard) matching funds for the Project as provided in the BSCC Agreement (“Cash (hard) Match”). **Exhibit E-1** is a detailed description of and certification related to the source or sources of the Cash (hard) Match and any associated security or terms related thereto as approved by the Agencies, which detail and assurance of has been deemed sufficient by the Board to determine that the use of such funds as the Cash (hard) Match is compatible with the financing of the Project pursuant to the [ENTER PROGRAM NAME] Financing Program. Any modifications to the source or sources of the Cash (hard) Match or the associated security and terms related thereto as described in **Exhibit E-1** must be approved by the Agencies. The Participating County shall ensure that all Cash (hard) Match is encumbered prior to Finance approval to proceed to bid the Design-Build Solicitation Package.

(c) *In-Kind (soft) Match.* Subject to all terms and provisions of this Agreement, the Participating County agrees to provide in-kind (soft) match for the Project as provided in the BSCC Agreement (“In-kind (soft) Match”). The Participating County has provided in **Exhibit E-2** a detailed description of the In-kind (soft) Match for the Project as approved by the Agencies. Any modifications to the In-kind (soft) Match as described in **Exhibit E-2** must be approved by the Agencies.

3.2 Excess Project Costs. In no event shall any Project scope, cost, budget or schedule changes be authorized by the Participating County which would cause the amount of Total Project Costs to be exceeded unless the Participating County covenants to fund such excess with lawfully available funds and the Participating County first obtains the consent of the Agencies. The Participating County is solely responsible for any and all cost, expenses or fees of the Project which exceed the Maximum State Financing and the Participating County covenants to use its best efforts to promptly appropriate sufficient amounts to cover such cost, expenses or fees. The Participating County waives any and all claims against any of the Agencies or the State in the event that Total Project Costs exceed the amount initially established by the Board.

3.3 Project Cost Savings. To the extent there exists Project cost savings during the Project the amount of such savings shall be applied first to the Participating County to the extent the Participating County has identified Participating County Funding in an amount more than required by the Applicable Laws (as defined in the BSCC Agreement). Thereafter, cost savings shall be shared by the State and the Participating County on a pro rata basis determined by the percentage of the total amount of Project costs financed by the State and the Participating County Funding, respectively. However, in no case may savings be applied to the Participating County that would (1) result in the State providing financing for activities other than eligible design and construction costs; or (2) result in the Participating County contributing less than the percentage of Total Project Costs required by the Applicable Laws.

## ARTICLE 4

### PROJECT SCOPE, COST AND SCHEDULE

4.1 The Project. See **Exhibit A** for a description of the scope, cost and schedule of the Project, including a narrative description of the Project, budgeted costs related to the Project and a schedule for completion of design and construction of the Project.

4.2 Modification of Project Scope, Cost or Schedule. No substantial change or other substantial modifications to the Project scope, cost or schedule may be made by the Participating County without prior written permission of Finance and recognition by the Board (“Scope Change”). Minor modifications to the project do not require Finance approval and Board recognition, but must be documented and reported on routine progress reports to the BSCC as set forth in the BSCC Agreement. Without limiting the foregoing, the Participating County shall notify the [Department and the ]BSCC, and the [ENTER “Department” OR “BSCC”] shall in turn notify Finance and the Board upon any of the following events or circumstances that may constitute a Scope Change:

- (a) More than minor changes which affect the design, project configuration, cost or schedule of the Project;
- (b) A delay or change in the substantial completion or final completion dates for the Project;
- (c) A more than minor change to the design, location, size, capacity or quality of major items of equipment;
- (d) A change in approved budget categories, or movement of dollars between budget categories as indicated in the Board approved scope cost and schedule as identified in **Exhibit A**.

As used herein “substantial” is as defined in Section 6863 of the State Administrative Manual. As used herein a minor change is any change which does not rise to the level of a substantial change as defined in Section 6863 of the State Administrative Manual. Finance shall determine whether any reported event or circumstance requires its approval and recognition or other formal action by the Board.

The Participating County agrees that it will give prompt notification in writing to the [Department and the ]BSCC of the occurrence of any of the above events and promptly report, in writing, to the [Department and the ]BSCC any modifications to the Design-Build Contract (as hereinafter defined) with respect to the Project. The [ENTER “Department” OR “BSCC”] will provide the aforementioned notices and reports to the Board. The Participating County agrees further that, for purposes of the immediately preceding clause (a) and (c), if unsure whether a particular change is minor it will discuss the appropriate characterization with the [Department and the ]BSCC.

4.3 Excess Project Costs. In no event shall any scope, cost or budget changes be authorized which would cause the amount of Total Project Costs to be exceeded unless the Participating County covenants to fund such excess with lawfully available funds and with the consent of the Agencies and so appropriates such funding.

## ARTICLE 5

### BIDDING AND DESIGN-BUILD PHASE OF THE PROJECT

5.1 Design-Build Covenant of the Participating County. The Participating County

acting as agent of the Board and the [ENTER "Department" OR "BSCC"], hereby covenants and agrees to provide and perform or cause to be performed all activities required to acquire, design and construct the Project on behalf of the Board in accordance with the Participating County's established policies and procedures for the design and construction of major capital projects such as the Project. The Participating County shall be responsible to contract for all pre-design, design and construction services, and shall manage the day-to-day design and construction of the Project. The Participating County shall cause the design and construction of the Project to be consistent with the requirements, limitations, and other terms of this Agreement, the other Project Documents, the Law and all Applicable Laws. The Participating County shall also manage all aspects of the development and construction of the Project in accordance with the Project Documents.

5.2 Procurement and Enforcement of Design-Build Contract. The Participating County shall follow and adhere to all pertinent bidding rules and policies applicable to Participating County capital projects of this type and size. If there is an ambiguity as to the applicability of certain contracting rules and/or policies to the Project, the Participating County will seek advice from its counsel, follow that advice and use its best efforts to enforce the general design-build contract (the "Design-Build Contract") between the Participating County and the design-build entity selected by the Participating County.

5.3 Completion of the Project. The Participating County acknowledges it is obligated to undertake and complete the design and construction of the Project in compliance with all of the applicable terms and conditions of the Project Documents and the Participating County agrees to use its best efforts to cause the completion of design and construction of the Project in compliance with the applicable terms and conditions of such documents. The Participating County agrees to complete the Project in accordance with this Agreement and consistent with the scope, cost and schedule established by the Board and attached hereto in **Exhibit A**, as such scope, cost and schedule may be modified with the approval of Finance and the recognition of the Board.

5.4 Project Access. To the extent not inconsistent with the Bond Documents, at all times during design and construction of the Project and after final completion, the Participating County shall provide to employees, subcontractors, and consultants of the Agencies reasonable unrestricted access to observe, monitor and inspect the Project. The Agencies' access to observe, monitor and inspect shall include the right to review all documents and files relating to the Project, as well as construction on the Site, including all tests and inspections relating to design or construction of the Project.

5.5 Insurance.

(a) Insurance Obligations of the Participating County.

(i) Requirements during construction. Not later than the start of construction, and continuing through completion of construction of the Project, the Participating County, at its own cost and expense, shall secure and maintain or cause to be secured and maintained (i) fire, lightning and extended coverage insurance on the Project, which initially may be in the form of a builder's risk policy providing coverage in an amount not less than the construction costs expended for the Project and, if no builder's risk insurance is in effect, shall be in the form of a

commercial property policy in an amount equal to one hundred percent (100%) of the then current replacement cost of the Project, excluding the replacement cost of the unimproved real property constituting the Site (except that such insurance may be subject to a deductible clause not to exceed [five hundred thousand dollars (\$500,000) or two million five hundred thousand dollars (\$2,500,000)] for any one loss), and (ii) earthquake insurance (if such insurance is available on the open market from reputable insurance companies at a reasonable cost) on any structure comprising part of the Project in an amount equal to the full insurable value of such structure or the amount of the attributable portion of the Interim Financing, whichever is less (except that such insurance may be subject to a deductible clause not to exceed [five hundred thousand dollars (\$500,000) or two million five hundred thousand dollars (\$2,500,000)] for any one loss). The extended coverage endorsement shall, as nearly as practicable, cover loss or damage by explosion, windstorm, riot, aircraft, vehicle damage, smoke, vandalism and malicious mischief and such other hazards as are normally covered by such endorsement.

If such policy is expected to expire in accordance with its terms prior to execution of the Facility Sublease, the Participating County shall give written notice to the Agencies forty-five (45) days prior to the expected expiration date.

(ii) Requirements after construction completion. The Participating County, at its own cost and expense, shall secure and maintain or cause to be secured and maintained from an insurance company or companies approved to do business in the State and maintain after completion of construction and/or when placing the Project in operation, the following insurance coverage for the Project:

a. General liability insurance in an amount not less than one million dollars (\$1,000,000) per occurrence. Evidence of such insurance shall be on a General Liability Special Endorsement form and should provide coverage for premises and operations, contractual, personal injury and fire legal liability;

b. By signing this Agreement, the Participating County hereby certifies that it is aware of the provisions of Section 3700, *et seq.*, of the California Labor Code which require every employer to be insured against liability for Workers' Compensation or to undertake self-insurance in accordance with the provisions of that Code, and that it will comply, and it will cause its subtenants and assignees to comply, with such provisions at all such times as they may apply during the term of this Agreement.

c. Auto insurance (written on ISO policy form CA 00 01 or its equivalent) with a limit of not less than one million dollars (\$1,000,000) per occurrence. Such insurance shall include coverage for all "owned," "hired" and "non-owned" vehicles or coverage for any auto.

(iii) Additional Insureds. The Participating County agrees that the Board[, the Department,] and the BSCC and their respective officers, agents and employees shall be included as additional insured in all insurance required herein.

(iv) Insurance Certificate. Any and all insurance policies related to the Project shall name the Board and the [ENTER "Department" OR "BSCC"] as additional insured parties and the Participating County shall deliver to the Agencies a certificate or certificates of insurance

authorized by the insurers describing the insurance coverage and stating that it is in full force and effect.

(v) Self-Insurance. Notwithstanding any other provision of this Section, the Participating County may satisfy the insurance obligations hereunder by a combination of commercial insurance, formal risk pooling under the statutory provisions of the State, and/or a self-funded loss reserve in whatever proportions are deemed appropriate by the Participating County. The Participating County shall furnish the Agencies with a certificate or other written evidence of the Participating County's election to provide or cause to be provided all or part of its coverage under a risk pooling, risk retention, or self-insurance program or any combination thereof.

(b) Insurance Obligations of the [ENTER "Department" OR "BSCC"]. If the insurance required in (a)(i) expires in accordance with its terms prior to execution of the Facility Sublease, the [ENTER "Department" OR "BSCC"] shall, at its own cost and expense, procure and maintain or cause to be procured and maintained (i) property casualty insurance in an amount equal to one hundred percent (100%) of the then current replacement cost of the Project, excluding the replacement cost of the unimproved real property constituting the Site (except that such insurance may be subject to a deductible clause not to exceed [five hundred thousand dollars (\$500,000) or two million five hundred thousand dollars (\$2,500,000)] for any one loss), and (ii) earthquake insurance (if such insurance is available on the open market from reputable insurance companies at a reasonable cost) on any structure comprising part of the Project in an amount equal to the full insurable value of such structure or the amount of the attributable portion of the Interim Financing, whichever is less (except that such insurance may be subject to a deductible clause not to exceed [five hundred thousand dollars (\$500,000) or two million five hundred thousand dollars (\$2,500,000)] for any one loss). The extended coverage endorsement shall, as nearly as practicable, cover loss or damage by explosion, windstorm, riot, aircraft, vehicle damage, smoke, vandalism and malicious mischief and such other hazards as are normally covered by such endorsement. The property casualty insurance shall be in a form satisfactory and with carriers which are acceptable to the Board.

(c) Disposition of Insurance Proceeds. The Participating County agrees and acknowledges that the Board, in its sole discretion, may elect to use the proceeds of insurance procured pursuant to this Agreement to repay the Interim Loan and related costs. However, in the event of (i) damage or destruction of the Project caused by the perils covered by the insurance procured pursuant to this Agreement and (ii) if the Board elects to repay the Interim Loan and related costs, and (iii) if any insurance proceeds remain after the Interim Loan and related costs have been repaid, and (iv) such remaining insurance proceeds are distributed to the [ENTER "Department" OR "BSCC"], then the [ENTER "Department" OR "BSCC"] agrees to distribute such remaining proceeds to the Participating County.

## ARTICLE 6

### CERTAIN OBLIGATIONS POST PROJECT COMPLETION

#### 6.1 Private Use of the Project.

6.1.1 *Provision of Information Regarding Private Use.* The Participating

County acknowledges that under the terms of the Facility Sublease, a form of which is attached hereto as **Exhibit D**, the Participating County will covenant to provide updated information to the Board, the [ENTER "Department" OR "BSCC"] and the State Treasurer annually regarding private use, if any, of the Project.

6.1.2 *Restriction on Private Use of Bond Financed Project.* The Participating County acknowledges that under the terms of the Facility Sublease, a form of which is attached hereto as **Exhibit D**, the Participating County will covenant to restrict private use of the Project as required by the terms thereof.

6.2 No Liens. The Participating County acknowledges that except as permitted under the terms of the Facility Sublease, a form of which is attached hereto as **Exhibit D**, the Participating County will covenant not to allow any liens on the Facility.

## ARTICLE 7

### RECORD RETENTION

7.1 Establishment of Official Project File. The Participating County shall establish an official file for the Project (the "Official Project File"). The file shall contain adequate documentation of all actions that have been taken with respect to the Project, in accordance with generally accepted government accounting principles and the requirements for record retention for capital projects constructed with the proceeds of tax exempt bonds. The Participating County will provide a copy of such file to the [ENTER "Department" OR "BSCC"] upon termination of this Agreement. The documents to be retained shall include, but is not limited to contracts, payment of invoices, transfer of funds and other related accounting records.

7.2 Preservation of Records. The Participating County agrees to protect records adequately from fire or other damage. When records are stored away from the Participating County's principal office, a written index of the location of records stored must be on hand and ready access must be assured. All the Participating County records contained in the Official Project File must be preserved for a minimum of three years after the last date on which no Bonds are outstanding. These records shall be subject at all reasonable times to inspection, examination, monitoring, copying, excerpting, transcribing, and audit by the Agencies or designees, by state government auditors or designees, or by federal government auditors or designees. If any litigation, claim, negotiation, audit, or other action involving the records has been started before the expiration of the relevant time period set forth in the third sentence of this paragraph, the related records must be retained until the completion of the action and resolution of all issues which arise from it if such date is later than the end of the afore-mentioned three-year period.

## ARTICLE 8

### MISCELLANEOUS

8.1 Entire Agreement. This Agreement constitutes and contains the entire agreement between the Parties hereto with respect to the transactions contemplated hereby and supersedes any prior oral or written understanding or agreement of the Parties with respect to the

transactions contemplated hereby.

8.2 Amendment. The Parties may, by mutual agreement in writing, amend this Agreement in any respect.

8.3 Waiver. The Parties hereto may, from time to time, waive any of their rights under this Agreement unless such waiver is contrary to law, provided that any such waiver shall be in writing and signed by the Party making such waiver.

8.4 Counterparts. This Agreement may be executed in one or more counterparts, any one of which need not contain the signatures of more than one Party, but all of which when taken together shall constitute one and the same instrument, notwithstanding that all Parties have not signed the same counterpart hereof.

8.5 Headings. The article and section headings contained in this Agreement are inserted as a matter of convenience and shall not affect in any way the construction or terms of this Agreement.

8.6 Further Assurances. Each of the Parties shall execute such other instruments, documents and other papers and shall take such further actions as may be reasonably required or desirable to carry out the provisions hereof and to consummate the transactions contemplated hereby.

8.7 Survival. The representations, warranties, covenants and agreements made herein or in any certificate or document executed in connection herewith shall survive the execution and delivery hereof or thereof, as the case may be, and all statements contained in any certificate or document delivered by any Party hereto shall be deemed to constitute a representation and warranty made herein by such Party.

8.8 Governing Law. The laws of the State shall govern this Agreement, the interpretation thereof and any right or liability arising hereunder. Any action or proceeding to enforce or interpret any provision of this Agreement shall be brought, commenced or prosecuted in the courts of the State located in the County of Sacramento. All parties expressly assert that Sacramento County is not a forum inconvenience.

8.9 Compliance with Laws. At all times during the performance of this Agreement by the Parties, they shall strictly comply with all applicable governmental, administrative and judicial laws, ordinances, rules, regulations, orders, covenants and findings, including, without limitation, all applicable environmental laws and regulations.

8.10 Partial Invalidity. If any provisions of this Agreement are found by any competent authority to be void or unenforceable, such provision shall be deemed to be deleted from this Agreement and the remaining provisions of this Agreement shall continue in full force and effect.

8.11 Notices. All notices and other official communications between the Parties shall be in writing and shall be given by hand delivery or by recognized overnight courier who maintains verification of delivery (deemed to be duly received on the date delivered), or by

registered mail, postage prepaid, return receipt requested (deemed to be duly received five (5) days after such mailing) or by telecopy (deemed to be received on the date sent providing that the facsimile was properly addressed and disclosed the number of pages transmitted on its front sheet and that the transmission report produced indicates that each of the pages of the facsimile was received at the correct facsimile number) to each of the respective Parties as follows:

If to the Board: State Public Works Board  
915 L. St., 9<sup>th</sup> Floor  
Sacramento, CA 95814  
Attention: Executive Director  
Facsimile: 916-449-5739

[If to the Department: California Department of Corrections and Rehabilitation  
9838 Old Placerville Road, Suite B  
Sacramento, CA 95827  
Attention: Deputy Director, Facility Planning, Construction and  
Management  
Facsimile: 916-322-5717]

If to the BSCC: Board of State and Community Corrections  
600 Bercut Dr.  
Sacramento, CA 95811  
Attention: Executive Director  
Facsimile: 916-327-3317

If to the Participating County: County of [ENTER COUNTY NAME]  
[ENTER STREET ADDRESS]  
[ENTER CITY, STATE AND ZIP CODE]  
Attention: [ENTER POSITION TITLE]  
Facsimile: [ENTER FAX NUMBER]

or to such other address or number for any of the Parties hereto as may from time to time be designated by notice given by such Party to the other Parties in the manner hereinabove provided.

8.12 Force Majeure. None of the Parties shall be liable or responsible for any delay or failure resulting from (and the times for performance by the Parties hereunder shall be extended by the duration of) causes beyond the control of, and without the fault or negligence of, such Party, including without limitation acts of God, acts of the public enemy, acts of war or terrorism, acts of the government or governmental or quasi-governmental agency or instrumentality, significant market disruptions, fires, floods, earthquakes, epidemics, quarantine restrictions, strikes, civil commotion, casualties, embargoes, severe or inclement weather beyond that usually encountered in [ENTER COUNTY NAME] County, California, shortages in labor or materials, or similar cause.

8.13 Exculpation. Notwithstanding anything to the contrary contained in this Agreement, in any Bond Document, Project Document or other certificate, agreement, document or instrument executed in connection with the [ENTER PROGRAM NAME] Financing

Program, the liability of the Board hereunder shall be limited to and satisfied solely out of proceeds of the Interim Loan, if any, or the Bonds, if any, permitted to be used for such purpose. Except as provided above, the Participating County shall not have the right to obtain payment from the Agencies or from any other assets of the Agencies. The Participating County shall not enforce the liability and obligation of the Agencies to perform and observe the obligations contained in this Agreement, or any other documents delivered in connection herewith in any action or proceeding wherein a money judgment in excess of the available proceeds of the foregoing sources shall be sought against the Agencies.

8.14 Benefits of this Agreement Limited to the Parties. Except for the Parties to this Agreement, nothing contained in this Agreement, expressed or implied, is intended to give to any person (including without limitation the owners of the Bonds) any right, remedy or claim under or by reason hereof. Any agreement or covenant required herein to be performed by or on behalf of any Party shall be for the sole and exclusive benefit of the other Parties to this Agreement.

**[SIGNATURE PAGE TO IMMEDIATELY FOLLOW]**

FORM OF DOCUMENT

IN WITNESS WHEREOF, each of the Parties hereto has executed this Agreement, either individually or by an authorized representative, on the day and year first set forth above.

STATE PUBLIC WORKS BOARD OF  
THE STATE OF CALIFORNIA

By: \_\_\_\_\_  
[Name]  
[Executive Director or Deputy Director]

[DEPARTMENT OF CORRECTIONS AND  
REHABILITATION OF THE STATE OF  
CALIFORNIA]

By: \_\_\_\_\_  
[Name]  
[Title]

BOARD OF STATE AND COMMUNITY  
CORRECTIONS OF THE STATE OF  
CALIFORNIA

By: \_\_\_\_\_  
[Name]  
[Title]

COUNTY OF [COUNTY NAME]

By: \_\_\_\_\_  
[Name]  
[Title]

FORM OF DOCUMENT

**EXHIBIT A**

**PROJECT SCOPE, COST AND SCHEDULE DESCRIPTION{TC \L 0  
"0000000000001"}**

**[Include narrative description of Project per Section 4.1]**

FORM OF DOCUMENT

**EXHIBIT B**

**FORM OF GROUND LEASE{TC \L 0 "0000000000001"}\}**

FORM OF DOCUMENT

**EXHIBIT C**

**FORM OF RIGHT OF ENTRY FOR CONSTRUCTION AND OPERATION{TC \L 0  
"0000000000001"}**

FORM OF DOCUMENT

**EXHIBIT D**

**FORM OF FACILITY SUBLEASE{TC \L 0 "000000000001"}**

FORM OF DOCUMENT

**EXHIBIT E-1**

**DESCRIPTION OF PARTICIPATING COUNTY FUNDING {TC \L 0 "000000000001"}**

**Cash Contribution**

**CERTIFICATE OF THE COUNTY OF [ENTER COUNTY NAME] REGARDING ITS  
CASH (HARD) MATCH FOR THE [ENTER COUNTY NAME] COUNTY JAIL  
PROJECT**

All capitalized terms not otherwise defined herein shall have the meaning given them in the Project Delivery and Construction Agreement.

WHEREAS, pursuant to [ENTER STATUTE] (the “Law”), the State Public Works Board (the “Board”) is authorized to finance the acquisition, design and construction of a [ENTER TYPE OF FACILITY] facility approved by the Board of State and Community Corrections (the “BSCC”) pursuant to Section [ENTER SECTION] of the California Government Code (the “[ENTER PROGRAM NAME] Financing Program”); and

WHEREAS, pursuant to California Code of Regulations Title 15, Division 1, Chapter 1, Subchapter [ENTER SUBCHAPTER], only the cost of certain design and construction activities are potentially eligible for reimbursement under the [ENTER PROGRAM NAME] Financing Program – acquisition, pre-design and other specified design and construction costs are not eligible; and

WHEREAS, the County of [ENTER COUNTY NAME] (the “Participating County”) has proposed to build a [ENTER TYPE OF FACILITY] facility, the [ENTER PROJECT NAME] project, (the “Project”), to be located at [ENTER PHYSICAL ADDRESS], real property controlled by the Participating County through fee-simple ownership (the “Site”); and

WHEREAS, pursuant to the Law, the Participating County is paying a portion of the costs of the Project (the “Cash (hard) Match”) as described in Exhibit 1; and

WHEREAS, the Board intends to assist in the oversight and financing of the Project, subject to satisfaction of certain conditions and requirements of the Board, and the Board may in its sole, reasonable discretion, issue lease revenue bonds for the Project (the “Bonds”); and

WHEREAS, the interests of both the Board and the Participating County require confirmation of certain facts and certain assurances concerning the Cash (hard) Match.

NOW, THEREFORE, the Participating County, acting through its duly authorized representative, does hereby represent, warrant and covenant as follows:

(A) *Lawfully Available Funds.* The Cash (hard) Match, as described in Exhibit 1, has been derived exclusively from lawfully available funds of the Participating County.

(B) Cash (hard) Match Is Legal and Authorized. The payment of the Cash (hard) Match for the Project (i) is within the power, legal right, and authority of the Participating County; (ii) is legal and will not conflict with or constitute on the part of the Participating County a material violation of, a material breach of, a material default under, or result in the creation or imposition of any lien, charge, restriction, or encumbrance upon any property of the Participating County under the provisions of any charter instrument, bylaw, indenture, mortgage, deed of trust, pledge, note, lease, loan, installment sale agreement, contract, or other material agreement or instrument to which the Participating County is a party or by which the Participating County or its properties or funds are otherwise subject or bound, decree, or demand of any court or governmental agency or body having jurisdiction over the Participating County or any of its activities, properties or funds; and (iii) have been duly authorized by all necessary and appropriate action on the part of the governing body of the Participating County. The authorized representative of the Participating County executing this Certificate is fully authorized and empowered to take such actions for and on behalf of the Participating County.

(C) Governmental Consents. The execution, delivery, and performance by the Participating County of this certificate and the use of the Cash (hard) Match for certain costs of the Project do not require the consent, approval, permission, order, license, or authorization of, or the filing, registration, or qualification with, any governmental authority other than the Participating County in connection with the execution, delivery, and performance of this Certificate, the consummation of any transaction herein contemplated, or the offer, issue, sale, or delivery of the Bonds, except as shall have been obtained or made and as are now in full force and effect.

(D) No Prior Pledge. The Cash (hard) Match and the Project are not and will not be mortgaged, pledged, or hypothecated by the Participating County in any manner or for any purpose and have not been and will not be the subject of a grant of a security interest by the Participating County. In addition, the Cash (hard) Match and the Project are not and will not be mortgaged, pledged, or hypothecated for the benefit of the Participating County or its creditors in any manner or for any purpose and have not been and will not be the subject of a grant of a security interest in favor of the Participating County or its creditors. The Participating County shall not in any manner impair, impede or challenge the security, rights and benefits of the owners of the Bonds or the trustee for the Bonds.

IN WITNESS WHEREOF, the undersigned duly authorized representative of the Participating County has executed and delivered this Certificate to the Board on the date set forth below.

Date: [ENTER DATE FROM PDCA COVER PAGE]

COUNTY OF [ENTER COUNTY NAME]

By: \_\_\_\_\_  
[NAME]  
[TITLE]

Exhibit 1-Description of Cash (hard) Match

[ENTER COUNTY NAME] County's Cash (hard) Match for the Project will be funded from [ENTER NUMBER OF SOURCES] sources: (1) \_\_\_\_\_, (2) \_\_\_\_\_, and (3) \_\_\_\_\_.

FORM OF DOCUMENT

**CERTIFICATE OF THE COUNTY OF [ENTER COUNTY NAME] REGARDING ITS  
OTHER PARTICIPATING COUNTY FUNDING FOR THE [ENTER COUNTY NAME]  
COUNTY JAIL PROJECT**

All capitalized terms not otherwise defined herein shall have the meaning given them in the Project Delivery and Construction Agreement.

WHEREAS, pursuant to [ENTER STATUTE] (the “Law”), the State Public Works Board (the “Board”) is authorized to finance the acquisition, design and construction of a [ENTER TYPE OF FACILITY] facility approved by the Board of State and Community Corrections (the “BSCC”) pursuant to Section [ENTER SECTION] of the California Government Code (the “[ENTER PROGRAM NAME] Financing Program”); and

WHEREAS, pursuant to California Code of Regulations Title 15, Division 1, Chapter 1, Subchapter [ENTER SUBCHAPTER], only the cost of certain design and construction activities are potentially eligible for reimbursement under the [ENTER PROGRAM NAME] Financing Program – acquisition, pre-design and other specified design and construction costs are not eligible; and

WHEREAS, the County of [ENTER COUNTY NAME] (the “Participating County”) has proposed to build a [ENTER TYPE OF FACILITY] facility, the [ENTER PROJECT NAME] project, (the “Project”), to be located at [ENTER PHYSICAL ADDRESS], real property controlled by the Participating County through fee-simple ownership (the “Site”); and

WHEREAS, pursuant to the Law, the Participating County is contributing funding in addition to its Cash (hard) Match and In-Kind (soft) Match (the “Other Participating County Funding”); and

WHEREAS, the Board intends to assist in the oversight and financing of the Project, subject to satisfaction of certain conditions and requirements of the Board, and the Board may in its sole, reasonable discretion, issue lease revenue bonds for the Project (the “Bonds”); and

WHEREAS, the interests of both the Board and the Participating County require confirmation of certain facts and certain assurances concerning the Other Participating County Funding.

NOW, THEREFORE, the Participating County, acting through its duly authorized representative, does hereby represent, warrant and covenant as follows:

(A) Lawfully Available Funds. The Other Participating County Funding, as described in Exhibit 1, has been derived exclusively from lawfully available funds of the Participating County.

(B) Other Participating County Funding Is Legal and Authorized. The payment of the Other Participating County Funding for the Project (i) is within the power, legal right, and authority of the Participating County; (ii) is legal and will not conflict with or constitute on the part of the Participating County a material violation of, a material breach of, a material default under, or result in the creation or imposition of any lien, charge, restriction, or encumbrance upon any property of the Participating County under the provisions of any charter instrument, bylaw, indenture, mortgage,

deed of trust, pledge, note, lease, loan, installment sale agreement, contract, or other material agreement or instrument to which the Participating County is a party or by which the Participating County or its properties or funds are otherwise subject or bound, decree, or demand of any court or governmental agency or body having jurisdiction over the Participating County or any of its activities, properties or funds; and (iii) have been duly authorized by all necessary and appropriate action on the part of the governing body of the Participating County. The authorized representative of the Participating County executing this Certificate is fully authorized and empowered to take such actions for and on behalf of the Participating County.

(C) Governmental Consents. The execution, delivery, and performance by the Participating County of this certificate and the use of the Other Participating County Funding for certain costs of the Project do not require the consent, approval, permission, order, license, or authorization of, or the filing, registration, or qualification with, any governmental authority other than the Participating County in connection with the execution, delivery, and performance of this Certificate, the consummation of any transaction herein contemplated, or the offer, issue, sale, or delivery of the Bonds, except as shall have been obtained or made and as are now in full force and effect.

(D) No Prior Pledge. The Other Participating County Funding and the Project are not and will not be mortgaged, pledged, or hypothecated by the Participating County in any manner or for any purpose and have not been and will not be the subject of a grant of a security interest by the Participating County. In addition, the Other Participating County Funding and the Project are not and will not be mortgaged, pledged, or hypothecated for the benefit of the Participating County or its creditors in any manner or for any purpose and have not been and will not be the subject of a grant of a security interest in favor of the Participating County or its creditors. The Participating County shall not in any manner impair, impede or challenge the security, rights and benefits of the owners of the Bonds or the trustee for the Bonds.

IN WITNESS WHEREOF, the undersigned duly authorized representative of the Participating County has executed and delivered this Certificate to the Board on the date set forth below.

Date: [ENTER DATE FROM PDCA COVER PAGE]

COUNTY OF [ENTER COUNTY NAME]

By: \_\_\_\_\_  
[NAME]  
[TITLE]

Exhibit 1-Description of Other Participating County Funding

[ENTER COUNTY NAME] County's Other Participating County Funding for the Project will be funded from [ENTER NUMBER OF SOURCES] sources: (1) \_\_\_\_\_, (2) \_\_\_\_\_, and (3) \_\_\_\_\_.

FORM OF DOCUMENT

**EXHIBIT E-2**

**DESCRIPTION OF PARTICIPATING COUNTY FUNDING {TC \L 0 "000000000001"}**

**In-kind (soft) Match**

[DESCRIPTION TO BE INSERTED]

FORM OF DOCUMENT

**STATE OF CALIFORNIA**

**BOARD OF STATE AND COMMUNITY CORRECTIONS  
JAIL CONSTRUCTION AGREEMENT**

**FOR** \_\_\_\_\_

This Board of State and Community Corrections Jail Construction Agreement (“**Agreement**”) is entered into as of \_\_\_\_\_, 20\_\_ (“**Effective Date**”), by and between the Board of State and Community Corrections (“**BSCC**”), an entity of the state government of the State of California (“**State**”), and \_\_\_\_\_ (“**Participating County**”), a Political Subdivision of the State. BSCC and Participating County are referred to collectively herein as the “**Parties**,” and individually as a “**Party**.”

**RECITALS**

WHEREAS, Participating County has proposed to build a jail facility as more particularly described in Exhibit B attached hereto (“**Project**”) located at \_\_\_\_\_ (“**Site**”) under Chapter 3.12, Part 10b of Division 3 of Title 2 of the California Government Code and the corresponding regulations set forth in Title 15, Division 1, Chapter 1, Subchapter 6 of the California Code of Regulations (collectively, the “**AB 900 Jail Financing Program**”).

WHEREAS, this Agreement is being executed concurrently with the execution of the Project Delivery and Construction Agreement (“**PDCA**”) entered into between the Participating County, BSCC, the State Public Works Board of the State of California (“**Board**”) and the Department of Corrections and Rehabilitation (“**Department**”). The Department, the Board and BSCC are referred to collectively herein as “**Agencies**.”

WHEREAS, the purpose of this Agreement is to set forth the roles, responsibilities and performance expectations of the Parties with respect to the Participating County’s construction of the Project under the authority of the BSCC and the procedures for reimbursement by the State of those Participating County costs eligible for reimbursement as provided for under the AB 900 Jail Financing Program. This Agreement is intended to be read in conjunction with the other agreements necessary for the construction and financing of the Project under the AB 900 Jail Financing Program including, without limitation, the PDCA and the other agreements described in the PDCA recitals. Nothing in this Agreement is intended to amend or modify the rights and obligations of the Parties under those other agreements including, without limitation, the PDCA.

WHEREAS, the Total Project Costs for the Project shall be defined in Article 3, Section 3.1(a) of the PDCA. The State will provide financing (“**State Financing**”) (up to a maximum of \_\_\_\_\_ dollars (\$ \_\_\_\_\_) (“**Maximum State Financing**”)) and the Participating County will provide the Cash (hard) Match (as defined in Article 6(C) below) and the In-Kind (soft) Match (as defined in Article 6(C) below) (with the Cash (hard) Match and the In-kind (soft) Match collectively referred to as “**Participating County Funding**” and together with the Maximum State Financing, the “**Total Eligible Project Costs**”.) Total Eligible Project Costs shall be used in determining Cash (hard) Match credit and In-kind (soft) Match credit to the Participating Counties as specified in Exhibit A to this Agreement. As stated in Article 1, Section 1.3 of the PDCA, the AB 900 Jail Financing Program is predicated on the Board’s ability

to issue bonds for the Project.

NOW, THEREFORE, in consideration of the promises and of the mutual agreements, provisions and covenants contained in this Agreement, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

#### ARTICLE 1. TERM AND TERMINATION

A. Term. This Agreement shall commence on the Effective Date and shall terminate upon the completion and State acceptance of the Final Audit (as defined below in Article 4(C)) unless terminated earlier as provided in Article 1(C) below.

B. Survival. The provisions of Articles 1(C)(3), 1(C)(4), 3(D), 4(C), 4(D), 6(B)(5), 6(B)(6), 9, 10 and 11, and Articles 3, 4, 5, 6, 7, 8, and 10, 11 of Exhibit A shall survive termination of the Agreement.

C. Termination.

1. BSCC in consultation with the other Agencies may terminate this Agreement in the event any of the following events or conditions occurs:

(a) Participating County's breach of a material term of this Agreement, any Project Document or any Applicable Laws provided Participating County has not cured such breach in all respects within such thirty (30) day period, which cure period may be extended for a reasonable time with the consent of BSCC if the Participating County demonstrates that such additional time is required to cure such breach in a diligent and commercially reasonable manner;

(b) Termination of the PDCA as provided for in Article 2, Section 2.2(a)(i)-(v) and (b) of the PDCA;

(c) Substantive alteration of the scope, cost or schedule of the Project without the prior written approval of BSCC and the Board as required under this Agreement and the PDCA; or

(d) Participating County's refusal or inability to complete the Project in a manner consistent with the Agreement, and the other Project Documents (as defined below in Article 3) including all timelines, plans, and specifications as approved by BSCC, or refusal or inability to comply with any Applicable Law.

2. The Participating County may, prior to the State providing any amount of financing, terminate this Agreement in the event any of the following occurs:

(a) The State's breach of a material term of this Agreement, any Project Document or any Applicable Laws provided the State has not cured such breach in all respects within thirty (30) days from notice of said breach, which cure period may be extended for a reasonable time with the consent of the Participating County if the State demonstrates that

such additional time is required to cure such breach in a diligent and commercially reasonable manner;

(b) Termination of the PDCA as provided for in Article 2, Section 2.2(a)(i)–(v) and (b) of the PDCA;

(c) Failure of the State to execute the Ground Lease or the Right of Entry for Construction and Operation; or

(d) In the event the Board determines the Participating County is no longer eligible for Project financing under the AB 900 Jail Financing Program as set forth in Article 1, Section 1.2 of the PDCA.

3. In the event of termination as provided in Article 1(C)(1), and unless the Parties agree in writing otherwise, Participating County shall, upon notification, refund to the Agencies an amount equal to all State Financing previously disbursed to the Participating County. Any State Financing so remitted to the Agencies may be subject to interest equal to the rate earned by the State Pooled Money Investment Account. Participating County shall not be required to refund any State Financing in the event of termination solely because, through no fault of Participating County, the Board determines it is not feasible or appropriate to issue bonds or is unable to issue bonds to finance the Participating County's Project.

4. Nothing in this Article 1 in any way alters or limits the authority of BSCC or the Agencies to withhold State Financing in accordance with Applicable Laws (as defined below) or any other right or remedy available to the State at law or in equity for breach of the Agreement.

## ARTICLE 2. PROJECT OFFICIALS

A. BSCC Representative. The BSCC Executive Director or his or her designee shall be the State's representative ("**Agency Representative**") for administration of this Agreement. Any amendment to this Agreement, including any exhibit, schedule or attachment hereto, shall be binding on the State only if signed by the Agency Representative. This Article 2(A) shall not limit any requirements for amendment of any other agreement that is a Project Document.

B. Participating County Construction Administrator. The Participating County has appointed a County Construction Administrator as identified below. Participating County agrees that its County Construction Administrator shall be its representative for the administration of the Agreement and shall have full authority to act on behalf of the Participating County. Participating County agrees that all communications given to its County Construction Administrator shall be binding as if given to the Participating County. Participating County agrees that any documents required to be submitted to the Agencies, including but not limited to, quarterly progress reports and final project summary reports, shall be certified for accuracy by its County Construction Administrator in form reasonably acceptable to BSCC. Any Amendment to this Agreement and any other Project Document shall be binding on the Participating County only if signed or certified in form reasonably acceptable to BSCC by the County Construction Administrator.

County Construction Administrator: [Redacted]  
Title: [Redacted]  
Address: [Redacted]  
City, State, Zip: [Redacted]  
Telephone: [Redacted]  
Facsimile: [Redacted]  
Email: [Redacted]

C. Participating County Project Financial Officer. The Participating County has appointed a Project Financial Officer as identified below. Participating County agrees that its Project Financial Officer shall be responsible for establishing an official project file and a separate account for depositing of funds paid under this Agreement, and ensuring that project accounting procedures and practices are in accordance with generally accepted government accounting principles and practices (see Accounting Standards and Procedures for Counties, California State Controller, Division of Local Government Fiscal Affairs) with adequate supporting documentation maintained in such detail so as to provide an audit trail which will permit tracing transactions from support documentation, to the accounting records, to the financial reports and billings. Participating County agrees that all fiscal documents, including all invoices and expenditure statements, required to be submitted to BSCC shall be certified for accuracy by its Project Financial Officer.

Project Financial Officer: [Redacted]  
Title: [Redacted]  
Address: [Redacted]  
City, State, Zip: [Redacted]  
Telephone: [Redacted]  
Facsimile: [Redacted]  
Email: [Redacted]

D. Participating County Project Contact Person. The Participating County has appointed a County Project Contact Person as identified below. Participating County agrees that its County Project Contact Person shall be responsible for coordinating and transmitting information to BSCC and receiving and disseminating information from BSCC. Participating County agrees that all communications given to its County Project Contact Person shall be binding as if given to the Participating County.

County Project Contact Person: [Redacted]  
Title: [Redacted]  
Address: [Redacted]  
City, State, Zip: [Redacted]  
Telephone: [Redacted]  
Facsimile: [Redacted]  
Email: [Redacted]

Either Party may change its Project representatives upon written notice to the other Party.

### ARTICLE 3. PROJECT DOCUMENTS AND APPLICABLE LAWS.

A. Project Documents. The Participating County agrees to construct the Project in accordance with the following agreements and documents each as may be amended in accordance with its terms and which, together with the Agreement, shall be referred to herein as the “**Project Documents**”: (1) BSCC Jail Construction Agreement Standard Conditions attached hereto as Exhibit A; (2) Participating County’s Project Proposal [Insert Name and Date of Participating County’s Bid Proposal] (“**County Project Proposal**”); (3) County Project Description Detail and Budget (“**Project Description**”) in the form attached hereto as Exhibit B; (4) Ground Lease, Right of Entry for Construction and Operation, Facility Lease and the Facility Sublease as those terms are defined in the PDCA; and (5) the PDCA .

B. Applicable Laws. The Participating County agrees to comply with all federal, state or local laws, regulations, rules, ordinances and guidelines applicable to the construction of the Project including, without limitation the following (collectively “**Applicable Laws**”):

1. The Minimum Standards for Local Detention Facilities and Local Jail Construction Financing Program regulations contained in Title 15, Division 1, Chapter 1, Subchapters 4 and 6 of the California Code of Regulations (“**CCR**”).
2. The Minimum Standards for Local Detention Facilities and the fire and life safety regulations contained in Title 24 of the CCR.
3. California Public Contract Code.
4. California Environmental Quality Act (CEQA) contained in Section 21000 *et seq.* of the California Public Resources Code and Title 14, Division 6, Chapter 3, Sections 15000 *et seq.* of the CCR.
5. Accounting Standards and Procedures for Counties, California State Controller, Division of Local Fiscal Affairs.
6. Construction Financing Agreement Administration and Audit Guide.

C. Incorporation of Approved Changes. Upon their completion, all Participating County assurances and submittals, submitted to and approved in writing by BSCC are incorporated herein by reference and made a part of this Agreement.

D. Precedence. In the event of any inconsistency in the Project Documents, except as otherwise provided herein, the inconsistency shall be resolved by giving precedence in the following order: 1) PDCA; 2) the Ground Lease (as defined in the PDCA); 3) this Agreement including the BSCC Jail Construction Agreement Standard Conditions attached hereto as Exhibit A; 4) the Right of Entry for Construction and Operation (as defined in the PDCA); 5) Participating County’s Project Proposal; 6) Participating County Project Description Detail and Budget; and 7) the Participating County’s proposal(s), modification(s), and submittals. In the event the Bonds are issued, any inconsistency between the Project Documents and the Bond Documents shall be resolved by giving precedence to the Bond Documents. To the extent the Parties mutually agree that a provision of a particular document should control with respect to an

inconsistency between that document and another document or documents, notwithstanding the other provisions of this Section, such provision shall control.

#### ARTICLE 4. PARTICIPATING COUNTY OBLIGATIONS

Participating County agrees to the following covenants, assurances and submittals:

A. Participating County's Construction of Jail. The Participating County shall construct the Project to ensure and enable compliance with all Applicable Laws, and Participating County agrees that State Financing and Cash (hard) Match funds shall not supplant funds otherwise dedicated or appropriated for construction activities. No review or approval provided by the State, the Agencies or the State Fire Marshal of documents or submittals shall relieve Participating County of its obligation to design and construct the Project in accordance with this Agreement and all Applicable Laws including, without limitation environmental, procurement, safety and health, the AB 900 Jail Financing Program, and Titles 15 and 24 of the CCR. The Agencies' review and approval of any Project Document is for the Agencies' purposes only. No alleged failure or oversight related to the Agencies' review of the Project or the Project Documents shall be construed as a waiver of any rights of the Agencies or the State of California, or construed as an excuse to performance by Participating County under this Agreement or any other agreement. All Plans (as defined below) prepared by the Participating County shall be consistent with the Participating County Project Proposal.

B. Valley Fever. California is one of several states in the country with soils that may contain spores known to cause the disease Coccidioidomycosis (sometimes called "Valley Fever"), which spores may be transmitted through contact with dirt and fugitive dust associated with construction activities. The Participating County shall disclose this information to contractor in or prior to execution of a Construction Agreement. The Participating County, its contractor and any lower-tier subcontractors shall take appropriate precautionary measures designed to minimize the exposure of their respective employees and other workers, Agencies' employees, and other individuals or personnel who may be present during construction activities.

C. Record Keeping and Audit Requirements. Participating County shall keep such full and detailed account records as are necessary for proper financial management of the Project. Participating County shall maintain a complete and current set of all books and records relating to the design and construction of the Project. Agencies shall be entitled, upon forty-eight (48) hour written notice, to inspect all books, records, and accounts kept by Participating County relating to the work contemplated by this Agreement. Within ninety (90) calendar days after Final Completion (as defined below), Participating County shall deliver to Agencies a financial audit of the Project ("**Final Audit**"). The Final Audit shall be performed by a Certified Public Accountant or a Participating County auditor that is organizationally independent from the Participating County's project financial management functions. Nothing in this Article 4(C) shall limit the Participating County's record retention obligations as set forth in Article 7 of the PDCA. For purposes of this Agreement, "**Final Completion**" shall mean completion of the Project.

D. Compliance with Project Documents and Applicable Laws. Participating County agrees to comply with all terms and conditions of this Agreement, the other Project Documents

and all exhibits and schedules attached hereto or thereto and all Applicable Laws.

E. Project Plans. In addition to all submission requirements under the PDCA, the Participating County shall submit to BSCC the architectural and design documents, drawings, specifications, calculations, general and special conditions, submittals, Project budgets, schedules and contracts (collectively, “Plans”) within the time frames as specifically set forth in Exhibit B and as otherwise may be required by the Project Documents and Applicable Laws. As a condition to the financing to be provided by the State through interim financing or the sale of bonds, Participating County shall cause to be prepared all required Plans and documents necessary to solicit design-build bids or proposals, and complete the Project on time and within budget. Participating County is solely responsible for preparing all Plans and other documents for the design-build solicitation process, as provided by Applicable Law. In addition, Participating County is solely responsible for ensuring the final construction documents and specifications are approved by both the BSCC and the State Fire Marshal before issuance and sale of State lease revenue bonds for the Project as set forth in Article 1, Section 1.2 of the PDCA.

F. Construction. Participating County shall be responsible to contract for all design and construction services, and shall manage the day-to-day design and construction of the Project. Participating County shall cause the design and construction of the Project to be consistent with the requirements, limitations, and other terms of this Agreement, the Project Documents, all Applicable Laws, as well as all other agreements between the Agencies and Participating County.

G. Operation of Jail. Participating County shall be responsible to maintain the jail upon Final Completion and staff and operate the jail no later than ninety (90) days after Final Completion.

H. Professional Services. Participating County shall be responsible for providing all necessary professional services in order to carry out the design and construction of the Project. Participating County shall obtain all professional services from properly licensed design professionals. All Plans prepared by such design professionals shall bear the signature and seal of the design professional. All construction work on the Project shall be performed by properly licensed contractors and subcontractors. Participating County is encouraged to utilize a qualified construction manager and claims avoidance experts to facilitate timely and efficient construction of the Project.

I. Completion of Project. Participating County agrees to proceed expeditiously with, and complete, the Project in accordance with the Project Documents and Plans as approved by the BSCC and the Agencies and/or as incorporated in all provisions of this Agreement. Participating County acknowledges and understands that failure to meet application assurances, construction timelines and any other milestones or timelines as set forth in the Project Documents or Plans as approved by the Agencies and/or as incorporated in all provisions of this Agreement, may result at any time in award adjustments or Agreement termination by the BSCC.

## ARTICLE 5. SUBSTANTIAL CHANGES.

In addition to the modification requirements set forth in Article 4, Section 4.2 of the PDCA, no substantial change to the Project Documents or other substantial modification to the Project may be made by Participating County without the prior written permission of the BSCC. Minor modifications to the Project do not require BSCC approval, but must be documented and reported on routine progress reports to the BSCC. Without limiting the foregoing, BSCC approval shall be required upon any of the following events or circumstances:

1. more than minor changes which affect the design or scope of the Project;
2. a delay or change in the date of substantial completion or Final Completion;
3. a more than minor change to the design, location, size, capacity or quality of major items of equipment. As used herein "substantial" is as defined in the State Administrative Manual, Section 6863. As used herein a minor change is any change which does not rise to the level of a substantial change under the State Administrative Manual, Section 6863;
4. a change in approved budget categories, or movement of dollars between budget categories as indicated in Exhibit B; or
5. any change that would impact BSCC or State Fire Marshal construction or operational regulations including, without limitation, Titles 15 and 24 of the CCR , or which affects the security or fire and life safety of the facility.

Participating County agrees that its County Construction Administrator will give prompt notification in writing to the BSCC of the occurrence of any of the above events and report any substantial modifications to the Agreement for Construction with its contractor. BSCC shall notify the Department consistent with Article 4 of the PDCA, and the Department shall make a Scope Change Request to the Board. Approval of this Scope Change Request by the Board shall be required before material change to the Project Documents or other substantial modification to the Project may be made by the Participating County.

In no event shall any budget changes be authorized which would cause the amount of Total Project Costs to be exceeded unless the Participating County covenants to fund such excess with lawfully available funds and with the consent of the Agencies and so appropriates such funding.

#### ARTICLE 6. PROJECT FUNDING

A. Invoices. Invoice and progress/final reports and all required audit reports shall be submitted to the BSCC in a timely manner as specified in this Agreement and Exhibit A.

B. State Financing Obligations.

1. In no event or circumstance shall the State or Agencies be obligated to pay the Participating County under this Agreement or any other Project Document any amount in excess of the Maximum State Financing. Participating County waives any and all claims against the Agencies or the State of California for any costs which exceed the Maximum State

Financing. The Participating County is solely responsible for any and all cost, expenses or fees of the Project which exceed the Maximum State Financing. Reimbursement of county costs from State Financing shall be limited to those costs permitted under Article 1(A) of Exhibit A and/or specifically identified in Exhibit B as “**Eligible State Costs**” provided, however, the State’s obligations to reimburse Participating County for any State Financing is contingent on (1) the availability of Interim Financing and (2) even if Interim Financing is provided, the successful sale of bonds sufficient to cover all remaining Eligible State Costs. State Financing shall be subject to the terms and conditions set forth in the PDCA.

2. Eligible State Costs subject to reimbursement shall in no event or circumstance exceed Maximum State Financing. Because the funds to be paid are limited, Participating County shall be obligated to complete the Project without additional State Financing. No additional State Financing will be available, and Participating County should take all necessary precautions to ensure that the Project is designed and constructed within the Project budget. The Participating County shall be responsible for any costs exceeding the Total Eligible Project Costs.

3. State shall reimburse the Participating County for Eligible State Costs provided Participating County’s performance of the Project is consistent with the Project Documents, including the Construction Schedule, and Participating County is not in breach of any term or condition of this Agreement, any Project Document, or any Applicable Law. At mutually agreed upon intervals as set forth in Exhibit A, Article 7, Participating County shall submit to BSCC a reimbursement request for payments of Eligible State Costs for which Participating County has already paid.

4. BSCC may reject any invoice or item on an invoice should it be determined that such invoice or item is ineligible for reimbursement under the terms of this Agreement, the Project Documents or any Applicable Laws (“**Improper Expenditure**”). Should it later be determined Participating County has been reimbursed for an Improper Expenditure or the State has made a payment to Participating County in excess of the amount for which the State is obligated (“**Excess Payment**”), BSCC may withhold future payments or repayments in amounts equal to the Improper Expenditure or the Excess Payment. In the event the amount of an Improper Expenditure exceeds the total reimbursement amount due Participating County, or should the discovery of the Improper Expenditure or Excess Payment occur after payment of the Withhold Amount (as defined below), Participating County shall immediately pay to BSCC the amount of the Improper Expenditure or Excess Payment.

5. At such time as the unreimbursed balance of the Eligible State Costs equals Five percent (5%) of the total Eligible State Costs (“**Withhold Amount**”), BSCC shall withhold that amount as security for Participating County’s performance of all its obligations under this Agreement. The Withhold Amount shall be released upon satisfaction of all of the following conditions: (a) there has been Final Completion of the Project, (b) delivery by Participating County and acceptance by Agencies of the Final Audit and the Final Project Summary Report, (c) Participating County has staffed and operated the jail as required under Article 4(G) above, and (d) Participating County is not in breach of any provisions of this Agreement, the other Project Documents and Applicable Laws.

6. All agreements with the contractor and any other contractor or subcontractor of Participating County or the contractor providing services or goods on the Project and for which reimbursement with State Financing for all or any portion of the payment for such services or goods is sought, shall require the contractor or subcontractor to list construction costs according to the CSI Divisions for the approved Schedule of Values.

C. Participating County Funding. Subject to all terms and provisions of this Agreement, the Participating County agrees to appropriate and spend cash (hard) matching funds as provided in Exhibits A and B (“**Cash (hard) Match**”). Subject to all terms and provisions of this Agreement, the Participating County agrees to provide in-kind (soft) match in accordance with Exhibits A and B (“**In-kind (soft) Match**”). Participating County agrees to expend Cash (hard) Match funds on a schedule that is at least pro-rata with the percentage expenditure of Eligible State Costs.

#### ARTICLE 7. ADMINISTRATIVE OVERSIGHT BY BOARD

Notwithstanding any other term or condition of this Agreement or any other Project Document, the scope and cost of the Project shall be subject to approval and administrative oversight by the Board, as required by California Government Code Section 15820.911.

#### ARTICLE 8. PERFORMANCE AND PAYMENT BONDS

Participating County shall require the contractor to procure and maintain a payment bond and a performance bond each of which shall be in an amount not less than one hundred percent (100%) of the contractor’s total contract price as set forth in the agreement between Participating County and contractor. The bonds shall be issued by one or more surety companies acceptable to the Agencies. The performance bond required by this Article 8 shall name the State as an additional beneficiary under the bonds.

#### ARTICLE 9. INDEMNITY

As required by California Government Code Section 15820.911(d), the Participating County hereby agrees to indemnify, defend and save harmless the State, including but not limited to the Board, the Department and the BSCC, and each of their respective officers, governing members, directors, officials, employees, subcontractors, consultants, and agents (collectively, “Indemnitees”) for any and all claims and losses arising out of the acquisition, design, construction, operation, maintenance, use and occupancy of the Project. The Participating County shall not be obligated to provide indemnity or defense where the claim arises out of the gross negligence or willful misconduct of the Indemnitees. These obligations shall survive any termination of this Agreement.

#### ARTICLE 10. DISPUTES

Disputes arising under or relating to this Agreement shall be resolved in accordance with the provisions of Article 10 of Exhibit A.

#### ARTICLE 11. GENERAL TERMS AND CONDITIONS

The general terms and conditions published by the Department of General Services at <http://www.documents.dgs.ca.gov/ols/GTC-610.doc> and applicable to all State of California contracts are hereby incorporated by reference into this Agreement. In the event of a conflict between GTC-610 and any sections herein, the sections herein take precedence. In signing below, the Participating County's authorized representative represents and warrants that the Participating County has read and understands these general terms and conditions.

#### ARTICLE 12. COUNTERPARTS

This Agreement may be executed in one or more counterparts, any one of which need not contain the signatures of more than one Party, but all of which when taken together shall constitute one and the same instrument, notwithstanding that all Parties have not signed the same counterpart hereof.

**[SIGNATURE PAGE TO IMMEDIATELY FOLLOW]**

FORM OF DOCUMENT

IN WITNESS THEREOF, the Parties have executed this Agreement, as of the Effective Date.

BOARD OF STATE AND COMMUNITY CORRECTIONS

By: \_\_\_\_\_  
Signature of Executive Director or Designee

Name and Title: \_\_\_\_\_  
Date: \_\_\_\_\_

“PARTICIPATING COUNTY”

County of:

By: \_\_\_\_\_  
Signature

Name and Title: \_\_\_\_\_  
Date: \_\_\_\_\_

FORM OF DOCUMENT

## EXHIBIT A

### CONSTRUCTION AGREEMENT STANDARD CONDITIONS

#### ARTICLE 1. TOTAL ELIGIBLE PROJECT COSTS

A. Participating County shall only be reimbursed by the State from State Financing for Eligible State Costs. “**Eligible State Costs**” means reasonable and necessary Project costs actually incurred in construction of the Project and as specified in Exhibits A and B attached to the Agreement. Eligible State Costs also must be eligible for lease-revenue bond financing pursuant to this Agreement (including all Exhibits referenced therein) and all California state laws, rules, regulations, guidelines, and policies including, without limitation, Title 15, Local Jail Construction Financing Program regulations and any other Applicable Laws. Such Eligible State Costs shall include, but are not limited to, the items set forth in subsection (1) through (8) below. Participating County shall receive BSCC’s written consent prior to Participating County’s incurring the expense for any Project costs not listed below and for which Participating County wants State reimbursement provided such expenses do not fall within Participating County Costs as defined below in subsection (B).

1. On-site costs of facility construction of the BSCC-approved local jail facility project, including site preparation (eligible for State Financing or Cash (hard) Match).
2. Architectural programming and design (for activities by consultants and contractors; eligible for State Financing or Cash (hard) Match).
3. Construction management (for activities by consultants and contractors; eligible for State Financing or Cash (hard) Match).
4. Building permit fees, sewer/utility use or unit fees, and building inspection fees (eligible for State Financing or Cash (hard) Match).
5. Fixed equipment items (e.g., heating, ventilation, air conditioning, plumbing, lighting, communications, surveillance, security and life/safety equipment, etc.) as necessary for the operation of the BSCC-approved local jail facility (eligible for State Financing or Cash (hard) Match).
6. Fixed furnishings items (e.g., built-in and/or permanently affixed counters, tables, cabinets, seats, etc.) as necessary for the operation of the BSCC-approved local jail facility (eligible for State Financing or Cash (hard) Match).
7. Installation of existing fixed equipment and furnishings as necessary for the operation of the BSCC-approved local jail facility (eligible for State Financing or Cash (hard) Match).
8. Moveable equipment and moveable furnishings (subject to State review and approval; eligible for State Financing or Cash (hard) Match).

B. Participating County must provide a minimum of at least \_\_\_\_\_ percent (\_\_\_\_%) of the Total Eligible Project Costs as any combination of Cash (hard) Match and In-kind (soft) Match funds. **(Note to drafter: Large and Medium counties must provide a minimum of 10%).** Cash (hard) Match funds cannot be used to supplant or replace funds otherwise dedicated or appropriated by the Participating County for construction activities. Cash (hard) Match funds cannot be claimed for salaries/benefits of regular employees of the Participating County Workforce but may be claimed for the services of consultants or contractors engaged to perform Project related services as described below. Cash (hard) Match funds only include costs of:

1. Items eligible for Eligible State Costs as described above;
2. Preparation costs for full or focused environmental reports (for activities by consultants and contractors);
3. Off-site costs, including access roads and utilities development, outside of a reasonable buffer zone surrounding the perimeter of the security fence, detention facility building and parking lot; and
4. Public art.

C. In-kind (soft) Match funds may be claimed for Project related costs for activities performed by Participating County staff or consultants. Eligible In-kind (soft) Match funds only includes:

1. Audit of Total Eligible Project Costs at the conclusion of the Project (staff salary/benefits of independent Participating County auditor or services of contracted auditor);
2. Needs assessments (staff salary/benefits and/or consultant costs directly related to the Project);
3. Site acquisition cost or current fair market land value supported by independent appraisal (on-site land only regardless of acquisition date) and as approved by the Department of General Services. This can be claimed for on-site land cost/value for new facility construction, on-site land cost/value of a closed facility that will be renovated and reopened, or on-site land cost/value used for expansion of an existing facility. It cannot be claimed for land cost/value under an existing operational local jail facility;
4. Participating County administration (staff salary/benefits directly related to the Project for activities after October 1, 2011);
5. Transition planning (staff salary/benefits and consultant activities directly related to the Project for activities after October 1, 2011); and
6. Real estate due diligence costs as billed to the Participating County by the State.

D. Participating County shall not under any circumstance be reimbursed by the State from Board interim financing sources, lease-revenue bond funds or from any other financing

source for Ineligible Project Costs. “**Ineligible Project Costs**” means all costs which are not eligible for lease-revenue bond financing or Participating County matching funds pursuant to the PDCA (including all Exhibits attached thereto) or pursuant to any California state law, rule, regulation, guideline, or policy including, without limitation, the AB 900 Jail Financing Program or any other Applicable Law. Participating County shall be responsible for all Ineligible Project Costs (“**Participating County Costs**”). Ineligible Project Costs also shall include but are not limited to the following:

1. Those Project Costs that are determined by the BSCC to be unreasonable or unnecessary costs.
2. Detention facility personnel and operational costs and related costs of supplies.
3. Soil and water contamination assessment/mitigation.
4. Excavation of burial sites.
5. Preparation of Environmental Impact Reports (ineligible for State Financing; eligible for Cash (hard) Match only if performed by consultants or contractors outside the regular county work force, eligible for In-kind (soft) Match if performed by county-paid employees).
6. Bonus payments for early completion of work.
7. Interest charges for late payments.
8. Interest on bonds or any other form of indebtedness required to finance Project costs.
9. Costs outside the scope of the BSCC-approved Project.
10. Fines and penalties due to violation of or failure to comply with federal, state or local laws, ordinances, or regulations.
11. Personal injury compensation or damages arising out of or connected with the Project, whether determined by adjudication, arbitration, negotiation, or otherwise.
12. All costs incurred in violation of the terms, provisions, conditions, or commitments of this Agreement.
13. Travel and per diem costs.
14. All costs arising out of or connected with contractor claims against the Participating County, or those persons for whom the Participating County may be vicariously liable, including, but not limited to, any and all costs related to defense or settlement of such claims.

15. Maintenance costs.
16. Supplanting of existing construction, programs, projects, or personnel.
17. All costs arising out of or attributable to Participating County's malfeasance, misfeasance, mismanagement, or negligence.
18. Temporary holding or court holding facilities.
19. Local Jail facilities or portions thereof operated by jurisdictions other than Participating County.

## ARTICLE 2. PARTICIPATING COUNTY'S GENERAL RESPONSIBILITY

Participating County is solely responsible for design, construction, operation, and maintenance of the Project as identified in Exhibit B of this Agreement. Review and approval of plans, specifications, or other documents by BSCC, the Agencies and the State Fire Marshal, is solely for the purpose of proper administration of State Financing by the BSCC and the Agencies and shall not be deemed to relieve or restrict the Participating County's responsibility.

## ARTICLE 3. PARTICIPATING COUNTY ASSURANCES AND COMMITMENTS

A. Compliance with Laws and Regulations. This Agreement is governed by and shall be interpreted in accordance with the laws of the State of California. Participating County shall at all times comply with all Applicable Laws (as defined in the Agreement).

B. Fulfillment of Assurances and Declarations. Participating County shall fulfill all assurances, declarations, representations, and statements made by the Participating County in the County Project Proposal, documents, amendments, and communications filed in support of its request for lease-revenue bond funds including adoption of a BSCC approved staffing plan for staffing and operating the facility in accordance with state standards within ninety (90) calendar days of construction completion.

C. Use of State Financing. Participating County shall expend all State Funds and identified matching funds solely for Eligible Project Costs. Participating County shall, upon demand, remit to the BSCC any State Financing not expended for Eligible Project Costs or an amount equal to any State Financing expended by the Participating County in violation of the terms, provisions, conditions, or commitments of this Agreement. Any State Financing so remitted to the BSCC shall include interest equal to the rate earned by the State Pooled Money Investment Account.

D. Permits and Licenses. Participating County agrees to procure all permits and licenses necessary to complete the Project, pay all charges and fees, and give all notices necessary or incidental to the due and lawful proceeding of the Project work.

E. Compliance with Deliverables, Drawings, and Specifications. Participating County agrees that deliverables, drawings, and specifications, upon which prime and subcontracts are awarded, shall be the same as those submitted to and approved by the BSCC.

F. Prime and Subcontracting Requirements. In accordance with the provisions of this Agreement, the Participating County may contract with public or private contractors of services for activities necessary for the completion of the Project. Participating County agrees that in the event of an inconsistency between the Agreement and any other Project Document and Participating County's Construction Agreement with a contractor, the Project Documents will prevail. Participating County shall ensure that the contractor complies with all requirements of the Project Documents and all instructions of the County Construction Administrator regarding compliance with the Project Documents.

Participating County assures that for any contract awarded by the Participating County, such insurance (e.g., fire and extended coverage, workers' compensation, public liability and property damage, and "all-risk" coverage) as is customary and appropriate will be obtained.

Participating County agrees that its contractor will list construction costs according to the CSI Divisions for the approved Schedule of Values. Since certain portions of the Project may not be eligible for State Financing in all requests for reimbursement, the Participating County's contractor shall separately list work not eligible for State Financing, and the County Construction Administrator shall identify such work for the contractor.

Participating County agrees that it is the County Construction Administrator's responsibility to provide a liaison between the Participating County, the BSCC, and its contractor. Participating County agrees that its contractor is not responsible nor required to engage in direct discussion with the BSCC or any representative thereof, except that the contractor shall in good faith exert its best effort to assist the Participating County in fully complying with all requirements of the contract.

Participating County agrees to place appropriate language in all contracts for work on the Project requiring the Participating County's contractor(s) to:

1. Books and Records. Maintain adequate fiscal and Project books, records, documents, and other evidence pertinent to the contractor's work on the Project in accordance with generally accepted accounting principles. Adequate supporting documentation shall be maintained in such detail so as to permit tracing transactions from the invoices, to the financial statement, to the accounting records, and to the supporting documentation. These records shall be maintained for the period set forth in Article 5 below, and shall be subject to examination and/or audit by the BSCC or designees, state government auditors or designees.

2. Access to Books and Records. Make such books, records, supporting documentations, and other evidence available to the BSCC or designees, the Department, the Board, the Department of General Services, the Department of Finance, the Bureau of State Audits, their designated representatives, during the course of the Project and for the period set forth in Article 5 below, and provide suitable facilities for access, monitoring, inspection, and copying thereof. Further, the Participating County agrees to include a similar right of the state to audit records and interview staff in any subcontract related to the performance of this Agreement.

3. Contractor Advisement. Be advised that a partial source of financing for the agreement between the Participating County and contractor for construction of the Project is the State Financing, and that the Participating County may not have funds to finance the Construction Agreement independently of the State Financing. The contractor shall in all ways cooperate with the Participating County and the BSCC in maintaining a good working relationship. The contractor shall cooperate as instructed by the County Construction Administrator in resolving any disputes arising under the Agreement.

#### ARTICLE 4. PROJECT ACCESS

To the extent not inconsistent with the Bond Documents, as that term is defined in Article 1 Section 1.1(a) of the PDCA, at all times during construction of the Project and after final completion, the Participating County shall provide to employees, subcontractors, and consultants of the Agencies reasonable unrestricted access to observe, monitor and inspect the Project. The Agencies' access to observe, monitor and inspect shall include the right to review all documents and files relating to the Project, as well as construction on the Site, including all tests and inspections relating to design or construction of the Project.

#### ARTICLE 5. RECORDS

Participating County shall establish an Official Project File, as defined in Article 7, Section 7.1 of the PDCA.

Participating County shall establish separate accounting records for receipt, deposit, and disbursement of all Project funds as specified in Exhibit A Article 9.

Participating County shall maintain books, records, documents, and other evidence sufficient to reflect properly the amount, receipt, and disposition of all Project funds, including State Financing, any matching funds provided by the Participating County and the total cost of the Project. The maintenance requirements extend to books of original entry, source documents supporting accounting transactions, the general ledger, subsidiary ledgers, personnel and payroll records, canceled checks, and related documents and records. Source documents include copies of all awards, applications, and required financial and narrative reports. Personnel and payroll records shall include the time and attendance reports for all individuals reimbursed under the award, whether they are employed full-time or part-time. Time and effort reports are also required for consultants and contractors. Supporting documentation for matching funds, goods or services shall, at a minimum, include the source of the match, the basis upon which the value of the match was calculated, and when the matching funds, goods, or services were provided. Receipts, signed by the recipient of donated goods and/or services should be issued and a copy retained. Generally accepted government accounting principles and adequate supporting documentation shall be maintained in such detail so as to provide an audit trail which will permit tracing transactions from the invoices to the financial statement, to the accounting records, and to the supporting documentation for the purpose of determining compliance with Section 10115 *et seq.* of the California Public Contract Code, Section 8546.7 of the California Government Code, and Title 2, Division 2, Chapter 3, Subchapter 10.5 Section 1896.60 *et seq.* of the CCR (as applicable).

Participating County shall maintain all records for the period set forth in the PDCA (“**Record Maintenance Period**”). Participating County agrees to protect records adequately from fire or other damage. When records are stored away from the Participating County’s principal office, a written index of the location of records stored must be on hand and ready access must be assured. All Participating County records shall be subject at all reasonable times to inspection, examination, monitoring, copying, excerpting, transcribing, and audit by the BSCC or designees, the Agencies, and by state government auditors or designees. If any litigation, claim, negotiation, audit, or other action involving the records has been started before the expiration of the Record Maintenance Period, the records must be retained until the completion of the action and resolution of all issues which arise from it or until the end of the Record Maintenance Period, whichever is later.

## ARTICLE 6. ACCOUNTING AND AUDIT REQUIREMENTS

All funds received by the Participating County shall be deposited into separate fund accounts which identify the funds and clearly show the manner of their disposition. Participating County agrees that the audit and accounting procedures shall be in accordance with generally accepted government accounting principles and practices (see Accounting Standards and Procedures for Counties, California State Controller, Division of Local Government Fiscal Affairs) and adequate supporting documentation shall be maintained in such detail so as to provide an audit trail which will permit tracing transactions from support documentation to the accounting records to the financial reports and billings. Participating County further agrees to the following audit requirements:

A. Pre-payment Audit. Prior to the deposit of State Financing into the separate account, the BSCC may require the Participating County to have a system audit performed by an auditor satisfactory to the BSCC to insure that the Participating County’s accounting system meets generally accepted government accounting principles;

B. Interim Audit. The BSCC reserves the right to call for a program audit or a system audit at any time between the execution of this Agreement and the completion or termination of the Project. At any time, the BSCC may disallow (that is, deny both use of funds and any applicable matching credit for) all or part of the cost of the activity or action determined to be not in compliance with the terms and conditions of this Agreement, or take other remedies legally available; and,

C. Final Audit. Within ninety (90) calendar days of Final Completion, the Participating County must obtain and submit a final program audit to the BSCC (see Construction Financing Program Agreement Administration and Audit Guide). The audit shall be prepared in accordance with generally accepted auditing standards and government auditing standards for financial and compliance audits. The audit may be performed by the Participating County subject to the terms hereinafter described, or the Participating County may hire, at Participating County cost, an independent auditor to complete the final audit. Participating County should obtain assurances that the personnel selected to perform the audit collectively have the necessary skills. It is important that a sound procurement practice be followed when contracting for audit services. Sound contract and approval procedures, including the monitoring of contract performance, should be in place. The objectives and scope of the audit should be

made clear. In addition to price, other factors to be considered include: the responsiveness of the bidder to the request for proposal; the past experience of the bidder; availability of bidder staff with professional qualifications and technical abilities; and whether the bidder organization participates in an external quality control review program. It should be noted that these steps are important whether the Participating County is hiring auditors from an outside CPA firm or within its own internal auditing unit.

Since the audit function must maintain organizational independence, the County Financial Officer for this Project shall not perform audits of the contract-related activities. If the Participating County internal auditor performs the audit, the auditor must be organizationally independent from the Participating County's accounting and project management functions. Additionally, Participating County internal auditors who report to the Project Financial Officer, or to whom the Project Financial Officer reports, shall not perform the audit. The person conducting the audit shall be a certified public accountant, unless a Participating County auditor completes the audit. Failure to comply with these qualifications standards could result in the rejection of the audit report.

At any time, the BSCC may disallow (that is, deny both use of funds and any applicable matching credit for) all or part of the cost of the activity or action determined to be not in compliance with the terms and conditions of this Agreement, or take other remedies legally available.

The BSCC reserves the right to have an audit conducted (at the BSCC's expense) at any time between execution of the Agreement up to and including the final audit of the Project.

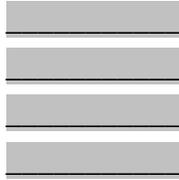
## ARTICLE 7. REPORTS

Participating County agrees to submit fiscal invoices and progress/final reports in a format specified by the BSCC, and at mutually agreed upon intervals as defined below, during the period of the Agreement. Reports are due to the BSCC even if State Financing is not expended or requested in the reporting period. Not submitting invoices and progress/final reports in a timely manner may result in disbursements being withheld. In addition, Participating County shall immediately advise the BSCC of any significant problems or changes arising during the course of the Project.

Without limitation of the foregoing, the following reports are required:

A. Fiscal Invoice and Progress/Final Report. Participating County agrees to submit fiscal invoices and progress/final reports to the BSCC on the appropriate form provided to the Participating County during the term of this Agreement and shall do so on a regular schedule of either monthly, bi-monthly or quarterly. The reports shall include, but not be limited to, Project construction activities, change orders issued, problems identified, assistance needed, state funds and match expenditures made, State Financing received, and State Financing requested.

Invoicing/progress reporting interval: The indicate interval fiscal and progress/final report must be submitted within forty-five (45) calendar days after the end of indicate interval. The due dates for the invoices and progress reports are no later than:



B. Final Fiscal Invoice and Project Summary. Participating County agrees to submit to the BSCC a Final Fiscal Invoice and Project Summary on the appropriate form provided to the Participating County within forty-five (45) calendar days of the scheduled construction completion date identified in Exhibit B. The report shall include, but not be limited to, total state funds and match expenditures made by budget division, total State Financing received, remaining State Financing requested, number of BSCC-rated beds added and modified, number of special use beds added and modified, and a detailed description of the finished Project including pre-construction and post-construction photographs or other visual material suitable for public distribution. For purposes of this Exhibit A, “**BSCC-rated beds**” means the number of beds dedicated to housing adult offenders for which a facility’s single- and double-occupancy cells/rooms or dormitories were planned and designed in conformity to the standards and requirements contained in Titles 15 and 24 of the CCR. “**Special use beds**” means beds for the purpose of appropriately housing offenders in medical, mental health, or disciplinary rooms, cells or units that are planned and designed in conformity to the standards and requirements contained in Titles 15 and 24 of the CCR.

#### ARTICLE 8. WITHHOLDING OF STATE DISBURSEMENTS

A. BSCC may withhold all or any portion of the State Financing provided for by this Agreement in the event that:

1. Participating County Breach of Agreement. Participating County has materially and substantially breached the terms and conditions of this Agreement or any other Project Document.
2. Insufficient County Funds. Participating County is unable to demonstrate, to the satisfaction of the BSCC’s Executive Director, continuous availability of sufficient funds to complete the Project.
3. Insufficient Match Disbursement. Participating County has not expended its Cash (hard) Match requirement on a schedule that is at least pro-rata with the percentage expenditure of, collectively, interim financing and lease-revenue bond funds.

B. In the event that State Financing is withheld from the Participating County, the BSCC’s Executive Director or designee shall notify the Participating County of the reasons for withholding and advise the Participating County of the time within which the Participating County may remedy the failure or violation leading to the withholding.

The BSCC will not reimburse counties for costs identified as ineligible for State Financing. If State Financing has been provided for costs subsequently discovered to be ineligible, the BSCC may either withhold an equal amount from subsequent payments to the

Participating County or require repayment of an equal amount to the State by the Participating County. Any State Financing so remitted to the BSCC may be subject to interest equal to the rate earned by the State Pooled Money Investment Account.

#### ARTICLE 9. DISBURSEMENT

Participating County shall be paid in arrears on invoices of expenditures and requests for funds submitted to BSCC at mutually agreed upon intervals, see Article 7(A), on the Fiscal Invoice and Progress/Final Report. Participating County shall supply BSCC with appropriate expenditure documentation and request for funds on form(s) provided by BSCC and certify to the accuracy of the report(s) in accordance with generally accepted governmental accounting principles and BSCC regulations, guidelines, policies and procedures. Participating County shall further certify that all listed expenditures are actual and that all funds were expended for the purpose of liquidating obligations identified in Exhibit B and legally incurred.

The State will issue a warrant for eligible funds within approximately thirty (30) to sixty (60) days of receipt of Participating County invoice and documentation of eligible expenditures. All requests for payment shall be accompanied by any documentation as may be required by BSCC or the Board and with such certification(s) as may be required by BSCC.

#### ARTICLE 10. DISPUTES

Participating County shall continue with the responsibilities under this Agreement during any disputes. Except as otherwise provided in this Agreement, any dispute concerning a question of fact arising under, or relating to, the performance of this Agreement which is not resolved by agreement between Participating County and BSCC staff shall be decided by the BSCC. This clause does not preclude consideration of legal questions; nothing in this Agreement shall be construed as making final the decision of any administrative official, representative, or BSCC on a question of law.

Participating County may appeal on the basis of alleged misapplication, capricious enforcement of regulations, or substantial differences of opinion as may occur concerning the proper application of regulations or procedures. Such appeal shall be filed within thirty (30) calendar days of the notification of the action with which the Participating County is dissatisfied. The request shall be in writing stating the basis for the dissatisfaction and the action being requested of the BSCC.

A hearing shall be conducted by a hearing panel designated by the Chairperson of the BSCC Board at a reasonable time, date, and place, but not later than twenty-one (21) calendar days after the filing of the request for hearing with BSCC, unless delayed for good cause. BSCC shall mail or deliver to the appellant or authorized representative a written notice of the time and place of hearing not less than fourteen (14) calendar days prior to the hearing. The procedural time requirements may be waived with mutual written consent of the parties involved.

Appeal hearing matters shall be set for hearing, heard, and disposed of by a notice of decision by the BSCC Board within ninety (90) calendar days from the date of the request for appeal hearing, except in those cases where the appellant withdraws or abandons the request for hearing or the matter is continued for what is determined by the hearing panel to be good cause.

An appellant may waive a personal hearing before the hearing panel and under such circumstances, the hearing panel shall consider the written information submitted by the appellant and other relevant information as may be deemed appropriate.

The hearing is not formal in nature. Pertinent and relevant information, whether written or oral, will be accepted. Hearings will be tape recorded. After the hearing has been completed, the hearing panel shall submit an advisory recommendation on the matter to the BSCC Board. The decision of the BSCC Board shall be final.

Notwithstanding any other provision of this Article 10, this Article 10 shall not limit any other rights or remedies available to the State or any other Agency under any other Project Document including, without limitation, the PDCA.

#### ARTICLE 11. REMEDIES

Participating County agrees that any remedy provided in this Agreement is in addition to and not in derogation of any other legal or equitable remedy available to the BSCC as a result of breach of this Agreement by the Participating County, whether such breach occurs before or after completion of the Project. In the event of litigation between the Parties hereto arising from this Agreement, it is agreed that the prevailing Party shall be entitled to such reasonable costs and/or attorney fees and costs as may be ordered within the discretion of the Court.

#### ARTICLE 12. WAIVER

The Parties hereto may, from time to time, waive any of their rights under this Agreement unless such waiver is contrary to law, provided that any such waiver shall be in writing and signed by the Party making such waiver.

EXHIBIT B

**PROJECT DESCRIPTION AND BUDGET**

Capitalized terms not defined in this Exhibit B shall have the meaning as set forth in the Agreement to which this Exhibit B is attached.

County (County):

Name of Facility Subject to Construction:

**SECTION 1. PROJECT DESCRIPTION**

Provide a description of the Project scope as presented in Exhibit A of the PDCA.

**SECTION 2. PROJECT TIMETABLE**

Provide an updated Project timetable to include start and completion dates for each of the following key events: 1) Schematic Design and Operational Program Statement; 2) Design Development with Staffing Plan; 3) Staffing/Operating Cost Analysis; 4) Construction Documents; 5) Construction Bids; 6) Notice to Proceed; 7) Construction; and 8) Occupancy. Note that construction should be substantially complete within three (3) years from Notice to Proceed and occupancy must occur within ninety (90) days of Final Completion.

**SECTION 3. CONSTRUCTION MANAGEMENT PLAN**

Provide a general outline of the construction management plan, including methods to monitor/control the Project and ensure a successful, on schedule completion:

**SECTION 4. KEY PERSONNEL**

Provide a listing of the names, titles, and roles of key construction and management personnel:

**SECTION 5. BUDGET CLASSIFICATION SCHEDULES**

In a format acceptable to BSCC, provide budget categories for State Financing, Cash (hard) Match and In-kind (soft) Match.



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FORM OF DOCUMENT

## GROUND LEASE

**THIS GROUND LEASE**, dated as of \_\_\_\_\_, 20\_\_ for reference only (this “Ground Lease”), is entered into by and between COUNTY OF [ENTER COUNTY NAME] (the “Participating County”), a Political Subdivision of the State of California (the “State”), as Landlord, and the [“DEPARTMENT OF CORRECTIONS AND REHABILITATION” OR “BOARD OF STATE AND COMMUNITY CORRECTIONS”] OF THE STATE OF CALIFORNIA (the “Department”), an entity of state government of the State, as Tenant. The Participating County and the Department are sometimes referred to collectively as the “Parties”, and individually as a “Party”.

### RECITALS

WHEREAS, pursuant to [ENTER STATUTE], the State Public Works Board (the “Board”) is authorized to finance the acquisition, design and construction of a jail facility approved by the Board of State and Community Corrections (the “BSCC”) pursuant to Section [ENTER SECTION] and following, as amended, (the “[ENTER PROGRAM NAME] Financing Program”), the Participating County, [the Department, ]BSCC and the Board entered into the Project Delivery and Construction Agreement (the “PDCA”) dated as of \_\_\_\_\_, 20\_\_, for reference only; and

WHEREAS, further to the PDCA, the Participating County has proposed to build a [ENTER TYPE OF FACILITY] facility as more particularly described in Exhibit A attached hereto (the “Project”), to be located on real property owned in fee simple by the Participating County and legally described in Exhibit B attached hereto (the “Site”); and

WHEREAS, further to the PDCA, the Department desires to ground lease the Site from the Participating County to assist the Participating County in obtaining eligibility for the Board lease revenue bond financing to finance a portion of the construction of the Project (the “Bonds”); and

WHEREAS, the Department and the Board desire that the term of this Ground Lease not terminate or expire until the Bonds have been paid in full or retired under the provisions of the Bond Documents; and

WHEREAS, the Participating County is desirous of maintaining its eligibility to receive financing for the Project, and to achieve this end, the Participating County is willing to lease the Site to the Department; and

WHEREAS, concurrently with the execution of this Ground Lease, the Department as the Licensor and the Participating County as the Licensee, have entered into a Right of Entry for Construction and Operation (the “Right of Entry”) in substantially the form attached as Exhibit C to the PDCA, authorizing the Participating County to enter the Site for the purpose of constructing the Project and for operation of the Project upon substantial completion of construction; and

WHEREAS, if the Participating County maintains its eligibility in the [ENTER PROGRAM NAME] Financing Program, and the Board in its sole discretion, is able to issue the

Bonds to finance the Project in its typical and customary manner, the Department will concurrently sublease the Site to the Board, (the "Site Lease"), and enter into a Facility Lease (the "Facility Lease") providing for the Board to sublease to the Department the Site and the Project (together the "Facility"). The Site Lease and the Facility Lease will provide security for the Bonds to be issued by the Board under an indenture (the "Indenture") between the Board and the Treasurer of the State, as trustee (the "State Treasurer"); and

WHEREAS, if the Board is able to issue the Bonds for the Project in its typical and customary manner, concurrently with executing the Site Lease and the Facility Lease, the Department and the Participating County intend to enter into a Facility Sublease (the "Facility Sublease") whereby the Department will sublet the Facility to the Participating County pursuant to the terms of the Facility Sublease; and

**NOW, THEREFORE**, in consideration of the mutual obligations of the Parties hereto, the Participating County hereby leases to the Department, and the Department hereby leases from the Participating County, the Site subject to the terms, covenants, agreements and conditions hereinafter set forth, to each and all of which the Participating County and the Department hereby mutually agree.

SECTION 1. Definitions.

As used herein, the following terms shall have the following meanings:

- (a) "[ENTER PROGRAM NAME] Financing Program" has the meaning given to such term in the Recitals.
- (b) "Abatement Event" shall have the meaning given to such term in the Facility Lease.
- (c) "Board" means the State Public Works Board of the State of California, an entity of state government of the State.
- (d) "Bond Documents" mean each and every document evidencing the Bonds, including, but not limited to, the Site Lease, the Facility Lease, the Facility Sublease, and the Indenture.
- (e) "Bonds" has the meaning given to such term in the Recitals.
- (f) "BSCC" has the meaning given to such term in the Recitals.
- (g) "Claims" has the meaning given to such term in Section 23 of this Ground Lease.
- (h) "Department" has the meaning given to such term in the preamble.
- (i) "DGS" means the Department of General Services of the State of California, an entity of state government of the State.

(j) “Easements” mean the access, utilities and repairs easements described in Subsection 4(b) of this Ground Lease.

(k) “Easement Agreement” means an easement agreement memorializing the grant of Easements by the Participating County, as grantor, to the Department, as grantee, in the form of Exhibit C attached hereto.

(l) “Easement Property” means real property owned by the Participating County that is burdened by the Easement Agreement as described in Exhibit 2 to the Easement Agreement.

(m) “Effective Date” means the date this Ground Lease is valid, binding and effective as provided in Section 2 of this Ground Lease.

(n) “Facility” has the meaning given to such term in the Recitals.

(o) “Facility Lease” has the meaning given to such term in the Recitals.

(p) “Facility Sublease” has the meaning given to such term in the Recitals.

(q) “Ground Lease” has the meaning given to such term in the preamble, including all exhibits attached hereto.

(r) “Hazardous Materials” mean any substance, material, or waste which is or becomes, regulated by any local governmental authority, the State, or the United States Government, including, but not limited to, any material or substance which is (i) defined as a “hazardous waste”, “extremely hazardous waste”, or “restricted hazardous waste” under Section 25115, 25117 or 25122.7 of the California Health and Safety Code, or listed pursuant to Section 25140 of the California Health and Safety Code, Division 20, Chapter 6.5 (Hazardous Waste Control Law), (ii) defined as “hazardous substance” under Section 25316 of the California Health and Safety Code, Division 20, Chapter 6.8 (Carpenter-Presley-Talmer Hazardous Substance Account Act), (iii) defined as a “hazardous material”, “hazardous substance”, or “hazardous waste” under Section 25501 of the California Health and Safety Code.

(s) “Improvements” mean the physical construction of the Project and other buildings, improvements, structures, furnishings and equipment placed in, under or upon the Site by the Participating County under the terms and conditions in the Right of Entry or this Ground Lease.

(t) “Indemnitees” has the meaning given to such term in Section 24 of this Ground Lease.

(u) “Indenture” has the meaning given to such term in the Recitals.

(v) “Landlord” has the meaning given to such term in the preamble.

(w) “Leasehold Estate” means the real property right and interest held by the Department as Tenant to possess, use and access the Site and the Project under the terms and conditions of this Ground Lease.

- (x) “Participating County” has the meaning given to such term in the preamble.
- (y) “Parties” has the meaning given to such term in the preamble.
- (z) “Party” has the meaning given to such term in the preamble.
- (aa) “PDCA” has the meaning given to such term in the Recitals.
- (bb) “Permitted Encumbrances” has the meaning given to such term in Subsection 3(b)(4) of this Ground Lease.
- (cc) “Project” means the buildings, structures, works and related improvements constructed or to be constructed on the Site, as are more particularly described in Exhibit A attached hereto, and any and all additions, betterments, extensions and improvements thereto.
- (dd) “Resolution” has the meaning given to such term in Subsection 3(b)(1) of this Ground Lease.
- (ee) “Right of Entry” has the meaning given to such term in the Recitals.
- (ff) “Right of First Offer” has the meaning given to such term in Section 13 of this Ground Lease.
- (gg) “Site” has the meaning given to such term in the Recitals.
- (hh) “Site Lease” has the meaning given to such term in the Recitals.
- (ii) “State” means the state government of the State of California.
- (jj) “State Treasurer” has the meaning given to such term in the Recitals.
- (kk) “Tenant” has the meaning given to such term in the preamble.
- (ll) “Term” has the meaning given to such term in Section 10 of this Ground Lease.

SECTION 2. Effective Date.

The Parties hereby confirm and agree that this Ground Lease is effective and binding on the Parties upon the first day (the “Effective Date”) on which this Ground Lease has been consented to by the Board and a duly authorized representative of the Board has consented to this Ground Lease by executing it below.

SECTION 3. Representations, Warranties and Covenants.

(a) Representations and Warranties of the Department. In addition to any express agreements of Tenant herein, the Department makes the following representations and warranties to the Participating County as of the Effective Date:

(1) The Department has full legal right, power and authority to enter into this Ground Lease as Tenant and to carry out and consummate all transactions contemplated by this Ground Lease and by proper action has duly authorized the execution and delivery of this Ground Lease. The Department shall cause an opinion, dated as of [the date in the preamble of this Ground Lease] and in substantially the form of Exhibit D attached to this Ground Lease, to be delivered to the Board contemporaneously with the Department's execution of this Ground Lease;

(2) The officers of the Department executing this Ground Lease are duly and properly holding their respective offices and are fully authorized to execute this Ground Lease; and

(3) This Ground Lease has been duly authorized, executed and delivered by the Department, and will constitute a legal, valid and binding agreement of the Department, enforceable against the Department in accordance with its terms on the Effective Date.

(b) Representations, Warranties and Covenants of the Participating County. In addition to any express agreements of Landlord herein, the Participating County makes the following representations, warranties and covenants to the Department as of the Effective Date:

(1) The Participating County, by Resolution of the Board of Supervisors ("Resolution"), has full legal right, power and authority to enter into this Ground Lease as Landlord, to transfer and convey the Leasehold Estate to the Department under this Ground Lease, and to carry out and consummate all transactions contemplated by this Ground Lease and by proper action has duly authorized the execution and delivery of this Ground Lease. The Participating County shall cause an opinion, dated as of [the date in the preamble of this Ground Lease] and in substantially the form of Exhibit D attached to this Ground Lease, to be delivered to the Board contemporaneously with the Participating County's execution of this Ground Lease.

(2) The officers of Participating County executing this Ground Lease are duly and properly holding their respective offices and have the legal power, right and are fully authorized to execute this Ground Lease pursuant to the Resolution.

(3) This Ground Lease has been duly authorized, executed and delivered by Participating County, and will constitute a legal, valid and binding agreement of Participating County, enforceable against the Participating County in accordance with its terms upon the Effective Date.

(4) The Participating County is the owner in fee simple of the Site and has marketable and insurable fee simple title to the Site, there is no suit, action, arbitration, legal, administrative, or other proceeding or inquiry pending against the Site or pending against the Participating County which could affect the Participating County's title to the Site, affect the value of the Site, or subject an owner of the Site to liability and there are no outstanding mortgages, deeds of trust, bond indebtedness, leaseholds, pledges, conditions or restrictions, liens or encumbrances against the Site except as identified in Exhibit E, attached hereto, collectively, the "Permitted Encumbrances".

(5) No consent, permission, authorization, order, license, or registration with any governmental authority is necessary in connection with the execution and delivery of this Ground Lease, except as have been obtained.

(6) There exists no litigation or other proceeding pending or threatened against the Participating County except as identified in Exhibit F, attached hereto, that, if determined adversely, would materially and adversely affect the ability of the Participating County to perform its obligations under this Ground Lease.

(7) This Ground Lease is, and all other instruments, documents, exhibits, and agreements required to be executed and delivered by the Participating County in connection with this Ground Lease are and shall be, duly authorized, executed and delivered by the Participating County and shall be valid, legally binding obligations of and enforceable against the Participating County in accordance with their terms.

(8) Neither the execution and delivery of this Ground Lease and documents referenced herein, nor the incurrence of the obligations set forth herein, nor the consummation of the transactions herein contemplated, nor compliance with the terms of this Ground Lease and the documents referenced herein conflict with or result in the material breach of any terms, conditions or provisions of, or constitute a default under, any agreements or instruments to which the Participating County is a party or affecting the Site.

(9) There are no attachments, execution proceedings, or assignments for the benefit of creditors, insolvency, bankruptcy, reorganization or other proceedings pending against the Participating County.

(10) There are no and have been no:

(A) actual or pending public improvements which will result in the creation of any liens, encumbrances or assessments upon the Site, including public assessments or mechanics liens, other than the Permitted Encumbrances, and the Participating County agrees to indemnify, defend and hold the Department free and harmless from and against any claims, liabilities, losses, costs, damages, expenses and attorneys' fees arising from any liens, encumbrances or assessments that have been, or may be, imposed upon the Site as a consequence of actual or impending public improvements at or after the Effective Date, including any obligations to pay a fee or assessment for infrastructure to the extent such liability survives or continues at or after the Effective Date, and the Department agrees to cooperate with the Participating County, at the Participating County's costs and to the extent permitted by law, with respect to the Participating County's efforts to remove any such liens, fees, assessments, or encumbrances.

(B) uncured notices from any governmental agency notifying the Participating County of any violations of law, ordinance, rule, or regulation, including Environmental Laws, occurring on the Site.

(C) notices of any condemnation, zoning or other land-use regulation proceedings, either instituted or planned to be instituted, which would detrimentally affect the use, operation or value of the Site.

(11) The Participating County hereby agrees that it will not enter into any new leases or any other obligations or agreements that will affect the Site at or after the Effective Date, without the express prior written consent of the Department and approval of the Board.

(12) The Participating County will not subject the Site to any additional liens, encumbrances, covenants, conditions, easements, rights of way or similar matters after the Effective Date without the express prior written consent of the Department and the approval of the Board.

(13) The Participating County shall promptly notify the Department of any event or circumstance that makes any representation or warranty of the Participating County under this Ground Lease untrue or misleading, or of any covenant of the Participating County under this Ground Lease incapable or less likely of being performed. The Participating County's obligation to provide the notice described in the preceding sentence to the Department shall in no way relieve the Participating County of any liability for a breach by the Participating County of any of its representations, warranties or covenants under this Ground Lease.

(14) The Department shall at all times during the Term have access to and from the Site.

(15) No representation, warranty or statement of the Participating County in this Ground Lease or in any document, certificate, exhibit or schedule furnished or to be furnished to the Department pursuant hereto contains or will contain any untrue statement of a material fact or omits or will omit to state a material fact necessary to make the statements or facts contained therein not misleading.

SECTION 4. Lease of the Site, Access, Utilities and Repairs Easements and Recordation of Lease.

(a) Lease of the Site and Recordation of Ground Lease. The Participating County hereby leases the Site to the Department and the Department leases the Site from the Participating County. The Participating County further agrees to provide, or cause to be provided, to the Department and its assigns or sublessees, adequate parking spaces at no cost, and such utility services as the Participating County customarily provides or causes to be provided to facilities similar to the Project, including without limitation electricity, gas, water, sewer, garbage disposal, heating, air conditioning and telephone. The Department and the Board shall have the right to record this Ground Lease in the Official Records of the Participating County as of the Effective Date or anytime thereafter.

*[Use Note: Section 4(b) and the Easement Agreement are necessary if Site access and utilities are provided by other real property. The execution form of the Easement Agreement is attached as Exhibit C.]*

(b) Access, Utilities and Repairs Easement. As of the Effective Date, the Participating County agrees to grant to the Department, for the use, benefit and enjoyment of the Department and its lessees, successors and assigns, and their respective employees, invitees, agents, independent contractors, patrons, customers, guests and members of the public using or

visiting the Site or the Project, a non-exclusive easement over, across and under the Easement Property for the purpose of: a) ingress, egress, passage or access to and from the Site by pedestrian or vehicular traffic; b) installation, maintenance and replacement of utility wires, cables, conduits and pipes; and c) other purposes and uses necessary or desirable for access to and from the Site for the repair, operation and maintenance of the Facility (collectively the "Easements"). The grant of the Easements shall be memorialized in that certain Easement Agreement for Grants of Access, Utilities and Repairs (the "Easement Agreement") in substantially the form of Exhibit C attached to this Ground Lease. The Department and the Board shall have the right to record the Easement Agreement in the Official Records of the Participating County as of the Effective Date or anytime thereafter. The Easements to be granted by the Participating County are subject to the limitations set forth in the Easement Agreement. In the event of a conflict or ambiguity, with respect to the terms of the Easements, between this Ground Lease and the Easement Agreement, the terms of the Easement Agreement shall control.

SECTION 5. Landlord Right of Entry for Construction and Operation.

(a) Landlord Right of Entry for Construction and Operation. Notwithstanding anything to the contrary contained herein, Landlord has reserved the right to enter and use the Site for construction of the Project pursuant to the terms and conditions in the Right of Entry.

(b) Quiet Enjoyment. The Participating County covenants that the Department, its assigns or sublessees, may quietly have, hold, and enjoy all of the Site and the Improvements during the Term of this Ground Lease and any extended term hereof, without hindrance or interruption by the Participating County or by any other person or persons lawfully or equitably claiming by, through or under the Participating County, except as limited by the Permitted Encumbrances.

SECTION 6. Purpose and Use.

The Parties reasonably expect for the Site to be used by the Department, and each of its assignees or sublessees during the Term of this Ground Lease, for the purpose of causing the construction, operation and maintenance of the Project and appurtenances thereto; provided however, the Parties acknowledge that the Site may be utilized for other types of correctional housing or other public purposes as may be required to exercise the Board's obligations, rights and remedies under the Bond Documents.

The Participating County acknowledges and confirms that the Department's use of the Leasehold Estate created hereunder includes, but is not limited to, allowing for potential financing and construction of the Project and the leasing of the Site and/or the Facility pursuant to the Site Lease, the Facility Lease, and the Facility Sublease and for such other purposes as may be incidental thereto. The Participating County further acknowledges and confirms the Board's right to relet the Facility in the event of a default under the Facility Lease and to provide for all other rights and remedies of the Board, the State Treasurer, and the owners of the Bonds in the event of a default under the Bond Documents.

SECTION 7. Assignment or Sublease.

The Department may sublet or assign all or a portion of the Site or the Project or assign

this Ground Lease or any interest therein, without the prior consent or approval of the Participating County; provided, however, any sublet or assignment shall be subject to the prior approval of the Board and Participating County is provided notice of said sublet or assignment. Notwithstanding that the Participating County's consent or approval is not required for any subletting of the Site or the Project, to assist with the Board's financing of the Project, the Participating County hereby consents to and approves the sublease of the Site, together with the Improvements, to the Board under the Site Lease and the further subletting of the Facility by the Board to the Department under the Facility Lease.

**SECTION 8. No Commitment to Issue the Bonds and Non-Liability of the Department and the State.**

The delivery of this Ground Lease shall not directly, indirectly or contingently, obligate the Department, the Board or any other subdivision of the State to issue the Bonds or levy any form of taxation or to make any appropriation with respect to the Project. Any obligation of the Department created by or arising out of this Ground Lease shall not impose a debt or pecuniary liability upon the Department, the Board or any other subdivision of the State, or a charge upon the general credit or taxing powers thereof but shall be payable solely out of funds duly authorized and appropriated by the State.

**SECTION 9. Cooperation.**

The Participating County has a duty to fully cooperate and provide all necessary assistance to the Department and the Board to aid them in their efforts to finance the Project. The Participating County acknowledges that it is authorized and directed to provide cooperation concerning the issuance of the Bonds, including without limitation, executing and delivering such certificates, legal opinions or instruments as the Department or the Board may reasonably request. The Participating County's legal counsel, Chief Administrative Officer and its Sheriff are authorized and directed to cooperate in the issuance of the Bonds and to execute all documents reasonably needed to accomplish such financing.

**SECTION 10. Term and Extension.**

The Term of this Ground Lease shall commence on the Effective Date and shall terminate on the same date as the Facility Lease, unless such Term is extended by the parties thereto, or unless sooner terminated as provided herein, except no termination of this Ground Lease shall occur until all the Bonds and all other indebtedness incurred by the Board for the Project, if any, have been fully repaid.

**SECTION 11. Rental.**

The Department shall pay the Participating County rental in the sum of Ten Dollars (\$10.00) per year, all of which rental shall be deemed to have been prepaid to the Participating County by the Department on the Effective Date and, thereby acknowledges the Participating County's match funding requirement has been sufficiently met. The Participating County agrees that the payment of such rental is adequate consideration for the leasing of the Site, together with the Improvements, under this Ground Lease.

SECTION 12. Taxes and Assessment.

The Department shall pay or cause to be paid all lawful taxes that may be levied at any time upon any interest the Department may have under this Ground Lease (including both the Site and the Improvements after the Effective Date). The Participating County and the Department each represent and acknowledge that neither Party believes or expects that its respective interests in the Site are subject to payment of property taxes. The Department shall have the right to contest the validity of any levy or tax assessment levied upon the Department's interest in the Site.

SECTION 13. Right of First Offer and Priority of Ground Lease.

(a) Right of First Offer. Should the Participating County decide to sell the Site at any time during the Term of this Ground Lease, the Participating County shall notify the Department and the Board in writing of such intention prior to soliciting offers from any prospective purchasers. In such event, the Department and the Board shall have fifteen (15) months from receipt of such notification of intention to sell to inform the Participating County of the Department's interest in acquiring the Site. The Participating County understands that the State's acquisition process requires an appropriation of funds and the approval of the Board. The Participating County agrees to reasonably cooperate with the Department in obtaining such approval and in meeting any other State property acquisition requirements that may exist at that time. If the Department informs the Participating County of the Department's intention to acquire the Site within said fifteen (15) month period, the Parties agree to negotiate a purchase agreement in good faith and at a price that is the fair market value of the Site at the time the Department exercises its Right of First Offer.

(b) Priority of Ground Lease. If the Department and the Participating County are unable to agree on the terms and conditions for the purchase and sale of the Site, or if the Board does not approve the acquisition of the Site by the Department, the Participating County shall be free to market and sell the Site to a third party; provided, however, any new owner of the Site shall acquire the Site subject to this Ground Lease and any encumbrances related to the Bonds and the Bond Documents. The Department and the Board shall have no obligation to subordinate the Ground Lease, the Bonds or the Bond Documents to accommodate the new owner or lender(s).

SECTION 14. Damage or Destruction.

Damage or destruction to the Project shall not act to terminate or cancel this Ground Lease. In the event of any damage or destruction of the Project, the use of the proceeds of any property casualty or builder's risk insurance required to be procured and maintained pursuant to the PDCA, or any insurance required by the Facility Lease or Facility Sublease shall be governed by the terms of the agreement that required the procurement of such insurance.

SECTION 15. Insurance.

Except for insurance obligations that may arise as a result of the issuance of the Bonds by the Board, or as may be required by the PDCA, the Department shall have no obligation to purchase insurance for the Site or the Project, including but not limited to any general liability,

earthquake, flood, fire or extended casualty coverage.

SECTION 16. Condition and Title to the Improvements on Termination.

Upon termination or expiration of this Ground Lease, the Department shall have no obligation, to remove the Improvements. Title to the Improvements, including the Project, during the Term shall be vested in the State. Subject to the terms and conditions in the Bond Documents, at the termination or expiration of this Ground Lease, fee title to the Improvements, including the Project, shall vest in the Participating County and become the property of the Participating County without further action of any Party and without the necessity of a deed from the Department to the Participating County.

SECTION 17. The Department's Right to Terminate.

The Department, with the approval of the Board, shall have the right to terminate this Ground Lease upon thirty (30) days written notice to the Participating County without any liability; provided, however, no termination of this Ground Lease or revesting of title to any portion of the Site or vesting of title to the Project may occur until the Bonds have been fully paid or retired under the provisions of the Bond Documents.

SECTION 18. The Participating County's Right to Terminate

Participating County's proper exercise of its termination rights pursuant to Article 2, section 2.2(b) of the PDCA serves to terminate this Ground Lease effective on the date of termination of the PDCA.

SECTION 19. Non-Termination, Default and Damages.

This Ground Lease shall expire at the end of the Term. It is expressly agreed by the Parties to this Ground Lease that any default under this Ground Lease will not allow either Party to terminate or otherwise interfere with the Department's quiet enjoyment and beneficial use of the Site and the Project under this Ground Lease, the Site Lease or the Facility Lease. Until such time as the Bonds have been fully paid or retired under the provisions of the Bond Documents, the sole remedy of any Party upon such default shall be a suit for money damages or specific performance to remedy such a default.

SECTION 20. Waste and Hazardous Materials.

Neither the Participating County nor the Department shall knowingly commit, suffer or permit any waste or nuisance on the Site or any acts to be done thereon in violation of any laws or ordinances. To the Participating County's best knowledge, after having examined its documents, public records and other instruments and having made inquiry of appropriate departments and agencies with respect to the Site and, except as specifically provided in this Ground Lease, no Hazardous Materials, were used, generated, stored, released, discharged or disposed of on, under, in, or about the Site or transported to or from the Site. The Participating County represents with respect to the Site that neither the Participating County nor any other person or entity under the control of, or with the knowledge of the Participating County will cause or permit the use generation, storage, release, discharge, or disposal of any Hazardous

Materials on, under, in, or about the Site or transported to or from the Site.

SECTION 21. Eminent Domain.

If the whole or any portion of the Site or the Project shall be taken in eminent domain proceedings, or by sale in lieu of such taking by a governmental entity threatening to use the power of eminent domain, and which taking in the collective judgment of the Department, the Board, and the State Treasurer renders the Site and/or the Project unsuitable for the continued use by the State, then this Ground Lease shall terminate when possession is taken by the condemning entity.

If this Ground Lease is terminated because of such taking and any of the Bonds are outstanding, then all proceeds from any permanent or temporary taking shall be used to repay any outstanding Bonds as provided in the Bond Documents, including any outstanding or accrued interest, and upon full repayment of the Bonds then the remaining proceeds, if any, shall be distributed to the Department and the Participating County according to their respective interests as provided in the Bond Documents. The Participating County and the Department shall each have the right to represent its own interest, at its own cost and expense, in any proceedings arising out of such taking, and each of the Participating County and the Department shall reasonably cooperate with the other, including without limitation, settling with the condemning authority only with the other Party's consent if such settlement would affect the other Party's rights.

If this Ground Lease is not terminated because of such taking, then it shall remain in full force and effect with respect to the remainder of the Site and the Project. The Participating County and the Department each waives the provisions of the California Code of Civil Procedure, Section 1265.130, or any similar law that permits a Party to petition a court to terminate this Ground Lease upon a taking affecting the Site or the Project, the Parties agreeing that any such termination rights shall be only as expressly set forth in this Ground Lease.

SECTION 22. Non-Discrimination.

During the performance of this Ground Lease, the Participating County shall not deny benefits to any person on the basis of religion, color, ethnic group identification, sex, age, physical or mental disability, nor shall they discriminate unlawfully against any employee or applicant for employment because of race, religion, color, national origin, ancestry, physical handicap, mental disability, medical condition, marital status, age, or sex. The Participating County shall ensure that the evaluation and treatment of employees and applicants for employment are free of such discrimination.

The Participating County shall comply with the provisions of the Fair Employment and Housing Act (Government Code, Section 12900 et seq.), the regulations promulgated thereunder (California Code of Regulations, Title 2, Section 7285.0 et seq.), the provisions of Article 9.5, Chapter I, Part I, Division 3, Title 2 of the Government Code (Government Code, Sections 11135 - 11139.5), and the regulations or standards adopted to implement such article.

SECTION 23. Liens.

In the event the Department, the Board or their designees, at any time during the Term, causes any changes, alterations, additions, improvements, or other work to be done or performed or materials to be supplied, in or upon the Project or the Site, the Department, the Board or their designees shall pay, when due, all sums of money that may become due for any labor, services, materials, supplies or equipment furnished to or for the Department or the Board, upon or about the Project or the Site and which may be secured by any lien against the Project or the Site or the Department's or the Board's interest therein, and will cause each such lien to be fully discharged and released at the time the performance of any obligation secured by any such lien matures or comes due; except that, if the Department or the Board desires to contest any such lien, it may do so. If any such lien is reduced to final judgment and such judgment or other process as may be issued for the enforcement thereof is not promptly stayed, or if so stayed, said stay thereafter expires, the Department or the Board shall forthwith pay and discharge said judgment.

SECTION 24. Indemnification.

As required by Section [ENTER SECTION] of the California Government Code, the Participating County hereby agrees that it shall indemnify, protect, defend and hold harmless the State, including but not limited to, the Department, the Board, DGS, and each of their respective officers, governing members, directors, officials, employees, subcontractors, consultants and agents (collectively the "Indemnitees"), for any and all claims, liabilities and losses arising out of the use of the Site or the Project, including, but not limited to all demands, causes of action and liabilities of every kind and nature whatsoever arising out of, related to, or in connection with (a) any breach of this Ground Lease by the Participating County; (b) the construction, operation, maintenance, use and occupancy of the Project; (c) any acts or omissions of any contractor hired by the Participating County or its agents or subcontractor hired by such contractor (collectively the "Claims"). The Participating County's obligation to indemnify, defend, and save harmless the Indemnitees shall extend to all Claims arising, occurring, alleged, or made any time, including prior to, during, or after this Ground Lease is in full force and effect. The Participating County's obligation to indemnify, defend, and save harmless the Indemnitees shall apply regardless of any active and/or passive negligent act or omission of the Indemnitees, but the Participating County shall not be obligated to provide indemnity or defense for Indemnitees wherein the Claims arise out of the gross negligence or willful misconduct of the Indemnitees. The indemnification obligation of the Participating County set forth in this Section shall survive the expiration of the Term or earlier termination of this Ground Lease.

SECTION 25. Non-Encumbrance.

The Participating County covenants that the Facility is not and will not be mortgaged, pledged, or hypothecated in any manner or for any purpose and has not been and will not be the subject of a grant of a security interest by the Participating County without the written consent of the Department and the Board. The Participating County further covenants that it shall not in any manner impair, impede or challenge the security, rights and benefits of the owners of the Bonds or the trustee for the Bonds.

SECTION 26. Miscellaneous.

(a) Amendments. This Ground Lease may only be amended, changed, modified or

altered in writing by the Parties. As long as any of the Bonds are outstanding the Board must consent to any amendment hereto to be effective.

(b) Waiver. The waiver by any Party of a breach by the other Party of any term, covenant or condition hereof shall not operate as a waiver of any subsequent breach of the same or any other term, covenant or condition hereof.

(c) Law Governing. This Ground Lease shall be governed exclusively by the provisions hereof and by the laws of the State and any action arising from or relating to this Ground Lease shall be filed and maintained in Sacramento County Superior Court, Sacramento, California.

(d) Section Headings. All articles, paragraph and section headings, titles or captions contained in this Ground Lease are for convenience of reference only and are not intended to define or limit the scope of any provision of this Ground Lease.

(e) Conflicts Between Terms of Documents. Nothing in this Ground Lease is intended to amend, modify or supersede the PDCA except as expressly provided herein. In the event of any inconsistency in the PDCA and this Ground Lease, the inconsistency shall be resolved by giving preference to the PDCA. In the event of any inconsistency between this Ground Lease and the Bond Documents, the inconsistencies shall be resolved by giving preference to the Bond Documents.

(f) Relationship of Parties. The Department and its agents and employees involved in the performance of this Ground Lease shall act in an independent capacity and not as officers, employees or agents of the Participating County.

(g) Successors and Assigns. The terms and provisions hereof shall extend to and be binding upon and inure to the benefit of the successors and assigns of the respective Parties.

(h) Partial Invalidity. If any one or more of the terms, provisions, covenants or conditions of this Ground Lease shall to any extent be declared invalid, unenforceable, void or voidable for any reason by a court of competent jurisdiction and the finding or order or decree of which becomes final, none of the remaining terms, provisions, covenants or conditions of this Ground Lease shall be affected thereby, and each provision of this Ground Lease shall be valid and enforceable to the fullest extent permitted by law.

(i) Notices. All notices herein which are to be given or which may be given by either Party to the other, shall be in writing and shall be deemed to have been given three (3) business days after deposit in the United States Mail, certified and postage prepaid, return receipt requested and addressed as follows:

[To the Department: California Department of Corrections and Rehabilitation  
9838 Old Placerville Road, Suite B  
Sacramento, CA 95827  
Attention: Deputy Director, Facility Planning, Construction  
and Management  
Facsimile: 916-322-5717]

To the Board: State Public Works Board  
915 L Street, 9<sup>th</sup> Floor  
Sacramento, CA 95814  
Attention: Executive Director  
Facsimile: 916-449-5739

To the Participating County: County of [ENTER COUNTY NAME]  
[ENTER STREET ADDRESS]  
[ENTER CITY, STATE AND ZIP CODE]  
Attention: [ENTER POSITION TITLE]  
Facsimile: [ENTER FAX NUMBER]

Nothing herein contained shall preclude the giving of any such written notice by personal service, in which event notice shall be deemed given when actually received. The address to which notices shall be mailed to a Party may be changed by written notice given to all Parties as hereinabove provided.

(j) Execution and Counterparts. This Ground Lease may be executed in any number of counterparts, each of which shall be deemed to be an original, but all of which together shall constitute one and the same Ground Lease. It is also agreed that separate counterparts of this Ground Lease may separately be executed by the signatories to this Ground Lease, all with the same force and effect as though the same counterpart had been executed by all of the signatories.

(k) Bankruptcy. In the event of any bankruptcy proceeding, this Ground Lease will not be treated as an executory contract and cannot be rejected by the Participating County.

(l) Exhibits. The following Exhibits are attached to this Ground Lease and incorporated by reference herein.

- Exhibit A: Project Description
- Exhibit B: Legal Description of the Site
- Exhibit C: Form of Easement Agreement for Grants of Access, Utilities and Repairs
- Exhibit D: Form of Legal Opinion Letter
- Exhibit E: List of the Permitted Encumbrances
- Exhibit F: Pending and Threatened Lawsuits

**[SIGNATURE PAGE TO IMMEDIATELY FOLLOW]**

**IN WITNESS WHEREOF**, the Parties hereto have caused this Ground Lease to be executed by their respective officers thereunto duly authorized, all as of the day and year first written above.

**[PARTICIPATING COUNTY]**

By: \_\_\_\_\_  
Name:  
Title:

**[DEPARTMENT OF CORRECTIONS  
AND REHABILITATION OF THE  
STATE OF CALIFORNIA]**

By: \_\_\_\_\_  
Name:  
Title:

**CONSENT: STATE PUBLIC WORKS  
BOARD OF THE STATE OF CALIFORNIA**

By: \_\_\_\_\_  
Name:  
Title: [Executive Director or Deputy Director]

Date: \_\_\_\_\_

**APPROVED: DEPARTMENT OF GENERAL  
SERVICES OF THE STATE OF  
CALIFORNIA**

(Pursuant to Government Code Section 11005)

By: \_\_\_\_\_  
Name:  
Title:

---

State of California )

County of \_\_\_\_\_)

On \_\_\_\_\_, 20\_\_ before me, \_\_\_\_\_, notary,  
(here insert name and title of the officer)

personally appeared \_\_\_\_\_ who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature \_\_\_\_\_

(Seal)

---

---

State of California )

County of \_\_\_\_\_)

On \_\_\_\_\_, 20\_\_ before me, \_\_\_\_\_, notary,  
(here insert name and title of the officer)

personally appeared \_\_\_\_\_ who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature \_\_\_\_\_

(Seal)

---

**CERTIFICATE OF ACCEPTANCE**

This is to certify that, pursuant to Section 27281 of the California Government Code, the interest in real property conveyed by the Ground Lease dated as of \_\_\_\_\_, 20\_\_ for reference only from the County of \_\_\_\_\_, a Political Subdivision of the State of California to the State of California on behalf of the Department of Corrections and Rehabilitation of the State of California is hereby accepted by the undersigned officer on behalf of the State Public Works Board pursuant to authority conferred by said Board in its duly adopted delegation resolution on December 13, 2013.

*Note to Recorder: If this certificate is for a correction deed, all corrections and/or changes to the previously recorded deed must be reviewed and accepted by the State prior to recording a correction deed. All correction deeds require a new Certificate of Acceptance dated subsequent to recordation of the original deed or the most recent correction deed if any.*

**ACCEPTED**

STATE PUBLIC WORKS BOARD OF THE  
STATE OF CALIFORNIA

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**Date:** \_\_\_\_\_

**APPROVED**

[DEPARTMENT OF CORRECTIONS AND  
REHABILITATION OF THE STATE OF  
CALIFORNIA]

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**Date:** \_\_\_\_\_

**APPROVED**

DEPARTMENT OF GENERAL SERVICES OF  
THE STATE OF CALIFORNIA  
(Pursuant to Government Code Section 11005)

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**Date:** \_\_\_\_\_

**EXHIBIT A**

**(Project Description)**

(to be inserted)

FORM OF DOCUMENT

**EXHIBIT B**

**(Legal Description of the Site)**

(to be inserted)

FORM OF DOCUMENT

**EXHIBIT C**

**(Form of Easement Agreement for Grants of Access, Utilities and Repairs)**

**RECORDING REQUESTED BY AND WHEN RECORDED RETURN TO:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

NO DOCUMENTARY TRANSFER TAX DUE. This Ground Lease is recorded for the benefit of the State of California and is exempt from California transfer tax pursuant to Section 11928 of the California Revenue and Taxation code and from recording fees pursuant to Sections 6103 and 27383 of the California Government Code.

[THE AREA ABOVE IS RESERVED FOR RECORDER'S USE]

**EASEMENT AGREEMENT FOR GRANTS OF ACCESS, UTILITIES AND REPAIRS**

This Easement Agreement for Grants of Access, Utilities and Repairs (this "Easement Agreement"), dated for reference only as of \_\_\_\_\_, 20\_\_, is made by and between COUNTY OF \_\_\_\_\_, (the "Participating County"), a Political Subdivision of the State of California, as grantor, and the ["DEPARTMENT OF CORRECTIONS AND REHABILITATION" OR BOARD OF STATE AND COMMUNITY CORRECTIONS"] OF THE STATE OF CALIFORNIA (the "Department"), an entity of state government of the State of California, as grantee.

**RECITALS**

A. The Participating County, as landlord, and the Department as tenant, entered into a ground lease dated as of \_\_\_\_\_, 20\_\_ for reference only, (the "Ground Lease") for the lease of that certain real property located in the County of [\_\_\_\_\_] and more particularly described in Exhibit 1, attached hereto and incorporated herein by this reference (the "Site"); and

B. The Ground Lease provides that the Participating County, as owner of certain real property adjacent to the Site, shall grant Easements to the Department in the Easement Property, which is more particularly described in Exhibit 2, attached hereto and incorporated herein by this reference; and

C. The Participating County and the Department desire to the grant of Easements in the Easement Property on the terms and conditions contained in this Easement Agreement.

**NOW, THEREFORE**, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereto hereby agree as follows:

1. Definitions. Unless otherwise required by the context, all capitalized terms used herein and not defined herein shall have the meanings assigned to such terms in the Ground Lease or the Project Delivery and Construction Agreement.

2. Grant and Description of Easements.

2.1 Grant of Access Easement. The Participating County, as the owner of the Easement Property, hereby establishes and grants to and for the benefit of the Department and the Board and their respective contractors, subcontractors, employees, lessees, licensees, permittees, successors and assigns a non-exclusive easement over and across the Easement Property as shown in Exhibit 2 hereto for purposes of ingress and egress to and from the Site and the Project (the "Access Easement"); provided, however, that rights pursuant to such Access Easement shall only be exercised if there is no reasonable access to the Site and the Project via adjacent public streets and roadways and subject to the security limitations set forth in Section 2.3 hereof; and provided further, that such Access Easement is only effective (i) during such times where the Department, or its lessees, successors or assigns, is in possession of the Facility and is responsible for maintenance and repair of the Facility under the terms of the Facility Sublease or (ii) during such times where the Board, or its lessees, successors or assigns, is in possession of the Facility and is responsible for maintenance and repair of the Facility under the terms of the Facility Lease.

2.2 Grant of Utilities and Repairs Easement. The Participating County, as the owner of the Easement Property, hereby grants to and for the benefit of the Department and the Board and their respective contractors, subcontractors, employees, lessees, licensees, permittees, successors and assigns a non-exclusive easement across, over and under the Easement Property as shown in Exhibit 2 hereto for the purpose of: a) installation, maintenance and replacement of utility wires, cables, conduits and pipes for "Utilities", as defined below; and b) other purposes and uses necessary or desirable for the repair, operation and maintenance of the Facility (the "Utilities and Repairs Easement" and together with the Access Easement, the "Easements"); provided, however, that such Utilities and Repairs Easement is subject to the security limitations set forth in Section 2.3 hereof; and; provided further, that such Utilities and Repairs Easement is only effective (i) during such times where the Department, or its lessees, successors or assigns, is in possession of the Facility and is responsible for maintenance and repair of the Facility under the terms of the Facility Sublease or (ii) during such times where the Board, or its lessees, successors or assigns, is in possession of the Facility and is responsible for maintenance and repair of the Facility under the terms of the Facility Lease. "Utilities" shall mean any and all wet and dry utilities (including sewer) necessary or required to service the Facility, including, without limitation, all electrical, natural gas, water, sewer, telephone, data, and other telecommunications services.

2.3 Security Limitation on Easements. The exercise of the rights granted under the Easements will be expressly subject to the limitations and requirements imposed by the Participating County's customary security measures for the Participating County's facilities that may be located on the Easement Property (the "Security Measures"). Prior to the exercise of any rights under the Easements, the Department or the Board, as the case may be, or their respective lessees, successors or assigns shall contact the [Title of Appropriate Individual at Participating County] to ensure that such exercise of rights granted under the Easements will be in compliance

with the requirements of the Security Measures.

3. No Unreasonable Interference. The Participating County shall not conduct any activity on, under or about the Easement Property that would unreasonably interfere with the use of the Easements.

4. Term of Easement Agreement; No Termination by Breach. The term of this Easement Agreement shall be coextensive with the Term of the Ground Lease, as such Term may be extended or terminated as provided in the Ground Lease. No breach of this Easement Agreement shall entitle any of the parties hereunder to cancel, rescind, or otherwise terminate this Easement Agreement, but such limitation shall not affect in any manner any other rights or remedies which a party may have hereunder by reason of any breach.

5. Character. The Easements granted by this Easement Agreement shall be appurtenant to the Site and nonexclusive and for the use and benefit of the Department and the Board. This Easement Agreement is not intended to grant a fee interest in the Easement Property, nor is it intended to be a lease or a license. The Department acknowledges that the Easements herein granted are nonexclusive easements and that the Participating County and its successors and assigns may grant one or more additional non-exclusive easements in the Easement Property to third parties, so long as the rights granted by such easements do not materially interfere with or hinder the use of the Easements by the Department or the Board or that of their respective lessees, successors or assigns.

6. Covenants Running with the Land; Binding on Successors. Pursuant to California Civil Code section 1468, this Easement Agreement and the Easements are covenants related to the use, repair, maintenance and improvement of the properties benefited and burdened hereby, and, as such, the covenants set forth herein shall be binding upon the Easement Property and shall be binding upon all parties having or in the future acquiring any interest in the Easement Property.

7. Binding Effect. This Easement Agreement shall be binding on and shall inure to the benefit of the lessees, successors and assigns of the Participating County, the Department, and the Board.

8. Recordation of Easement Agreement. This Easement Agreement shall be recorded in the Official Records of [ENTER COUNTY NAME] County, State of California, and shall serve as notice to all parties succeeding to the interest of the parties hereto that their use of the Site and the Project and the Easement Property shall be benefited or restricted, or both, in the manner herein described.

9. Entire Agreement; Amendments. This Easement Agreement contains the entire agreement of the parties hereto relating to the Easements herein granted. Any representations or modifications concerning this Easement Agreement shall be of no force and effect, excepting a subsequent modification in writing, signed by the Department and approved by the Board and the current owner of the Easement Property and recorded in the Official Records of [ENTER COUNTY NAME] County, State of California.

10. Warranty of Authority. The Participating County represents and warrants as of

the Effective Date that (i) it is the legal owner of the Easement Property, (ii) it has full power and authority to place the encumbrance of this Easement Agreement on the Easement Property, (iii) it has not conveyed (or purported to convey) any right, title or interest in or to the Easement Property, except as has been disclosed in writing to the Department prior to the Effective Date, and (iv) if necessary, it has the written consent of any lenders, tenants and subtenants of the Easement Property to the terms and conditions of this Easement Agreement.

11. Counterparts. This Easement Agreement may be signed in multiple counterparts which, when signed by all parties, shall constitute a binding agreement.

**IN WITNESS WHEREOF**, the parties hereto have caused this Easement Agreement to be executed by their respective officers thereunto duly authorized, all as of the day and year first written above.

**THE COUNTY OF [COUNTY]**

By: \_\_\_\_\_

Name:

Title:

**[DEPARTMENT OF CORRECTIONS  
AND REHABILITATION OF THE  
STATE OF CALIFORNIA]**

By: \_\_\_\_\_

Name:

Title:

**CONSENT: STATE PUBLIC WORKS  
BOARD OF THE STATE OF CALIFORNIA**

By: \_\_\_\_\_

Name:

Title: [Executive Director or Deputy Director]

**APPROVED: DEPARTMENT OF GENERAL  
SERVICES OF THE STATE OF  
CALIFORNIA**

(Pursuant to Government Code Section 11005)

By: \_\_\_\_\_

Name:

Title:

---

State of California )

County of \_\_\_\_\_)

On \_\_\_\_\_, 20\_\_ before me, \_\_\_\_\_, notary,  
(here insert name and title of the officer)

personally appeared \_\_\_\_\_ who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature \_\_\_\_\_

(Seal)

---

---

State of California )

County of \_\_\_\_\_)

On \_\_\_\_\_, 20\_\_ before me, \_\_\_\_\_, notary,  
(here insert name and title of the officer)

personally appeared \_\_\_\_\_ who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature \_\_\_\_\_

(Seal)

---

**CERTIFICATE OF ACCEPTANCE**

This is to certify that, pursuant to Section 27281 of the California Government Code, the easement interest in real property conveyed by the Easement Agreement for Grants of Access Utilities, and Repairs dated as of \_\_\_\_\_, 20\_\_ for reference only from the County of \_\_\_\_\_, a Political Subdivision of the State of California to the State of California on behalf of the Department of Corrections and Rehabilitation of the State of California is hereby accepted by the undersigned officer on behalf of the State Public Works Board pursuant to authority conferred by said Board in its duly adopted delegation resolution on December 13, 2013.

*Note to Recorder: If this certificate is for a correction deed, all corrections and/or changes to the previously recorded deed must be reviewed and accepted by the State prior to recording a correction deed. All correction deeds require a new Certificate of Acceptance dated subsequent to recordation of the original deed or the most recent correction deed if any.*

**ACCEPTED**

STATE PUBLIC WORKS BOARD OF THE  
STATE OF CALIFORNIA

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**Date:** \_\_\_\_\_

**APPROVED**

[DEPARTMENT OF CORRECTIONS AND  
REHABILITATION OF THE STATE OF  
CALIFORNIA]

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**Date:** \_\_\_\_\_

**APPROVED**

DEPARTMENT OF GENERAL SERVICES OF  
THE STATE OF CALIFORNIA  
(Pursuant to Government Code Section 11005)

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**Date:** \_\_\_\_\_

**EXHIBIT 1 TO EASEMENT AGREEMENT**

**LEGAL DESCRIPTION OF THE SITE**

(To Be Attached)

FORM OF DOCUMENT

**EXHIBIT 2 TO EASEMENT AGREEMENT**  
**LEGAL DESCRIPTION OF THE EASMENT PROPERTY**

(To Be Attached)

FORM OF DOCUMENT

**EXHIBIT D**

**(Form of Legal Opinion Letter)**

[LEGAL COUNSEL LETTERHEAD]

[Client]

State Public Works Board  
of the State of California  
Sacramento, California

Re: Ground Lease By and Between [insert name of the Participating County] and the Department for the [insert name of the Project] Located at [insert address of the Site]

Ladies and Gentlemen:

I am legal counsel for [insert name of client] with respect to the above referenced matter. I have examined originals or copies, certified or otherwise identified to my satisfaction, of such documents, exhibits, public records and other instruments in connection with the Ground Lease dated as of \_\_\_\_\_, 20\_\_ for reference only between [insert name of the Participating County], as landlord, and the Department of Corrections and Rehabilitation of the State of California (the "Department"), as tenant, (the "Ground Lease"), and have conducted such other investigations of fact and law as I have deemed necessary for the purpose of this opinion.

I am of the opinion that:

*[Use one of the following alternatives]*

*[Alternative 1: If the Participating County is the client]*

1. The [insert name of the Participating County] is a political subdivision of the State of California created in accordance with the provisions of the Constitution of the State of California, with full legal right, power and authority to enter into and perform its obligations under the Ground Lease *[if easements are being granted under the terms of an Easement Agreement in the form of Exhibit C to the Ground Lease, add: "and Easement Agreement in the form attached as Exhibit C to the Ground Lease" and revise letter accordingly].*

*[Alternative 2: If the Department is the client]*

1. The Department is an entity of state government of the State of California with full legal right, power and authority to enter into and perform its obligations under the Ground

Lease [if easements are being granted under the terms of an Easement Agreement in the form of Exhibit C to the Ground Lease, add: “and Easement Agreement in the form attached as Exhibit C to the Ground Lease” and revise letter accordingly].

*[The following provisions apply regardless of the client]*

2. The Ground Lease [and Easement Agreement] [has/have] been duly authorized, executed and delivered by [insert name of client], and [is/are] valid and binding upon and enforceable against the [insert name of client] in accordance with [its/their] terms if [it is/they are] in like fashion valid and binding upon and enforceable against the respective other parties thereto, except that enforceability may be limited by bankruptcy, insolvency and other laws affecting the enforcement of creditors’ rights generally and by the application of equitable principles if equitable remedies are sought.

3. The execution and delivery by the [insert name of client] of the Ground Lease [and Easement Agreement] and compliance with the provisions thereof do not and will not materially conflict with or constitute on the part of the [insert name of client] a breach of or a default under the law, administrative regulation, judgment, decree or any agreement or other instrument known to me which the [insert name of client] is a party or otherwise subject.

4. All actions on the part of the [insert name of client] necessary for the execution and performance of the Ground Lease [and Easement Agreement] have been duly and effectively taken, and no consent, authorization or approval of, or filing or registration with, any governmental or regulatory officer or body not already obtained or not obtainable in due course by the [insert name of client] is required to be obtained by the [insert name of client] for the making and performance of the Ground Lease [and Easement Agreement] .

5. There is no action, suit or proceeding pending (with the service of process having been accomplished) to restrain or enjoin the execution and delivery of the Ground Lease [and Easement Agreement], or in any way contesting or affecting the validity of the Ground Lease [and Easement Agreement].

Very truly yours,

[INSERT NAME OF CLIENT]

By: \_\_\_\_\_

Name: \_\_\_\_\_

Its: \_\_\_\_\_

**EXHIBIT E**

**(List of the Permitted Encumbrances)**

(to be inserted)

- [1. Right of Entry for Construction and Operation]

FORM OF DOCUMENT

**EXHIBIT F**

**(Pending and Threatened Lawsuits)**

(to be inserted)

FORM OF DOCUMENT

**Location of Site**

**RIGHT OF ENTRY FOR  
CONSTRUCTION**

**Agency:** Department of Corrections and  
Rehabilitation of the State of California

**Real Property:**

This RIGHT OF ENTRY FOR CONSTRUCTION AGREEMENT (this “License”) is made and entered into this \_\_\_\_\_, by and between the DEPARTMENT OF CORRECTIONS AND REHABILITATION OF THE STATE OF CALIFORNIA (the “Department”), an entity of state government of the State of California (the “State”), as licensor, and the COUNTY OF \_\_\_\_\_, as licensee (the “Participating County”). The Department and the Participating County are sometimes individually referred to as “Party” and collectively as “Parties”.

**RECITALS**

**WHEREAS**, pursuant to Chapter 3.11 of Part 10b of Division 3 of Title 2 of the California Government Code, the State Public Works Board (the “Board”) is authorized to finance the acquisition, design and construction of a jail facility approved by the Department and the Corrections Standards Authority (the “CSA”) pursuant to Section 15820.906 of the Government Code of the State (the “AB 900 Jail Financing Program”); and

**WHEREAS**, the Participating County has proposed to build a jail facility, the \_\_\_\_\_ project, to be located on \_\_\_\_\_ real property controlled by the Participating County through fee-simple ownership (the “Site”); and

**WHEREAS**, contemporaneous with entry into this License, Participating County intends to lease the Site to the Department pursuant to a Ground Lease executed by and between the Participating County and the Department and consented to by the Board; and

**WHEREAS**, the Department, as lessee under the Ground Lease intends to provide the Participating County access to the Site for the purpose of jail construction-related activities.

**WITNESSETH**

**NOW THEREFORE, FOR AND IN CONSIDERATION** of the mutual agreements by the Parties set forth herein and other good and valuable consideration, this License is subject to the following terms and conditions:

1. Grant of License – The Department hereby grants to the Participating County, its employees, consultants, representatives and contractors a non-exclusive, temporary license to enter the Site for site analysis and jail construction-related activities (“Activities”) contemplated by that certain Project Delivery and Construction Agreement by and among the Department, the Board, the CSA and

the Participating County (the “PDCA”). This License is subordinate to all prior or future rights and obligations of the Department and the Board in the Site, except that the Department and the Board shall grant no rights inconsistent with the reasonable exercise by the Participating County of its rights under this License.

2. License Term – This License shall commence on the Effective Date of the Ground Lease and shall terminate on the date of termination of the PDCA (the “Term”).
3. Compliance with Laws – The Participating County shall conduct all Activities in compliance with all Federal, State and municipal statutes and ordinances, and with all regulations, orders and directives of appropriate governmental agencies (“Laws and Regulations”), as such Laws and Regulations exist during the Term of this License.
4. Inspections – The Department, the Board, and their representatives, employees, agents or independent contractors may enter and inspect the Site or any portion thereof or any improvements thereon at any time and from time to time at reasonable times to verify the Participating County’s compliance with the terms and conditions of this License.
5. Special Condition – In the performance of the required studies and tests, the Participating County acknowledges that the Participating County will practice all due diligence to protect the property.
6. Cooperation – In the event the Department or the Board has business on the Site, the Participating County agrees to coordinate the Activities with the Department or the Board to minimize any impairment of access to the Site and any inconvenience to or disruption of the Department’s or the Board’s business.
7. Indemnity – As required by California Government Code Section 15820.905 the Participating County hereby agrees that it shall indemnify, defend and save harmless the State, including but not limited to the Board, CDCR and CSA, and each of their respective officers, governing members, directors, officials, employees, subcontractors, consultants, and agents (collectively, “Indemnitees”) for any and all claims and losses arising out of the acquisition, design and construction of the Project, including, but not limited to all demands, causes of actions and liabilities of every kind and nature whatsoever arising out of, related to, or in connection with (a) any breach of this License by the Participating County; (b) operation, maintenance, use and occupancy of the Project; (c) any acts or omissions of any contractor hired by the Participating County or its agents or subcontractor hired by such contractor; and (d) personal injury, bodily injury or property damage resulting from the Activities of the Participating County, its employees, consultants, representatives and contractors (collectively, “Claims”). The Participating County’s obligation to indemnify, defend and save harmless the Indemnitees shall extend to all Claims arising, occurring, alleged, or made at any time, including prior to, during, or after the period that this License is in full force and effect. The Participating County’s obligation to indemnify, defend, and save harmless the Indemnitees shall apply regardless of any active and/or passive

negligent act or omission of the Indemnitees, but the Participating County shall not be obligated to provide indemnity or defense for an Indemnatee wherein the claim arises out of the gross negligence or willful misconduct of the Indemnatee. The indemnification obligations of the Participating County set forth in this Section shall survive any termination of this License.

8. Insurance – The Participating County shall maintain the following insurances: 1) Commercial General Liability with limits of no less than \$1,000,000.00 per occurrence and Fire Legal Liability of no less than \$500,000.00; 2) Automobile Liability with a combined single limit of no less than \$1,000,000.00 per accident and 3) Workers Compensation as required by law and Employers Liability with limits of no less than \$1,000,000.00 per occurrence. The Participating County shall be solely responsible for monitoring and insuring that the necessary Workers Compensation Insurance is in effect for all person entering onto the Site.
9. Utilities – The Department makes no guarantee as to the reliability or availability of utility services. The Department shall not supply any utility services to the Site.
10. Taxes and Assessments – It is expressly understood that this License is not exclusive and does not in any way whatsoever grant or convey any permanent easement, lease, fee or other interest in the Site to the Participating County. Any such acquisition of use rights shall be separate agreements at the sole discretion of the Department and the Board. Should taxes or assessments be levied upon any interest in this License, the Participating County agrees to pay all lawful taxes, assessments or charges created by this License. It is understood that this License may create a possessory interest subject to property taxation and the Participating County may be subject to the payment of property taxes levied on such interest.
11. Continuing Liability – No termination of this License shall release the Participating County from any liability or obligations hereunder resulting from any acts, omissions or events happening prior to the termination of this License and restoration of the Site to its prior condition.
12. Attorneys' Fees – In the event of a dispute between the Parties with respect to the terms or condition of this License, the prevailing Party shall be entitled to collect from the other party its reasonable attorneys' fees as established by the judge or arbitrator presiding over such dispute.
13. Assignment, Subletting and Change in Use – the Participating County shall not transfer or assign this License and shall not sublet, license, permit or suffer any use of the Site or any part thereof.
14. Notices –
  - a. All notices or other communications required or permitted hereunder shall be in writing with License Number (\_\_\_\_\_) prominently displayed and shall be personally delivered (including by means of professional messenger

service), sent by overnight courier, or sent by registered or certified mail, postage prepaid, return receipt requested to the addresses set forth below.

- b. All such notices or other communications shall be deemed received upon the earlier of 1) if personally delivered or sent by overnight courier, the date of delivery to the address of the person to receive such notices or 2) if mailed as provided above, on the date of receipt or rejection.

To the Department:

To the Board:

To the Participating County:

- c. Notice of change of address, telephone or telephone number shall be given by written notice in the manner described in this Paragraph. The Participating County is obligated to notice all State offices listed above and the failure to provide notice to all State offices will be deemed to constitute a lack of notice.
15. Entire Agreement – This License contains all the agreements of the Parties regarding right of entry for construction and supersedes any prior License or negotiations. There have been no representations by the Department or understandings made between the Department and the Participating County regarding right of entry for construction other than those set forth in this License. This License may not be modified except by a written instrument duly executed by the Parties hereto with the consent of the Board.
  16. Counterparts – This License may be executed in one or more counterparts, each of which shall be deemed as original but all of which together shall constitute one and the same instrument.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, the parties have executed this License by their duly authorized representatives on the date first above written.

**DEPARTMENT OF CORRECTIONS AND  
REHABILITATION OF THE STATE OF CALIFORNIA**  
\_\_\_\_\_ [Title]

By: \_\_\_\_\_

\_\_\_\_\_  
Director

\_\_\_\_\_  
Date Signed

[COUNTY]

By: \_\_\_\_\_

\_\_\_\_\_

**CONSENT:**

**STATE PUBLIC WORKS BOARD  
OF THE STATE OF CALIFORNIA**

By: \_\_\_\_\_

Name:

Title:

DOC # 2014-0509227



NOV 21, 2014 10:33 AM

OFFICIAL RECORDS  
SAN DIEGO COUNTY RECORDER'S OFFICE  
Ernest J. Dronenburg, Jr., COUNTY RECORDER  
FEES: 0.00

PAGES: 28



**RECORDING REQUESTED BY  
AND WHEN RECORDED MAIL TO:**

STRADLING YOCCA CARLSON & RAUTH  
660 Newport Center Drive, Suite 1600  
Newport Beach, California 92660  
Attention: Robert J. Whalen, Esq.

For  
288  
10/21/14

**FACILITY SUBLEASE**

by and between the

**DEPARTMENT OF CORRECTIONS AND REHABILITATION  
OF THE STATE OF CALIFORNIA,  
as Sublessor**

and

**COUNTY OF SAN DIEGO,  
as Sublessee**

**Dated as of October 15, 2014**

**SAN DIEGO JAIL  
(SAN DIEGO COUNTY)**

NO DOCUMENTARY TRANSFER TAX DUE. This Facility Sublease is recorded for the benefit of the State of California and is exempt from California documentary transfer tax pursuant to Section 11928 of the California Revenue and Taxation Code and from recording fees pursuant to Sections 6103 and 27383 of the California Government Code.

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## FACILITY SUBLEASE

This Sublease, dated as of October 15, 2014 (this "Facility Sublease"), is made and entered into by and between the DEPARTMENT OF CORRECTIONS AND REHABILITATION OF THE STATE OF CALIFORNIA, as sublessor (the "Department"), and the COUNTY OF SAN DIEGO, a political subdivision of the State of California, as sublessee (the "Participating County").

### RECITALS

WHEREAS, pursuant to Chapter 3.11 of Part 10b of Division 3 of the California Government Code (the "Law"), the State Public Works Board of the State of California (the "Board") is authorized to finance the acquisition, design, and construction of a local jail facility approved by the Corrections Standards Authority<sup>1</sup> (the "CSA") pursuant to Section 15820.906 and following, as amended, of the Government Code of the State (the "AB 900 Jail Financing Program"); and

WHEREAS, the Participating County, the Board, the Department and the CSA have previously entered into that certain Project Delivery and Construction Agreement dated as of September 13, 2013 (the "Project Agreement") with respect to the construction of a jail facility (the "Project"); and

WHEREAS, pursuant to the provisions of the Project Agreement the Participating County has constructed the Project, which is located at 451 Riverview Parkway, Santee, California 92071, on the real property described in Exhibit A hereto (the "Site"), fee title to which is owned by the Participating County; and

WHEREAS, the Participating County, as fee owner of the Site, has leased the Site to the Department pursuant to a Ground Lease, dated September 13, 2013, executed by and between the Participating County, as landlord, and the Department, as tenant, and consented to by the Board, and recorded on November 14, 2013 in the Official Records of the County of San Diego as Document No. 2013-0673995 (the "Ground Lease"); and

WHEREAS, further to the terms of the Ground Lease, the Department and the Participating County also entered into that certain Easement Agreement for Grants of Access, Utilities and Repairs Easements dated as of September 13, 2013 and recorded on November 14, 2013 in the Official Records of the County of San Diego as Document No. 2013-0673994 (the "Easement Agreement") pursuant to which the Participating County granted to the Department and the Board certain appurtenant easements in certain property adjacent to the Site (the "Easement Property") necessary for the quiet enjoyment and beneficial use of the Site by the Department and the Board; and

WHEREAS, pursuant to the Law, the Board has issued its Lease Revenue Bonds (Department of Corrections and Rehabilitation) 2014 Series D (Various Correctional Facilities) (the "Bonds") to finance and refinance the Project, in conjunction with which the Department, as lessor, and the Board, as lessee, entered into a site lease dated as of October 15, 2014 (the "Site Lease"), providing for the sublease of the Site to the Board, and the Board, as sublessor, and the Department, as sublessee, entered into a facility lease dated as of October 15, 2014 (the "Facility Lease"),

<sup>1</sup> Pursuant to Penal Code Section 6024, as of July 1, 2012, the Corrections Standards Authority was abolished and replaced by the Board of State and Community Corrections.

providing for the leasing of the Site and the Project to the Department (the Site, together with the Project, the "Facility"); and

WHEREAS, the Site Lease and the Facility Lease will provide security for the Bonds which have been issued by the Board under an indenture dated as of April 1, 1994, as amended by the Tenth Supplemental Indenture, dated as of September 1, 1996, the Forty-Second Supplemental Indenture, dated as of October 1, 2002, the Fifty-Second Supplemental Indenture, dated as of October 15, 2004, and the Ninety-Third Supplemental Indenture, dated as of October 12, 2009 (collectively the "Master Indenture"), as supplemented by the One Hundred Twenty-Fifth Supplemental Indenture (together with the Master Indenture, the "Indenture") between the Board and the Treasurer of the State of California, as trustee (the "State Treasurer"); and

WHEREAS, the Department, pursuant to the Law, is authorized to enter into one or more subleases and/or contracts with the Participating County; and

WHEREAS, the Participating County, as sublessee, will be responsible for all the maintenance and operating costs for the Facility; and

WHEREAS, payment of the principal of and interest on the Bonds will be made through rental payments made under the Facility Lease by the Department from annual appropriations to the Department included in the State budget, but the costs of operating and maintaining the Facility will be paid by the Participating County; and

WHEREAS, it is the intent of the parties that, upon the payment in full of the Bonds and all other indebtedness incurred by the Board for the Project, if any, the Ground Lease, the Easement Agreement, the Site Lease, the Facility Lease and this Facility Sublease will terminate in accordance with their respective terms and fee title to the Project will vest in the Participating County pursuant to the terms and conditions in the Ground Lease.

NOW THEREFORE, the parties hereto mutually agree as follows:

SECTION 1. Definitions. Unless otherwise required by the context, all capitalized terms used herein and not defined herein shall have the meanings assigned such terms in the Facility Lease or the Indenture.

SECTION 2. Sublease of the Facility to the Participating County Subject to Facility Lease. The Participating County hereby leases the Facility from the Department, and the Department hereby leases the Facility to the Participating County, on the terms and conditions hereinafter set forth, subject to all easements, encumbrances and restrictions of record, including without limitation, the terms and conditions of the Site Lease and Facility Lease. This Facility Sublease is in all respects subordinate and subject to the Facility Lease. The Participating County covenants it shall continuously operate and maintain the Facility and shall have no right to abandon the Facility.

SECTION 3. Term. The term of this Facility Sublease shall commence on the date of initial issuance and delivery of the Bonds and shall terminate on the same date as the Facility Lease, unless such term is extended by the parties hereto, or unless sooner terminated as provided herein, provided, however, except as set forth in Section 10(b) or (c), no termination of this Facility Sublease shall occur until all the Bonds and all other indebtedness incurred by the Board for the Project, if any, have been fully repaid.

SECTION 4. Consideration and Conflict between Documents. The Department makes this Facility Sublease in consideration for the public benefit to the State of California (the "State") provided by the Project, which is described in Government Code Section 15820.904, and for undertaking by the Participating County of the financial obligations required under this Facility Sublease. This Facility Sublease is subject to the terms of the Ground Lease, Easement Agreement, Site Lease and Facility Lease and in the event of a conflict between this Facility Sublease and any of the Ground Lease, Easement Agreement, Site Lease or the Facility Lease, the provisions of the Ground Lease, Easement Agreement, Site Lease or the Facility Lease, as the case may be, shall control.

SECTION 5. Purpose and Use. The Site shall be used by the Participating County for the purpose of staffing, operating and maintaining the Project and appurtenances related thereto, in order to provide the Project and for such other purposes as may be ancillary and related thereto for State and local criminal justice agencies. The Participating County shall be required to obtain the prior written consent of the Department and the Board for any change in use of the Facility, or any part thereof and at the request of the Department or the Board, the Participating County shall furnish the Department and the Board with an opinion of nationally recognized bond counsel acceptable to the Board to the effect that such change in use will not, in and of itself, cause the interest on the Bonds to be included in gross income for federal income tax purposes.

SECTION 6. Obligations of Participating County.

(a) Maintenance, Repair, Replacement and Utilities. The Participating County shall, at its own cost and expense, pay for all maintenance and repair, both ordinary and extraordinary, of the Facility. The Participating County shall at all times maintain, or otherwise arrange for the maintenance of, the Facility in good condition, and the Participating County shall pay for, or otherwise arrange for, the payment of all utility services supplied to the Facility, and shall pay for, or otherwise arrange for, the payment of the costs of the repair and replacement of the Facility resulting from ordinary or extraordinary wear and tear or want of care on the part of the Participating County or any other cause (except for a catastrophic uninsured loss), and shall pay for, or otherwise arrange for, the payment of any insurance policies, except those provided by the Department pursuant to the Facility Lease.

(b) Rent. The Department shall pay all Base Rental and Additional Rental as defined in and as required under the Facility Lease. The Participating County shall pay upon the order of the Department or the Board as rent hereunder such amounts, if any, in each year as shall be required by the Department or Board for the payment of all applicable taxes and assessments of any type or nature assessed or levied by any governmental agency or entity having power to levy taxes or assessments charged to the Department, the Board or the State Treasurer affecting or relating to the Facility or their respective interests or estates therein. Except for the Base Rental and Additional Rental obligations and insurance obligations as specified in the Facility Lease, the Department shall have no duty under this Facility Sublease to pay for any other costs to maintain and operate the Facility. The rent required under this Section 6(b) shall be abated proportionately during any period in which the Department's obligation to pay rent under the Facility Lease shall be abated.

The Participating County shall submit to the Department within 15 Business Days of the adoption of the Participating County's budget each year, a copy of its approved and authorized budget that details the amounts allocated to maintain and operate the Facility, including any reserves. On September 1 of each year during the term of this Facility Sublease, the Department shall submit a

report to the Board including a summary of the information provided by the Participating County as set forth in this paragraph. This report shall be in a form approved by the Board and shall incorporate any other summary to be provided by the Department pursuant to the terms of any facility sublease entered into by the Department in connection with facilities constructed pursuant to the Law, as applicable.

SECTION 7. Insurance.

(a) Insurance Obligations of the Department. The Department will pay or cause to be paid the cost of all insurance required to be maintained under the Facility Lease. The Participating County will not be required to pay or reimburse the Department or any other State agency for these insurance costs or any deductible paid by the State. The Department will provide, or cause to be provided, proof of insurance coverage to the Participating County upon request of the Participating County.

In the event of (i) damage or destruction of the Facility caused by the perils covered by the insurance required under the Facility Lease and (ii) if the Board elects, under the terms of the Facility Lease and the Indenture, to redeem the outstanding Bonds, and (iii) if any insurance proceeds remain after the Bonds have been redeemed and such remaining proceeds are not needed under the terms of the Indenture, and (iv) such funds are distributed to the Department, then the Department agrees to distribute such funds to the Participating County.

The Department will not insure the Participating County's equipment, stored goods, other personal property, fixtures, or tenant improvements, nor such personal property owned by Participating County's, subtenants or assigns, if any, or invitees. The Department shall not be required to repair any injury or damage to any personal property or trade fixtures installed in the Facility by the Participating County caused by fire or other casualty, or to replace any such personal property or trade fixtures. The Participating County may, at its sole option and expense, obtain physical damage insurance covering its equipment, stored goods, other personal property, fixtures or tenant improvement or obtain business interruption insurance.

To the extent permitted by law, the Department and the Participating County agree to release the other and waive their rights of recovery against the other for damage to the Facility or their respective property at the Facility arising from perils insured under any commercial property insurance listed in this Facility Sublease or the Facility Lease. The property insurance policies of the Department and the Participating County shall contain a waiver of subrogation endorsement in favor of the other.

(b) Insurance Obligations of the Participating County. The Participating County, at its own cost and expense, shall secure and maintain or cause to be secured and maintained from an insurance company or companies approved to do business in the State of California and maintain during the entire term of this Facility Sublease, the following insurance coverage for the Facility:

(1) General liability insurance in an amount not less than one million Dollars (\$1,000,000) per occurrence. Evidence of such insurance shall be on a General Liability Special Endorsement form and should provide coverage for premises and operations, contractual, personal injury and fire legal liability;

(2) By signing this Facility Sublease, the Participating County hereby certifies that it is aware of the provisions of Section 3700, *et seq.*, of the California Labor Code which require every employer to be insured against liability for Workers' Compensation or to undertake self-insurance in accordance with the provisions of that Code, and that it will comply, and it will cause its subtenants and assignees to comply, with such provisions at all such times as they may apply during the term of this Facility Sublease.

(3) Auto insurance (written on ISO policy form CA 00 01 or its equivalent) with a limit of not less than one million dollars (\$1,000,000) per occurrence. Such insurance shall include coverage for all "owned," "hired" and "non-owned" vehicles or coverage for any auto.

(c) Additional Insureds. The Participating County agrees that the Department and the Board and their officers, agents and employees shall be included as additional insureds in all insurance required herein.

(d) Insurance Certificate. The Participating County shall submit or cause to be submitted to the Department, by no later than June 30th of each year, a certificate of insurance or other evidence of insurance in a form satisfactory to the Department demonstrating that the insurance required to be maintained by the Participating County hereunder is in full force and effect.

(e) Self-Insurance. Notwithstanding any other provision of this Section, the Participating County may satisfy the insurance obligations hereunder by a combination of commercial insurance, formal risk pooling under California statutory provisions, and/or a self-funded loss reserve in whatever proportions are deemed appropriate by the Participating County and acceptable to the Department and the Board. The Participating County shall furnish the Department and the Board with a certificate or other written evidence of the Participating County's election to provide or cause to be provided all or part of its coverage under a risk pooling, risk retention, or self-insurance program or any combination thereof.

#### SECTION 8. Assignment or Subletting of Facility.

(a) The Participating County shall not sublet or assign any portion of the Facility, or permit its subtenants to sublet or assign portions of the Facility, without obtaining the prior written consent and approval of the Department and the Board, which may be granted or denied in their sole discretion, to the form and substance of such sublease and the sublessee, and, provided further, that any such sublease shall be subject to the following conditions:

(1) Any sublease of the Facility by the Participating County shall explicitly provide that such sublease is subject to all rights of the Board under the Facility Lease, including, the Board's right to re-enter and re-let the Facility or terminate the Facility Lease upon a default by the Department and to all rights of the Department under this Facility Sublease including, the Department's right to re-enter and re-let the Facility or terminate this Facility Sublease upon a default by the Participating County; and

(2) At the request of the Department or the Board, the Participating County shall furnish the Department and the Board with an opinion of nationally recognized bond counsel acceptable to the Board to the effect that such sublease will not, in and of itself, cause the interest on the Bonds to be included in gross income for federal income tax purposes.

(b) The Participating County acknowledges that, if the Department breaches the terms of the Facility Lease, a remedy for such breach available to the Board under the Facility Lease is to enter and re-let the Facility to an entity other than the Department. If the Board, at its discretion, chooses to exercise this remedy, the Board agrees that its first offer to relet the Facility shall be made to the Participating County; provided, however, the terms of such offer shall be determined at the sole reasonable discretion of the Board.

(c) This Facility Sublease shall not be subordinated to any sublease.

**SECTION 9. Hazardous Materials.** The Participating County shall fully disclose in writing to the Department and the Board the existence, extent and nature of any Hazardous Materials (defined below), substances, wastes or other environmentally regulated substances, of which the Participating County has actual knowledge relative to the Facility. The Participating County further warrants, covenants and represents that it will promptly notify the Department and the Board in writing of any change in the nature or extent of any Hazardous Materials, substances or wastes maintained on, in, around or under the Facility or used in connection therewith, of which the Participating County gains actual knowledge, and will transmit to the Department and the Board copies of any citations, orders, notices or other material governmental or other communication received by the Participating County with respect to any other Hazardous Materials, substances, wastes or other environmentally regulated substances affecting the Facility. The Participating County shall ensure (as to itself), and shall use its best efforts to ensure (as to its contractors, consultants, sublessees and other agents), that all activities of the Participating County or any officers, employees, contractors, consultants, sublessees, or any other agents of the Participating County performed at the Facility will be in full compliance with all Environmental Laws, and further agrees that neither the Participating County nor its contractors, consultants, sublessees, agents, officers or employees will engage in any management of solid wastes or Hazardous Materials at the Facility which constitutes noncompliance with or a violation of any Environmental Law. If there is a release of Hazardous Materials on or beneath the Facility which constitutes noncompliance with or a violation of any Environmental Law, the Participating County shall promptly take all action necessary to investigate and remedy such release.

The Participating County shall defend, indemnify and hold the State of California, including, but not limited to, the Department, the Board and their officers, directors, agents, employees and successors and assigns (each, an "Indemnified Party" and, together, the "Indemnified Parties") harmless from and against any and all damages, penalties, fines, claims, liens, suits, liabilities, costs (including cleanup costs), judgments and expenses (including attorneys', consultants', or experts' fees and expenses of every kind and nature) suffered by or asserted against one or more of the Indemnified Parties as a direct or indirect result of any warranty or representation made by the Participating County in the preceding paragraph being false or untrue in any material respect or the breach of any obligation of the Participating County in the preceding paragraph or as a result of any act or omission on the part of the Participating County or any contractor, consultant, sublessee or other agent of the Participating County which constitutes noncompliance with or a violation of any Environmental Law. The indemnification obligations set forth in this paragraph shall survive any termination of this Facility Sublease.

"Hazardous Materials" means any substance, material, or waste which is or becomes, prior to the date of execution and delivery hereof, regulated by any local governmental authority, the State of California, or the United States Government, including, but not limited to, any material or substance which is (i) defined as a "hazardous substance", "hazardous material", "toxic substance", "solid

waste”, “pollutant or contaminant”, “hazardous waste”, “extremely hazardous waste”, or “restricted hazardous waste” under the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (“CERCLA”) [42 U.S.C.A §§ 9601 *et seq.*]; the Resource Conservation and Recovery Act of 1976 (“RCRA”) [42 U.S.C.A §§ 6901 *et seq.*]; the Clean Water Act, also known as the Federal Water Pollution Control Act (“FWPCA”) [33 U.S.C.A §§ 1251 *et seq.*]; the Toxic Substances Control Act (“TSCA”) [15 U.S.C.A §§ 2601 *et seq.*]; the Federal Insecticide, Fungicide, Rodenticide Act [7 U.S.C.A §§ 136 *et seq.*]; the Superfund Amendments and Reauthorization Act [42 U.S.C.A §§ 9601 *et seq.*]; the Clean Air Act [42 U.S.C.A §§ 7401 *et seq.*]; the Safe Drinking Water Act [42 U.S.C.A §§ 300f *et seq.*]; the Solid Waste Disposal Act [42 U.S.C.A §§ 6901 *et seq.*]; the Surface Mining Control and Reclamation Act [30 U.S.C.A §§ 1201 *et seq.*]; the Emergency Planning and Community Right-to-Know Act [42 U.S.C.A §§ 11001 *et seq.*]; the Occupational Safety and Health Act [29 U.S.C.A §§ 655 and 657]; the California Underground Storage of Hazardous Substances Act [Health & Saf. Code §§ 25280 *et seq.*]; the California Hazardous Substances Account Act [Health & Saf. Code §§ 25300 *et seq.*]; the California Hazardous Waste Control Act [Health & Saf. Code §§ 25100 *et seq.*]; the California Safe Drinking Water and Toxic Enforcement Act [Health & Saf. Code §§ 25249.5 *et seq.*]; the Porter-Cologne Water Quality Act [Wat. Code §§ 13000 *et seq.*], including without limitation, Sections 25115, 25117 or 25122.7 of the California Health and Safety Code, or listed pursuant to Section 25140 of the California Health and Safety Code, Division 20, Chapter 6.5 (Hazardous Waste Control Law), (ii) defined as “hazardous substance” under Section 25316 of the California Health and Safety Code, Division 20, Chapter 6.8 (Carpenter-Presley-Talmer Hazardous Substance Account Act), (iii) defined as a “hazardous material”, “hazardous substance”, or “hazardous waste” under Section 25501 of the California Health and Safety Code.

“Environmental Laws” means any federal, state or local law, statute, code, ordinance, regulation, requirement or rule relating to Hazardous Materials to which the Participating County or the Facility is subject, including all those laws referenced above in the definition of Hazardous Materials.

#### SECTION 10. Termination, Breach, Default and Damages.

(a) This Facility Sublease shall terminate upon the occurrence of the expiration of the lease term as set forth in Section 3.

(b) If the Participating County shall fail to keep, observe or perform any term, covenant or condition contained herein to be kept or performed by the Participating County for a period of sixty (60) days after notice of the same has been given to the Participating County by the Department or the Board or for such additional time as is reasonably required, in the sole discretion of the Department, with the consent of the Board, to correct any of the same, the Participating County shall be deemed to be in default hereunder and it shall be lawful for the Department to exercise any and all remedies available pursuant to law or granted pursuant to this Facility Sublease. Upon any such default, the Department, in addition to all other rights and remedies it may have at law, shall, with the consent of the Board, have the option to do any of the following:

(1) To terminate this Facility Sublease in the manner hereinafter provided on account of default by the Participating County, notwithstanding any re-entry or re-letting of the Facility as hereinafter provided for in subparagraph (2) hereof, and to re-enter the Facility and remove all persons in possession thereof and all personal property whatsoever situated upon the Facility and place such personal property in storage in any warehouse or other suitable place. In the

event of such termination, the Participating County agrees to immediately surrender possession of the Facility, without let or hindrance, and to pay the Department and the Board all damages recoverable at law that the Department may incur by reason of default by the Participating County, including, without limitation, any costs, loss or damage whatsoever arising out of, in connection with, or incident to any such re-entry upon the Facility and removal and storage of such property by the Department or its duly authorized agents in accordance with the provisions herein contained. Neither notice to deliver up possession of the Facility given pursuant to law nor any entry or re-entry by the Department nor any proceeding in unlawful detainer, or otherwise, brought by the Department for the purpose of effecting such re-entry or obtaining possession of the Facility, nor the appointment of a receiver upon initiative of the Department to protect the Board's interest under the Facility Lease shall of itself operate to terminate this Facility Sublease, and no termination of this Facility Sublease on account of default by the Participating County shall be or become effective by operation of law or acts of the parties hereto, or otherwise, unless and until the Department shall have given written notice to the Participating County of the election on the part of the Department to terminate this Facility Sublease. The Participating County covenants and agrees that no surrender of the Facility or of the remainder of the term hereof or any termination of this Facility Sublease shall be valid in any manner or for any purpose whatsoever unless stated or accepted by the Department by such written notice.

(2) Without terminating this Facility Sublease, (i) to enforce any term or provision to be kept or performed by the Participating County or (ii) to exercise any and all rights of entry and re-entry upon the Facility. In the event the Department does not elect to terminate this Facility Sublease in the manner provided for in subparagraph (1) hereof, the Participating County shall remain liable and agrees to keep or perform all covenants and conditions herein contained to be kept or performed by the Participating County, and notwithstanding any entry or re-entry by the Department or suit in unlawful detainer, or otherwise, brought by the Department for the purpose of effecting a re-entry or obtaining possession of the Facility. Should the Department elect to re-enter as herein provided, the Participating County hereby irrevocably appoints the Department as the agent and attorney-in-fact of the Participating County to re-let the Facility, or any part thereof, from time to time, either in the Department's name or otherwise, upon such terms and conditions and for such use and period as the Department may deem advisable and to remove all persons in possession thereof and all personal property whatsoever situated upon the Facility and to place such personal property in storage in any warehouse or other suitable place, for the account of and at the expense of the Participating County, and the Participating County hereby exempts and agrees to save harmless the Department from any costs, loss or damage whatsoever arising out of, in connection with, or incident to any such re-entry upon and re-letting of the Facility and removal and storage of such property by the Department or its duly authorized agents in accordance with the provisions herein contained except for any such costs, loss or damage resulting from the intentional or negligent actions of the Department or its agents. The Participating County agrees that the terms of this Facility Sublease constitute full and sufficient notice of the right of the Department to re-let the Facility in the event of such re-entry without effecting a surrender of this Facility Sublease. The Participating County further agrees that no acts of the Department in effecting such re-letting shall constitute a surrender or termination of this Facility Sublease irrespective of the use or the term for which such re-letting is made or the terms and conditions of such re-letting, or otherwise, but that, on the contrary, in the event of such default by the Participating County the right to terminate this Facility Sublease shall vest in the Department to be effected in the sole and exclusive manner provided for in subparagraph (1) hereof. The Participating County further agrees to pay the Department the cost of any alterations or additions to the Facility necessary to place the Facility in condition for re-letting immediately

upon notice to the Participating County of the completion and installation of such additions or alterations.

(c) This Facility Sublease may be terminated at the option of the Board if the Board determines to exercise its right to enter and re-let the Facility under the Facility Lease pursuant to a default by the Department thereunder.

(d) In addition to any default resulting from breach by the Participating County of any term or covenant of this Facility Sublease, if (1) the Participating County's interest in this Facility Sublease or any part thereof be assigned, sublet or transferred without the prior written consent to the Department and the Board, either voluntarily or by operation of law, or (2) the Participating County or any assignee shall file any petition or institute any proceedings under any act or acts, state or federal, dealing with or relating to the subject of bankruptcy or insolvency or under any amendment of such act or acts, either as a bankrupt or as an insolvent or as a debtor or in any similar capacity, wherein or whereby the Participating County asks or seeks or prays to be adjudicated as bankrupt, or is to be discharged from any or all of the Participating County's debts or obligations, or offers to the Participating County's creditors to effect a composition or extension of time to pay the Participating County's debts, or asks, seeks or prays for a reorganization or to effect a plan of reorganization or for a readjustment of the Participating County's debts or for any other similar relief, or if any such petition or if any such proceedings of the same or similar kind or character be filed or be instituted or taken against the Participating County, or if a receiver of the business or of the property or assets of the Participating County shall be appointed by any court, except a receiver appointed at the insistence or request of the Department or the Board, or if the Participating County shall make a general or any assignment for the benefit of the Participating County's creditors, or (3) the Participating County shall abandon the Facility, then the Participating County shall be deemed to be in default hereunder.

(e) The Department shall in no event be in default in the performance of any of its obligations hereunder unless and until the Department shall have failed to perform such obligations within sixty (60) days or such additional time as is reasonably required to correct any such default after notice by the Participating County to the Department that the Department has failed to perform any such obligation.

(f) The Participating County hereby waives any and all claims for damages caused or which may be caused by the Department in re-entering and taking possession of the Facility as herein provided and all claims for damages that may result from the destruction of or injury to the Facility and all claims for damages to or loss of any property belonging to the Department, or any other person, that may be in or upon the Facility, except for such claims resulting from the intentional or negligent actions of the Department or its agents.

Each and all of the remedies given to the Department hereunder or by any law now or hereafter enacted are cumulative and the single or partial exercise of any right, power or privilege hereunder shall not impair the right of the Department to other or further exercise thereof or the exercise of any or all other rights, powers or privileges. The term "re-let" or "re-letting" as used in this Section shall include, but not be limited to, re-letting by means of the operation or other utilization by the Department of the Facility. If any statute or rule of law validly shall limit the remedies given to the Department hereunder, the Department nevertheless shall be entitled to whatever remedies are allowable under any statute or rule of law.

The Participating County agrees to pay reasonable attorney's fees incurred by the Department in attempting to enforce any of the remedies available to the Department hereunder; whether or not a lawsuit has been filed. In the event that a lawsuit is filed that culminates in a judgment, then the prevailing party in such action shall be entitled to reasonable attorney's fees.

SECTION 11. Additions, Betterments, Extensions or Improvements; Prohibition Against Encumbrance.

(a) Subject to the limitations set forth in this Section 11, at its sole cost and expense, the Participating County shall have the right during the term of this Facility Sublease to make additions, betterments, extensions or improvements to the Facility or to attach fixtures, structures or signs to the Facility if such additions, betterments, extensions or improvements or fixtures, structures or signs are necessary or beneficial for the use of the Facility by the Participating County; provided, however, that any such changes to the Facility shall be made in a manner that does not result in an abatement of the rental hereunder or the rental due from the Department under the Facility Lease.

(b) If any proposed additions, betterments, extensions or improvements of the Facility require approval by the Board of State and Community Corrections, the Participating County shall, concurrently with the request for such approval(s), request the approval of the Department and the Board to such additions, betterments, extensions or improvements. The Participating County acknowledges the commencement of such additions, betterments, extensions or improvements shall be subject to receipt by the Participating County of the Board's approval thereto. In the event the Participating County shall at any time during the term of this Facility Sublease cause any additions, betterments, extensions or improvements to the Facility to be acquired or constructed or materials to be supplied in or upon the Facility, the Participating County shall pay or cause to be paid when due all sums of money that may become due, or purporting to be due for any labor, services, materials, supplies or equipment furnished or alleged to have been furnished to or for the Participating County in, upon or about the Facility and shall keep the Facility free of any and all mechanics' or materialmen's liens or other liens against the Facility or the Department's or the Board's interest therein. In the event any such lien attaches to or is filed against the Facility or the Department's or the Board's interest therein, the Participating County shall cause each such lien to be fully discharged and released at the time the performance of any obligation secured by any such lien matures or becomes due, except that if the Participating County desires to contest any such lien it may do so. If any such lien shall be reduced to final judgment and such judgment or such process as may be issued for the enforcement thereof is not promptly stayed, or if so stayed and said stay thereafter expires, the Participating County shall forthwith pay or cause to be paid and discharged such judgment. In accordance with Section 20, the Participating County agrees to and shall, to the maximum extent permitted by law, defend, indemnify and hold the Department, the Board, the State Treasurer and their officers, directors, agents, employees, successors and assigns harmless from and against and defend each of them against any claim, demand, loss, damage, liability or expense (including attorneys' fees) as a result of any such lien or claim of lien against the Facility or the Department's or the Board's interest therein.

(c) The Participating County agrees it will not create or suffer to be created any recorded or unrecorded mortgage, pledge, lien, charge, easement, rights of way or other rights, reservations, covenants, conditions, restrictions or encumbrance upon the Facility or the Easement Property except Permitted Encumbrances (defined below).

The term "Permitted Encumbrances" means as of any particular time: (1) liens for general ad valorem taxes and assessments, if any, not then delinquent; (2) the Site Lease and the Facility Lease, as they may be amended from time to time; (3) easements (including the Easement Agreement), rights of way, mineral rights, drilling rights and other rights, reservations, covenants, conditions or restrictions, all of a non-monetary nature, which exist of record as of the date of issuance of the Bonds; (4) easements, rights of way, mineral rights, drilling rights and other rights, reservations, covenants, conditions or restrictions, all of a non-monetary nature, established following the date of issuance of the Bonds and to which the Board consents in writing; and (5) subleases approved by the Board in accordance with Section 8 hereof.

(d) The Department hereby covenants and agrees that, except as set forth in Sections 8 and 10, neither this Facility Sublease nor any interest of either party in this Facility Sublease shall be sold, mortgaged, pledged, assigned, or transferred by voluntary act or by operation of law or otherwise.

(e) The Participating County shall not in any manner impair, impede, or challenge the security, rights and benefits of the owners of the Bonds or the trustee for the Bonds.

**SECTION 12. Continuing Disclosure.** The Participating County hereby covenants and agrees that it will fully cooperate with the Department, the Board and the State Treasurer so that they can comply with and carry out all of the provisions of the Continuing Disclosure Agreement and will provide all information reasonably requested by the Department, the Board or the State Treasurer regarding the Facility, in connection with continuing disclosure obligations. The Participating County further covenants to provide notice to the Department, the Board and the State Treasurer within five Business Days of the occurrence of any event which causes any portion of the Facility not to be available for beneficial use or occupancy by the Participating County.

**SECTION 13. Status of Private Activity Use of the Facility.** The Participating County hereby covenants and agrees to provide information to the Department and the Board by January 31 of each year regarding the private activity use, if any, of the Facility. Any such private use must be consistent with the Participating County's covenants pursuant to Section 14 hereof. The information that must be updated annually is set forth in the Tax Certificate that was executed and delivered by the Board upon the initial issuance of the Bonds and acknowledged to by the Participating County in its certificate attached to the Tax Certificate.

**SECTION 14. Tax Covenants.**

(a) The Participating County covenants that it will not use or permit any use of the Facility, and shall not take or permit to be taken any other action or actions, which would cause any Bond to be a "private activity bond" within the meaning of Section 141 of the Internal Revenue Code of 1986, as amended; and any applicable regulations promulgated from time to time thereunder. The Participating County further covenants that it will not take any action or fail to take any action, if such action or the failure to take such action would adversely affect the exclusion from gross income for federal income tax purposes of interest on the Bonds.

(b) The Participating County covenants that it will not use or permit more than 10% of (i) the proceeds of the Bonds or the Project to be used in the aggregate for any activities that constitute a "Private Use" (as such term is defined in paragraph (d) below). The Participating County covenants that it will not cause more than 10% of the principal of or interest on the Bonds under the

terms thereof or any underlying arrangement, to be secured by any interest in property (whether or not the Project) used for a Private Use or in payments in respect of property used for a Private Use, or which will be derived from payments in respect of property used for a Private Use.

(c) The Participating County covenants that it shall not take or permit to be taken any action or actions which would cause more than 5% of the proceeds of the Bonds or the Project to be used for a Private Use that is unrelated or disproportionate to the governmental use of the proceeds of the Bonds (an "Unrelated or Disproportionate Use") or to cause more than 5% of the principal of or interest on the Bonds to be directly or indirectly secured by any interest in property used or to be used for a Private Use that is an Unrelated or Disproportionate Use or in payments in respect of property used or to be used for a Private Use that is an Unrelated or Disproportionate Use.

(d) The term "Private Use" means any activity that constitutes a trade or business that is carried on by persons or entities other than a "governmental person," which is defined within Treasury Regulation Section 1.141 1(b) as a state or local governmental unit or any instrumentality thereof. A "governmental person" does not include the United States or any agency or instrumentality thereof. The leasing of property financed or refinanced with proceeds of the Bonds or the use by or the access of a person or entity other than a governmental unit to property or services on a basis other than as a member of the general public shall constitute a Private Use. Private Use may also result from certain management and service contracts as described in paragraph (e) below.

(e) The Participating County will not enter into any arrangement with any person or entity other than a state or local governmental unit which provides for such person to manage, operate, or provide services with respect to the Facility (or any portion thereof) (a "Service Contract"), unless the guidelines set forth in Revenue Procedure 97-13, as modified by Revenue Procedure 2001-39 (the "Guidelines"), are satisfied and the Board, in its discretion, consents to such Service Contract.

(f) The Participating County covenants to maintain records relating to the Project as required by Sections 7.1 and 7.2 of the Project Agreement and such other records as are required to be maintained by it in accordance with the Tax Certificate.

SECTION 15. No Merger. The parties hereto intend that there shall be no merger of any estate or interest created by this Facility Sublease with any other estate or interest in the Facility, or any part thereof, by reason of the fact that the same party may acquire or hold all or any part of the estate or interest in the Facility created by this Facility Sublease as well as another estate or interest in the Facility.

SECTION 16. Waste. The Participating County shall not commit, suffer, or permit any waste or nuisance on or within the Facility or any acts to be done thereon in violation of any laws or ordinances.

SECTION 17. Amendments. This Facility Sublease may not be amended, changed, modified or altered without the prior written consent of the parties hereto and the Board.

SECTION 18. Waiver. Any waiver granted by the Department of any breach by the Participating County of any agreement, covenant or condition hereof shall not operate as a waiver of any subsequent breach of the same or any other agreement, covenant or condition hereof. The Department shall not grant any such waiver without the prior written consent of the Board.

SECTION 19. Non-Liability of the Department and other State Entities. Any obligation of the Department created by or arising out of this Facility Sublease shall not impose a debt or pecuniary liability upon the Department, the Board or the State of California, or a charge upon the general credit or taxing powers thereof, but shall be payable solely out of funds duly authorized and appropriated by the State.

The delivery of this Facility Sublease shall not, directly or indirectly or contingently, obligate the Board, the Department, the State Treasurer or the State of California to levy any form of taxation therefor or to make any appropriation. Nothing herein or in the proceedings of the Participating County, the Board or the Department shall be construed to authorize the creation of a debt of the Board, the Department, the State Treasurer or the State of California, within the meaning of any constitutional or statutory provision of the State of California. No breach of any pledge, obligation or agreement made or incurred in connection herewith may impose any pecuniary liability upon, or any charge upon the general credit of the Board, the Department or the State of California.

SECTION 20. Indemnification. As required by California Government Code Section 15820.905, the Participating County agrees to indemnify, defend, and hold harmless the Indemnified Parties for any and all claims and losses accruing and resulting from or arising out of the Participating County's use and occupancy of the Facility, including the use and occupancy of the Facility by any sublessee or invitee of the Participating County. The Participating County's obligation to indemnify, defend and hold harmless under this Section shall extend to all such claims and losses arising, occurring, alleged, or made at any time, including prior to, during, or after the period that this Facility Sublease is in full force and effect. Notwithstanding the preceding sentence, the Participating County will not be required to indemnify, defend or hold harmless an Indemnified Party from any claim which arises, in whole or in part, from the gross negligence or willful misconduct or omission of such Indemnified Party. The indemnification obligations of the Participating County set forth in this Section shall survive any termination of this Facility Sublease.

SECTION 21. Law Governing. This Facility Sublease shall be governed exclusively by the provisions hereof and by the laws of the State of California as the same from time to time exist. Any action or proceeding to enforce or interpret any provision of this Facility Sublease shall, to the extent permitted by law, be brought, commenced or prosecuted in the courts of the State located in the County of Sacramento, California.

SECTION 22. Headings. All section headings contained in this Facility Sublease are for convenience of reference only and are not intended to define or limit the scope of any provision of this Facility Sublease.

SECTION 23. Notices. All approvals, authorizations, consents, demands, designations, notices, offers, requests, statements or other communications hereunder by either party to the other shall be in writing and shall be sufficiently given and served upon the other party if delivered personally or if mailed by United States registered or certified mail, return receipt requested, postage prepaid, and addressed as follows:

To the Department:

Department of Corrections and Rehabilitation  
of the State of California  
9838 Old Placerville Road, Suite B  
Sacramento, CA 95827  
Attention: Director, Facility Planning, Construction  
& Management

To the Board:

State Public Works Board  
915 "L" Street, 9th Floor  
Sacramento, CA 95814  
Attention: Executive Director

To the State Treasurer:

Treasurer of the State of California  
Public Finance Division  
915 Capitol Mall, Room 261  
Sacramento, CA 95814  
Attention: Director, Public Finance Division

To the Participating County:

County of San Diego  
1600 Pacific Highway  
San Diego, CA, 92101  
Attention: County Administrative Officer

The address to which notices shall be mailed as aforesaid to any party may be changed by written notice given by such party to the others as hereinabove provided.

SECTION 24. Successors and Assigns. The terms and provisions hereof shall extend to and be binding upon and inure to the benefit of the successors and assigns of the respective parties hereto.

SECTION 25. Validity and Severability. If for any reason this Facility Sublease or any part thereof shall be held by a court of competent jurisdiction to be void, voidable, or unenforceable by the Department or by the Participating County, all of the remaining terms of this Facility Sublease shall nonetheless continue in full force and effect. If for any reason it is held by such a court that any of the covenants and conditions of the Participating County hereunder, including the covenant to pay rentals hereunder, is unenforceable for the full term hereof, then and in such event this Facility Sublease is and shall be deemed to be a lease from year to year under which the rentals are to be paid by the Participating County annually in consideration of the right of the Participating County to possess, occupy and use the Facility, and all the other terms, provisions and conditions of this Facility Sublease, except to the extent that such terms, provisions and conditions are contrary to or inconsistent with such holding, shall remain in full force and effect, to the extent permitted by law.

SECTION 26. Execution. This Facility Sublease may be executed in any number of counterparts, each of which shall be deemed to be an original, but all of which together shall constitute one and the same Facility Sublease. It is also agreed that separate counterparts of this Facility Sublease may separately be executed by the Department, the Participating County and any other signatory hereto, all with the same force and effect as though the same counterpart had been executed by the Department, the Participating County and such other signatory.

SECTION 27. Multiple Originals. This Facility Sublease may be executed in any number of originals, each of which shall be deemed to be an original.

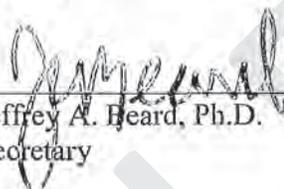
SECTION 28. Net Lease. This Facility Sublease shall be deemed and construed to be a "net lease" and the Participating County hereby agrees that the rentals provided for herein shall be an absolute net return to the Department, free and clear of any expenses, charges or set-offs whatsoever.

SECTION 29. Board as Third Party Beneficiary. The Board is a third party beneficiary of this Facility Sublease.

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IN WITNESS WHEREOF, the Department and the Participating County have caused this Facility Sublease to be executed by their respective officers thereunto duly authorized, all as of the day and year first above written.

DEPARTMENT OF CORRECTIONS AND  
REHABILITATION OF THE STATE OF  
CALIFORNIA

By:   
Name: Jeffrey A. Beard, Ph.D.  
Title: Secretary

APPROVED (Pursuant to Government Code  
section 11005.2):

DEPARTMENT OF GENERAL SERVICES OF  
THE STATE OF CALIFORNIA

By: \_\_\_\_\_  
Name: Michael Butler  
Title: Chief Real Property Services Section

CONSENT AND ACKNOWLEDGEMENT OF  
THE BOARD:

STATE PUBLIC WORKS BOARD OF THE  
STATE OF CALIFORNIA

By: \_\_\_\_\_  
Name: Stephen Benson  
Title: Deputy Director

STATE OF CALIFORNIA

COUNTY OF SACRAMENTO

On October 22, 2014, before me, KRYSTAL POWELL, Notary Public, personally appeared Jeffrey A. Beard, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/hers/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal

  
SIGNATURE OF NOTARY PUBLIC



EXAMINE

IN WITNESS WHEREOF, the Department and the Participating County have caused this Facility Sublease to be executed by their respective officers thereunto duly authorized, all as of the day and year first above written.

DEPARTMENT OF CORRECTIONS AND  
REHABILITATION OF THE STATE OF  
CALIFORNIA

By: \_\_\_\_\_  
Name: Jeffrey A. Beard, Ph.D.  
Title: Secretary

APPROVED (Pursuant to Government Code  
section 11005.2):

DEPARTMENT OF GENERAL SERVICES OF  
THE STATE OF CALIFORNIA

By:   
Name: Michael Butler  
Title: Chief Real Property Services Section

CONSENT AND ACKNOWLEDGEMENT OF  
THE BOARD:

STATE PUBLIC WORKS BOARD OF THE  
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By: \_\_\_\_\_  
Name: Stephen Benson  
Title: Deputy Director

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DEPARTMENT OF CORRECTIONS AND  
REHABILITATION OF THE STATE OF  
CALIFORNIA

By: \_\_\_\_\_  
Name: Jeffrey A. Beard, Ph.D.  
Title: Secretary

APPROVED (Pursuant to Government Code  
section 11005.2):

DEPARTMENT OF GENERAL SERVICES OF  
THE STATE OF CALIFORNIA

By: \_\_\_\_\_  
Name: Michael Butler  
Title: Chief Real Property Services Section

CONSENT AND ACKNOWLEDGEMENT OF  
THE BOARD:

STATE PUBLIC WORKS BOARD OF THE  
STATE OF CALIFORNIA

By: Stephen N. Benson  
Name: Stephen Benson  
Title: Deputy Director

COUNTY OF SAN DIEGO

By: *April F. Heinze*  
Name: April F. Heinze, PE  
Title: Director, Department of General Services

APPROVED AS TO FORM:

Thomas E. Montgomery  
County Counsel

By: *Thomas E. Montgomery*  
Name: Thomas E. Montgomery  
Title: County Counsel

EXAMPLE

STATE OF CALIFORNIA

COUNTY OF SAN DIEGO

SS

On 10-23-14, before me, ANGELA JACKSON-LLAMAS, Deputy County Clerk in and for said County and State personally appeared April F. Heinze

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies) and by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Ernest J. Dronenburg, Jr.,  
County Assessor, Recorder, County Clerk

  
ANGELA JACKSON-LLAMAS- Deputy

CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in the Facility conveyed under the foregoing to the County of San Diego, a political subdivision duly organized under the laws of the State of California, is hereby accepted by the undersigned officer or agent on behalf of the Board of Supervisors of the County of San Diego, pursuant to authority conferred by resolution of the Board of Supervisors adopted on September 23, 2014 and the grantee consents to recordation thereof by its duly authorized officer.

Dated: October 23, 2014

COUNTY OF SAN DIEGO

By: \_\_\_\_\_

Name: April F. Heinze, PE

Title: Director, Department of General Services

EXHIBIT A

LEGAL DESCRIPTION OF SITE  
SAN DIEGO JAIL

Parcel No. 2013-0171-A

(9-07-2013)

That portion of the Remainder Parcel of Parcel Map No. 20177, in the County of San Diego, State of California according to Parcel Map thereof filed in the Office of the County Recorder of said County, December 21, 2006 as instrument 2006-0905062, more particularly described as follows:

BEGINNING at the Northwest corner of said Remainder Parcel of said Parcel Map 20177, also being the Southerly 51 foot half width sideline of Riverview Parkway as shown on said Parcel Map.;  
THENCE along the Northerly line of said remainder parcel and said sideline, South 89°27'57" East, 851.84 feet to the beginning of a tangent 1349 foot radius curve concave Southerly;  
THENCE continuing along the Northerly line of said remainder parcel line and the Southerly sideline of said roadway, Easterly along the arc of said curve through a central angle of 12°32'02", an arc distance of 295.10 feet;  
THENCE continuing along the Northerly line of said remainder parcel line and the Southerly sideline of said roadway, tangent to said curve, South 76°55'55" East, 114.24 feet;  
THENCE leaving the Northerly line of said remainder parcel line and the Southerly sideline of said roadway, South 06°11'22" East, 198.57 feet;  
THENCE South 01°30'36" West, 297.89 feet;  
THENCE South 05°27'52" West, 389.08 feet;  
THENCE South 12°24'57" East, 332.78 feet;  
THENCE South 01°43'22" West, 259.86 feet to the Southerly line of said Remainder Parcel;  
THENCE along said Southerly line, North 88°16'38" West, 729.15 feet to the centerline of Cottonwood Avenue as said road is shown in Map 817 filed in said County Recorder's Office;  
THENCE leaving said Southerly line, North 03° 01' 15" East, 307.30 feet;  
THENCE North 21° 39' 38" East, 210.76 feet;  
THENCE North 68° 05' 20" West, 77.99 feet;  
THENCE North 21° 39' 38" East, 221.62 feet;  
THENCE South 68° 05' 20" East, 71.80 feet;  
THENCE North 21° 39' 38" East, 113.92 feet;  
THENCE North 68° 05' 20" West, 173.41 feet;  
THENCE North 01° 50' 17" East, 242.66 feet;  
THENCE North 87° 31' 24" West, 93.66 feet;  
THENCE South 51° 07' 19" West, 13.91 feet to the beginning of a non-tangent 13.50 foot radius curve, concave Southeasterly, a radial to said curve at said point bears North 11° 42' 45" East;  
THENCE Westerly and Southwesterly along the arc of said curve, through a central angle of 101° 10' 39" a distance of 23.84 feet;  
THENCE South 51° 07' 19" West, 123.31 feet;  
THENCE North 38 04' 45" West, 54.32 feet;  
THENCE North 85 16' 31" West, 27.32 feet;  
THENCE North 42 14' 44" West, 62.08 feet;  
THENCE North 87 32' 23" West, 279.35 feet;  
THENCE South 66 03' 42" West, 43.78 feet to a point on the Westerly line of said remainder parcel;  
THENCE along the Westerly line of said remainder parcel, North 01°45'11" East, 400.00 feet to the POINT OF BEGINNING.

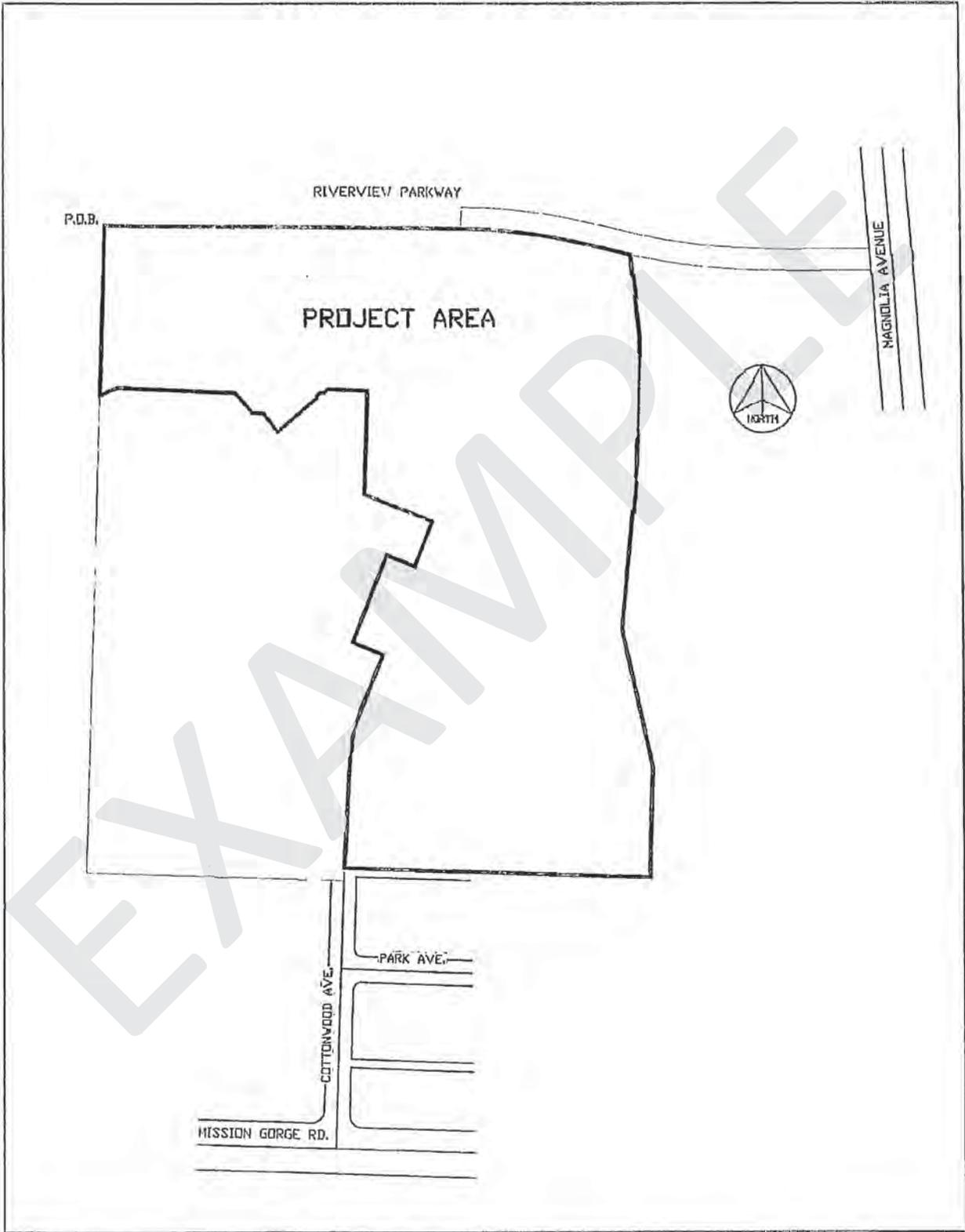
Said described parcel contains 28.05 acres, more or less, subject to any and all easements, reservations, restrictions and conveyances of record.

SHT 1 OF 1



A-1

**Map of Site  
San Diego Jail**



LEGAL DESCRIPTION OF PROJECT DRIVEWAY  
SAN DIEGO JAIL

Parcel No. 2009-0171-C

(9-07-13)

That portion of the Remainder Parcel of Parcel Map No. 20177, in the County of San Diego, State of California according to Parcel Map thereof filed in the Office of the County Recorder of said County, December 21, 2006 as instrument 2006-0905062, being a private access easement 51 feet in width, also a portion of the Southerly 51 foot wide half width of Riverview Parkway as dedicated to and accepted by the City of Santee on said Parcel Map 20177, the Southerly line of said strip being more particularly described as follows:

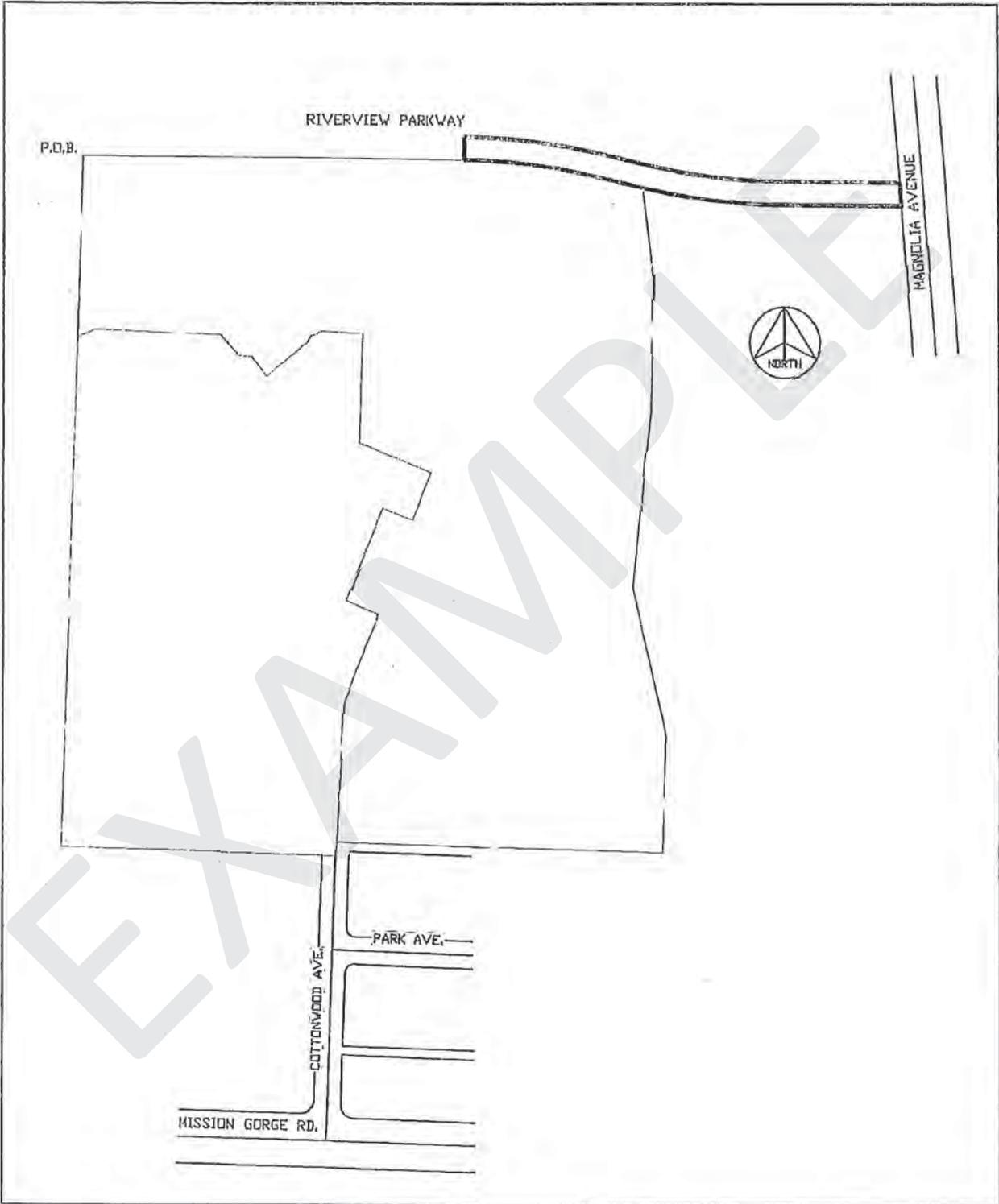
COMMENCING at the Northeasterly corner of Parcel 6 of said Parcel Map 20177;  
THENCE Easterly along the Southerly line Of Riverview Parkway per said Parcel Map 20177, a distance of 851.84 feet to the TRUE POINT OF BEGINNING;  
THENCE continuing along the Southerly line of said Riverview Parkway, TERMINATING at the Westerly 51 foot half width sideline of Magnolia Avenue as shown on said Parcel Map 20177.

Said described parcel contains 2 acres, more or less, subject to any and all easements, reservations, restrictions and conveyances of record.



SHT 1 OF 1

**Map of Project Driveway  
San Diego Jail**





SENATE BILL 863, ADULT LOCAL  
CRIMINAL JUSTICE FACILITIES  
CONSTRUCTION FINANCING PROGRAM  
PROPOSAL FORM

*This document is not to be reformatted.*

**SECTION 1: PROJECT INFORMATION**

<b>A. APPLICANT INFORMATION AND PROPOSAL TYPE</b>				
COUNTY NAME Butte County		STATE FINANCING REQUESTED \$ 40,000,000		
SMALL COUNTY (200,000 and UNDER GENERAL COUNTY POPULATION) <input type="checkbox"/>	MEDIUM COUNTY (200,001 - 700,000 GENERAL COUNTY POPULATION) <input checked="" type="checkbox"/>	LARGE COUNTY (700,001 + GENERAL COUNTY POPULATION) <input type="checkbox"/>		
TYPE OF PROPOSAL – INDIVIDUAL COUNTY FACILITY /REGIONAL FACILITY PLEASE CHECK ONE (ONLY):				
INDIVIDUAL COUNTY FACILITY <input checked="" type="checkbox"/>		REGIONAL FACILITY <input type="checkbox"/>		
<b>B: BRIEF PROJECT DESCRIPTION</b>				
FACILITY NAME Butte County Jail				
PROJECT DESCRIPTION Butte County Jail 96-Bed Replacement and 38-Mental/Medical Health Bed Expansion Project				
STREET ADDRESS 33 County Center Drive				
CITY Oroville		STATE CA	ZIP CODE 95965	
<b>C. SCOPE OF WORK – INDICATE FACILITY TYPE AND CHECK ALL BOXES THAT APPLY.</b>				
FACILITY TYPE (II, III or IV) II	<input checked="" type="checkbox"/> NEW STAND-ALONE FACILITY	<input type="checkbox"/> RENOVATION/ REMODELING	<input type="checkbox"/> CONSTRUCTING BEDS OR OTHER SPACE AT EXISTING FACILITY	
<b>D. BEDS CONSTRUCTED – Provide the number of BSCC-rated beds and non-rated special use beds that will be subject to construction as a result of the project, whether remodel/renovation or new construction.</b>				
	A. MINIMUM SECURITY BEDS	B. MEDIUM SECURITY BEDS	C. MAXIMUM SECURITY BEDS	D. SPECIAL USE BEDS
Number of beds constructed		48	48	38
TOTAL BEDS (A+B+C+D)	134			

**E. APPLICANT'S AGREEMENT**

By signing this application, the authorized person assures that: a) the County will abide by the laws, regulations, policies, and procedures governing this financing program; and, b) certifies that the information contained in this proposal form, budget, narrative, and attachments is true and correct to the best of his/her knowledge.

**PERSON AUTHORIZED TO SIGN AGREEMENT**

NAME **Kory Honea** TITLE **Sheriff**

AUTHORIZED PERSON'S SIGNATURE



DATE **7/10/2015**

**F. DESIGNATED COUNTY CONSTRUCTION ADMINISTRATOR**

This person shall be responsible to oversee construction and administer the state/county agreements. (Must be county staff, not a consultant or contractor, and must be identified in the Board of Supervisors' resolution.)

**COUNTY CONSTRUCTION ADMINISTRATOR**

NAME **Grant Hunsicker** TITLE **Director**

DEPARTMENT **General Services** TELEPHONE NUMBER **530-538-2511**

STREET ADDRESS **2081 2nd street**

CITY **Oroville** STATE **CA** ZIP CODE **95965** E-MAIL ADDRESS **ghunsicker@buttecounty.net**

**G. DESIGNATED PROJECT FINANCIAL OFFICER**

This person is responsible for all financial and accounting project related activities. (Must be county staff, not a consultant or contractor, and must be identified in the Board of Supervisors' resolution.)

**PROJECT FINANCIAL OFFICER**

NAME **Meegan Jessee** TITLE **Deputy Administrative Officer**

DEPARTMENT **Administration** TELEPHONE NUMBER **530-538-7632**

STREET ADDRESS **25 County Center Drive**

CITY **Oroville** STATE **CA** ZIP CODE **95965** E-MAIL ADDRESS

**H. DESIGNATED PROJECT CONTACT PERSON**

This person is responsible for project coordination and day-to-day liaison work with the BSCC. (Must be county staff, not a consultant or contractor, and must be identified in the Board of Supervisors' resolution.)

**PROJECT CONTACT PERSON**

NAME **Kory Honea** TITLE **Sheriff**

DEPARTMENT **Sheriff's Office** TELEPHONE NUMBER **530-538-7291**

STREET ADDRESS **33 County Center Drive**

CITY **Oroville** STATE **CA** ZIP CODE **95965** E-MAIL ADDRESS **Khonea@buttecounty.net**

## SECTION 2: BUDGET SUMMARY

### **Budget Summary Instructions**

Definitions of total project costs for purposes of this program (state reimbursed, county cash contribution, and county in-kind contribution) can be found in the “Budget Considerations” page 22 of the Senate Bill (SB) 863, Construction of Adult Local Criminal Justice Facilities (ALCJF’s) Request for Proposals (RFP). The county cash and in-kind contributions are collectively the county contribution. Those defined costs in the RFP shall be the guide for accurately completing this budget summary section.

In the Budget Summary Table that follows in part D of this section, indicate the amount of state financing requested and the amount of cash and/or in-kind contributions allotted to each budget line-item, in total defining the total project costs. It is necessary to fully include each eligible project cost for state-reimbursed, county cash, and county in-kind contribution amounts.

The in-kind contribution line items represent only county staff salaries and benefits, needs assessment costs, transition planning costs and/or current fair market value of land. An appraisal of land value will only be required after conditional award and only if land value is included as part of the county’s contribution.

The total amount of state financing requested cannot exceed 90 percent of the total project costs. The county contribution must be a minimum of 10 percent of the total project costs (unless the applicant is a small county petitioning for a reduction in the county contribution amount). County contributions can be any combination of cash or in-kind project costs. Small counties requesting a reduction in county contribution must state so in part A of this section. The County contribution must include all costs directly related to the project necessary to complete the design and construction of the proposed project, except for those eligible costs for which state reimbursement is being requested.

State financing limits (maximums) for all county proposals are as follows. For proposed regional ALCJF’s, the size of the lead county determines the maximum amount of funds to be requested for the entire project:

- **\$80,000,000** for large counties;
- **\$40,000,000** for medium counties; and,
- **\$20,000,000** for small counties.

**A. Under 200,000 Population County Petition for Reduction in Contribution**

Counties with a population below 200,000 may petition the Board of State and Community Corrections (BSCC) for a reduction in its county contribution. This proposal document will serve as the petition and the BSCC Board's acceptance of the county's contribution reduction, provided the county abides by all terms and conditions of this SB 863 RFP and Proposal process and receives a conditional award. The county (below 200,000 population) may request to reduce the required match to an amount not less than the total non-state reimbursable projects cost as defined in Title 15, Division 1, Chapter 1, Subchapter 6, Construction Financing Program section 1712.3. If requesting a reduction in match contribution, check the box below to indicate the county's petition.

**By checking this box the county hereby petitions for a contribution reduction request as reflected in the proposal budget.**

**B. Readiness to Proceed Preference**

In order to attest that the county is seeking the readiness to proceed with the proposed project, the county included a Board of Supervisors' resolution doing the following: 1) identifying and authorizing an adequate amount of available matching funds to satisfy the counties' contribution, 2) approving the forms of the project documents deemed necessary, as identified by the board to the BSCC, to effectuate the financing authorized in SB 863 3) and authorizing the appropriate signatory or signatories to execute those documents at the appropriate times. The identified matching funds in the resolution shall be compatible with the state's lease revenue bond financing. Additionally see Section 6 "Board of Supervisors' Resolution" for further instructions.

**This proposal includes a Board of Supervisors' Resolution that is attached and includes language that assures funding is available and compatible with state's lease revenue bond financing. See below for the description of compatible funds.**

County Cash Contribution Funds Are Legal and Authorized. The payment of the county cash contribution funds for the proposed adult local criminal justice facility project (i) is within the power, legal right, and authority of the County; (ii) is legal and will not conflict with or constitute on the part of the County a material violation of, a material breach of, a material default under, or result in the creation or imposition of any lien, charge, restriction, or encumbrance upon any property of the County under the provisions of any charter instrument, bylaw, indenture, mortgage, deed of trust, pledge, note, lease, loan, installment sale agreement, contract, or other material agreement or instrument to which the County is a party or by which the County or its properties or funds are otherwise subject or bound, decree, or demand of any court or governmental agency or body having jurisdiction over the County or any of its activities, properties or funds; and (iii) have been duly authorized by all necessary and appropriate action on the part of the governing body of the County.

No Prior Pledge. The county cash contribution funds and the Project are not and will not be mortgaged, pledged, or hypothecated by the County in any manner or for any purpose and have not been and will not be the subject of a grant of a security interest by the County. In addition, the county cash contribution funds and the Project are not and will not be mortgaged, pledged, or hypothecated for the benefit of the County or

its creditors in any manner or for any purpose and have not been and will not be the subject of a grant of a security interest in favor of the County or its creditors. The County shall not in any manner impair, impede or challenge the security, rights and benefits of the owners of any lease-revenue bonds sold by the State Public Works Board for the Project (the "Bonds") or the trustee for the Bonds.

Authorization to Proceed with the Project. The Project proposed in the County's SB 863 Financing Program proposal is authorized to proceed in its entirety when and if state financing is awarded for the Project within the SB 863 Financing Program.

**C. California Environmental Quality Act (CEQA) compliance**

Has the county completed the CEQA compliance for the project site?

- Yes. If so, include documentation evidencing the completion (preference points).**
- No. If no, describe the status of the CEQA certification.**

Draft

**D. Budget Summary Table (Report to Nearest \$1,000)**

LINE ITEM	STATE REIMBURSED	CASH CONTRIBUTION	IN-KIND CONTRIBUTION	TOTAL
1. Construction	\$ 35,480,000	\$ 1,000,000		\$ 36,480,000
2. Additional Eligible Costs*	\$ 1,156,000	\$ 1,890,000		\$ 3,046,000
3. Architectural	\$ 1,359,000	\$ 100,000		\$ 1,459,000
4. Project/Construction Management	\$ 1,989,000	\$ 200,000		\$ 2,189,000
5. CEQA	\$ 0	\$ 0		\$ 0
6. State Agency Fees**	\$ 16,000	\$ 125,000		\$ 141,000
7. Audit		\$ 32,000	\$ 0	\$ 32,000
8. Needs Assessment		\$ 18,000	\$ 0	\$ 18,000
9. Transition Planning		\$ 0	\$ 250,000	\$ 250,000
10. County Administration			\$ 330,000	\$ 330,000
11. Land Value			\$ 500,000	\$ 500,000
<b>TOTAL PROJECT COSTS</b>	<b>\$ 40,000,000</b>	<b>\$ 3,365,000</b>	<b>\$ 1,080,000</b>	<b>\$ 44,445,000</b>
<b>PERCENT OF TOTAL</b>	<b>90.00%</b>	<b>7.57%</b>	<b>2.43%</b>	<b>100.00 %</b>

\* Additional Eligible Costs: This line item is limited to specified fees and moveable equipment and moveable furnishings (eligible for state reimbursement or cash contribution), and public art (eligible for cash contribution only)

\*\* For State Agency Fees: State reimbursable costs include Real Estate Due Diligence only. State Fire Marshal fees may only be claimed as cash match.

Provide an explanation below of how the dollar figures were determined for each of the budget categories above that contain dollar amounts. Every cash contribution (match) line item shall be included with a reporting of the full amount budgeted unless a line item is not an actual cash contribution project cost for the county. (In that case, indicate so below.) For each budget category explanation below, include how state financing and the county contribution dollar amounts have been determined and calculated (be specific).

- 1. Construction (includes fixed equipment and furnishings) (state reimbursement/cash match):** Construction cost based on programmatic estimate of a stand-alone facility north of the existing jail connecting to the existing secure corridor system. The project includes 36 special population beds for treatment of inmates with medical and mental health issues, a new medical and dental clinic, 96 beds to replace existing substandard linear open-bar cells, a variety of program treatment rooms, new central control and intake area. Construction cost is estimated at \$36,480,000 with \$35,480,000 provided by the state and \$1,000,000 in cash match provided by the county.

2. **Additional Eligible Costs (specified allowable fees, moveable equipment and furnishings, and public art)**
  - a) **Define each allowable fee types and the cost of each:** Fees are estimated at \$1,156,000 based on the history of similar projects. Fee allocations include: \$182,000 for building permits, \$125,000 for water connection, \$169,000 for sewer connection, \$24,000 for Stormwater Pollution Preventive Plan (SWPPP), \$300,000 for construction inspections, \$178,000 for construction testing, and \$178,000 for commissioning. These fees are to be provided by the state.
  - b) **Moveable equipment and moveable furnishings total amount:** FF&E is estimated at \$1,890,000 based on a history of similar detention projects. This cost will be provided as cash match provided by the county.
  - c) **Public art total amount:** There are no public art costs associated with the project.
  
3. **Architectural(state reimbursement/cash match):**
  - a) **Describe the county's current stage in the architectural process:** With a consultant, the county developed a conceptual plan for the proposed project. The project will be Design-Build and the performance criteria architect has not been selected yet.
  - b) **Given the approval requirements of the State Public Works Board (SPWB) and associated state reimbursement parameters (see "State Lease Revenue Bond Financing" section in the RFP), define which portions/phases of the architectural services the county intends to seek state dollar reimbursement:** The county intends to seek state reimbursement for the majority of the architectural services for development of the performance criteria.
  - c) **Define the budgeted amount for what is described in b) above:** Architectural fees for the development of performance criteria are calculated at \$1,459,000.
  - d) **Define which portion/phases of the architectural services the county intends to cover with county contribution dollars:** The county intends to provide cash contribution for a portion of the development of performance criteria.

**Define the budgeted amount for what is described in d) above:** \$1,459,000 total cost with \$1,359,000 provided by the state and \$100,000 provided as cash contribution by the county.
  
4. **Project/Construction Management - Describe which portions/phases of the construction management services the county intends to claim as:**
  - a) **Cash:** The County has contracted for Project/Construction Management during concept planning phase for Cash Contribution of \$150,000. The County plans to contract with Project/Construction Management from the solicitation of design-build entity phase through construction completion phase for Cash Contribution of \$50,000 and \$1,989,000 of State Reimbursed cost for a total cost of \$2,189,000.
  - b) **In-Kind:** N/A per Budget Summary Table.
  
5. **CEQA – may be state reimbursement (consultant or contractor) or cash match \$0 – CEQA is complete.**
  
6. **State Agency Fees – Counties should consider approximate costs for the SFM review which may be county cash contribution (match). \$16,000 for the due diligence costs which may be county cash contribution (match) or state**

**reimbursement.** \$16,000 for due diligence provided as state reimbursement and \$125,000 for SFM fees provided as county cash contribution.

7. **Audit of Grant - Define whether the county is intending to use independent county auditor (in-kind) or services of contracted auditor (cash) and amount budgeted:** The county will use the services of a contracted auditor; this cost has been estimated at \$32,000 and will be provided as county cash contribution.
8. **Needs Assessment - Define work performed by county staff (in-kind), define hired contracted staff services specifically for the development of the needs assessment (cash match) :** The county hired an outside consultant to perform needs assessment services to support the application for \$18,000 and is shown as county cash contribution.
9. **Transition Planning – Define work performed by county staff (in-kind), define the staff hired specifically for the proposed project (cash match):** Transition planning will be performed by county staff and is estimated at \$250,000. The county will provide this service as in-kind contribution.
10. **County Administration – Define the county staff salaries/benefits directly associated with the proposed project.** County administrative costs for the project have been estimated at \$330,000 and include the cost of a full time General Services project manager with staff support and associated costs from other departments, including the Sheriff's Office. County administration is listed as in-kind contribution.
11. **Site Acquisition - Describe the cost or current fair market value (in-kind):** The county owns the project site. The site was recently appraised at \$500,000 fair market value.

## SECTION 3: PROJECT TIMETABLE

Prior to completing this timetable, the county must consult with all appropriate county staff (e.g., county counsel, general services, public works, county administrator) to ensure that dates are achievable. Please consult the “State Public Works Board (State Capital Outlay Process)/Board of State and Community Corrections Processes and Requirements” section, page 30 of the RFP for further information. Complete the table below indicating start and completion dates for each key event, including comments if desired. Note the required time frames for specific milestone activities in this process. The BSCC Board intends to make conditional awards at its November 2015 board meeting.

KEY EVENTS	START DATES	COMPLETION DATES	COMMENTS
Site assurance/comparable long-term possession <u>within 90 days of award</u>	8/28/2015	8/28/2015	Included with proposal
Real estate due diligence package submitted <u>within 120 days of award</u>	11/13/2015	3/11/2016	To be submitted upon notification of conditional award
SPWB meeting – Project established <u>within 18 months of award</u>	11/13/2015	3/11/2016	
Schematic Design with Operational Program Statement <u>within 24 months of award</u> (design-bid-build projects)			N/A Design Build Project
Performance criteria with Operational Program Statement <u>within 30 months of award</u> (design-build projects)	3/11/2016	5/11/2017	10 months for Criteria Design and 4 months for BSCC approval and Finance action to approve RFP
Design Development (preliminary drawings) with Staffing Plan			N/A Design Build Project
Staffing/Operating Cost Analysis approved by the Board of Supervisors	3/11/2016	5/11/2017	
Construction Documents (working drawings)			N/A Design Build Project
Construction Bids or Design-Build Solicitation	5/11/2017	5/11/2018	Includes Finance Action to award Design Build contract
Notice to Proceed <u>within 42 months of award</u>	5/11/2018	5/11/2018	30 months after award
Construction (maximum three years to complete)	5/11/2018	5/11/2020	24 months to complete
Staffing/Occupancy <u>within 90 days of completion</u>	5/11/2020	8/10/2020	

## SECTION 4: FACT SHEET

To capture key information from Section 5: Narrative, applicants must complete this Fact Sheet. Minimal information is requested. Narrative information or explanations are not to be included on this Fact Sheet nor as part of the tables in this section. Explanations of what is provided in these tables may be included in the Narrative section of the Proposal Form. Proposal narratives may include reference back to one or more of these specific tables (e.g., refer to Table 4 in Section 4 Fact Sheet).

**Table 1: Provide the following information**

1.	County general population	220,000
2.	Number of detention facilities	1
3.	BSCC-rated capacity of jail system (multiple facilities)	614
4.	ADP (Secure Detention) of system – 2014 Average	587
5.	ADP (Alternatives to Detention) of system – 6/25/15 ‘Snapshot’	487
6.	Percentage felony inmates of system – 2014 Average	94%
7.	Percentage non-sentenced inmates of system – 1/1/13 through 12/31/13 Average	68.4%
8.	Arrests per month – 2013 Average	853
9.	Bookings per month of system – 2014 Average	999
10.	“Lack of Space” releases per month – 2014 Average	154

**Table 2: Provide the name, BSCC-rated capacity (RC) and ADP of the adult detention facilities (type II, III, and IV) in your jurisdiction (county)**

	Facility Name	RC	ADP
1.	Butte County Jail	614	587
2.	Butte Court Holding	0	N/A
3.			
4.			
5.			
6.			
7.			
8.			

**Table 3: List the current offender programming in place and the ADP in each program**

<b>Pre-Trial Program</b>		<b>ADP</b>
1.	Pretrial Release Program	139
2.		
3.		
4.		
5.		
6.		
<b>Sentences Offender Program</b>		<b>ADP</b>
1.	Sheriff's Work Alternative Program (SWAP)	131
2.	Alternative Custody Supervision Program (ACS)	137
3.	Day Reporting Center – Evidence Based Counseling Classes	75
4.	Sheriff's Parole	5
5.		
6.		

**Table 4: List of the offender assessments used for determining programming**

<b>Assessment tools</b>		<b>Assessments per Month</b>
1.	Ohio Pretrial Risk Assessment Instrument (ORAS)	353
2.	Static Risk Offender Needs Guide (STRONG)	20
3.		
4.		
5.		
6.		

## SECTION 5: NARRATIVE

Section 5 is limited to 35 pages and must be double-spaced with one-inch margins. All narrative (Section 5) must use no smaller than 12-point Arial font and be ordered in the 6 subject areas listed below. If the narrative can be written in less than the maximum 35 pages, please do so (avoid “filler”). Pictures, charts, illustrations, or diagrams are encouraged in the narrative. Data sources must be identified.

If the project is for a regional ALCJF (must meet the requirements outlined in the “Eligible Projects” section, “Limit on Number of Projects/Set Asides” (pages 9 and 10) section of the RFP), clearly indicate so. Include the names of the partnering counties and their individual data that support the project and respond to the requested narrative points.

The Proposal structure is designed so county applicants can demonstrate how their proposed project meets the need for ALCJFs as stated in SB 863, and how proposed expenditures of public funds meet the identified need and are justified. The presentation of information about the proposed project should allow both applicants and raters to make a step-by-step connection between the need addressed by the project and its associated budget request. The raters will ask many questions about the proposed project as they evaluate, including but not limited to:

- What need is the project designed to meet?
- What construction work does the county propose is necessary to meet this need?
- How will offender programming and/or treatment be served in the proposed new or renovated facility?
- What is the county plan of action to accomplish the legal, design, and build steps required for this project?
- What is the total project cost, what are the funding sources, and how will the county allocate expenditures of these funds?
- Will the county be prepared to proceed with the project in a timely manner if financing is approved?

SB 863 describes the purpose for which ALCFJ construction financing is to be awarded. Additionally, the legislation states specific factors to be considered in assessing how well a proposal suits those purposes. In each section of the proposal, the rater (1) assesses how well the narrative addresses the general merit factors that apply to this section, and (2) assesses special factors mentioned in the SB 863 legislation as criteria for financing.

- a. General merit is assessed on a 13-point scale:
  - 0 Fails to meet minimum standards for financing
  - 1-3 Reaches minimum standards despite deficiencies
  - 4-6 Generally adequate
  - 7-9 Good
  - 10-12 Excellent
- b. Special merit factors are scored from 0 to 4; depending on the factor, it may be scored on a 0-4 range, or as yes/no (0/4), or in one case with 3 values (0, 2, 4).

For an ALCJF construction project, county applicants must answer the following questions:

**1. Statement of Need: What are the safety, efficiency, and offender programming and/or treatment needs addressed by this construction proposal? Please cite findings from the needs assessment (through 2019) submitted with this proposal.**

General Merit Factors

- A. To what extent does the need described in the proposal match the legislative intent of SB 863 (GC section 15820.933)?
- B. Does the applicant provide a compelling case for the use of state financing to meet this need?
- C. How well is the description of need supported by evidence provided by the applicant?

Special Factors:

- A. Has the applicant received financing under AB900 or SB1022?  
(SB 863-GC section 15820.936(b) scoring consideration)
- B. To what extent does the need include expanded program or treatment space?  
(SB 863-GC section 15820.936(c) funding consideration)

**2. Scope of Work: Describe the areas, if any, of the current facility to be replaced or renovated, and the nature of the renovation, including the number of cells, offices, classrooms or other programming/treatment spaces to be replaced or added and the basic design of the new or renovated units.**

General Merit Factors:

- A. How will the planned replacement, renovation, or new construction meet the needs described in Question 1 (Statement of Need)?
- B. How well does the proposed project plan suit general operational requirements for the type of facility in the proposal, including factors such as safety, security and efficiency?
- C. Where applicable, how well does the proposed project meet specific needs for programming and treatment space?

Special factors (GC section 15820.936(c)):

- A. How feasible is the county plan for seeking to replace compacted, outdated, or unsafe housing capacity; or, (SB 863-funding consideration)

How feasible is the county plan for seeking to renovate existing or build new facilities that provide adequate space for the provision of treatment and rehabilitation services, including mental health treatment? (SB 863-funding consideration)

Note: Raters will award special points on the feasibility of the plan for replacing unsafe housing, providing adequate treatment space, or both.

**3. Programming and Services. Describe the programming and/or treatment services currently provided in your facility. Provide the requested data on pretrial inmates and risk-based pretrial release services. Describe the facilities or services to be added as a result of the proposed construction; the objectives of the facilities and services; and the staffing and changes in staffing required to provide the services.**

**General Merit Factors:**

- A. How clearly described are the facility's current programming and/or treatment services?
- B. If improvements to programming and/or treatment services are expected as a result of the planned construction project:
  - Are the improvements to programming and/or treatment services clearly described?
  - How strong is the evidence provided by the applicant that the programming and/or treatment services planned for inmates upon project completion will help reduce recidivism or meet inmates' health and treatment needs while incarcerated?
- C. If improvements are designed to replace compacted, outdated, or unsafe housing capacity:
  - Are the improvements to housing deficiencies clearly described?
  - To what extent will the deficiencies be remedied by the proposed construction?
- D. How thorough are operational objectives met by the staffing plan and lines of authority (including interagency partnerships, if relevant) in program and treatment management?

**Special Factors**

- A. The county provided documentation that states the percentage of its inmates on pretrial status between January 1, 2013 and December 31, 2013?  
(SB 863- GC section 15820.936(b), mandatory criterion)
- B. A description of the county risk-assessment-based pretrial release program is provided in the narrative of question 3.  
(SB 863- GC section 15820.936(b), mandatory criterion)

- 4. Administrative Work Plan: Describe the steps required to accomplish this project. Include a project schedule, and list the division/offices including personnel that will be responsible for each phase of the project, and how it will be coordinated among responsible officials both internally and externally.**

General Merit Factors:

- A. How clearly described are the elements of the work plan: timeline, assigned responsibilities, and coordination?
- B. Can the scope of work described in Question 2 (Scope of Work) feasibly be accomplished within the time allotted?

- 5. Budget Narrative. Describe the amounts and types of funding proposed and why each element is required to carry out the proposed project. Describe how the county will meet its funding contribution (match) requirements for all project costs in excess of the amount of state financing requested and how operational costs (including programming costs) for the facility will be sustained.**

General Merit Factors:

- A. Is the allocation of effort in the budget appropriately matched to the objectives described for the project under need, scope of work, offender treatment and programming, and administrative work plan?
- B. Are the budgeted costs an efficient use of state resources?
- C. Rate the applicant's plan for sustaining operational costs, including programming over the long term.

**6. Readiness to Proceed**

- A. Did the county provide a board resolution: 1) authorizing an adequate amount of available matching funds to satisfy the counties' contribution 2) approving the forms of the project documents deemed necessary, as identified by the board (SPBW) to the BSCC, to effectuate the financing authorized by the legislation, 3) authorizing the appropriate signatory or signatories to execute those documents at the appropriate times. The matching funds mentioned in the resolution shall be compatible with the state's lease revenue bond financing. See page 4 of the Proposal Form for the definition of "compatible funds". (SB-863 funding preference (GC section 15820.936(b)))

Note: Finance and the SPWB will ultimately make the final determination of any fund source's compatibility with the SPWB's lease revenue bond financing.

- B. Did the county provide documentation evidencing CEQA compliance has been completed? Documentation of CEQA compliance shall be either a final Notice of Determination or a final Notice of Exemption, as appropriate, and a letter from county counsel certifying the associated statute of limitations has expired and either no challenges were filed or identifying any challenges filed and explaining how they have been resolved in a manner that allows the project to proceed as proposed. (SB 863-funding preference, GC section 15820.936(b))

The evaluation factors to be used and the maximum points that will be allocated to each factor are shown in the table below.

EVALUATION FACTOR		Scoring Method	Max Pts	Section Max	Weight	Total
1.	Statement of Need	0-12	12	20	1.2	<b>24</b>
	SF A: Past Financing	0,2,4	4			
	SF B: Need expanded program/treatment space	0-4	4			
2.	Scope of Work	0-12	12	16	1	<b>16</b>
	SF A/B: Feasible plan to replace compacted housing/expand program/treatment space	0-4	4			
3.	Offender Programming and Services	0-12	12	20	1.5	<b>30</b>
	SF A: Documents pretrial inmate percentage	0/4	4			
	SF B: Describes risk assessment-based pretrial release process	0/4	4			
4.	Administrative Work Plan	0-12	12	12	1	<b>12</b>
5.	Budget Narrative	0-12	12	16	1	<b>12</b>
6.	A. Readiness: Board Resolution	0/12	12	24	1	<b>24</b>
	B. Readiness: CEQA Compliance	0/12	12			
<b>TOTAL POINTS</b>			<b>84</b>	<b>104</b>		<b>118</b>

Notes:

SF Special Factor  
0-12 Scored on a 0 to 12 pt. range  
0, 2, 4 0- funded under AB900 or SB1022;  
2- partially funded or award returned;  
4- no financing or awards under AB900 or SB1022  
0-4 Scored on a 0 to 4 pt. range  
0/4 Scored 4 if pass, 0 if fail  
0/12 Scored 12 if pass, 0 if fail

## SECTION 6: BOARD OF SUPERVISORS' RESOLUTION

All counties applying for SB 863 financing must include a Board of Supervisors' resolution with the proposal submittal. The resolution must include the requisite components as outlined below. For counties submitting multiple proposals (which requires participation in a regional ALCJF as described in the RFP), separate resolutions for each proposal, with the necessary language contained in each resolution, are required.

**The Board of Supervisors' resolution for the project shall be attached to the original proposal and contain the following:**

- A. Names, titles, and positions of county construction administrator, project financial officer, and project contact person.
- B. Approving the forms of the project documents deemed necessary, as identified by the board (SPBW) to the BSCC, to effectuate the financing authorized by the legislation.
- C. Authorization of appropriate county official to sign the applicant's Agreement and submit the proposal for funding.
- D. Assurance that the county will adhere to state requirements and terms of the agreements between the county, the BSCC, and the SPWB in the expenditure of state financing and county match funds.
- E. Assurance that authorizes an adequate amount of available matching funds to satisfy the counties' contribution. The identified matching funds in the resolution shall be compatible with the states' lease revenue bond financing. (see page 4 of this form for description of compatible funds)
- F. Assurance that the county will fully and safely staff and operate the facility that is being constructed (consistent with Title 15, California Code of Regulations, Chapter 1, Subchapter 6 section 1756 (j) 5) within 90 days after project completion.
- G. All projects shall provide the following site assurance for the county facility at the time of proposal or not later than 90 days following the BSCC's notice of Intent to Award: 1) assurance that the county has project site control through either fee simple ownership of the site or comparable long-term possession of the site and right of access to the project sufficient to assure undisturbed use and possession of the site; and, 2) will not dispose of, modify the use of, or change the terms of the real property title, or other interest in the site of facility subject to construction, or lease the facility for operation to other entities, without permission and instructions from the BSCC, for so long as the SPWB lease-revenue bonds secured by the financed project remain outstanding.
- H. Attestation to \$500,000 as the current fair market land value for the proposed new or expanded facility. This can be claimed for on-site land value for new facility construction, on-site land value of a closed facility that will be renovated and reopened, or on-site land value used for expansion of an existing facility. It cannot be claimed for land value under an existing operational facility. (If claimed as in-kind

match, actual on-site land value documentation from an independent appraisal will be required as a pre-agreement condition.)

- I. Regional ALCJF projects only: A Board of Supervisors' resolution from the lead county in the regional partnership containing the items identified above, along with a Memorandum of Understanding (MOU) or Joint Powers Agreement (JPA) between each of the partner counties. Please consider the information about regional ALCJFs for the purposes of this funding program as described in the "Eligible Projects" section, "Limit on Number of Projects/Set Asides" sub-section of the RFP, before developing these documents. If preliminary MOUs and JPAs are submitted, final documents must be submitted within 90 days following the notification to the lead county of conditional Intent to Award state financing.

Note: Additionally, refer to "Section 5: Narrative - Readiness to Proceed."

Draft

## PROPOSAL CHECKLIST

- a. Page 1 of the Proposal Form is the first page of your proposal. Please use standard copy paper. Do not use heavyweight, card stock, or glossy paper. Covers, table of contents, introductory letters, tabs, or dividers are not allowed.
- b. The formal proposal includes the Proposal Form, narrative, and required attachments (needs assessment, board resolution, regional project MOU's or JPA's, one (1) additional attachment with a limit of 4 pages of schematics, graphs or charts) as a combined document.
- c. Provide one original proposal with Applicants Agreement signed by proper authority on page 2 section E.
- d. In addition to the wet signature original and 1 electronic copy (read only). The electronic version should be an Adobe Acrobat file (pdf) on a standard CD ROM.
- e. Two whole punch the top of the original copy of the proposal.
- f. Use a clip to secure the proposals. (Do not put proposals in binders or use staples.)
- g. The Arial font used for the proposal and the appendices can be no smaller than 12 point.
- h. The narrative for Sections 5 must be double-spaced with one-inch margins.
- i. The entire narrative (Section 5) cannot exceed 35 pages.
- j. The only attachments are the board resolution, needs assessment, regional project MOU's and JPA's, and one (1) attachment with a limit of four (4) pages of schematics, graphs or charts.
- k. Attach to the original proposal the Board of Supervisors' resolution (original or copy), fully executed, containing the language cited in Section 6 of the Proposal Form. Please include an additional copy of the resolution.
- l. Provide one copy of a needs assessment study (as described previously in the RFP) if the county intends to build a new facility or add bed space to an existing facility. Projects for renovation and program space only are not required to submit a separate needs assessment study but are required to comprehensively document the need for the project in the proposal.
- m. For regional ALCJFs, provide one copy of the MOU or JPA and the Board of Supervisors' resolution.

## 1. STATEMENT OF NEED

***What are the safety, efficiency, and offender programming and/or treatment needs addressed by this construction proposal? Please cite findings from the needs assessment (through 2019) submitted with this proposal.***

### **Summary**

*To improve safety and efficiency, the Butte County Sheriff's Office is proposing to build a new podular housing unit to replace 96 existing substandard beds in linear open-bar front cells and replace the inadequate and undersized intake/release unit with a new unit that will allow for the assessment, classification and appropriate separation of inmates with varying security needs. Financing of this construction is allowed funding consideration per SB 863 GC Section 15820.936(c).*

*Per the 2015 Needs Assessment Update, two other critically deficient areas in the jail include (1) inmate program space, and (2) medical/mental health/dental care. Currently, there is one inmate program space capable of holding 4 inmates; the proposed facility would provide four small group programs rooms capable of holding 4 inmates each and two large program rooms capable of holding up to 16 inmates each. The construction will include an increase in medical and mental health beds from 3 to 36 beds, which is allowed funding consideration per SB 863 GC Section 15820.936(c).*

The jail contains a total of 614 rated single, double-occupancy, and dormitory beds and bunks within two adjacent buildings – the Main Jail and the West Facility. The older, Main Jail has 198 custody beds which account for 32.2% of the jail's capacity. The West Facility has 416 custody beds which accounts for 67.8% of the facility's detention housing capacity. The jail only contains 31 single cells which represent 5% of the jail's total custody beds. The facility's remaining housing capacity is shared between double-occupancy cells

with 162 beds (26.4%) and dormitories with 421 beds (68.6%). Key inmate housing unit characteristics of the two facilities include:

- **Main Jail:** This older building has several rows of bar-front cells and dormitories which house females and is accessed from central corridors in a linear design. Due to the layout and poor sight lines, all inmate movement must be escorted which is staff intensive. Many services are located off a main hallway, which at times requires inmate and staff restrictions. Two 48-bed dormitories are located in wings off the western side of the Main Jail..
- **West Facility:** This building has two housing units with two tiers of cells and dormitories with a central dayroom in a podular design. One housing unit contains six dormitory-style custody units for medium classification inmates, while the second contains six celled units for higher security inmates. The inmates in this facility are all male.

Because of serious overcrowding, the County Jail has been operating under a second amendment to a 1985 Court Consent Decree limiting the inmate housing population. In order to address persistent overcrowding in the detention facility, the Sheriff's Office is forced to early-release significant numbers of felony and misdemeanor detainees because of the lack of custody housing. The Sheriff's Office has developed and implemented a wide array of alternatives to incarceration programs and case processing procedures which allows the jail system to function within the limits of available custody beds and bunks. Continued increases in inmate populations, particularly as a result of the State AB 109 Public Safety Realignment Act, seriously impacts crowding in the jail.

Compounding the inmate population pressure, the jail does not contain the number of medium, maximum, and special-use beds required to house the more criminally sophisticated and violent inmates, or those inmates who have mental health issues.

In addition, the jail's physical layout does not provide adequate space for programming or necessary inmate services, such as medical and mental health treatment, which are essential. For example, the jail only has a single multi-purpose (program) room, and one medical exam room to handle the entire male and female incarcerated populations. The program area is located in the West Facility and is not readily accessible for detainees in the Main Jail. ***As a result of these facility needs, the County is actively pursuing the construction of inmate programming and medical/mental health services space, as well as replacement custody housing. Butte County has not received financing under AB900 or SB1022.***

In 2013, the County completed a comprehensive Jail Needs Assessment Report which was updated this year.

The 2015 Needs Assessment Update compiled and analyzed historical jail inmate population trends which were used to prepare an updated jail inmate profile with average daily population (ADP) inmate projections through 2034, as well as identified the detention facility's physical plant and primary building system's strengths and weaknesses. This information was used to determine the continued operability and overall economic viability of the structure. The Assessment focused on factors that included (a) configuration and intended security levels, (b) defined uses of the facility, (c) physical condition of the building elements, (d) quality of the space, and (e) the ability to achieve intended security

and level of safety for staff and inmates, as well as compliance with Title 15 and 24 standards.

***Butte County Jail  
2015 Major Needs Assessment Findings and Conclusions***

**Safety**

- *Replace antiquated linear open bar-front housing in the 52-year-old Main Jail.*
- *Construct new generation housing capacity for changing inmate security custody profiles, classification needs, and eliminate overcrowding.*

**Efficiency**

- *Develop new generation direct visual supervision podular housing which meets “best practice” detention operational standards.*
- *Replace inadequate and undersized existing intake / release unit to allow for the separation of inmates with varying security needs.*

**Programming and Treatment**

- *Expand program space to accommodate treatment and evidence-based counseling to reduce recidivism while addressing individual inmate needs.*
- *Expand special-use beds and support staff areas which can be used for inmates with medical and serious mental health treatment needs.*

***Operationally, the Assessment found there are not enough beds / bunks to meet current custody security housing needs including special-use medical / mental health housing.***

To understand and identify space deficiencies, the consultant team used a summary breakdown for comparisons of the amount of interior square feet per rated bed in each functional use area from a database originally developed by the Board of State

and Community Corrections (BSCC). Information on seven (7) comparably-sized, newer jails was used for comparison purposes. The chart below shows that the Butte County Jail contains 173.9 gross square feet (gsf) of interior space per rated custody bed; less than half of the 462 gsf per rated bed for comparable, newer facilities built in California.

<b>Comparison of Butte County Jail Defined Interior Space Allocations With Other California County Medium-Sized Jails</b>				
<b>Functional Use Area/Space</b>	<b>Butte County Jail</b>		<b>Medium-Sized California County Jails</b>	
	<b>Gross Square Feet (GSF) Per Bed</b>	<b>Percent (%) of GSF Per Bed</b>	<b>Average GSF Per Bed</b>	<b>Percent (%) of GSF Per Bed</b>
1. Administration Area	19.1	11.0%	31.4	6.8%
2. Visiting / Lobby & Public Area	7.7	4.4%	16.8	3.6%
3. Food Service Area	8.3	4.8%	8.4	1.8%
4. Central Control Room	0.6	0.3%	1.3	0.3%
5. Maintenance / Storage / Mechanical / Electrical	9.3	5.3%	35.6	7.7%
6. Laundry	3.1	1.8%	1.3	0.3%
7. Intake Processing Area/Release	6.5	3.8%	44.4	9.6%
8. Medical/Mental Health/Dental Care	4.5	2.6%	29.4	6.4%
9. Classrooms and Program Space	1.8	1.0%	15.4	33.3%
10. Housing and Dayrooms	102.0	58.7%	234.4	50.8%
11. Interior Circulation	11.0	6.3%	43.6	9.4%
<b>Total (Indoor) Jail Space</b>	<b>173.9 GSF</b>	<b>100.0%</b>	<b>462.0 GSF</b>	<b>100.0%</b>

As an overall conclusion, the consultant team identified the following functional use areas as highly deficient: (1) *Housing and Dayrooms*, (2) *Classrooms and Program Space*, (3) *Medical/Mental Health / Dental*, and (4) *Intake Processing and Release Area*. Each of these areas are highly deficient in space as compared to the seven facilities in the database.

**Medical/Mental Health and Dental Care Space Needs**

Space for healthcare services is critical to a jail. This is where the medical, mental health, and dental screening for detainees occurs. Screening these detainees before they are housed can prevent unnecessary aggravation of their medical, dental, or mental health conditions, and can dramatically reduce the spread of infection to the rest of the inmate population.

Approximately 22 male and eight (8) female inmates (5% of the jail population) are in need of medical services each day. Between 18 to 30 inmates have medical practitioner contact daily. An average of 11 to 13 off-site medical transports take place each month. The behavioral healthcare clinicians report that between 46 and 51 jail inmates typically receive psychotropic medications, 8.6% of the jail's average daily population.

Currently, the jail has a small medical unit with only three cells. The jail lacks adequate medical and dental exam rooms and mental health services office space for treatment staff. There is one pod dedicated for inmates with mental health disorders, but that pod was not designed specifically for mental health treatment and lacks adequate space for programming and staff support area.

The medical and clinical spaces are undersized and inefficient. Spaces are not consolidated which makes this function staff-intensive. The clinic lacks appropriate waiting areas, ADA-compliance and acoustic privacy. The average square footage of medical / mental health space of similarly-sized detention facilities is 29.6 square feet per bed; the Butte jail has just 4.5 square feet per bed.

### **Inmate Program Space Needs**

The Needs Assessment shows the jail's programming area is not adequately sized and cannot serve separate inmate groups at the same time. The Main Jail has no area which can be used for inmate programs and the West Facility only has one small program room for an ADP in excess of 400 inmates.

The lack of programming space severely limits the County's ability to offer offenders the programming that research has shown will aid in reducing offender

recidivism. The current programming space represents about 12% of the classroom and program space found in newer generation, podular-tiered jail facilities.

In addition to the lack of rooms and spaces for treatment and programming, movement of inmates to treatment spaces inside the jail is challenging due to the circulation system, a portion of which bisects the intake area and has the potential to mix sterile inmates with new arrestees. This, combined with open-barred cells along other portions of the circulation corridors, prevents movement of inmates to programs.

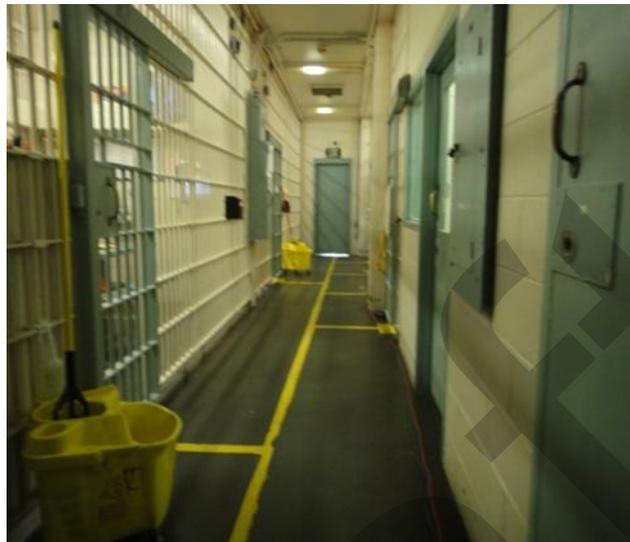
### **Intake Processing and Release Area Space Needs**

The existing intake area, which can accommodate only two patrol vehicles in a single lane, is in the oldest portion of the jail. Overall, the space is inadequate and undersized. Inmate holding is not designed to allow for adequate separation of detainees with varying security needs. In addition, the intake processing / release area is bisected by a corridor which is the primary east / west circulation pathway through the jail. This aging building is non-compliant with current building codes and cannot be modified without significant upgrade to infrastructure.

### **Inmate Housing and Dayroom Space Needs**

The existing female housing in the jail is linear with barred-cell fronts in a mix of single cells and dormitories. Some of this housing affronts the primary circulation corridors and creates a lack of privacy for the female inmates as visitors and staff pass by. These cells do not have fire sprinklers, often lack a second required exit, and fail to provide adequate dayroom and yard space. These open cell fronts also pose a security, contraband, and health risk because they are along the primary path for people, food,

laundry, and other supplies. The rooms are also difficult to observe and supervise because of their layout and geometry.



*Main Jail Linear Female Housing with Barred-cell Fronts*  
(Butte County is only one of a few jurisdictions still using this type of inmate housing)

### **Inmate Population Pressures and Bed Space Needs**

The 2015 Needs Assessment Report shows that the jail does not have the ability to segregate numerous classifications of inmates because of crowding and the lack of physically secure custody housing to separate inmates based on their classification.

Over the past 13 years, the jail has processed an average of 1,010 bookings each month. This represents an average of 33 bookings per day. The jail has a 2014 average daily inmate population (ADP) totaling 587. Currently, the jail is operating at 95.6% of the Board of State and Community Corrections (BSCC) rated custody bed capacity. Pre-trial inmate population in 2014 comprised about 60.3% of the total custody bed space. Sentenced inmate population made up 39.7% of the detention bed space. Because of the overcrowding over the past three years, the jail has virtually eliminated most pre-trial and sentenced misdemeanants from the incarcerated population. Prior to taking these steps, the County Jail had an ADP of misdemeanants that ranged from 65 to 125.

The AB109 Realignment Act has had a significant impact on County Jail custody trends. Between 2011 and 2014, the County Jail processed 3,061 AB109 Realignment Act inmates. The California Department of Corrections and Rehabilitation (CDCR) originally estimated the County Jail would admit an average of 17 County Prison-sentenced (N3) inmates a month. To date, the facility has processed seven more County Prison (N3) inmates a month than the State projected.

Because of the lack of bed space, the overwhelming majority of jail detainees (68.1%) secure a release from the facility after booking, or prior to completing their Court sentence. Only 31.9% are continuing custody inmates (time served, etc.) who are sentenced or held in a pre-trial status pending disposition of their arrest. Because of the continued high population levels at the jail in 2014, a total of 1,847 inmates, or 154 a month, were released due to the lack of pre-trial and sentenced housing capacity. Nearly 61.7% of the average monthly releases due to the lack of jail housing capacity since 2010 have involved felony offenders. ***If these early releases did not occur because of lack of jail bed space, the facility's average daily population, considering the average length of jail stay (20 days), would increase by 103 inmates.***

The County's criminal justice system also makes extensive use of both pre-trial and sentenced alternatives to incarceration programs. In a "snapshot" taken on June 28, 2015, 1,081 offenders were under the jurisdiction of the Sheriff's Office and criminal justice system and were either in custody, or participating in one of five alternatives to incarceration programs. A total of 594 (54.9%) offenders were in-custody pre-trial, or sentenced inmates. The remaining 487 individuals (45.1%) were participating in five primary alternatives to incarceration programs in lieu of continued incarceration in the

County Jail facility. A total of 139 (12.9%) of the “snapshot” population were Pre-trial Release Program OR defendants. Another 131 (12.1%) were enrolled in the Sheriff’s Work Alternative Program (SWAP). An additional 137 (12.7%) were being supervised through the Sheriff’s Alternative Custody Supervision (ACS) Program’s Electronic Monitoring Unit. A total of 75 convicted felons and misdemeanants (6.9%) were participating in evidence-based counseling through the Sheriff’s Day Reporting Center (DRC), and five sentenced offenders were in the Sheriff’s Parole Program.

A primary target population for this alternative programming, which has helped minimize jail overcrowding, is AB109-sentenced felony inmates who are being redirected in large numbers to the ACS Program. A total of 705 County Prison (N3) offenders have been referred to the ACS Program in lieu of continued incarceration in the Butte County Jail while they complete their court sentence. To date, these AB109 offenders represent 75.5% of the participants supervised by the Sheriff’s Office. Overall, the average daily population of the ACS Program has risen by over 500% over the past four years.

The jail currently has an inmate population in which nearly half the detainees (48.4%) require high-security housing. The jail, however, only contains 31 cells which can accommodate the inmate population. The other housing in the facility includes double-occupancy cells and dormitory beds and bunks. Only 18.5% (111) of the detained male and female inmates are classified as requiring minimum security dormitory housing beds but the jail is configured with 68.6% (421) dormitory-style beds. This stark difference in inmate security classifications compared to the type of custody beds contained in the jail not only complicates classification decisions, but the lack of higher security housing places the safety of inmates, staff, and visitors at a higher risk.

## **Summary Observations**

The key change that will be brought about with construction of the new SB863 facility is the provision of more purpose-designed space intended for best practice counseling / treatment programming. Evidence-based programming will support all facets of healthy and productive living, including nutrition, health, education, mental health, cognitive perception, and family functioning. This will be achieved through a cognitive, gender-specific approach that will be made available with improved program space layouts. A well-designed assessment and counseling area with adequate treatment space and a secure mental health records area will also be provided within the new facility. This expanded space will significantly enhance the counseling, treatment services, and clinical mental health case management support the County can make available to the resident population, with emotional and other psychological mental health service needs.

## **2. SCOPE OF WORK**

***Describe the areas, if any, of the current facility to be replaced or renovated, and the nature of the renovation, including the number of cells, offices, classrooms or other programming / treatment spaces to be replaced or added and the basic design of the new or renovated units.***

The 2015 Needs Assessment Update (NAU) identified a number of major space deficiencies to be corrected at the Butte County Jail; these deficiencies are the top priorities of the County's SB863 funding application. The NAU specifically identified the need to (1) add program and treatment rooms and spaces, (2) expand services for medical and mental health treatment and counseling, (3) provide medical and mental health special needs beds, (4) provide adequate staff areas for clinical and programming staff (5) replace substandard and compacted linear housing, and (6) replace the functionally inadequate intake area.

## **Project Overview**

*The project will design and construct a separate, stand-alone facility on County-owned land to the north of the existing jail that will connect to the existing secure corridor system. The facility will provide approximately 45,000 square feet (sf) of replacement housing, specialized medical and mental health housing, a medical and dental clinic, intake/release unit, and support services space.*

*The replacement housing will consist of four housing units with 24 beds each in a combination of double cells and dormitories for a total of 96 beds. Each housing unit will also include a dayroom; program space for education, counseling and treatment; and an outdoor recreation yard. An over-watch custody control station will be located at the tier level. The specialized medical and mental health housing will consist of two units with 18 beds each in a combination of single and double cells for a total of 36 beds. Each medical/mental health housing unit will also include a dayroom; program space for counseling and treatment; outdoor recreation yard; and shared security, nurse's station, and staff work areas.*

*The medical and dental clinic will include an exam room and dental exam room, holding rooms, pharmacy/lab area, and staff work areas. The intake / release processing area will include a secure sallyport, holding cells, docile waiting area, toilet facilities for staff and inmates, medical triage room, processing area, administrative office area, and interview rooms with a secure public lobby for visiting attorneys and other professionals.*

*The project will include, but not limited to: electrical, mechanical, HVAC, security and fire protection systems. Site work will be included such as new and refurbished parking areas, utilities, curbs, gutters, grading and storm water management.*

## **Elements of the Project**

Key elements of the proposed project that the County believes are most important to address the deficiencies of the existing jail facilities include:

### **Medical and Mental Health Treatment**

Two specialized 18-bed medical and mental health housing units comprised of mostly single-bed cells. Three double cells in each unit will be used to transition inmates to the general population. Each medical and mental health unit includes dayroom space and a dedicated recreation yard so these beds can be considered board-rated. These housing units surround a central shared staff area with direct visibility into the dayrooms and outdoor recreation yards. The staff areas include semi-direct supervision custody stations at ground level, with operable windows into the dayrooms allowing for direct communication and observation of inmates. The shared staff area also includes nurses' stations, a medication room, two small interview program rooms, a group program room, safety cells, and clean and soiled utility rooms. The interview program rooms and the group program room will be accessible from dayrooms and the staff area, and will be directly visible from the custody station.

A medical clinic will be located between the medical / mental health housing units and intake. It will be located along the main inmate circulation corridor so it is also accessible to inmates in the rest of the jail facility. An exam room and dental exam room will flank the pair of holding cells. Staff areas will include workstations, a private office, a copy / work area, and a pharmacy / lab space.

### **Housing and Dayrooms**

Four 24-person housing pods will replace the 96 beds in the linear, non-sprinklered, open-bar cells in the existing Main Jail. These new replacement beds will serve a diverse range of classifications and be designed to be sensitive to the needs of the female population, as well as inmates with mental health disorders. The units will accommodate medium and maximum security inmates in a mix of double-cells and dormitories in tiered pods. Pairs of pods will flank two shared classrooms which can accommodate up to 16 inmates each. These classrooms will have direct inmate access from the dayrooms of both pods. Each of the pods will have dedicated program and interview rooms for small groups or individual therapy, and access to dedicated outdoor recreation yards. The flexible design of the housing unit will accommodate a direct supervision staffing model and an over-watch custody control station at the tier level for evening hours when inmates are sleeping in their cells.

#### *Program Treatment Rooms*

The program rooms will be directly accessible from housing dayrooms for efficient inmate access. The rooms vary in size to accommodate individuals, small groups and large groups. The program rooms will be designed and outfitted to be flexible, leverage technology and support a wide range of treatment programs based on individual inmate needs.

#### *Intake Processing and Release*

A new intake area will provide a large, secure sallyport which will accommodate a full-size bus and up to five patrol cars or vans. The holding area will provide a variety of cells, including two safety cells, five single cells, four sobering cells, and four group cells.

At least one of each type of cell will be designed to meet accessibility standards. Staging, showers, and sterile holding are also provided.

A docile waiting area will be provided in an open seating area visible from the booking stations. Two ADA toilets will be provided for arrestees in the docile waiting area. Four booking stations will be centered in the Intake Department. Pre-trial workstations will also be located within the booking staff area. Two attorney interview booths along with a secure public lobby will be provided for visiting attorneys and other professionals.

### Central Control

A secure central control will be located on the tier level. The central control will have direct visual control into the four standard housing units. The control station will have views into dayrooms, large program / classrooms, and yards. They will also be able to see the doors of the cells, dormitories, small program rooms, showers, and janitor's closets. Central control will also have control over the existing facility doors via CCTV monitoring.

### Parking/Sitework

The proposed jail addition will displace an existing parking lot containing 63 parking stalls. The remaining site area north of the existing jail and east of the addition will be developed as a new 72-stall staff parking lot, including disabled accessible parking stalls and an accessible path of travel to the building entries. The existing visitor parking lot east of the jail will be modified to meet accessibility requirements and provide more parking spaces to accommodate the increased visitor load of the expanded facility.

Sitework will include cut/fill to address existing grading conditions and relocation of underground utilities, and stormwater management.

### 3. PROGRAMMING AND SERVICES

*Describe the programming and/or treatment services currently provided in your facility. Provide the requested data on pretrial inmates and risk-based pretrial release services. Describe the facilities or services to be added as a result of the proposed construction; the objectives of the facilities and services; and the staffing and changes in staffing required to provide the services.*

#### **Current Programs and Services**

Providing a significant range of programs to incarcerated inmates is critical to the management of the Butte County Jail. The program space needs in the jail are acute because the facility only has one extremely limited program / multi-purpose room with a capacity for 4 in-custody inmates. In spite of the lack of properly-sized dedicated programming space, the jail provides an array of mandatory Title 15 programs that include (a) law library / legal resources, (b) recreational reading library, (c) visitation, (d) recreation, (e) religious services, (f) telephone access, and (g) medical and mental health services.

The Sheriff's Office is also using significant staff time and financial resources to develop and make available evidence-based, cognitive behavioral counseling, treatment, and other rehabilitative programming and services for inmates who are both in and out of custody. A major objective with the evidence-based policies and service delivery is focused on enhancing offender motivation to change behavior. Cognitive behavioral treatment, an approach that aims to influence dysfunctional emotions, thoughts, and attitudes, employs methods that research shows can help adult offenders learn essential skills and positively change behavior. The Sheriff also operates the ACS program and DRC, which provides innovative, evidence-based counseling programs to sentenced offenders transitioned into treatment in lieu of incarceration. **Currently, 49 in-custody**

**and 75 out-of-custody offenders receive evidence-based cognitive behavioral counseling services. This represents a total ADP of 124 individuals.**

All eligible in-custody inmates are assessed, and based on their individual needs, placed in the appropriate groups. Every participant is enrolled in the Moral Reconciliation Therapy (MRT) classes and groups are separated by Pod classification. MRT is a cognitive-behavioral counseling program that combines education, group and individual counseling, and structured exercises designed to foster moral development in treatment-resistant individuals. In-custody participants are placed in the following specific core classes based on the assessments as well as the offender's prior record:

- **Anger Management: Coping with Anger Class**: This class is cognitive behavioral and focuses on the individual's feelings of anger, and their thinking and behavior as it relates to anger.
- **Substance Abuse: Staying Quit – Relapse Prevention Class**: The class provides evidence-based programs and materials that can help individuals avoid relapse by recognizing risky situations, coping with urges and cravings, being around users, understanding support issues and taking charge.
- **Parenting / Family Value Class**: This class offers a cognitive behavioral program to help these parents overcome their struggles and succeed. The class is designed to help participants develop parenting skills and assess values related to family.
- **Theft / Something for Nothing Class**: This class is directly targeted to shoplifters and inmates with theft-related offenses.

The one available program / multi-purpose space is used for structured in-custody programs such as (a) *Anti-Recidivism Training*, (b) *MRT*, and (c) *GED Program*. Jail areas

and spaces designed for other purposes are also used for the following in-custody programs: (a) *Alcoholics Anonymous (housing units)*, (b) *Anger Management: Coping with Anger (any space available)*, (c) *Substance Abuse: Staying Quit – Relapse Prevention (any available space)*, (d) *Parenting / Family Values (any available space)*, (e) *Theft / Something for Nothing – targets shoplifting / theft offenders (any available space)*, (f) *Job Search / Job Readiness (any available space)*, (g) *College Readiness (any available space)*, (h) *Narcotics Anonymous (housing units)*, (i) *Mentor Program (Butte County Mentoring Program, (family visiting))*, and (j) *Literacy Program, Butte County Library (any available space)*.

Because of the desire to expand inmate treatment and counseling services, coupled with the provisions contained in the Superior Court Consent Decree (Case #84429) “capping” inmate housing capacities, the County has pursued a wide range of inmate population management policies and alternative programs directed to all incarcerated offenders. To minimize jail overcrowding, AB-109-sentenced felony inmates are being redirected in large numbers to the Sheriff’s Alternative Custody Supervision (ACS) Program.

The out-of-custody offenders transitioning to the ACS Program are assessed, and based on their individual needs, placed in groups at the DRC. Every participant is enrolled in the MRT class. Based on the assessments and the offender’s prior record, combined with identified individual needs, referrals will receive services in one or more of the correctional systems core cognitive therapy classes.

Other services out-of-custody sentenced felons may receive through the ACS program at the DRC include: (a) *Online GED Program*, (b) *Job Readiness*, (c) *Narcotics*

*Anonymous, (d) Community Impact Mentoring Program, (e) Library Literacy Program, (f) Computer Literacy, (g) K-9s for Veterans Program, (h) Craving Identification Management (CIM), (i) Seeking Safety / Healthy Relationships (Catalyst DV Services) for men and women, (j) Four Participant Work Crews, (k) Methamphetamine Presentation (Meth Strike Force), (l) Child Support Services, (m) Department of Employment and Social Services, (n) The Perils of Drug Abuse Presentation (Drug Endangered Children), (o) Sexually Transmitted Diseases Class (Butte County Public Health), (p) Bicycle Repair Program, (q) Basic Computer Tools and Techniques Certification, (r) DRC Clothing Closet, and (s) Career and Life Planning Course (Butte College).*

The County targets case management treatment and counseling resources to the highest risk offenders using assessment tools. The existing and proposed programming will provide interventions that target an offender's particular criminogenic needs. These areas are dynamic and can change, and include such factors as (a) antisocial attitudes and beliefs, (b) antisocial peers, (c) antisocial personality pattern, (d) lack of positive family support, (e) low levels of education or employment success, (f) lack of pro-social leisure activities, (g) substance abuse, and (h) impulsivity.

***The Sheriff's Office and partnering agencies use behavior-focused counseling coupled with other support services to help guide in-custody offenders as they transition to the ACS program. This will help them acquire new skills and behaviors that research shows is effective when combined with structured social learning approaches in an intervention model.***

**Pre-trial Inmates and Risk-based Pre-trial Release Services**

From January 1, 2013, through December 31, 2013, the Butte County Jail had an average daily population (ADP) of 594 inmates. The ADP of inmates on pre-trial status over this period was 406. As the data indicated, the percentage of inmates on pre-trial status for this time period was 68.4%.

Dedicated correctional staff assigned to the jail seven days a week, ten hours a day, interview defendants, check references, and make recommendations so judges can quickly make informed decisions about recognizance releases and conditional supervised OR releases. The Pre-trial Program uses the Ohio Pre-trial Risk Assessment Instrument (ORAS) which relies on seven risk factors that classify defendants into one of three risk levels.

Last year, the Pre-trial Release Program gained Court approval for 190 pre-arraigned and 625 court-arraigned defendants for an OR release from the detention facility. This represented an average of 68 jail OR releases a month. The 815 offenders screened and released represents a reduction of approximately 42 jail custody beds.

<b>Butte County Sheriff's Office Pretrial Release Program Risk Assessments, Pre-arraignment &amp; Court OR Releases for 2014</b>			
<b>Program Profile</b>	<b>Pre-arraignment OR Releases</b>	<b>Court Arraignment OR Releases</b>	<b>Total OR Releases</b>
1. Total Jail Pretrial Release Risk Assessments	1,600	2,632	<b>4,232</b>
2. Average Number of Monthly Jail Pretrial Release Risk Assessments	133	219	<b>353</b>
3. Total Number of Defendants Granted OR Releases	190	625	<b>815</b>
4. Average Number of Jail OR Releases Per Month	16	52	<b>68</b>
5. Percentage of Risk Assessments Resulting in Jail OR Release	12.0%	23.7%	<b>19.3%</b>

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**Facilities and Services to be Added as a Result of Proposed Construction**

The Sheriff's Office has taken significant steps to introduce specific, best-practice assessments and evidence-based programming intervention components into the

detention environment. Although several treatment programs and services exist within the current jail, the detention facility is not designed to conduct (a) multiple programs, (b) programming in a confidential environment, (c) community partner offerings, (d) comprehensive medical, (e) dental, or (f) mental health treatment.

The proposed SB863 project would be a separate, stand-alone facility which connects into the existing corridor system. The project will provide *(1) additional program and treatment rooms and spaces, (2) two medical and mental health pods, (3) a new clinic with medical and dental exam rooms, (4) support space for clinical and program staff, and (5) four housing pods to replace sub-standard linear housing with the required dayroom and yard space, and provide dedicated and shared program spaces accessible directly from each pod.*

A new housing unit would provide two dedicated medical / mental health treatment pods with 18 beds each, flanking program rooms and treatment staff spaces. These special housing units would be enhanced with a new clinic area (which serves the entire facility), and includes a medical and dental exam room, as well as treatment staff offices located between the medical / mental health unit and the new intake. The new housing unit can also provide necessary programming space for inmates, located directly in the units to ensure services can be provided to inmates regardless of the circulation challenges in the old jail. The new construction would also replace the existing linear, bar-front cells with four modern podular housing units with cells and/or dormitories on tiers totaling 96 beds.

***The construction of a new, specialized housing unit fulfills a critical need of the Butte County Jail and it provides a safe, highly structured and service-focused***

***custody environment where inmates of all security classifications can receive services and participate in evidence-based counseling programs.***

Program rooms of different sizes will be constructed to accommodate a variety of programs which include group therapy, educational instruction, religious services, etc. The program rooms and the yards are both arranged in such a way that inmates in the existing jail can securely access them. Most importantly, the new programming space will allow the Sheriff's Office to expand the number of pre-trial and sentenced inmates who can participate in existing core evidence-based therapy classes that will prepare inmates for eventual return to the community.

The design expands the area the jail's mental health/medical healthcare services staff need to provide clinical crisis intervention counseling and manage the disbursement of psychotropic medications. This expanded space will significantly enhance the crisis counseling, treatment services, and clinical mental healthcare management support the County's Behavioral Health agency can provide to the inmate population. This space will also permit clinical services to be expanded over time to include specialized wrap-around counseling and other service interventions to inmates with behavioral health disorders.

The facility's new medical exam/clinic area will improve inmate access to medical services. Unlike the existing medical space, the new area will be appropriately sized and appointed to support the needs of the organization contracted to provide medical services to Butte County Jail inmates. The medical clinic will allow for greater access to inmates and to service providers in a secure and efficient manner. The proposed dental exam space will also allow basic dental services to be expanded at the jail.

The new facility will be constructed to provide maximum security with layered security zones within the detention facility. Interior construction will be consistent with the security needs of each functional use area. The facility will provide other appropriate staff space to accommodate staff briefings and conferences. Overall security management of the new facility will be maintained by a Central Control Station which will be responsible for the operation of all doors and sallyports for both the perimeter and interior zones. All housing and living areas will allow for direct supervision where officers can have continual visual contact with inmates.

The SB863 jail expansion project would become the new “heart” of the Butte County Jail. It will facilitate the phased replacement of the existing, archaic facility and allow the Butte County Jail to transform into a state-of-the-art facility that is safe, secure and efficient, and will allow for the addition of program spaces and treatment services that reduces recidivism and supports rehabilitation.

**Staffing for Programming, Treatment Services and Housing**

The jail’s compliment of community service providers including the Butte County Behavioral Health Department and Social Services Departments will continue to support programming needs at the detention facility. The County’s Behavioral Health Department will work with the Sheriff’s Office to develop and implement mental health treatment services provided in the jail. Existing revenue sources, including funding from the Community Corrections Partnership (CCP), Mental Health Services Act and County General Fund, will support the enhanced programming. The Sheriff’s Office will continue to contract to provide medical and pharmacy services in the jail. The Sheriff will also continue to contract for expanded cognitive behavioral counseling services within the jail.

It is estimated that the additional cost for both services and added inmate meal expenditures will be approximately \$305,000 a year.

The Sheriff's Office has prepared an estimate of staffing needs for the new facility. The analysis was completed using the workbook provided by the National Institute of Corrections (NIC). The resulting analysis shows that to accommodate the proposed addition for the SB863 Application, the Sheriff's Office will need a net increase of five correctional deputies. These positions will be augmented by the vacated staffing of the existing facility. The analysis also reflects a need for two additional correctional technicians and one clerk. As a result of the analysis, the Sheriff will be requesting eight new staff positions allocated as follows:

<b>Butte County Jail New SB 863 Facility Staffing Allocation and Annual Personnel Costs</b>				
<u>Position</u>	<u>Salaries &amp; Benefits</u>	<u>No. New Staff Required</u>	<u>Year One Personnel Costs</u>	<u>On-Going Personnel Costs</u>
Correctional Deputy	\$79,138	5	\$395,691	\$376,868
Correctional Tech	\$51,433	2	\$102,867	\$98,792
Sheriff's Clerk 1	\$48,399	<u>1</u>	<u>\$48,399</u>	<u>\$47,632</u>
<b>Total New Staff Positions/Cost</b>		<b>8</b>	<b>\$546,957*</b>	<b>\$523,292</b>

\*Includes one-time hiring cost, uniforms, and equipment

**Total annual new jail staffing and inmate programming costs are estimated at \$1,000,000.**

#### 4. ADMINISTRATIVE WORK PLAN

*Describe the steps required to accomplish this project. Include a project schedule, and list the division/offices including personnel that will be responsible for each*

***phase of the project, and how it will be coordinated among responsible officials both internally and externally.***

Butte County has developed a project management, construction and administrative work plan specifically to address the needs of the proposed SB 863 Butte County Jail Program, Treatment, Capacity and Replacement Housing project. This work plan leverages County resources while assuring the project scope, project schedule, construction budget, and construction quality are maintained. The work plan described below is consistent with other capital improvement projects undertaken by the County and has been successfully utilized by other agencies for adult detention facilities throughout the state and nationally. The County has selected the Design-Build delivery method.

The Butte County SB 863 project will be handled from start to finish by a **Project Oversight Team** and a **Project Management Team** supplemented by a project/construction management (P/CM) consultant and criteria architect/engineer (A/E). Members of both of these teams have been involved in the planning and preparation of this application and will continue to participate throughout the project.

The Project Oversight Team members will consist of representatives of executives from County Administration, the Sheriff's Office and General Services Department.

**Project Oversight Team**

- Paul Hahn – Chief Administrative Officer
- Kory Honea – Butte County Sheriff
- Grant Hunsicker – Director, General Services

The Project Oversight Team will provide regular updates to the Board of Supervisors and oversight, direction and guidance to the Project Management Team.

The Project Management Team members will consist of representatives of the Sheriff's Office, General Services, County Administration and representatives of other County agencies as needed:

**Project Management Team**

- Bryan Flicker – Correctional Lt (ret.), Sheriff's Project Manager
- Daryl Hovey – Correctional Lieutenant, Alternatives & Programs
- Barbara Norman – General Services Project Manager
- Meegan Jessee – Deputy Administrative Officer, Project Financial Officer
- Andy Pickett – Deputy Administrative Officer, Public Safety Liaison
- Representatives of other County Agencies as needed including Auditor-Controller, Treasurer Tax-Collector, County Counsel, County Administration, Behavioral Health, Information Services, Development Services, etc.

The Butte County General Services Department will provide the overall coordination of the project and provide direct administration and oversight of the Project Management Team. Barbara Norman, General Services Project Manager, will serve as design and construction project management lead, coordinating the entire facility development process.

Sheriff's Office members of the team will include Lt. Bryan Flicker as the Sheriff's Operations Project Manager and Correctional Lt. Daryl Hovey, Supervisor of Alternatives & Programs for the Sheriff's Office, will represent the interests of the Sheriff and provide technical assistance and operational expertise. Lt. Flicker will manage facility transition – the planning, development, and implementation of the new facility's operations. He will also lead the Transition Team.

Deputy Administrative Officer Meegan Jessee will serve as the Financial Officer for the project, coordinating with other County Departments on all financial aspects of the project, including close coordination with the Auditor-Controller and Treasurer Tax-Collector for cash management of project costs.

General Services will manage consultant and contractor payment invoices and coordinate with County Administration to submit them for State reimbursement. County staff will use proven project management tools and software to assist in managing the project, including scheduling, budgeting and cost accounting. Designated County staff will respond to the Board of State and Community Corrections (BSCC) on all contract matters, and the selected A/E and subsequent Master Architect (as part of the Design-Build Entity (DBE)) will respond to all code and standards issues. In addition, the P/CM firm will assist with the monitoring and scheduling activities. The A/E and P/CM will assist the County with development of submittals required by the State for the various tasks and State approvals. If County Board of Supervisor approval is required for any of the tasks, the County will provide the documentation of Board approval with the submittals.

### **Project Events and Timeline**

The development of the project events and timeline for the Project has been completed in collaboration with appropriate County staff to ensure that the dates are achievable. This timeline includes review periods and requirements of State agencies, including the Board of State and Community Corrections Facility Standards and Operations Division (BSCC FSO), the State Public Works Board (SPWB), and the Department of Finance (DOF). Major project events and timeline include:

- The County has submitted site assurance documentation and CEQA documentation as part of this application.
- For SPWB Establishment of Project Scope, Cost and Schedule: 1) the County will submit the initial real estate package, project schedule, and 3-page estimate, per BSCC & SPWB guidelines, immediately after notification of conditional award. 2) Department of General Services (DGS) reviews the initial real estate package, including a site visit, and submits the Real Estate letter to DOF; 3) BSCC FSO develops the CEQA Statement and the SPWB project scope based on the this application; and, 4) BSCC FSO and DOF reviews and approves cash and in-kind match. SPWB Establishment of Project Scope, Cost and Schedule planned by March, 2016. The real estate package, project schedule, and 3-page estimate will be developed by the County with assistance by the A/E. The County plans to award A/E Contract for Criteria Design after SPWB Project Establishment.
- Transition Team Leader develops Transition Plan and identifies Transition Team members prior to Project Establishment (March 2016). Transition Team members perform special design studies in areas of communications, security and equipment concurrently with A/E Criteria Design.
- County signs the Project Delivery and Construction Agreement (PDCA), BSCC Agreement, and Certificate of Matching Funds and related exhibits, prior to the scheduled date of SPWB approval of Criteria Design (~January 2017).
- For SPWB approval of Criteria Design, the County plans to submit the Criteria Design documents with an updated submittals, for approval, by January, 2017. The County plans to contract with a P/CM firm to assist with review of Criteria

Design documents and development of the operational program statement. The staffing plan and operating cost analysis will be approved by the County Board of Supervisors and submitted with the Criteria Design documents.

- For SPWB Consent to Ground Lease/Right of Entry/Easement Agreement, the County will submit, per the SPWB Guidelines, the legal descriptions and the plat map developed by a professional surveying firm. The County will meet with DOF, SPWB Counsel, BSCC, and DGS to discuss legal descriptions and exhibit sketches for both the County project site and the Easement Agreement for access, utilities, and repairs, prior to finalizing the Consent to Ground Lease/Right of Entry/Easement Agreement.
- For Finance Action to Approve Request for Proposals for Design-Build Solicitation, the County will submit the scope of request for proposals, an updated submittals. The A/E and P/CM will assist the County with the development of the request for proposal and other submittals. The County will sign the Ground Lease/Right of Entry/Easement Agreement. The County anticipates BSCC approval and DOF action to approve the Design-Build Solicitation by May, 2017.
- The County will submit a “PMIA Loan Request...Cashflow Statement” with the twelve month cash flow projection, developed by County Administration, for State financing, and State certification, prior to May, 2017.
- The County anticipates posting the Design-Build Solicitation May, 2017, with DOF action to award the Design-Build contract by May, 2018.
- The County anticipates issuing the Notice to Proceed in May, 2018; 30 months after award, meeting the requirement of issuance within 42 months of award.

- Design and construction by the DBE will start May, 2018, with completion by May, 2020, an estimated 24 months.
- Transition Team activities during construction include: Finalizing staffing plan for new facility; Developing documents (including policies and procedures, facility post orders, new facility schedules, etc.); Specifying and ordering FF&E and supplies.
- Transition Team activities during construction completion phase include: Conducting training sessions; Install FF&E; Finalize the “move logistics” plan.
- Staffing and occupancy would be accomplished by August, 2020, within 90 days of completion of construction.

## 5. BUDGET NARRATIVE

*Describe the amounts and types of funding proposed and why each element is required to carry out the proposed project. Describe how the county will meet its funding contribution (match) requirements for all project costs in excess of the amount of state financing requested and how operational costs (including programming costs) for the facility will be sustained.*

### **Amount and Types of Funding**

Butte County is requesting \$40 million in state funding and will provide \$4.445 million in matching funds to construct a separate, stand-alone facility that provides 36 special population beds for treatment of inmates with medical and mental health issues, a new medical and dental clinic, 96 beds to replace existing substandard linear open-bar cells, a variety of program treatment rooms, and a new central control and intake area. The project has been planned for operational efficiencies. The Design-Build delivery method will be used to take advantage of collaboration between the County, designer, builder, and sub-contractors for the most efficient and cost-effective facility. Types and amounts of funding requested are as follows:

- Construction – all costs associated with fixed construction costs for the new facility and associated site improvements. The County is requesting \$35.48 million in construction funding and will contribute an additional \$1 million in cash match for total anticipated construction costs of \$36.48 million
- Additional Eligible Costs – includes cost for non-fixed items necessary to operate the facility and outfit program and treatment areas such as furniture, fixtures and equipment, inmate management systems, video storage systems, and video visitation equipment. This item also includes construction support activities such as inspections and testing, commissioning and plan check services. The County is requesting \$1.156 million for additional eligible costs and will contribute \$1.89 million in cash match for a total of \$3.046 million.
- Architectural – the County will contract with an A/E to develop Performance Criteria documents. The County is requesting \$1.359 million for architectural services and will contribute \$100,000 in cash match for a total of \$1.459 million.
- Project/Construction Management – the County will contract with a P/CM to assist with budgeting and management of construction activities. The County is requesting \$1.989 million and will contribute \$200,000 for a total of \$2.189 million.
- State Agency Fees / Audit / Needs Assessment – includes cost for State Fire Marshal fees and due diligence. Also, the County has, or will, engage outside firms to provide a jail needs assessment update and audit services. The County is requesting \$16,000 towards the cost of state agency fees and will contribute \$125,000 in cash match for a total of \$141,000 for state agency fees. Additionally the County will contribute an estimated \$32,000 for an outside audit to be

performed at the close of the project and has contributed \$18,000 for a needs assessment.

- County Administration – the County has found that close oversight and coordination by County staff of contractors as well as communication and coordination within the County results in higher quality, lower cost projects. While a number of County staff will be actively involved in the project (see Administrative Work Plan) the project administration in-kind contribution will primarily consist of a Project Manager in the County's General Services Department that will serve as design and construction project management lead, coordinating the entire facility development process – planning, design and construction activities, as well as part-time staff in the Sheriff's Office, a recently retired Correctional Lieutenant, who will serve as a subject matter expert and liaison to the Sheriff, and Transition Team leader. Additionally a small amount of the project administration in-kind contribution (\$57,000.00) is for staff time in the County's Development Services Department related to CEQA. Total county administration in-kind contribution is anticipated to be \$330,000.
- Transition Planning – the Sheriff's Office will lead the transition planning for the project. This will initially be primarily the work of a single part time staff and as the project moves closer to completion this will expand to include the planning, development, and implementation of the new facility's operations. Total transition planning in kind contribution is anticipated to be \$250,000.
- Land Value – the appraised value of the site of the new facility is \$500,000 and will be a portion of the County's in-kind match.

## **County Contribution**

The County's contribution to the project as approved by the Board of Supervisors totals \$4,445,000, 10% of the project total. The County will meet the required contribution through a combination of cash and in-kind match. \$3,365,000 in cash contribution will be provided from three existing County funding sources – Jail Impact Fees, Sheriff Impact Fees and Inmate Welfare Funds as detailed below. In-kind contributions totaling \$1,080,000 will be provided through staff time for County Administration and Transition Planning, and the appraised value of the land.

Jail Impact Fees—Since 2007, Butte County has collected impact fees specifically for jail facilities. As these funds have been collected for the purpose of financing the acquisition, expansion, or construction of jail facilities, they are legally available and lawful for this use. \$1,840,000 in Jail Impact Fee Funds are needed for the project match, \$470,000 of which are currently available. For the remainder the Board of Supervisors authorized a loan of \$1,370,000 from Sheriff impact fees (\$620,000) and Fire impact fees (\$750,000) for the jail project. Statute does not permit expending impact fee funds on public improvements that they were not collected for, but the loaning of such funds for other public improvements is permitted, and as such, these funds are legally available and lawful to be loaned to the Jail Impact Fee account.

'Inactive' Sheriff Impact Fee—Between 1991 and 2007, Butte County collected impact fees for Sheriff's facilities, including jail facilities, substations, and equipment. As these funds have been collected for the purpose of financing the acquisition, expansion, or construction of jail facilities, they are legally available and lawful for this use. The entire balance of \$840,000 will be used for the SB 863 Project.

Inmate Welfare Fund—Revenue in the inmate welfare fund is derived from the profit earned by the store in the county jail that sells personal items to inmates as well as revenue related to the use of pay telephones by inmates. Government Code requires that inmate welfare funds be expended primarily for the benefit, education, and welfare of the inmate population. The SB 863 Project budget contemplates \$685,000 in inmate welfare funds being expended on the project, and all such funds would be used for program space where inmates would be provided educational and evidence-based programming intended to improve their life skills and reduce recidivism. Accordingly, these funds are legally available and lawful for this use.

All required matching funds have been dedicated to the project by the Board of Supervisors and transferred to a separate account.

### **Sustaining Operational Costs**

As part of the consideration in approving submittal of this SB863 application, the Board of Supervisors was advised that operating costs, including programming, staffing and operations, for the new jail facility would be about \$1 million more than the current jail operating costs. Public Safety is a priority of the County and these cost increases will be accounted for in the County's financial planning. The approved BOS resolution assures that the County will staff the facility after completion of construction.

Treatment Programming – The jail currently offers a robust array of treatment programming in the existing jail; the current community service providers, including the Butte County Behavioral Health Department and Social Services Departments, will continue to support programming needs at the new detention facility. Existing revenue sources, including funding from the Community Corrections Partnership (CCP) and the

Mental Health Services Act, will continue to support programming in the new facility. The Sheriff's Office will continue to contract to provide medical and pharmacy services and for expanded cognitive behavioral counseling services in the new jail.

Custody Staffing – When the SB863 facility is complete, some staff from the existing jail will be reassigned to the new facility. The Sheriff's Office has prepared an estimate of staffing needs to operate the new facility, using the workbook provided by the National Institute of Corrections (NIC). The resulting analysis shows that, in addition to reassigning current staff, the Sheriff's Office will need eight additional staff (five Correctional Deputies, two Correctional Technicians, and one Clerk) to operate the new facility.

## 6. READINESS TO PROCEED

**Board Resolution:** On August 11, 2015, the Butte County Board of Supervisors approved a resolution authorizing the County to participate in the SB863 process and agreeing to all of the requirements listed in the Request for Proposals. The resolution is included in Section 6 of the application.

**California Environmental Quality Act Compliance:** On July 24, 2015, the Butte County Office of County Counsel issued a letter confirming that in accordance with CEQA, a Notice of Determination was filed on June 23, 2015, and that the statutes of limitations expired on July 23, 2014. There were no legal challenges to the County's Negative Declaration or CEQA findings. The Notice of Determination and County Counsel letter are included in Section 6 of the application.

**ATTACHMENT**



***Butte County Jail Public Entrance and Adjacent Intake/Release Vehicle Sallyport***



***Housing Unit Corridor with Open-Bar Cell Fronts***



***There is Only One Extremely Small Inmate Programs/Classroom for All 614 Rated Beds***



***Law Library - Mental Health Inmate Interview/Treatment Cell Very Similar***



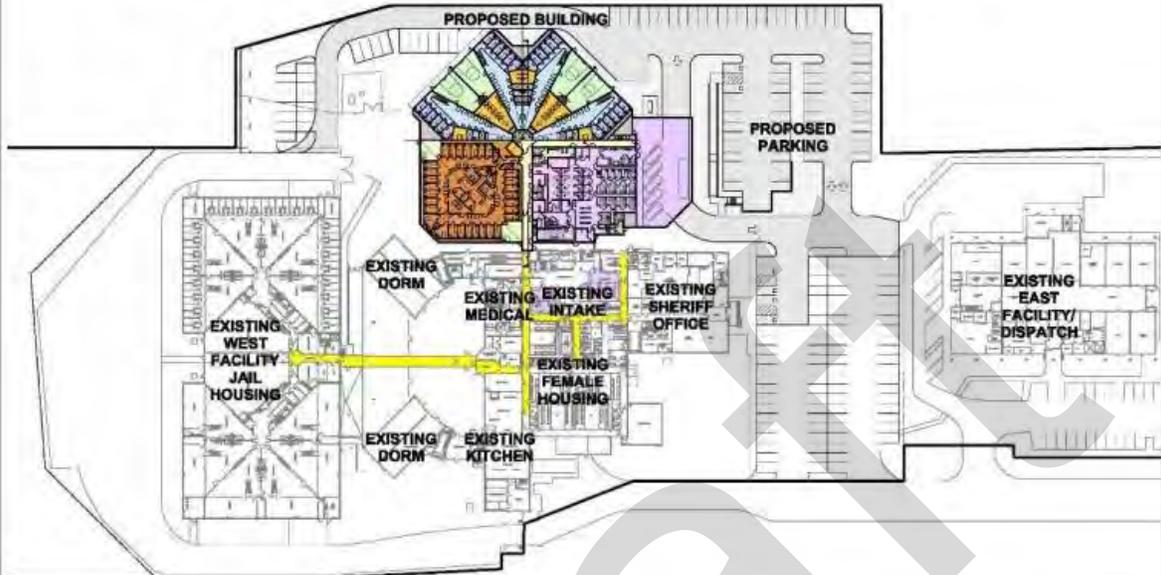
***There is Only One Small, Cramped Medical Exam Room for All 614 Rated Beds***



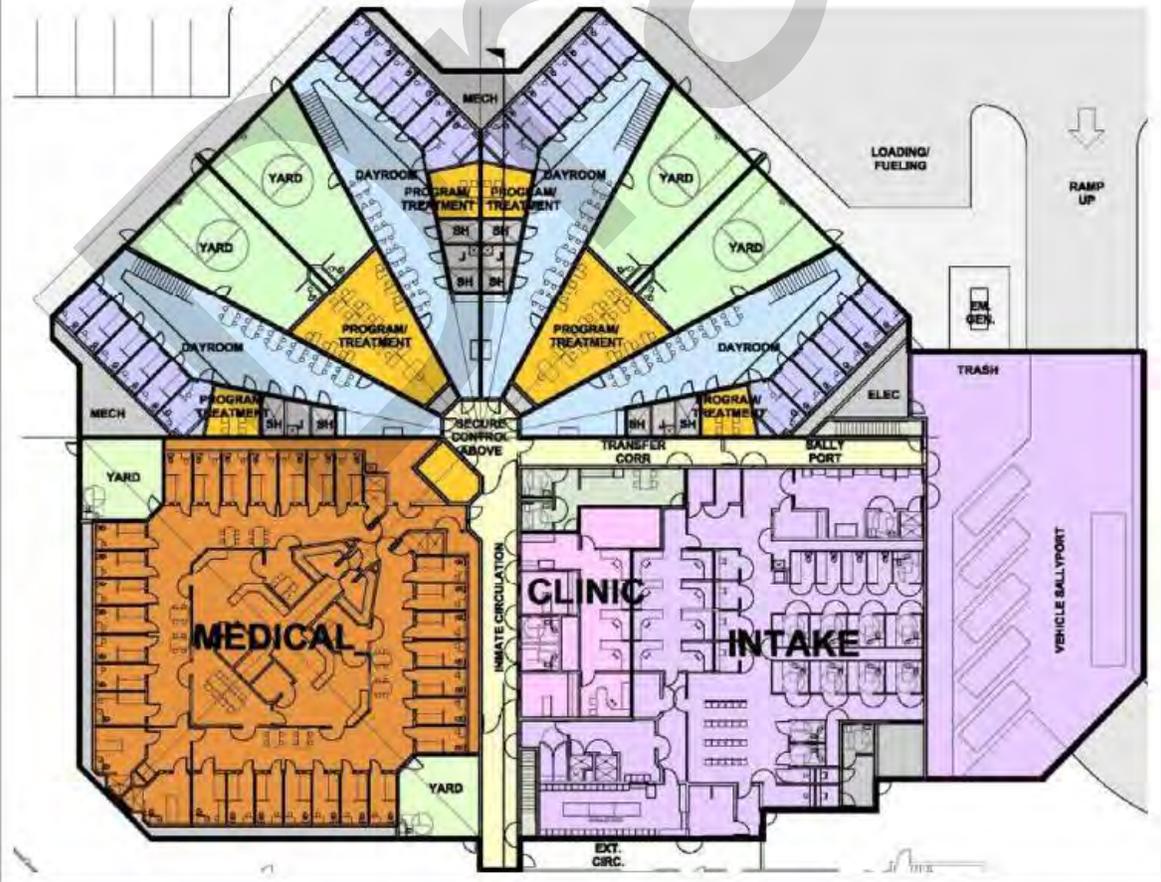
***Exterior Circulation / Security Corridor between Main Jail and the West Facility***

ATTACHMENT

Butte County Jail Proposed SB 863 Construction Project Conceptual Site Plan



Butte County Jail Proposed SB 863 Construction Project Conceptual Building Plan



ATTACHMENT



**Butte County Jail Proposed SB 863 Construction Project Conceptual Building Massing**



# Butte County Sheriff's Office

## Jail Needs Assessment Update

July 2015



Butte County Jail, 35 County Center Drive, Oroville, CA

Prepared by:  
Vanir, Inc., Nacht & Lewis and  
Criminal Justice Research Foundation  
Sacramento, CA

**Butte County Sheriff's Office  
2015 Jail Needs Assessment Update**

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## SECTION 1: EXECUTIVE SUMMARY

### Butte County Jail Needs Assessment Update

#### Updated Arrests, Bookings and Inmate ADP Trends



**Butte Main Jail 1994 Dedication Plaque  
for the West Facility Addition**

The Butte County Jail is located in the city of Oroville, California at 35 County Center Drive. Butte County has one existing jail, a Type II detention facility which is managed by the Butte County Sheriff's Office's Correctional Custody Services Division.

The County's previous Jail Needs Assessment Report was prepared in April 2013. The published study showed that the jail has a current rated capacity of 614 beds, exclusive of seating within inmate processing areas and transfer holding bunks located in the booking area. The Butte County Jail is the central booking point for all regional law enforcement agencies for adult male and females arrested in Butte County. The adult facility is a full service, Type II jail containing space for (a) vehicle sallyport, (b) Intake and release, (c) inmate housing and dayrooms, (d) visiting, (e) medical / mental health services, (f) inmate programs, (g) food services, (h) laundry, (i) visitor and staff circulation, (j) Central Control operations, (k) maintenance and storage, (l) outdoor recreation, and (m)

jail administration. The facility provides a range of inmate programs, counseling services, medical and psychological services.

The original 198-bed County jail was constructed in 1963 in a linear fashion with bar-front cells and dormitories and is known as the Main Jail. Due to the layout and poor sight lines, all inmate movement must be escorted, which is staff-intensive. Many services are located off a main hallway which, at times, requires inmate and staff restrictions. In 1994, an expansion project was completed known as the West Facility. This portion of the detention facility has a rated capacity for 416 inmates and was originally designed for high- and medium-security inmate housing.

In addition to inmate population pressure, the facility is outdated and is experiencing a number of significant maintenance issues. The jail's infrastructure generally has become antiquated and some areas are in need of replacement. In addition to capacity issues that complicate classification decisions and failing infrastructure, the jail's physical layout does not provide for many programmatic opportunities or reflect the needs of a modern adult jail detention facility. For example, the jail only has only one program room which is located in the West Facility.

Operationally, there are not enough beds / bunks to meet current custody security housing needs. The County jail lacks physically secure custody housing to segregate inmates who should be housed in higher custody single cells because of their classification. The County jail is also confronting the need to house inmates for longer periods of incarceration as a result of the 2011 implementation of AB 109 which is diverting significant number of offenders from the State prison system to county jails.

As a result of these identified physical plant gaps and facility needs, the County is actively pursuing the construction of replacement custody housing and much needed inmate program / service space. In response to the crowding and physical plant issues, the County retained the consultant team of Vanir, Inc, Nacht & Lewis, and the Criminal Justice Research Foundation (CJRF) to finalize a 2015 Jail Needs Assessment Update and plan for newly proposed renovations to the County's adult jail detention facility that could be constructed with SB 863 funding through the Board of State and Community Corrections

(BSCC). Part of the work for the Butte County Jail Needs Assessment Update has focused on compiling and analyzing historical jail inmate population trends which have been used to prepare an updated jail inmate profile with average daily population (ADP) inmate projections through 2034. The information is intended to help support an SB 863 jail construction application to BSCC was released in June 2015. The information and data which has been compiled and analyzed shows the following:

*The 52 year old Butte County Jail has a total of 614 rated single, double-occupancy, and dormitory beds/bunks. The older Main Jail has 198 custody beds which account for 32.2% of the jail's capacity. The West Facility has 416 custody beds which accounts for 67.8% of the facility's detention housing capacity. The jail only contains 31 single cells which represent 5.0% of the jail's total custody beds. The facility's remaining housing capacity is shared between double-occupancy cells with 162 beds (26.4%) and dormitories with 421 beds (68.6%). This housing configuration provides the detention facility with a total of 614 secure custody beds which are used to house male / female pretrial and sentenced incarcerated offenders. The jail does not have the ability to segregate numerous classifications of inmates because of crowding and the lack of physically secure custody housing to separate inmates who should be housed in higher security, single- and double-occupancy units because of their classification.*

*Over the past 13 years, the jail has been processing an average of 1,010 bookings each month. This represents an average of 33 bookings per day. The jail has a 2014 average daily inmate population (ADP) totaling 587. Currently, the jail is operating at 95.6% of the Board of State and Community Corrections (BSCC) rated custody bed capacity. Pretrial inmate population in 2014 comprised about 60.3% of the total custody bed space. Sentenced inmate population made up 39.7% of the detention bed space. Because of the crowding, the jail, over the past three years, has virtually eliminated most pretrial and sentenced misdemeanants from the incarcerated population. Prior to taking these steps, the County jail had an ADP of misdemeanants that ranged from 65 - 125.*

*The AB 109 Realignment Act has had a significant impact on county jail custody trends. Between 2011-14, the County jail has processed 3,061 AB 109 Realignment Act inmates. A total of 919 (30.0%) have been County Prison (N3) felony offenders sentenced to local custody. Another 582 (19.0%) have been Post-Release Community Supervision (PRCS) offenders booked on a PC3454(c) flash incarceration. A total of 601 (19.6%) have been PRCS offenders booked with a new local charge and 959 individuals (31.3%) were booked on a PC 3056 parole violation. The jail has booked an average of 24 sentenced felons a month into the detention facility. CDCR originally estimated the County jail would be admitting an average of 17 County Prison sentenced (N3) inmates a month. To date, the facility has been processing seven more County Prison (N3) inmates a month than the State projected.*

*Among the PRCS offenders booked each month into the jail, 15 have been booked under the Probation Department's AB 109 flash incarceration provisions. The flash incarceration cannot exceed ten days. Another eight (8) of the PRCS offenders booked each month are awaiting a pre-revocation violation hearing. To date, 15 PRCS offenders each month have been charged with new local crimes. On the average, the jail has nine (9) PRCS offenders incarcerated and serving a jail term resulting from a revocation hearing disposition.*

*An average of 40 pre-parole revocation violation bookings have also occurred at the jail each month since Realignment began. Approximately 61.6% of the parole bookings have involved parolees who are booked on technical program violations and 38.4% are parolees booked as a result of new local criminal charges. Among the post-parole revocation inmates at the jail, an average of 19 per month are serving a County jail sentence because of a parole revocation disposition hearing and three post-revocation inmates are serving a jail term for a new criminal Court conviction.*

*In a one-day “snapshot” taken on June 28, 2015, the jail system held a daily population (ADP) of 594 (100.0%) incarcerated inmates, 9.3% or 55 of the inmate population were sentenced AB 109 County Prison (N3) convicted felony defendants, parolees (3056 PC), and PRCS offenders held under the Realignment Act flash incarceration or revocation provisions of the law. The other 539 (90.7%) incarcerated inmates were pretrial and sentenced local adult offenders and other detainees being held on warrants and holds from federal / State law enforcement agencies. Because of the desire to expand inmate treatment / counseling services coupled with the provisions contained in the Superior Court Consent Decree (Case #84429) “capping” inmate housing capacities, the jail has pursued a wide range of inmate population management policies / alternative programs directed to all incarcerated offenders.*

*A primary target population for this alternative programming which has helped minimize jail overcrowding has been AB 109 sentenced felony inmates who are being redirected in large numbers to the Sheriff’s Office’s Alternative Custody Supervision (ACS) Program. A total of 705 County Prison (N3) offenders have been referred to the ACS Program in lieu of continued incarceration in the County jail while they complete their Court sentence. The County Prison (N3) offenders enrolled in the Program are strictly supervised through the use of electronic monitoring equipment and they must participate in structured evidenced-based treatment / counseling while fulfilling their Court sentence through the alternative to custody program. To date, these AB 109 offenders represent 75.5% of the participants supervised by the Sheriff’s Office. Overall, the average daily population of the Alternative Custody Supervision (ACS) Program has risen 22.8% over the past 36 months. Over the past four years, the ACS daily population has increased over 500.0%.*

*Because of the lack of bed space, the overwhelming majority of jail detainees (68.1%) secure a release from the facility after booking or prior to completing their Court sentence. Only 31.9% are continuing custody inmates (time served, etc.) who are sentenced or held in a pretrial status pending disposition of their arrest. Because of the continuing high population levels at the jail in 2014, a total of 1,847 inmates or 154 a month were released due to the lack of pretrial and sentenced housing capacity. Nearly 61.7% of the average monthly releases due to the lack of jail housing capacity since 2010 have involved felony offenders with the remaining releases (38.3%) taking place for incarcerated misdemeanor offenders. **If these early releases were not occurring because of the lack of jail bed space, the facility’s average daily population considering the average length of jail stay (20 days) would increase by 103 inmates.***

*The average length of jail stay in 2013 was 23 days, and 20 days in 2014. Nearly two out of every three individuals booked into the facility are able to secure a release within five days or less. In 2014, for example, 6,747 detainees (53.7%) were booked and released from the jail in less than two days. Another 1,288 detainees (10.3%) were released between three to five days following their intake into the detention facility. A further indication the lack of jail bed capacity is having in the Butte County jail system is shown in a comparison between the average length of jail stay in Butte County and California county jails generally. In September 2014, the average statewide length of jail stay was 29 days, with the length of the incarceration in the Butte jail at 20 days. Equally significant, the average length of stay for both pretrial and sentenced detainees in the Butte jail is also significantly lower compared to California statewide data.*

*On November 4, 2014, California voters approved Proposition 47 which reduces the classification of most “non-serious and non-violent property and drug crimes” from a felony to a misdemeanor. Specifically, the initiative would (1) reduce felony and wobbler offenses for simple drug possession to straight misdemeanors for most people, (2) reduce a number of theft-related wobblers to straight misdemeanors for most people, and*

(3) retroactively allow most people convicted of felonies under prior law to reduce their convictions to misdemeanors if their crimes would not have been felonies if committed after the initiative's effective date. No firm data showing what the total impact of this new legislation will have on county jails inmate ADP levels has been developed. Until more actual experience and understanding about policies local criminal justice agencies take with the implementation of Proposition 47, a solid estimate of the law's impact cannot be totally confirmed. A comparative analysis of changes in total monthly jail releases between 2014 (baseline period) and the first five months in 2015 when the law was beginning to be implemented, however, shows a reduction of 67 facility releases a month, which if this continues, will result in an estimated drop in future jail ADP levels by 42 custody beds.

The County's criminal justice system also makes extensive use of both pretrial and sentenced alternatives to incarceration programs. In a "snapshot" taken on June 28, 2015, 1,081 offenders were under the jurisdiction of the Sheriff's Office and criminal justice system and were either in custody or participating in one of five alternatives to incarceration programs. A total of 594 (54.9%) offenders were in-custody pretrial or sentenced inmates. The remaining 487 individuals (45.1%) were participating in five primary alternatives to incarceration programs in lieu of continued incarceration in the County jail facility. A total of 139 (12.9%) of the "snapshot" population were Pretrial Release Program OR defendants. Another 131 (12.1%) were enrolled in the SWAP Program. An additional 137 (12.7%) were being supervised through the Alternative Custody Supervision (ACS) Program's Electronic Monitoring Unit. A total of 75 convicted felons and misdemeanants (6.9%) were participating in evidence-based counseling through the Sheriff's Day Reporting Center and five sentenced offenders were in the Sheriff's Parole Program.

The jail currently has an inmate population in which nearly half the detainees (48.4%) require high-security housing. The jail, however, currently contains 31 cells which can accommodate the inmate population. The other housing in the facility includes double-occupancy cells and dormitory beds/bunks. Only 18.5% (111) of the detained male and female inmates are classified as requiring minimum security dormitory housing beds. In contrast, the jail is configured with 421 dormitory-style beds which account for 68.6% of available housing. This stark difference in inmate security classifications compared to the type of custody beds contained in the jail not only complicates classification decisions, the lack of higher security housing places the safety of inmates, staff, and visitors at higher risk.

From a practical operational standpoint, regardless of an individual's classification and because the jail lacks sufficient housing pods to segregate numerous classifications of male and female inmates, the classification personnel are focusing housing assignments on identifying the highest security pretrial and sentenced inmates who have a violent offense, escape history, are gang members, have behavioral problems, have enemies in the facility, or other protective custody problems. These types of inmates are given priority for the administrative segregation units, protective custody housing pods, or medical / mental health beds.

Using historical trend data (County population, crime rates, felony/misdemeanor arrests, jail bookings, and inmate population levels) compiled during the study, additional information was developed which projects inmate population levels through the year 2034. The data indicates that the overall population and criminal justice system characteristics Butte County has experienced over the past five years should, to a large part, continue through 2034 with the exception of the impact Proposition 47 could have on jail inmate counts. The following Table shows the estimated future inmate population levels for Butte County's jail system.

**Estimated Future Population Levels for Butte County's Jail System Considering Peak Capacity Requirements**

<u>Year</u>	<u>Projected ADP</u>	<u>Peak &amp; Inmate Classification Factor</u>	<u>Total</u>
2015 - 19	688	69	757
2020 - 24	699	70	769
2025 - 29	703	70	773
2030 - 34	714	71	785

*The estimated 20-year population projections take into consideration (a) peak housing capacity factors, and (b) inmate classification requirements. The projection of inmate ADP also assumes that when additional bed capacity is made available, early releases for pretrial and sentenced inmates will be reduced. The jail will also have reached full implementation of AB 109 Realignment law by the end of 2015.*

**Facility Assessment and Evaluation**

Part of the consultant's work in developing the Updated Jail Needs Assessment has also focused on identifying the detention facility's physical plant and primary building systems strengths and weaknesses. This information was used to determine the continued usefulness and overall economic viability of the structure. The Assessment focused on factors that included (a) configuration and intended security levels, (b) defined uses of the facility, (c) physical condition of building elements, (d) quality of the space, and (e) ability to achieve intended security and level of safety for staff and inmates as well as compliance with standards.

The facility survey/assessment looked at previous reports, inspections, maintenance logs, capital expenditures, and any other documents or work products that influenced or have altered the status of the facility. Information on physical layout, dimensions and utilization of the detention facility was developed by observation, measurement, and building drawings. Information on the history of the institution's defined use was obtained directly from facility personnel. Space measurements from architectural plans were taken from the outside of exterior walls to the center line of the wall between adjacent interior rooms. To determine the aggregate gross square footage in the Butte County Jail, measurements for each space were determined from drawings using AutoCad. The measurement of each individual room was placed into one of 11 interior space categories and then totaled.

The review of the defined uses of space in the Jail showed that the facility contains **106,740** interior gross square feet. A total of **173.9 square feet** of interior facility space is available to support each of the 614 rated detention custody beds in the facility.

In order to better understand and identify space deficiencies in the Butte County Jail, the consultant team also used a summary breakdown for comparisons of the amount of interior square feet per rated inmate bed in each functional use area from a database originally developed by the Board of State and Community Corrections (BSCC). The database contains functional use area space allocations by rated bed capacity for 78 new generation adult jail facilities constructed with State bonds beginning in the early 90s. Information on seven (7) comparably-sized jail facilities included in this database was used for comparison purposes. Because very little has changed relating to jail design, this information allowed our consultant team to better understand space shortfalls and other deficiencies associated with the older Butte County Jail facility originally constructed in 1963 with a 1994 housing unit addition. The space breakdowns by interior functional use area for these comparison jail facilities are shown below. Each of the comparative jail facilities responds to new building designs, seismic regulations, and changes in minimum jail standards including other operational requirements resulting from numerous lawsuits filed in

response to inmate overcrowding conditions which led to the construction of these comparably-sized county jail facilities.

Below is a comparison to the medium county jails included in the BSCC database with the Butte County Jail detention facility. **The information shows that the Butte County Jail contains 173.9 gross square feet of interior space per rated custody bed while the state-wide average of seven facilities is 462.0 square feet per bed. Based on this comparative data, the Butte County Jail contains less than one-half of the average gross square foot per inmate compared to newer facilities built in California with similar population levels.**

<b>Comparison of Butte County Jail Defined Interior Space Allocations With Other California County Medium-sized Jails</b>					
		<b>Butte County Jail</b>		<b>BSCC County Jail Database</b>	
<b>Functional Use Area/Space</b>		<b>Gross Square Feet (GSF) Per Bed</b>	<b>Percent (%) of GSF Per Bed</b>	<b>Average GSF Per Bed</b>	<b>Percent (%) of GSF Per Bed</b>
1.	Administration Area	19.1	11.0%	31.4	6.8%
2.	Visiting/Lobby & Public Area	7.7	4.4%	16.8	3.6%
3.	Food Service Area	8.3	4.8%	8.4	1.8%
4.	Central Control Room	0.6	0.3%	1.3	0.3%
5.	Maintenance/Storage/Mechanical/Elect	9.3	5.3%	35.6	7.7%
6.	Laundry	3.1	1.8%	1.3	0.3%
7.	Intake Processing Area/Release	6.5	3.8%	44.4	9.6%
8.	Medical/Mental Health/Dental Care	4.5	2.6%	29.4	6.4%
9.	Classrooms and Program Space	1.8	1.0%	15.4	33.3%
10.	Housing and Dayrooms	102.0	58.7%	234.4	50.8%
11.	Interior Circulation	11.0	6.3%	43.6	9.4%
<b>Total (Indoor) Jail Space</b>		<b>173.9</b>	<b>100.0%</b>	<b>462.0</b>	<b>100.0%</b>
		<b>Gross Sq. Ft.</b>		<b>Gross Sq. Ft.</b>	

In reviewing this information, it is important to understand the Butte County jail was originally constructed in 1963 (Main Jail) with both cells and dormitory housing settings. The West Facility addition was completed in 1994 as a response to higher classification levels of incoming inmates. Key inmate housing unit characteristics of the two facilities include:

- § **Main Jail:** This older building has several rows of bar-front cells and dormitories accessed from central corridors in a linear design. Two 48-bed dormitories are located in wings off the western side of the Main Jail with direct access to outdoor recreation space.
- § **West Facility:** This building has two tiers of cells and dormitories with a central dayroom in a podular design. The population is split between two housing units. One housing unit contains six dormitory-style custody units for medium classification inmates while the second contains six celled units for higher security inmates. The inmates in this facility are all male. The combination of settings allows for a flexible placement of pretrial and sentenced inmates that can adjust with fluctuating custody and security needs.

As an overall conclusion, from the Building Space / Systems Quality Evaluation work, the consultant team identified the following functional use areas as highly deficient: (1) Housing and Dayrooms, (2) Classrooms and Program Space, (3) Medical/Mental Health/Dental, and (4) Intake Processing/Release Area. Overall, each of the following functional use areas are highly deficient in space as compared to the seven facilities in the consultant's database. This is because much of the facility and its infrastructure is of the 1963 era, when there were very few jail standards to be met. Today, modern custody standards have emerged along with the space needed to manage jail facilities while providing safety to staff, inmates, and the public. A summary recap of the deficiencies shows:

1. **Housing and Dayrooms** – The jail’s older inmate housing space is overcrowded with more bunk space than dayroom space. The rooms are too small for the custody population. The rooms are also difficult to observe and supervise because of their layout and geometry. Butte County is one of the few remaining counties in California that are still using these types of facilities.
2. **Classrooms and Program Space** – The existing Main Jail has no space specifically allocated for inmate programming. The West Facility shares three programming rooms among over 400 inmates. Dedicated space to provide inmates with evidence-based programs is key to rehabilitation and reductions in recidivism.
3. **Medical/Mental Health/Dental** – The medical/clinical spaces are undersized and inefficient. Spaces are not consolidated which makes this function staff-intensive; increasing the operational cost to the County. The clinic lacks appropriate waiting areas, ADA-compliance and acoustic privacy. Appropriate housing specifically designed for inmates with medical and/or mental health treatment program needs is not available.
4. **Intake Processing/Release Area** – The existing Intake/Release area is inadequate and undersized. Inmate holding is not designed to allow for adequate separation of inmates with varying security needs. The organization of space is inefficient for staff. In addition, the Intake Processing/Release Area is bisected by a corridor which is the primary East/West circulation pathway through the jail.

Two critical deficient areas in the jail include (1) medical / mental health / dental care, and (2) inmate program space. Space for health care services is an extremely critical functional use area to a county jail, a sheriff’s office, and a county. This is where the medical, mental health, and dental screening for detainees occurs. The purpose of the screening is to identify, at a minimum, those individuals with chronic, acute, and communicable conditions, and those detainees who are alcohol or drug dependent and those with serious emotional disorders and dental needs. Screening these detainees before they are housed can insure against unnecessary aggravation of their medical, dental, or mental health conditions and can dramatically reduce the spread of infection to the rest of the inmate population. The Board of State and Community Corrections (BSCC) has established specific guidelines for the facility’s health care administrator to follow. Many counties contract this service out to a qualified health care medical group. When health care services are delivered within a jail facility, staff, space, equipment, supplies, materials, and resource manuals must be adequate for the level of care provided at the detention facility. At a minimum, the facility must have a medical exam room of no less than 144 square feet and it must contain lockable medical supply storage and cold/hot water. Title 15 Minimum Jail Standards also responds to a wide range of rules and procedures for medical, mental health, and dental health care for detained minors.

The Needs Assessment has shown that the jail’s current inmate medical space is considerably small and inadequate for the number of inmates and will be further compounded by additional inmate population. The average square footage of similarly sized detention facilities per custody bed in California is **29.6** square feet. The Butte County Jail has just **4.5** square feet of medical space per bed. Currently, there is a small medical unit with only three cells. The jail lacks adequate medical and dental exam rooms and mental health service’s office space for treatment staff. There is one pod dedicated for inmates with mental health disorders, but that pod was not designed specifically for mental health treatment and lacks adequate space for programming and staff support area.

Another example of the space deficiencies in the jail occurs with the existing inmate program space. Operationally, in addition to classroom space, a jail needs to have dedicated program space which can accommodate small and larger group counseling sessions and treatment programming for multiple incarcerated inmate populations. In recent years, California sheriff’s departments have begun training

staff and working collaboratively with qualified treatment providers who are experienced in providing evidence-based cognitive behavioral rehabilitative programming to adult offenders. These programs have demonstrated that when properly directed to high-risk offenders, they can reduce long-term recidivism rates. Jails throughout California are working to bring these programs into the detention environment in an effort to reduce recidivism rates among the incarcerated populations. These program areas need to be large enough to accommodate one-on-one, face-to-face counseling sessions, group orientations, and follow-up structured counseling for 12 – 15 participants.

The space deficiencies identified in the Needs Assessment showed the jail's programming space is not adequately sized. The Main Jail has no area which can be used for inmate programs and the West Facility has one small program room for an ADP in excess of 400 inmates. Generally, the jail lacks sufficient program rooms to serve separate inmate groups at the same time. With the implementation of AB 109, shifting inmate populations to longer term offenders, the lack of space for inmate programs severely limits the jail's ability to offer offenders other programming that criminal justice research has shown will aid in reducing offender recidivism. The current amount of total programming space in the County Jail is considerably small and inadequate for the number of inmates. The average square footage of custody program space in similarly sized detention facilities throughout California is **15.4** square feet per bed. The Butte County Jail has just **1.8** square feet of programming space per custody bed. This is only about 12.0% of the classroom and program space found in newer generation, podular-tiered jail facilities. In an era where evidence-based programming is seen as the key to rehabilitation, this is a huge disparity.

In addition to the lack of rooms and spaces for treatment and programming, movement of inmates to treatment spaces inside the jail is challenged due to the poor state of the existing jail and its circulation system. A portion of this circulation system bisects in the intake area, traveling between the booking area and the shower and property storage area. This has the potential to mix sterile inmates with new arrestees. Another portion of the jail circulation is an exterior covered walkway connecting the original jail with the newer, West Facility; but that corridor bypasses exterior yards and detached dormitories creating a security risk. Because the vehicle sallyport of the existing intake is too small, inmates awaiting transfer to court or other institutions must stage in this exterior corridor near a second make-shift sallyport between old and new wings of the jail. This creates a great deal of congestion and a lack of security along this corridor (the main thoroughfare between sections of the jail). This combined with open barred cells along other portions of the circulation system prevents movement of inmates to programs.

The existing intake, which can accommodate only two patrol vehicles in a single lane, is in the oldest portion of the jail. This building is non-compliant and cannot be modified without a significant upgrade in infrastructure which will include the introduction of fire sprinklers, fire walls, corridors, door openings, and an accessible path of travel. A renovation of the existing intake area is not economically feasible nor would it be compliant by current code requirements.

The existing female housing in the jail is also linear with barred-cell fronts in a mix of single cells and dormitories. Some of this housing affronts the primary circulation corridors and creates a lack of modesty for the female inmates as visitors and staff pass by. These cells do not have fire sprinklers, often lack a second required exit, and fail to provide adequate dayroom and yard space. These open cell fronts also pose a security, contraband, and health risk because they are along the primary path for people, food, laundry, and other supplies.

The photograph on the top of the following page shows the Main Jail linear female housing unit with barred-cell fronts. Butte County is only one of a few jurisdictions in California still using this type of jail facility for custody housing.



***Main Jail Linear Female Housing With Barred-cell Fronts  
(Butte County is only one of a few jurisdictions still using this type of jail facility)***

### **Jail Facility Construction Plan**

In recognition of the lack of appropriate programming space and other bed capacity needs counties are confronting because of AB 109, the State is making available through SB 863 legislation jail construction funding up to \$40 million for medium-sized counties including Butte. In order to compete for the SB 863 construction funding, Butte County has prepared this comprehensive Jail Needs Assessment Update and developed a detailed proposal that will be submitted for funding evaluation and consideration by the Board of State and Community Corrections (BSCC) on August 28, 2015.

The information collected and analyzed in the Jail Needs Assessment Update has demonstrated a major need for new replacement custody beds and programming / services space at the Butte County Jail detention facility located in Oroville, California. In establishing the schedule of construction recommendations, the consultants are mindful that most counties, including Butte, do not have sufficient fiscal resources to build adult jail facilities without significant State financial assistance. It is important to understand that the construction recommendations reported here can take from 3 – 5 years from the point of grant award to occupancy. The time-phased sequence also was based on the anticipated timing of the BSCC County Jail Construction Funding cycle contained in the recently enacted SB 863 Adult Local Criminal Justice Facilities Construction Program.

Based on the facility gaps identified in the Needs Assessment Update project, the following recommendations have been developed that will respond to both inmate housing and infrastructure

needs. The recommendations are grouped in three separate time-phased scheduling sequences that reflect the current BSCC jail construction SB 863 funding process. The recommendations are summarized in a matrix format that lists the Statement of Probable Construction Costs identified for the proposed project.

A priority objective of the **Phase I** BSCC Senate Bill 863 Adult Local Criminal Justice Facilities Construction Funding would not only address selected major facility infrastructure and deficiencies / shortfalls, but would begin alleviating the impact the AB 109 Realignment Act is currently having on the County jail. The **Phase II** immediate and short-term listing of other jail projects called for within 1 – 7 years has been structured to address remaining jail infrastructure building gaps. The **Phase III** recommendations focus on longer term programming and jail construction (within 8 – 15 years) associated with other construction projects that would improve overall operations and expand space for jail functions. The Statement of Probable Costs shown in the recommendation matrix include both construction and project-related costs for Recommendation #1. The remodeling projects will require other non-state funding sources because they will not qualify for BSCC funding through SB 863 legislation.

**Butte County Sheriff’s Office Corrections Division**

Recommendation	Scope of Work	Probable Construction Cost
<b>Phase I: Senate Bill 863 Programming &amp; Jail Construction Project</b>		
<b>Board of State and Community Corrections (BSCC) SB 863 Jail Construction Funding</b>		
<b>Recommendation #1</b>	<b>SB 863 –New Housing Unit and Intake Facility</b> - Program, design and construct a new stand-alone housing unit north of the existing jail intake. The new housing unit will include: inmate program areas, medical and mental health treatment beds and services, replacement beds, an intake area, and support spaces.	\$44,445,000
<b>Recommendation #2</b>	<b>SB 863 – New Secure Parking lot</b> – Program, design and construct a New 26 space secure parking lot for jail and Sheriff’s staff.	Included in Recommendation #1
<b>Phase II: Short-term Programming and Jail Construction (Within 1 – 7 Years)</b>		
<b>Other Butte County Capital Construction Funding Sources</b>		
<b>Recommendation #3</b>	<b>New Video Visitation Facility</b> - Program, design and construct a new video visitation facility adjacent to the East Facility.	To be determined
<b>Recommendation #4</b>	<b>Relocate Existing Evidence Storage Building</b> - Program, design and construct a new evidence storage building and yard in vacant land adjacent to the East Facility.	To be determined
<b>Recommendation #5</b>	<b>Security Electronic Upgrades</b> - Assess, develop program and repair/upgrade all security electronics, control panels, cameras, and head-in equipment, to provide a functional security electronic system. <sup>1</sup>	To be determined
<b>Recommendation #6</b>	<b>Security Hardware</b> – Assess and repair/replace all security locking devices essential to the jail operations. <sup>1</sup>	To be determined
<b>Recommendation #7</b>	<b>Deferred Maintenance</b> – Assess and repair/replace essential systems to maintain the effectiveness of the jail operations. The maintenance will include HVAC, roof, life safety, and other miscellaneous identified projects. <sup>1</sup>	To be determined

Phase III: Long-Term Programming and Jail Construction (Within 8 - 15 Years)		
Other Butte County Capital Construction Funding Sources		
<b>Recommendation #8</b>	<b>Relocate Sheriff's Administration</b> – Program, design and construct a new Sheriff's Administration and 911 dispatch building.	To be determined
<b>Recommendation #9</b>	<b>Kitchen and Laundry Remodel</b> – Program, design and construct a remodel of the existing food-service kitchen and laundry facilities.	To be determined

1. The Statement of Probable Costs shown in the recommendation matrix include both construction and project-related costs for Recommendation #1. The remodeling projects will require other non-state funding sources because they will not qualify for BSCC funding through SB 863 legislation.

### Scope and Areas to Be Improved With SB 863 Jail Construction Project

The Needs Assessment Project has identified several deficiencies which need to be corrected at the Butte County Jail which are priorities of Butte County's SB 863 funding application. The consultants have specifically identified the need to (1) add program and treatment rooms/spaces, (2) expand services for medical and mental health treatment and counseling, (3) provide medical and mental health beds, (4) provide adequate staff areas for clinical and programming staff (5) replace substandard linear housing, and (6) replace the functionally inadequate intake area. A new building with the amenities listed above will be the first phase in the phased demolition and replacement of an antiquated, non-compliant jail facility.

The AB 109 Realignment Act has resulted in additional multi-year sentenced felony inmates in the County jail system. The Butte County Jail is, therefore, overcrowded and lacks adequate beds, a means to separate distinct populations, and space for rehabilitative programs.

The jail lacks adequate medical and dental exam rooms, mental health services, office space for treatment staff, and treatment space to facilitate evidence based programs that are necessary to reduce recidivism. Currently there is a small medical unit with only three cells. There is one pod dedicated for inmates with mental health disorders but that pod was not designed specifically for mental health treatment and lacks adequate space for programming and staff support area.

In addition to the lack of rooms and spaces for treatment and programming, movement of inmates to treatment spaces inside the jail is challenged due to the poor state of the existing jail and its circulation system. A portion of this circulation system bisects in the intake area, traveling between the booking area and the shower and property storage area. This has the potential to mix sterile inmates with new arrestees. Another portion of the jail circulation is an exterior covered walkway connecting the original jail with the newer, West Facility; but that corridor bypasses exterior yards and detached dormitories creating a security risk. Because the vehicle sallyport of the existing intake is too small, inmates awaiting transfer to court or other institutions must queue in this exterior corridor near a second make-shift sallyport between old and new wings of the jail. This creates a great deal of congestion and a lack of security along this corridor (the main thoroughfare between sections of the jail). This combined with open barred cells along other portions of the circulation system prevents movement of inmates to programs.

The existing female housing is linear with barred cell fronts in a mix of single cells and dormitories. Some of this housing affronts the primary circulation corridors and creates a lack of modesty for the female inmates as visitors and staff pass by. These cells do not have fire sprinklers, often lack a second required exit, and fail to provide adequate dayroom and yard space. These open cell fronts also pose a security, contraband, and health risk because they are along the primary path for people, food, laundry, and other supplies.

The existing intake, which can accommodate only two patrol vehicles in a single lane, is in the oldest portion of the jail. This building is non-compliant and cannot be modified without a significant upgrade in infrastructure which will include the introduction of fire sprinklers, fire walls, corridors, door openings, and an accessible path of travel. A renovation of the existing intake area is not economically feasible nor would it be compliant by current code requirements.

The proposed project would be a separate, stand-alone facility which connects into the existing corridor system. However, because future plans include the phased demolition and replacement of the oldest portion of the jail, a new intake must be included as part of this project. A new intake would also solve other challenges facing the Butte County Jail. The new intake would include a large sallyport which would accommodate a bus for court transfers and up to five patrol vehicles. The new intake would also provide enough holding cells to adequately separate the various populations of inmates who are being processed as well as provide for two safety cells, none are currently provided. Finally, the new intake would no longer be bisected by the main circulation through the jail.

A new housing unit would provide two dedicated medical/mental health treatment pods with 18 beds each, flanking program rooms and treatment staff spaces. These special housing units will be enhanced with a new clinic area (which serves the entire facility), and includes a medical and dental exam room, as well as treatment staff offices located between the medical/mental health unit and the new intake. The new housing unit can also provide necessary programming space for inmates, located directly in the units to ensure services can be provided to inmates regardless of the circulation challenges in the old jail. New construction would replace the existing linear, bar front cells with four modern housing pods with cells and/or dormitories on tiers totaling 96 beds.

***The construction of a new specialized housing unit fulfils a critical need of the Butte County jail and it provides a safe, highly structured and service focused custody environment where inmates of all security classifications can receive services and participate in evidence based programs.***

Whereas the specific needs align with the funding criteria contained in SB 863, the consultant team is recommending the Sheriff's Office apply for State funding which would enable the County to address these critical space needs within its jail system. The consultants, in conjunction with jail staff, have explored strategies to improve the secure operations and conditions at the Butte County facility on multiple fronts. The proposed project will provide:

- (a) Additional program and treatment rooms/spaces.
- (b) Two medical and mental health pods.
- (c) A new clinic with medical and dental exam rooms.
- (d) Support space for clinical and program staff.
- (e) Four housing pods to replace substandard linear housing, provide the required dayroom and yard space, and provide dedicated and shared program spaces accessible directly from each pod.
- (f) A new intake area and vehicle sallyport.

The SB 863 jail expansion project would become the new "heart" of the Butte County Jail. It will facilitate the phased replacement of the existing, archaic facility and allow the Butte County jail to transform into a state-of-the-art facility that is safe, secure and efficient; and will allow for the addition of program spaces and treatment services that reduces recidivism and supports rehabilitation.

***(See Appendix G: Preliminary Jail Programming and Space Allocations For the SB 863 Project)***

## ***Phase I: Senate Bill 863 Programming and Jail Construction Project***

The following narrative describes the key elements and programming associated with each recommendation the consultant team and Sheriff's Office believes should be included in a funding application prepared and submitted to the Board of State and Community Corrections (BSCC) for SB 863 Jail Construction funding.

***Recommendation #1: SB 863 New Housing Unit and Intake Facility*** - Program, design and construct a new stand-alone housing unit north of the existing jail intake. The new housing unit would include:

### *Medical and Mental Health Treatment*

1. Two 18-bed medical/mental health units, primarily single bed cells but with three double cells in each unit which will be used to reintegrate inmates to general population. These units include dayrooms space and dedicated recreation yards so that these beds can be considered board rated. The pods flank a central staff area which has direct visibility into the dayrooms and yards. These staff areas include direct observation custody stations, nurse stations, a medication room, two interview program rooms, a group program room, safety cells, and clean and soiled utility rooms. The interview rooms and the group room will be accessible from dayrooms and the staff area- and visible from the custody station.
2. A medical clinic will be located between the medical/mental health units and intake. It will be located along the main inmate circulation so that it is also accessible to inmates in the rest of the jail facility. This clinic will include two small holding rooms with toilets. An exam room and dental exam rooms will flank a pair of holding cells. Staff areas will support workstations, a private office, a copy/work area, and a pharmacy/lab space.

### *Housing and Dayrooms*

3. Four 24-person bed pods will replace 96 beds in the linear style, non-sprinklered, jail with barred cell fronts. These new replacement beds will serve a diverse range of classifications, designed to be sensitive to the needs of a female population as well as inmates with mental health disorders. The units will accommodate medium and maximum security inmates in a mix of double-cells and dormitories in tiered pods. Two pairs of pods will flank two shared classrooms which could accommodate 16 inmates each. These shared classrooms will have direct access from the dayrooms of these pods. All four pods will also have dedicated program/interview rooms as well as access to dedicated yards. Cells/dormitories will be served by rear plumbing chases. The resulting design will maximize the time that inmates can be out of their cells receiving treatment, programs, and recreation. The flexible design accommodates an over-watch custody control station as well as infrastructure that will allow for direct supervision of pods if staffing allows.

### *Intake Processing and Release*

4. A new intake area will provide a large, secure sallyport which will accommodate a full size bus and up to five patrol cars or vans. The pre-book area will provide two officer stations, an officer toilet, and emergency shower, a cash collection machine, an exam/triage room, and infrastructure for a property packaging unit. The holding area will provide a variety of cells including two safety cells, five

single cells, four sobering cells, and four group cells. One of each type of cell will be disabled accessible. Instead of benches, 30" wide platforms at least 6'-4" long will be provided which can support a mattress. A docile waiting area will provide seating in the open, but visible from booking stations. Two ADA toilets will be provided for arrestees in the docile waiting area. Two attorney interview booths along with a secure public lobby will be provided for visiting attorneys. Four booking stations will be centered in the Intake department. Pre-trial workstations will also be located within the booking staff area. Staging, showers, and sterile holding are also provided.

#### Central Control

5. A secure central control will be located on the tier level. The Central Control will have direct visual control into the four standard housing units. The Control station will have views into dayrooms, large program/classrooms, and yards. They will also be able to see the doors into cells, dormitories, small program rooms, showers, and janitor's closets. Central Control will also have control over the existing facility via CCTV monitoring.

#### Program Rooms

6. The program rooms are different sizes to accommodate a variety of programs and services which include group therapy, educational instruction, religious services, etc. A partial list of planned programs includes:

Cognitive Behavioral Therapy classes and other specialized supporting services which address identified individual needs including:

- § Moral Reconciliation Therapy (MRT)
- § Coping with Anger
- § Staying Quit: Relapse Prevention
- § Parenting and Family Values
- § Something For Nothing: Theft Awareness
- § Taking the High Road: Drug Education
- § Breaking the Chains of Trauma
- § Online GED Program
- § Job Readiness
- § College Readiness
- § Narcotics Anonymous
- § Community Impact Mentoring Program
- § Library Literacy Program
- § Computer Literacy
- § Craving Identification Management (CIM)
- § Seeking Safety / Healthy Relationships (Catalyst DV Services) for men and women
- § Methamphetamine Presentation (Meth Strike Force)
- § Child Support Services
- § Department of Employment and Social Services
- § The Perils of Drug Abuse Presentation (Drug Endangered Children)
- § Sexually Transmitted Diseases Class (Butte County Public Health)

**Recommendation #2: SB 863 New Secure Parking Lot:** Design and construct a new parking lot and renovate portions of the existing lot. A new parking lot will replace the parking located where the proposed building is placed. This will provide secure parking for staff vehicles. The existing parking lot east of the Sheriff's Office will provide the most convenient parking for visitors. That lot will be re-striped and a portion will be re-graded to provide for the required ADA parking stalls.

The following Table provides a summary cost estimate of the SB 863 Jail Construction Project.

**BUDGET SUMMARY TABLE**

Line Itm	State Reimbursed	Cash Contribution	In Kind	Total
1	Construction	\$35,480,000	\$1,000,000	\$36,480,000
2	Additional Eligible Cost	\$1,156,000	\$1,890,000	\$3,046,000
3	Architectural	\$1,359,000	\$100,000	\$1,459,000
4	Project/Construction Management	\$1,989,000	\$200,000	\$2,189,000
5	CEQA		\$0	\$0
6	State Agency Fees	\$16,000	\$125,000	\$141,000
7	Audit		\$32,000	\$32,000
8	Needs Assessment		\$18,000	\$18,000
9	Transition Planning		\$0	\$250,000
10	County Administration		\$330,000	\$330,000
11	Land Value		\$500,000	\$500,000
	<b>TOTAL PROJECT COSTS</b>	<b>\$40,000,000</b>	<b>\$3,365,000</b>	<b>\$1,080,000</b>
	<b>PERCENT OF TOTAL</b>	<b>90.0%</b>	<b>8.0%</b>	<b>2.0%</b>
				<b>100.0%</b>

***(See Appendix H: Detailed Schedule, Project and Construction Cost Estimate for the SB 863 Jail Project)***

***The diagram at the top of the following page highlights the new replacement housing / treatment building including the custody cells and the proposed 96-bed security housing, and overall site plan showing the limits of the SB 863 project.***



## SECTION 2: INTRODUCTION & METHODOLOGY

### Butte County Jail Needs Assessment Update

#### Introduction and Background Information



*Butte Jail Inmate Booking Area*

Butte County is located in the Central Valley of California, north of the State Capital of Sacramento. Butte County is known as the “Land of Natural Wealth and Beauty.” The County contains the Feather and the Sacramento Rivers. The County is the home of California State University Chico and Butte Community College. The County has a total area of 1,677 square miles. Part of the County’s western border is formed by the Sacramento River and lies along the western slope of the Sierra Nevada Mountain Range. The steep slopes make it prime territory for the siting of hydroelectric power plants of which about a half a dozen of these plants are located within the County. Adjacent counties include (a) Yuba, (b) Sutter, (c) Colusa, (d) Glenn, (e) Tehama, and (f) Plumas Counties.

As of the 2010 census, the population of the County was 220,000. The County seat is Oroville, and the largest city is Chico. Gridley, Biggs, and Paradise are the incorporated communities in the County. The racial make up of the County is 81.9% white, 14.1% Hispanic, 1.6% African American, 2.0% Native American, 4.1% Asian, 0.2% Pacific Islander, and 4.7% from two or more races. The community’s median household income is \$42,971.



The Butte County Sheriff’s Office operates the County’s only Type II jail facility located at 33 County Center Drive, in Oroville, California. The jail was built in 1963 as a component of the new Sheriff’s Office building. In 1987, the “East Facility” inmate housing unit was added to the jail system and the “West Facility” was opened in 1994. The entire jail complex has a Board of State and Community Corrections

(BSCC) rated capacity for 614 inmates. The County jail houses both pretrial and sentenced male / female offenders. Since October 2011, the jail system also houses AB 109 Public Safety Realignment Act County jail prison (N3), 3056 PC parolees, Post Release Community Supervision (PRCS) offenders, and flash incarceration Probation Department offenders.

In order to address persistent overcrowding in local jail facilities, the Sheriff's Office has developed and implemented an extensive array of alternative to incarceration programs and case processing procedures which allows the jail system to function within the limits of available custody beds. Continued increases in inmate populations, particularly as a result of the State AB 109 Public Safety Realignment Act, is seriously impacting crowding in Butte County adult detention facilities.

The 52 year old Butte County Jail system, which has been operating under a 1985 Superior Court Consent Decree which caps individual inmate housing units to their rated custody bed capacity giving the detention facility a total of 614 rated custody beds that include single, double-occupancy, and dormitory beds / bunks. The jail does not have the ability to segregate numerous classifications of inmates because of continued crowding and the lack of physically secure custody housing to separate inmates who should be housed in higher security, single- and double-occupancy units because of their classification. Over the past 13 years, the County jail has been processing an average of 1,094 bookings each month. This represents an average of 30 bookings per day. The jail system has a 2014 average daily inmate population (ADP) totaling 587. Currently, the jail is operating at 95.6% of the Board of State and Community Corrections (BSCC) rated custody bed capacity of 614. Pretrial inmate population comprise about 60.3% of the total custody bed space. Sentenced inmate population makes up only 39.7% of the detention bed space. Because of the overcrowding, the jail has virtually eliminated most pretrial and sentenced misdemeanants from the incarcerated population.

The AB 109 Realignment Act has had a significant impact on county jail custody trends. Between 2011-14, the County jail has processed 3,061 AB 109 Realignment Act inmates. A total of 919 (30.0%) have been County Prison (N3) felony offenders sentenced to local custody. Another 582 (19.0%) have been Post-Release Community Supervision (PRCS) offenders booked on a PC3454(c) flash incarceration. A total of 601 (19.6%) have been PRCS offenders booked with a new local charge and 959 individuals (31.3%) were booked on a PC 3056 parole violation. The jail has booked an average of 24 sentenced felons a month into the detention facility. CDCR originally estimated the County jail would be admitting an average of 17 County Prison sentenced (N3) inmates a month. To date, the facility has been processing seven more County Prison (N3) inmates a month than the State projected.

Because of the lack of bed space, the overwhelming majority of jail detainees generally secure a release from the facility after booking or prior to completing their Court sentence. Nearly two out of every three individuals booked into the facility are able to secure a release within five days or less. Analysis of the average length of jail incarceration among inmates released from the facility in 2014 was 20 days. A further indication the lack of jail bed capacity is having in the Butte County Jail system shows that the average state-wide length of jail stay last year was 29 days compared to the Butte County Jail at 20 days. Equally significant, the average length of stay for both pretrial and sentenced detainees in the Butte Jail is also significantly lower compared to California state-wide data.

The provisions of the Public Safety Realignment Act became operative on October 1, 2011. Consequently, as offenders are sentenced on or after this date or released to community supervision, they are the responsibility of the County, if they meet the statutory criteria for the realigned population. The Realignment Act mandates that felons convicted of non-violent, non-serious and non-sex offenses serve their prison sentence in County Jail instead of State Prison. Offenders sentenced to serve determinative incarceration terms, whether it is in State Prison or local custody as the new law requires, will serve a term directed by the Superior Court. For offenders sentenced to a term in local custody, the new law, however, permits a judge to split a determinative sentence between custody and "mandatory supervision."

The AB 109 legislation reassigns three groups of offenders previously handled through the State Prison and Parole System to California counties. The first group includes convicted offenders receiving

sentences for new non-violent, non-serious, non-sex offender “N3) crimes that will be served locally (one year or more). Offenders in this category will have no prior violent or serious convictions. The second group involves post-release offenders (up to three years) coming under Probation Department supervision for (N3) crimes released from State Prison. Offenders in this category may have had prior convictions for violent or serious crimes. The third group includes State parole violators who are revoked to custody. With the exception of offenders sentenced to life with parole, this group is revoked to the local County jail system instead of state prison.

With the system-wide average daily population levels for the County jail facilities continually at or above rated bed capacity, the Sheriff’s Office is extremely concerned about the influx of AB 109 convicted and sentenced felony defendants. In order to address this situation, this Jail Needs Assessment Update was undertaken by the County of Butte to prove our need for applying for the SB 863 Adult Local Criminal Justice Facilities Program jail construction funds that will become available through the Board of State and Community Corrections (BSCC) in the summer of 2015.

### **Sheriff’s Office’s Response to Jail Custody Bed Needs**

In response to the current bed capacity needs and long-term projected impact of the AB 109 Public Safety Realignment Act, the Sheriff’s Office has initiated a process that includes the following steps and actions:

- § Review, development and implementation of jail population management alternatives specifically directed at relieving overcrowding through nationally recognized pre- and post-sentenced release programs.
- § Updating jail management and operations by increasing staff responsibilities; expanding in-service training; and establishing system-wide policies and procedures that address all major practices in the custody process.
- § Upgrading and expanding inmate programs and services by following a classification process for making both housing and program assignments.
- § Developing a comprehensive Jail Needs Assessment Update that incorporates both immediate and long-range construction solutions to alleviate the most serious facility building needs of the Custody Division.

The Sheriff’s Office has also adopted a set of written goals and objectives for the adult corrections system that express, in broad terms, the principal purposes for which the County jail is operated. The Mission Statement includes clear statements of philosophy directing such issues as (1) secure custody of inmates; (2) inmate welfare and safety; (3) staff welfare and safety; (4) system coordination and support; (5) use of alternatives to incarceration; (6) management roles and responsibilities; and (7) facility design standards.

The Sheriff’s Office has further concluded that the following major components are critical to improving the County’s detention system: (1) need to build; (2) need to have the criminal justice agencies working together; (3) need to utilize alternative programs; (4) equality of housing and programs; (5) new construction concepts involving the use of open environment and high inmate – staff interaction; (6) substantial staff training; and (7) compliance with California Title 15 Minimum Jail Standards. In addition, the Sheriff’s Office is endorsing several concepts which they believe are critical and should be the focal points for implementing the jail system’s Mission Statement. These concepts are highlighted below.

- § The paramount goal of any jail must be public safety and security.

- § The primary goal with regard to the inmate population should be that detained individuals will depart the facilities in no worse condition, physically or psychological than when they entered.
- § Creative alternatives to prosecution, detention, and sentencing should be used, to the extent possible, and consistent with public safety.
- § Equal facilities and access to jail programs must be provided to male and female inmates and those longer term Realignment Act PC 1170 (h)(5)(A) and (B) sentenced inmates.
- § Any new jail facilities need to be designed with an eye toward flexibility in the segregation and housing of inmates.

In approaching the architectural design for the County's jail complex, the Sheriff's Office's Custody Division has adopted two major components that call for jail facilities that:

- § Utilize a podular-designed jail with an inmate management philosophy of direct supervision.
- § Utilize a "Central Service Core" design concept which allows more flexibility in both phasing construction and tying into existing or future onsite buildings.

To aid in the planning of future jail facilities, the Sheriff's Office has established the following implementation guidelines which they utilize in their long-range Facility Master Plan for the County jail system.

**Guidelines for Development of Future Jail Facilities in Butte County**

- (1) The facilities should be flexible in design and allow for phased construction and future expansion.
- (2) Each facility should be constructed to provide maximum security at its perimeter with layered security zones within the facility. Interior construction should be consistent with security needs of the area.
- (3) Overall security management of each facility should be maintained by a Central Control station. Central Control should be responsible for the operation of all entry and exit doors and sally ports for both the perimeter and interior zones. This station should be in a secure area that is inaccessible to inmates, visitors, and away from high traffic areas.
- (4) Each facility should provide appropriate staff space to accommodate staff briefings, conferences, breaks, lunch, showers, toilets, and lockers. This space should provide staff privacy and relaxation away from other facility activities.
- (5) The design should provide for maximum flexibility in its components to accommodate inmate classifications and AB 109 programs/service needs of sentenced inmates. It should incorporate the concepts of centralizing administration, developing a Central Service Core, and providing alternative program space (centralized and decentralized) consistent with inmate classification.

- (6) Separate facilities should be provided for those offenders assigned to alternatives to incarceration and work release programs. There should be no contact between these individuals and general jail population inmates. This separation can minimize contraband smuggling, especially in service areas (e.g., food service, laundry, etc.).

## Jail Needs Assessment Update Methodology

In order to assist the Sheriff's Office respond to the jail's continued overcrowding situation, the Board of Supervisors has contracted with Vanir, Inc. to conduct a Jail Needs Assessment Update with assistance provided through Nacht & Lewis, and the Criminal Justice Research Foundation (CJRF). The work conducted in this effort involves completing a series of planning objectives and related data collection tasks that are intended to:

### Butte County Jail Needs Assessment Update Planning Objectives

- § **Planning Objective #1:** Document the full range of jail facility needs of the Butte County Correctional System.
- § **Planning Objective #2:** Reconfirm the goals and operational objectives that provide overall policy direction for Butte's Adult Detention System.
- § **Planning Objective #3:** Profile jail system processes involving felony and misdemeanor arrests and identify constraints that prohibit the jail system from resolving operational and facility-related problems.
- § **Planning Objective #4:** Project the number of jail facilities, square footage, and other support space requirements of the Sheriff's Office's Custody Division. Determine whether or not it is cost-effective to provide facilities through remodeling or expansion of the existing facility and/or construction of new jail buildings.
- § **Planning Objective #5:** Identify the practical steps that can be taken to meet the needs of the jail system while facility programming and construction is completed.
- § **Planning Objective #6:** Prepare a time-phased detailed Needs Assessment Update and facility planning document the County can rely upon when making fiscal resource decisions and commitments involving the County jail.

The information and data collected in responding to these planning objectives was used to prepare the updated Jail Needs Assessment. The Assessment encompasses the planning criteria and supporting information specified by the Board of State and Community Corrections (BSCC) Title 24 requirements identified in the chart on the following page.

The Needs Assessment Update also provides pre-architectural planning recommendations to meet jail facility requirements through the year 2034. The Report contains the following summarized information:

- § **Criminal Justice System Trends:** An analysis of County criminal justice statistics and trends including a profile of the adult population detained in the jail; identification of existing jail system average daily population (ADP) capacity; and projections of inmate population increases including changes in the profile of pretrial and sentenced adults housed in the system.
- § **Programs and Services:** Identification of jail programs and services presently in place including alternatives to incarceration and judicial resources. The Assessment also reviewed other options and additional services that might be developed, where feasible, to enhance or expand current programming to address present and/or future needs.

§ **Jail Requirements:** The Assessment establishes an estimate of current jail needs including an evaluation of the potential of existing facilities for continued and future use. Options for facility development, including construction costs of proposed facilities are also highlighted.

**Board of State and Community Corrections (BSCC)  
Title 24 Comprehensive Adult Facility Needs Assessment Report Requirements**

1. Description of the elements of the adult criminal justice system;
2. Description of the Department's management philosophy/process;
3. Description of the current adult jail population;
4. Description of the County Jail inmate classification system;
5. Description of the program needs, including planned academic programs and special education programs, and an analysis of performance in using programs which can reduce secure facility requirements;
6. An analysis of the corrections' system trends and characteristics which influence planning assumptions about future change, including: population projections, projections of adult jail population and program costs based on continuation of current policies, and projections of the impact of alternative policies or programs on adult jail population growth and program costs;
7. A history of the system's compliance with standards including the adequacy of staffing levels and the ability to provide visual supervision;
8. A history of the adequacy of record keeping;
9. The ability to provide confidential interviews and medical exams, and;
10. Discussion of unresolved issues.

### **Criminal Justice System Processing Trends**

The preparation of the Jail Needs Assessment Update contains the following:

- § History of present County jail system, status of the current facilities and a description of current problem areas.
- § Review of the basic mission, goals and objectives of the County jail system and the operational needs of the County's adult pretrial and sentenced population.
- § Review of present processing of adult offenders from booking to release and preparation of detainee profiles.
- § Review and evaluation of reasonable alternatives to incarceration and the extent to which these alternatives have been utilized by the County.
- § Evaluation of specific custody needs, including level(s) of security, program, housing, and administrative space.
- § Evaluation and recommendations regarding the utilization, modification, or expansion of the existing jail system and potential site locations for additional facilities.
- § Consideration of various alternatives to meet the current and future needs of the County's jail facilities, staff and programs within Butte County. Facility alternatives are delineated and accompanied by a list of advantages and disadvantages for each option.

§ Development of a time-phased Construction Plan that specifies adult jail facility requirements which Butte County will have to meet during the next 20 years.

As part of the background work associated with the preparation of updating the Needs Assessment, the following trend information was compiled from published and unpublished data collected by the California Department of Finance and Attorney General's Office Bureau of Criminal Statistics. Other trend information was developed from the Sheriff's Office's custody records. This information was intended to provide an overview of basic justice system processing trends in Butte County.

#### Jail Needs Assessment Update Planning Information

- (1) County-wide adult population trends.
- (2) Adult arrest trends.
- (3) Jail booking and ADP population trends
- (4) Trends in Court sentencing practices including AB 109 Public Safety Realignment Act and impact of Proposition 47 on custody bed needs.
- (5) Misdemeanor citation release trends.
- (6) Pretrial and sentenced release trends.

The specific information considered in the Update of these basic criminal justice processing trends included:

- (1) **Adult Population Trends:** Data showing projected growth comparisons between adult and total county-wide population for the period 2010 – 2034 was examined. The annual growth rate in adult male and female population for the same period was also considered.
- (2) **Adult Arrest Trends:** Adult felony and misdemeanor arrest trends for the period 2004 – 2013 was examined. Changes in arrest rate patterns for specific offense categories was also collected and analyzed. Specific attention was directed to identifying changes in the percentage of arrests involving serious felony crimes of violence and weapons, alcohol/non-alcohol related crimes and the proportion of arrests between adult males and females.
- (3) **Jail Booking and ADP Population Trends:** Total jail bookings for the period 2002 - 2014 was examined. Specific attention was directed to identifying in average daily bookings, total pretrial and sentenced bookings, and male/female booking trends. Average daily jail population ADP trends for the same period was also examined. Specific attention was directed to changes in pretrial/sentenced and male/female ADP levels by facility.
- (4) **Court Sentencing Practices:** Trends in sentencing patterns associated with convicted felony cases were analyzed including those involving AB 109 Public Safety Realignment Act PC 1170(h)(5)(A) and (B) sentenced defendants. Data was also compiled which showed changes in jail and prison commitments.
- (5) **Misdemeanor Jail Citation Release Trends:** Data was also collected and analyzed that showed the yearly number of misdemeanants cited for release by the Sheriff's Office following their booking into the jail.
- (6) **Pretrial and Sentenced Release Trends:** Data showing the number of felony and misdemeanor detainees released after booking was reviewed. The reasons why detainees did not qualify for early release was also examined. Other data was also compiled showing the average length of stay (ALS) for pretrial and sentenced defendants released through the jail system.

A key aspect of the background information compiled for the Needs Assessment Update examined jail booking and inmate population growth trends by custody status. This data highlighted comparative changes in the number and percent of offenders booked and released at the County jail.

Inmate profile data was also assembled from inmate history records and jail population reports prepared monthly by the Sheriff's Office's Custody Division and through interviews with custody staff. The data examined selected characteristics of the jail population by inmate classification and custody status. The review of the jail's inmate classification process focused on the following:

- § **Jail Inmate Classification Process and Criteria:** The consultant staff met with the jail's inmate booking/classification personnel to review and understand the current and/or proposed inmate classification policies, procedures and housing criteria used in classifying pretrial and sentenced detainees. The review of the classification system focused on identifying the specific criteria staff are using for determining single-cell, double-occupancy, and multiple-occupancy housing assignments. Consultant staff also collected, to the extent possible, historical inmate classification trend data to understand changes in inmate housing patterns and other inmate security classification needs the jail system has experienced.
- § **Point-in-Time Classification Snapshot:** With assistance of the jail management staff, the consultant staff analyzed a "point in time" snapshot of the incarcerated inmate population including pretrial and sentenced inmates housed at the County jail because of overcrowding. Information collected from the snapshot was used to identify custody housing breakdowns and classifications associated with (a) pretrial male/female inmates, (b) sentenced male/female inmates, and (c) AB 109 offenders including (N3), PRCS, flash incarceration, and parole revocation inmates. Housing security classification breakdowns was also compiled and analyzed for felony and misdemeanor pretrial/sentenced inmate groupings.
- § **Other Issues Impacting Inmate Classification and Population Projections:** The consultant staff also worked with the Butte County jail custody personnel to identify and analyze any major future developments including the potential developments in the County which could impact jail custody housing needs and classifications. Discussions also focused on the identification of any new and significant alternatives to incarceration programming the local Probation Department and Courts might be planning in response to the full implementation of the Public Safety Realignment Act which is estimated to occur in the counties by mid-year 2015.

### **Profile of Existing County Jail Facilities**

Through observation of facilities, interviews with jail managers/staff, and analysis of basic operating records, a profile of Butte County's jail facilities was developed. The profile includes an analysis of procedures used to process inmates from the time of their entry into the jail until release including (1) the booking process and problems associated with booking facilities; (2) how detainees are housed and handled prior to classification and assignment; and (3) timing and content of the classification decision. Relevant population and inmate flow data was also included which showed (1) average daily population, (2) pretrial and sentenced population, and (3) trends (over the past 13 years) in average daily population including shifts in pretrial and sentenced populations. Other profile information focused on developing detailed data in a number of related areas including the following:

- § **Configuration, Utilization, and Physical Condition of the County's Detention Facility:** Principal items of information gathered were dimensions, structural design, current utilization of space in and physical condition of the County's jail facility; number and size of cells; availability and size of areas used for programs, services, and jail operations; history of structural changes, (i.e., additions, remodeling, etc.)

also received attention. Information on physical layout, dimensions, and utilization of the detention facilities was developed by “walk-through,” observation, measurement, and sketching. Information on history of the facilities was obtained directly from jail personnel.

§ **Physical Layout of Jail Site:** Principal items of information gathered concerned dimensions, physical characteristics, and utilization of the site on which the jail facilities are now located. Site information was developed by physically measuring and mapping.

§ **Jail Programs, Services, And Procedures:** The principal information gathered concerned nature of and policies governing current programs and services and conduct of essential jail procedures. Information on all programs, services, and procedures was gathered through interviews with jail administrators, command staff, and staff who administer programs.

### **Jail Population Projections**

Detailed projections of adult jail system populations through 2034 were also prepared. Prior to the actual development of the projections, the consultant team considered several data collection issues. First, they reviewed and analyzed recent and expected trends at the state level which might impact on detention system population. This included potential for shift, in mandatory sentencing legislation and other relevant legislative trends (including AB 109 (Public Safety Realignment)). Potential trends were determined based on interviews with staff of selected agencies including discussions with the Board of State and Community Corrections (BSCC) and California Department of Corrections and Rehabilitation (CDCR).

They also collected trend data involving historical growth in the County’s population including (a) total growth and growth rates, especially involving the adult population base, and (b) shifts in socio-economic, gender, and ethnic population composition experience over the same period. Population growth projections developed for the County for the period 2010 – 2034 prepared by the California Department of Finances Demographic Population Projection Unit was also collected and analyzed. The analysis considered (1) total projected adult population growth, (2) age composition of the projected population, (3) longitudinal projections in terms of overall growth, and (4) annual rate of growth.

Once this data had been compiled, the information was reviewed using the following analytical steps:

§ Review adult detention system caseload trends and identify, in terms of overall volume, the nature and type of offenses comprising that volume and characteristics of the population including age, criminal history, and other relevant demographic descriptors.

§ Compare adult detention system growth (as measured by arrests and the composition of the arrest population, bookings, and related population composition, and pretrial / post-sentence jail inmate ADP population) with general County population trends and attempt to isolate quantitative relationships.

§ Consider non-quantitative trends and assumptions likely to impact adult detention system populations including State level influences, AB 109 Public Safety Realignment, as well as local sentencing practices.

§ Project the adult detention system population over the five, ten, 15 and 20 year planning period employing (a) projected adult population growth for the County as a whole, (b) quantify the relationships linking overall population growth and associated

population composition (age, social economic, ethnic, and gender composition) to criminal activity, incarceration rates, and the profile of the current adult jail system populations.

The detention system populations were analyzed for trends and projections were made for pretrial and sentenced populations by sex and custody status for the 20 year planning period. The distribution by gender and sentence status was based on an analysis of custody status trends through 2014. The projections were factored to account for spikes in population and inmate management/security classification factors in the County jail system.

In making the projections, three different methods were examined including (1) trend line projections, (2) incarceration rate projections, and (3) multiple linear regression projections. Use of the different projection methods provided a range of projections from which judgments could be made about future bed/cell space requirements from a planning perspective based on a continuum of low to high growth forecasts.

The trend line method compares ADP to time. The incarceration rate method uses changes in booking rates per 10,000 population and ADP levels. The multiple linear regression method compares the growth in ADP to the growth in adult population, arrests to booking ratios overtime, average length of jail stay, and other assumptions about jail release trends.

## Planning Approach and Scope of Work

To accomplish this scope of work, the study approach involved four separate and distinct sequential tasks of analysis. The four work tasks included:

- Task 1: Review of current correctional system problems and reconfirm goals, objectives, and overall purpose of local pretrial and sentenced jail facilities**
- Task 2: Examination of County's current and future jail needs for the adult criminal justice system including projected impact of the AB 109 Public Safety Realignment Act and Proposition 47**
- Task 3: Analysis and selection of feasible facility solutions**
- Task 4: Preparation of a Jail Needs Assessment Update and Facility Construction Plan**

The work that was undertaken in each of these tasks is summarized below.

### **Task 1: Review of Current Correctional System Problems, Reconfirm Goals, Objectives and Overall Purpose of Local Pretrial and Sentenced Jail Facilities**

The purpose of this first Task was to identify and carefully define the overcrowding problems faced by the County's adult criminal justice system. The work focused on developing a detailed understanding of the various schools of thought existent in Butte County regarding problems, issues, and potential solutions for the adult corrections system. Major policy decisions regarding facilities must meet both the immediate and long-range needs of the community as well as that of the Sheriff's Office, other law enforcement agencies, Probation Department, Superior Court, and adult offenders. For this reason, the documentation of problems and other key issues were critical initial steps in the Jail Needs Assessment Update and facility planning process.

This work involved an analysis of documents related to the adult corrections system in Butte County. This included such documents as prior overcrowding studies or project evaluations of programs which comprise or are related to the jail corrections system in the County; Grand Jury reports; and any County annual criminal justice plans for the last several years. Based on the results of this initial work and related data collection efforts, staff prepared a detailed list of preliminary issues which were explored over the course of the Jail Needs Assessment Update Project.

**Task 2: Examination of County's Current and Future Jail Needs For the Butte County Criminal Justice System Including the Projected Impact of the Public Safety Realignment Act and Proposition 47**

The work undertaken in this Task basically involved a comprehensive examination of what has occurred in the County's pretrial and sentenced jail facilities in the past, especially with respect to how the existing facilities are used, and how the impact of criminal justice system functions have affected population levels. The collection, analysis, and interpretation of the data was intended to show, for example, who has been detained, the volume and pattern of bookings/admissions from particular jurisdictions, why the bookings occurred, how long adult offenders are detained, and method of release. The resulting analysis provided the baseline information for assessing the programs and facility recommendations projected for detention facilities for future years.

A key aspect of the projections involved making determinations of what County criminal justice officials want to occur in the future. Many critical policy decisions concerning how the jail system is to be used and which kinds of programs and alternatives may be acceptable or desirable were examined as a result of the tasks undertaken in this phase of the Study. The analysis that was carried out involved:

- § Developing a profile of County's jail population and programs.
- § Documenting the operation of the County's criminal justice system (crime, law enforcement, prosecution, courts, probation, etc).
- § Identifying key issues in terms of how criminal justice system operations affect the County's pretrial and sentenced jail facilities including the impact of AB 109 and Proposition 47.
- § Considering a range of "alternative" programs (other than jail/incarceration) which may be desirable or necessary.
- § Documenting the trends in population growth, adult crime, and incarceration rates which will affect the County's future need for jail beds and other programs.
- § Validation of projected needed jail beds and incarceration alternative programs for the next five, ten, and 20 years.

The data gathering and analysis process was based on using a series of selected case processing study samples and evaluation of "key" criminal justice system processes and procedures. The effort focused on compiling information from five basic sources which were used to identify short-term solutions for any problems affecting the jail system and provided the basis for projecting jail capacity requirements during the next 20 years. These sources will include the following:

1. Analysis of published adult arrests, intake/booking, offense, field citation usage, and other broad case processing trends associated with the County's justice system.

2. Analysis of the monthly ADP population and occupancy counts and corresponding patterns occurring over the past several years.
3. Analysis of "snapshots" of the jail population at various times. The snapshots were used to analyze the overall offense composition of the jail population during these designated reporting periods and any subsequent changes in the general severity of the offense patterns which might have occurred among the adult offender detainee population. The snapshots also provided an opportunity to document personal and behavior characteristics of detainees based on their own responses or direct knowledge of jail staff.
4. The collection effort was designed to analyze numerous discreet elements of information associated with the intake / booking and court decision processes involved in handling adult defendants in the criminal justice system.

### **Task 3: Analysis and Selection of Feasible Facility Solutions**

In order to assess overall building and construction impacts for housing and expanding inmate populations in the Butte County jail system, a facility evaluation and construction option discussion was undertaken by the consultant team. The work included a review of renovation and remodeling requirements to support existing detention facilities as well as new custody construction options in light of AB 109 Realignment and Proposition 47, which could be considered in a construction plan to meet future projected inmate growth and security requirements.

The work examined the configuration, capacity, utilization, security levels, and physical condition of the County's adult jail facilities. The information was intended to highlight any significant issues concerning the adequacy of the space and physical arrangement of the various jail facilities the County operates.

Based on the defined uses of space identified for each facility, an assessment of the quality of the functional use area space was undertaken. The assessment of each defined space took into account factors including (a) appropriate size, (b) efficiency/organization, (c) expansion characteristics, (d) circulation, (e) location, (f) adjacencies, and (g) level of privacy. Overall conclusions about the adequacy of a facility and its space provisions focused on standard building and design criteria as well as the systems needed to support the operation of such a facility. Discussions with staff and their opinion of the space and building systems were also taken into account when evaluating a particular space or area.

The physical plant assessment information was intended to identify any significant issues concerning the adequacy of the space, and custody/housing levels associated with the jail facilities the County operates. The resulting analysis also helped provide insight into several fundamental questions about the overall characteristics, continued use, and future expandability of local jail facilities. This analysis was used by the consultant team in considering the following planning issues:

1. Are the local adult detention facilities sufficiently sized, configured, and in a condition from a physical plant perspective to support the security level and program requirements of the detainee population of felony and misdemeanor offenders?
2. Are there renovations, remodeling, or other building modifications which can be made to the existing facilities which would make better use of available space for staff and/or detainees?
3. Do local jail facilities contain building elements or systems which present excessive liability for the County when continuing to operate or use a facility at current ADP levels?

4. What are the likely and probable costs the County will experience in maintaining and operating jail facilities for the expected useful life of the institutions?
5. Can existing jail buildings be economically expanded to accommodate future increased populations?
6. Does the existing inventory of custody bed housing classifications match the characteristics and security profile of the pretrial/sentenced inmate populations?
7. Can any jail housing units be modified for programmatic uses instead of inmate housing?
8. Are there other non-traditional custody housing configurations which might be considered for construction?
9. From either a capacity or operational perspective, is it cost-effective for the County to renovate and upgrade the existing Type II jail located in Oroville, CA.

In order to plan and design for additional capital improvements for the Butte County adult detention system, the following analysis was undertaken during the jail construction study. The initial analysis dealt with evaluating the detention system's infrastructure to determine where the most effective design solutions could be applied at the lowest financial impact. The second area of analysis examined the existing and future bed needs based on current population characteristics, security, classification and housing trends. The final area of the analysis provided the County with design solutions and options that were derived from the overall assessment and review of the County's jail facilities.

§ **Detention Facility System Inventory/Evaluation:** Focuses on identifying current detention facility system strengths and weaknesses. This review evaluated the Sheriff's Office's 52 year old Oroville jail. The evaluation included a review of inspection or evaluation reports that have been conducted on the facilities. These included the State Fire Marshal Inspection Reports, Board of State and Community Corrections (BSCC), Inspection Reports, post occupancy staff evaluations, contract drawings and specifications, deferred maintenance plans, in-house architectural reviews, planned project capital expenditure plans, and master plans.

The evaluation covered **(1) Space Standards:** reviewed for appropriate size and efficiency, expansion, capabilities, location and adjacencies; **(2) Systems:** existing HVAC, ventilation, plumbing, lighting, electronic equipment; **(3) Fire and Life Safety:** existing fire sprinklers, smoke detectors, alarms and panels, doors, emergency lighting, fire resistant materials, furniture and equipment; **(4) Security:** structural security envelope, hardware and equipment, staff sightlines and observation, sallyports, locking devices, fencing, cameras and monitors, security materials; **(5) Codes and Standards:** Board of State and Community Corrections (BSCC) Minimum Jail Facility Standards, California Administrative Codes-- Titles 15 and 24, State Fire Marshal Regulations, handicapped standards, etc; **(6) Maintenance:** structure, systems, grounds; and **(7) Infrastructure:** administration space, food service, laundry, visiting, intake/release, programs, exercise/recreation, central control, medical, circulation, parking, transportation, storage. The goal of the analysis was to determine the acceptability of modifications, alternations, and new construction on the applied facility and detention system. **(See Appendix A: Butte County Jail Facilities Survey and Evaluation Sample Form)**

Assessments of the current condition of primary building elements and systems were made in terms of the extent to which they may require maintenance or repair. Judgments about the systems/elements also considered factors involving the quality of materials and workmanship, reoccurring failures, levels of expenditures on maintenance, and how recently a repair or upgrade may have been made. For equipment, the ratings considered periods of inoperability, cost of keeping the machinery operational, and the ease or difficulty of getting parts and service. The review and subsequent evaluation ratings focused on such areas and issues as:

Building	Condition
Roof	Leaks, bubbles, cracks, loose tiles.
Exterior Walls	Cracks, condition of surface.
Structure	Visible signs of structural problems, cracks in walls, floors or ceilings.
Windows	Operate and lock properly, glazing, sealants, screens clear for ventilation.
Doors	Operate and lock properly.
Interior: Floors	Condition of surface, cracks.
Interior: Ceilings	Cracks, condition of surface.
Heating, Ventilating and Air Conditioning	Operation, reliability, level of maintenance required/available.
Plumbing	Operation, reliability, surfaces, ability to keep clean, level of maintenance required/available.
Electrical System	Operation, reliability, safety, level of maintenance required/available.
Lighting Systems	Operation, safety, level of maintenance required/available.
Communications	Operation, reliability, level of maintenance required/available.
Security Equipment and Systems	Operation, reliability, level of maintenance required/available.
Physical Security Items	For locks, doors, windows, fences, operation, reliability, level of maintenance required/available.
Fire Safety Monitors and Fire Sprinklers	Operation, reliability, level of maintenance required/available.
Kitchen Equipment	Operation, reliability, level of maintenance required/available.
Site Paving	For parking and walks: paved or not, cracks, potholes, smooth for safety and handicap access.
Outdoor Exercise	Paved or not, cracks, potholes, smooth for safety and handicap access.

In order to identify and analyze existing uses of space in the County's jail facilities, the total square footage was broken down into 11 defined interior functional use categories and four exterior jail functional use areas. The 11 interior functional use areas considered in the facility evaluation process are those generic spaces found in adult detention type facilities where personal liberties of the "housed" are curtailed or restricted.

The 11 functional use areas allow a facility containing numerous different spaces to be categorized and therefore compared, averaged, and described. The breakdown of space within the facility was based on the functional use areas shown on the Chart at the top of the following page. The definitions of the space contained in each area followed Board of State and Community Corrections (BSCC) standards. **(See Appendix B: Butte County Jail Facility Functional Use Area Definitions)**

<b>Jail Facility Interior/Exterior Functional Use Areas and Space</b>	
<b><i>Interior Functional Use Areas:</i></b>	
1. Administration	9. Classrooms & Program Space
2. Visiting / Lobby & Public Area	10. Housing & Dayrooms
3. Food Service	11. Interior Circulation
4. Central Control	
5. Maintenance / Storage & Utilities	<b><i>Exterior Functional Use Areas:</i></b>
6. Laundry	12. Vehicle Sallyport
7. Intake / Release	13. Outdoor Circulation
8. Medical / Mental Health & Dental Care	14. Outdoor Recreation
	15. Quasi-Outdoor Recreation

Information on physical layout, dimensions, and utilization of the detention facility was developed by "walk-through," observation, measurement, sketching, and a review of "as-built" architectural design drawings. Information on the history of the jail facility's defined use was taken directly from facility personnel.

Based on the defined uses of space identified in each facility, the consultant team made an overall assessment and rating of the quality of the existing space in the building. The evaluation of the physical plant was completed by a member of the Project Team who has been professionally involved in reviewing numerous detention facility designs throughout the State. The ratings assigned to functional use areas were based on the following factors:

#### **Factors Considered in Assessing the Quality of Jail Functional Use Areas**

1. **Space:** Appropriate size, efficiency/organization, allows expansion, circulation, location, adjacencies, and privacy.
2. **HVAC:** Air circulation, heat, cooling, controls, supply, return, ventilation, and insulation.
3. **Plumbing:** Adequacy, toilets, sinks, urinals, partitions, water heater, faucets, drinking fountain, insulation, and showers.
4. **Lighting:** Adequacy, lighting controls, level, light lens, natural light, and energy efficient.
5. **Noise:** Noise level, noise control, acoustics.
6. **Systems:** Paging, speakers, cameras, monitors, intercom, duress, press to talk, and radio.
7. **Fire Safety:** Smoke detectors, heat detectors, pull stations, alarm panel, smoke evacuation, alarm, emergency lights, fire escapes, auto door closures, fire sprinklers, halon, wet stand pipes, dry stand pipes, crash door hardware, adequate exiting, materials, wire glazing, and fire rated doors.
8. **Security:** Maximum hardware/doors, medium hardware doors, minimum hardware doors, staff observation, sightlines, secure control station, sallyport, security glazing, walls, ceilings, floors, secure cells, structural soundness, safety cell, secure from within, secure from outside, fixtures, and furnishings.

9. **Disabled Access:** Doors width, door swing, grab bars, ramps, washbasin, toilet, restroom facilities, toilet stall, water fountain, curbs, parking, telephone, recreational facilities, elevators, emergency exits, isles, classroom furniture, and cells.
10. **Structure:** Wall finish, floors covering, ceiling finish, windows/glazing, doors / hardware, furniture, equipment, and fixtures.

The resulting analysis was used to help provide insight into several fundamental questions about the overall characteristics, continued use and future expandability of local jail facilities.

Overall conclusions about the adequacy of a facility and its space provisions incorporated the evaluator's professional knowledge of standard building and design criteria as well as the systems needed to support the operation of such a facility. In some instances, discussions with staff and their opinion of the space and building systems have also been taken into account when evaluating and developing a composite rating of a particular space or area will be taken into account.

§ **Jail Facility Bed Capacity/Security Needs:** Focused on identifying the type of jail bed needs based on incarceration rate trends and future projections. The review included (1) a review of attitudes toward jail incarceration; (2) a review of systems operations and inmate classification (3) a review of growth and crime rate; (4) identification of future jail bed needs; and (5) a determination of jail housing classification types. The goal was to determine the current and future needs for specific types of beds, including supporting ancillary spaces.

§ **Construction Options Analysis:** Focused on developing a construction options analysis that identified several preliminary design solutions and their operational and construction cost implications. Preliminary solutions included traditional inmate housing as well as other non-traditional housing configurations (drug treatment residential unit, etc.). The goal was to provide a plan that was (a) cost-effective, (b) responsive to staff needs, and (c) will satisfy current and future system needs.

Design solutions included analysis of detention facility modifications, alterations, renovations and new construction including (1) development of area space standards, (2) facility program and space requirements, (3) pre-architectural facility layout and diagrams, (4) facility site layout, (5) probable construction and project costs, (6) probable staffing and operating costs, and (7) a phased implementation plan.

The final work in the Jail Needs Assessment Update Report concerned the selection of feasibility facility solutions which best address the problems identified with the County's jail system. The jail system needs identified in previous jail studies combined with the new jail profile, system processing trends, and population projections were translated into facility requirements which covers the following topics: (a) review of goals and objectives, (b) projections of facility type over the planning period, (c) list of programs and services the jail system runs or intend to run, and (d) estimates of space needs for each function. This information formed the basis of the following:

§ **Specifications of Facility Requirements:** Projected jail facility requirements which Butte County will have to meet over the 20 year planning period. Specifications of facility requirements were outlined in terms of the following:

- Type and number of jail facilities required including security levels and support space.
- Timing that will be required.

- Scope of facility additions to be required to include square footage and other related space requirements.
- Whether or not it appears most cost-effective to provide required facilities through remodeling and/or expansion of existing jail space and/or construction of new jails.
- Estimated location of required jail facilities.

#### **Task 4: Preparation of Jail Needs Assessment Update and Construction Plan**

Once the Sheriff's Office considered the results of data collection tasks and identified facility solutions and organizational support requirements, a draft report was written. The report outlined needs and recommendations for resolving operational and facility issues confronting Butte County's jail system.

In combination, all four work tasks that were undertaken were specifically designed to identify the current problems with the County's jail facilities and support programs and to determine the amount of space, facility design, and appropriate cost structure required to adequately handle the adult detention system needs of the County.

The summary Chart which follows this page contains a graphic sequential outline of the approach that was followed in the development of the Jail Needs Assessment Update. It shows key decisions points; study products as key work tasks that were accomplished; and the general sequence of data collection and analysis associated with the study.

The data gathering analysis process was based on information available from previously published studies and supplemental data compiled to comply in response to key planning issues identified in the course of the Update. The information also gave the Sheriff's Office a general profile of who is being detained, offense patterns, key processing decisions, release trends, and other basic characteristics of the adult offender inmate population.

# Approach Used to Develop the Butte County Jail Needs Assessment Update

**Initiate Butte County Jail Needs Assessment Update**

Agency Discussions	
<ul style="list-style-type: none"> <li>§ Sheriff</li> <li>§ Police</li> <li>§ Probation Dept.</li> <li>§ District Attorney</li> <li>§ Public Defender</li> <li>§ Judges</li> </ul>	<p><b>Planning Issues</b></p> <ul style="list-style-type: none"> <li>Agency Objectives</li> <li>Changes in Social Climate</li> <li>Alternatives to Incarceration</li> <li>Court Attitudes</li> <li>Legislative Trends</li> </ul>

Reconfirm Correctional System Goals & Objectives

Develop Jail Needs Assessment Information Base	
<ul style="list-style-type: none"> <li>§ Arrest Trends</li> <li>§ Detention Population</li> <li>§ Pretrial Release Population Characteristics</li> <li>§ Law Enforcement Statistics (Citation Release, etc.)</li> <li>§ Booking Statistics</li> <li>§ Agency Budgets</li> <li>§ Previous Evaluation Statistics</li> <li>§ Past Jail Population Projections</li> <li>§ Length of Jail Stay</li> <li>§ Case Processing Time</li> <li>§ FTA Rates</li> </ul>	<p><b>Preliminary Data Analysis</b></p> <ul style="list-style-type: none"> <li>Detention Population Profile</li> <li>Population Trends</li> <li>Results of Previous Studies</li> <li>Disposition Trends</li> <li>Other Trends</li> </ul>

Jail Facility Physical Plant Surveys and Visits	
<p><b>Main Jail &amp; West Facility</b></p> <ul style="list-style-type: none"> <li>§ Men's Housing</li> <li>§ Women's Housing</li> <li>§ Medical Housing</li> <li>§ Other Housing</li> <li>§ Central Services Core</li> </ul> <p><b>Programs &amp; Service Space</b></p> <ul style="list-style-type: none"> <li>§ Intake &amp; Release Area</li> <li>§ Food Service</li> <li>§ Laundry</li> <li>§ Education &amp; Other Areas</li> <li>§ Visiting</li> </ul>	<p><b>Physical Plant Analysis</b></p> <ul style="list-style-type: none"> <li>Size</li> <li>Age</li> <li>Location</li> <li>Suitability For Remodeling</li> <li>Expansion Capability</li> <li>Board of State and Community Corrections</li> <li>County General Services Assessments</li> <li>Overall Compliance With Board of State and Community Corrections</li> </ul>

**Analyze and Identify Alternatives**

§ Pre-Arrest and Pre-Sentencing Alternatives to Incarceration

**Investigate Alternatives to Incarceration**

- Bail Procedures
- Release on Own Recognizance
- Police Citation
- Jail Release
- Changes to Arrest Procedures
- Changes to Ordinances
- Alcohol Diversion
- Drug Diversion
- Other Programs

**Describe Existing Detention Process**

§ Pretrial & Post-Sentence

**Jail Booking & Release Procedures**

- Analyze Steps in the Detention Process
- Analyze Number & Characteristics of Population in Each Step
- Identify Decision Points in Detention Process
- Identify Agency Responsible For Decision Points
- Identify Existing Alternatives to Incarceration
- Complete Data Collection & Analysis

**Examine Programs For Detained Population**

§ Pretrial & Post-Sentence

**Jail Programs & Services**

- Diagnostic Process
- Medical Treatment
- Educational Programs
- Recreational Programs
- Counseling
- Work & Education Release
- Other Programs

Structure Alternative Approaches & Evaluate Impact of Alternatives & Programs

**Update Jail Inmate Population Projections**

- § Inmate Projections For Next 20 Years
- § Pretrial & Sentenced ADP
- § Male & Female ADP
- § Custody/Security Classifications
- § Peak Populations

**Develop Jail Space Projections**

- § Security Type
- § Capacity
- § Support Facilities
- § Timeline When Required
- § Cost Estimate

**Develop Program Recommendations**

- § Population & Capacity
- § Service Approach
- § Program Facilities
- § Staffing Requirements
- § Cost Estimate

**Develop Implementation Program and Prepare Jail Needs Assessment Update and Construction Plan**

## SECTION 3: JAIL FACILITY DESCRIPTION

### Butte County Jail Needs Assessment Update

#### Butte County Jail System Overview and Profile

The information in this Section of the Jail Needs Assessment Update provides an overview and profile of the Butte County jail system. The discussion focuses on the physical layout of the jail's facilities; Board of State and Community Corrections (BSCC) rated capacities; and on (a) construction characteristics, (b) housing configurations, (c) building's current use and conditions, and (d) basic characteristics of the physical site upon which the jail complex is situated.



**Butte County Sheriff's Office**

The Butte County Jail is located in the city of Oroville, California at 33 County Center Drive. Butte County has one existing jail, a Type II detention facility which is managed by the Butte County Sheriff's Office's Correctional Custody Services Division. The Butte County Sheriff's Office (BCSO) is managed by a Sheriff who is elected to a four-year term. In addition to overseeing the Butte County Jail, the Sheriff is also responsible for (1) patrol services in unincorporated areas of the County, (2) investigations, (3) custody and security in the Courts, (4) Sheriff administrative and patrol operations, and (5) various administrative functions. The Sheriff's Office oversees the daily operations of the 614-bed County jail and other inmate-related programs. The BCSO also has a Day Reporting Center where offenders released to the

Alternative Custody Supervision program meet to participate in evidence-based counseling classes and other supportive services / treatment programs. Both facilities are located off the State Route 70 corridor on a site occupied by additional County services including the County Assessor, Behavioral Health, Public Works, and Coroner. The site elevation is roughly 250 feet above sea level.

<b>Butte County Jail</b>					
<b><u>Year Initially Constructed</u></b>	<b><u>Renovations, Remodels, &amp; Additions</u></b>	<b><u>BSCC Rated Bed Capacity</u></b>	<b><u>Total Jail Square Footage</u></b>	<b><u>Square Footage Per Rated Bed/Bunk</u></b>	<b><u>2014 Average Daily Inmate Population</u></b>
1963	1987, 1993 & 1998	614	106,740	173.8	587

The Butte County Jail is the central booking point for all regional law enforcement agencies for adult male and females arrested in Butte County. The adult facility is a full service, Type II jail containing space for (a) vehicle sallyport, (b) Intake and release, (c) inmate housing and dayrooms, (d) visiting, (e) medical / mental health services, (f) inmate programs, (g) food services, (h) laundry, (i) visitor and staff circulation, (j) Central Control operations, (k) maintenance and storage, (l) outdoor recreation, and (m) jail administration. The facility provides a range of inmate programs, counseling services, medical and psychological services.

The Butte County Jail is staffed with 15 personnel assigned to 12-hour dayshifts and 13 personnel assigned to 12-hour nightshifts. The dayshift includes one Sergeant, 11 Correctional Officers, three Correctional Technicians, with at least one female Correctional Officer on duty. The nightshift includes one Sergeant, nine Correctional Officers, and three Correctional Technicians. At least one Correctional

Officer at night is also female. Additional staff positions include Sheriff's Captain, Correctional Lieutenants, Sheriff's Clerks, Food Service Manager, Senior Cooks, and Cooks.

The local criminal justice system includes four Police Departments located in Oroville, Chico, Paradise, and Gridley-Biggs. The Superior Court has courthouses in three locations including Chico, Paradise and Oroville. The bench is comprised of 11 judges and two commissioners. The Court employs approximately 100 support staff. The County has a full-time elected District Attorney. The DA's Office includes staff attorneys, investigators, and clerical personnel. Butte County does not have a Public Defender's Office. This service is provided through contract private attorneys.

The Probation Department is overseen by a Chief Probation Officer and three Deputy Chiefs for adult, juvenile, and juvenile hall services. Other staff members include a program manager and several supervisors managing the various adult and juvenile divisions. The Butte County Department of Behavioral Health provides various mental health, drug and alcohol counseling to the Butte County adult offender population.

The original 198-bed County jail was constructed in 1963 in a linear fashion and is known as the Main Jail. Due to the layout and poor sight lines, all inmate movement must be escorted, which is staff-intensive. Many services are located off a main hallway which, at times, requires inmate and staff restrictions. In 1994, an expansion project was completed known as the West Facility. This portion of the detention facility has a rated capacity for 416 inmates and was originally designed for high- and medium-security inmate housing.

Summary Profile of the Butte County Jail	
Detention Facility Profile	Main Jail & West Facility
<b>Physical Plant Characteristics:</b>	
Year Initially Constructed	1963 & 1994
Construction Type	Low-rise Building
Number of Stories	One Story Original
Exterior Walls	CMU / Concrete
Interior Walls	CMU / Concrete / Gypsum
<b>Custody Housing Classifications:</b>	
	Maximum / Medium / Minimum Security
<b>Type of Inmate Cells:</b>	
	Single- and Double-Occupancy Cells & Dormitory Bunks
<b>Bed Inventory:</b>	
BSCC Rated Capacity	614
Total Available Beds/Bunks	614
<b>Average Daily Inmate Population (ADP):</b>	
	587 (2014)
Males	494
Females	93

The Butte County Jail provides housing for pretrial and sentenced male/female inmates. All inmates must be transported to Court by vehicle because the Butte County Superior Court is located just up the road from the jail. This requires the use of sworn transport deputies on Court days. The following aerial photo shows the location of the buildings in relation to the site. The Butte County Jail is the largest County correctional facility north of Sacramento. It has been added onto and remodeled several times resulting in space that is overall disjointed and inefficient. Since 1985, the jail has operated under a Superior Court Consent Decree which limits the housing of incarcerated offenders to the facility's rated Board of State

and Community Corrections (BSCC) custody bed capacity assigned to each housing unit located in the jail. The following site plan shows the Sheriff's complex.



*Aerial Photo of Butte County Jail*

The Butte County correctional facilities are part of the Oroville Government Campus located on a 126 acre site. The Oroville Government Campus also houses the Butte County Superior Court as well as various other County services. The correctional facilities and Superior Court are situated on approximately 40 acres of rolling terrain which includes local circulation roads, paved parking lots, a helicopter landing pad, pedestrian walkways, mature landscape, a substantial drainage channel around the West Facility, jail related facilities, solar panel arrays, and open space. The West Facility is connected to the Sheriff's Office by a secured covered connecting link. The West Facility is secured behind chain link fencing of various heights topped with 3 strands of barbed wire and additional concertina barbed tape adjacent to exercise yard areas.

Since it was originally built 52 years ago, the Butte County Jail has been expanded, renovated and remodeled as a result of increasing inmate populations and changing inmate security levels. There have been three significant alterations to the 1963 jail. These occurred in 1987, 1994 and 1998. Key characteristics of the Main Jail, East Facility and West Facility include the following:

**Main Jail Facility:** The original 1963 portion of the facility has a current physical maximum bed capacity of 198 inmates. This Section of the facility is laid out in an open bar front, linear fashion and contains two 48-bed male dorms and a 99-bed unit of varying small dorms and cells for women. These spaces are inspected to 1963 jail standards. The Medical Unit contains three additional single rooms used for medical, administrative segregation, discipline, and isolation. These three cells are inspected bi-annually to 1994 jail standards.

The original portion of the facility contains Central Control, female housing, medical housing, visiting, booking office, booking holding, administration, staff lockers/toilets, food preparation facility, laundry staging, medical/mental health support space, a vehicle sallyport, indoor multi-purpose recreation and outdoor recreation yards. The facility is

primarily a linear design and most living units and support functions are designed off of a long central corridor. This corridor is also the main circulation pathway in the facility.

The medical and booking areas were remodeled in 1998 by repurposing the 1964 inmate gymnasium and vacating one of the old linear housing areas. At that time, a docile waiting area was added to the booking room for inmates not requiring a holding cell. The medical unit was increased to provide more professional quarters and meet more of the specialized medical need. Due to budget constraints, several important functions and spaces were not included despite requests from jail management. This has led to operational and supervision shortcomings in each area.

**East Facility:** In 1987 a new housing facility was built. The “East Facility” was designed for a lower classification of inmates or minimum security. The capacity of the building was 96 in six 16 bed dorms, one of which was female. Supervision of the inmates included an officer station. However, the housing was considered linear and indirect because the officer could only see the inmates when they were in a common dayroom. The housing units and bathroom/shower areas could only be supervised when an officer did a routine intermittent walk through.

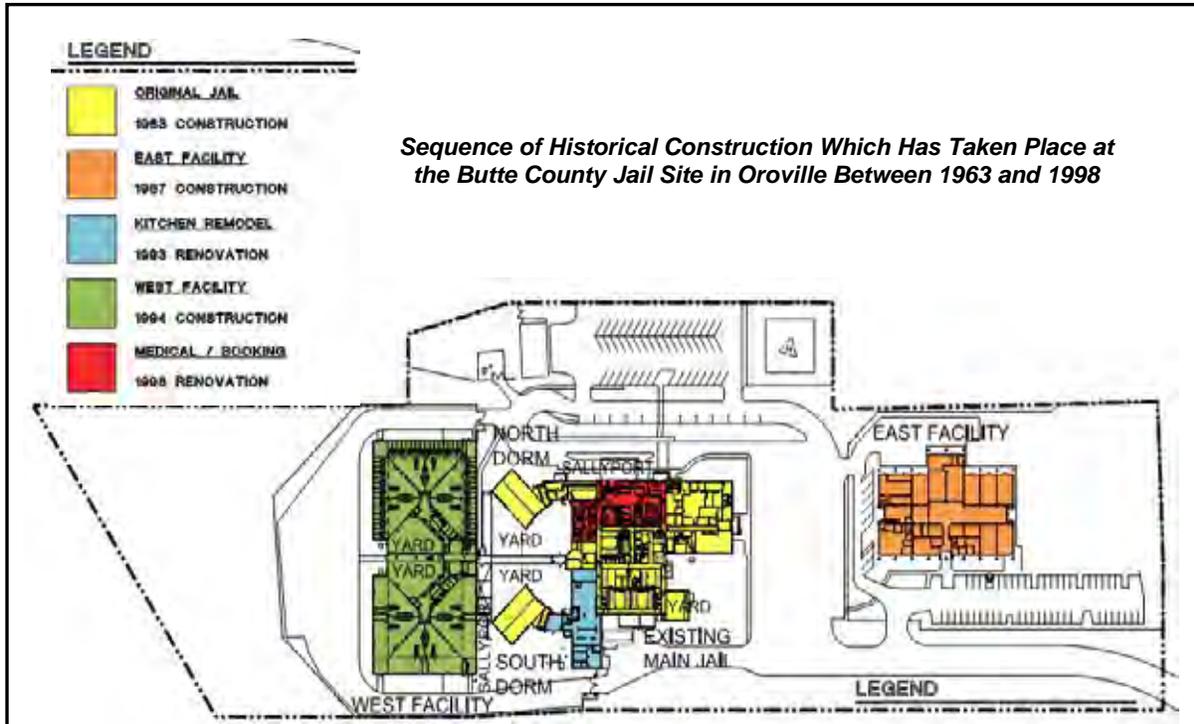
Between 1987 and 1994, higher classification level inmates, many of which were felons, were placed in the East Facility as the Main Jail became more crowded. The result was that inmates with longer sentences or facing more serious crimes walked away from the facility at a greater and unacceptable rate. Requests to harden and lock the facility were not feasible without installing fire sprinklers and other fire related electronic equipment. Once the 1994 jail addition was completed, all inmates vacated the East Facility and it became Sheriff Administrative space. This space now includes laundry, conference / meeting space, jail storage, dispatch, and general Sheriff’s administration.

**West Facility:** In 1993-94, the kitchen was remodeled to accommodate the increased inmates housed in West Facility. The kitchen space was substantially increased by using a 1964 inmate dining room as a new food serving line, serving tray washing area and cart/tray storage. At the same time, other areas of the kitchen were also remodeled to provide for new warming equipment, cooking equipment, food preparation space and various food storage spaces.

The Main Jail addition constructed in 1994 consists of Building C and Building D. Building C is a 176 maximum security bed structure in single and double occupancy cells, and D contains six medium security dorm units with 240 beds. This new addition also includes multipurpose space, a visitors lobby, medical exam rooms, and conference and interview rooms. The detention facility is inspected bi-annually by the State of California Corrections Standards Authority (now Board of State and Community Corrections) to 1994 jail standards.

The 1994 expansion portion of the facility has a rated capacity of 416 inmates distributed between two separate two-tiered male housing structures for both minimum and maximum security inmates. These structures also contain family and attorney visiting, recreation yards, laundry staging, medical exam rooms, and facility support space. Unlike the layout of the main jail, units within these two structures are podular.

The diagram at the top of the following page shows the sequence of historical construction which has taken place at the Butte County Jail.



**Butte County Jail Inmate Housing Units Bed Capacity and Configurations**

The Butte County Jail has a total of 614 rated single-, double-occupancy, and dormitory beds/bunks available to house pretrial and sentenced male/female inmates. As the following Table shows, the older Main Jail facility contains 198 beds/bunks. The West Facility contains 416 beds/bunks.

<b>Butte County Jail Inmate Housing Custody Bed/Bunk Capacity</b>		
<i>Inmate Housing</i>	<i>Type of Cell</i>	<i>Number of Beds</i>
<b>Main Jail</b>	Single-Cell	15
	Double-Occupancy	2
	Dormitory	181
	<b>Bed/Bunk Capacity</b>	<b>198</b>
<b>West Facility</b>	Single-Cell	16
	Double-Occupancy	160
	Dormitory	240
	<b>Bed/Bunk Capacity</b>	<b>416</b>
<b>Total Jail Bed/Bunk Capacity</b>		<b>614</b>

The following Table shows, by individual housing unit, the configuration, use and rated capacity of the jail's inmate custody beds/bunks.

Butte County Jail Inmate Housing Unit Configurations, Use and Rated Capacities						
Jail Housing Units and Pods						
Housing Units/Pods	Type of Housing	Security Use	Gender	Number of Beds/Bunks	Type of Beds/Bunks	Rated Bed Capacity
Unit A	Cell	Administrative Segregation	M	16	Single Bunk	16
Unit B	Cell	Administrative Segregation	M	32	Double Bunks	32
Unit C	Cell	Maximum General Population	M	32	Double Bunks	32
Unit D	Cell	Maximum General Population	M	32	Double Bunks	32
Unit E	Cell	Maximum General Population	M	32	Double Bunks	32
Unit F	Cell	Special Needs Housing	M	32	Double Bunks	32
Unit G	Dormitory	Special Needs Housing	M	40	Double Bunks	40
Unit H	Dormitory	Special Needs Housing	M	40	Double Bunks	40
Unit J	Dormitory	Medium General Population	M	40	Double Bunks	40
Unit K	Dormitory	Medium General Population	M	40	Double Bunks	40
Unit L	Dormitory	Medium General Population	M	40	Double Bunks	40
Unit M	Dormitory	Medium General Population	M	40	Double Bunks	40
North Dormitory	Dormitory	Minimum	M	48	Double Bunks	48
South Dormitory	Dormitory	Minimum	M	48	Double Bunks	48
P1	Cell	Medical	MF	1	Single Bunk	1
P2	Cell	Medical	MF	1	Single Bunk	1
P3	Cell	Medical	MF	1	Single Bunk	1
Q1	Cell	Administrative Segregation	MF	1	Single Bunk	1
R1	Cell	Administrative Segregation	F	1	Single Bunk	1
R2	Cell	Administrative Segregation	F	1	Single Bunk	1
R3	Cell	Administrative Segregation	F	1	Single Bunk	1
R4	Cell	Administrative Segregation	F	1	Single Bunk	1
R6	Dormitory	Maximum General Population	F	8	Double Bunks	8
R7	Dormitory	Maximum General Population	F	8	Double Bunks	8
S1	Dormitory	Minimum/Medium	F	16	Double Bunks	16
T1	Cell	Administrative Segregation	MF	1	Single Bunk	1
T2	Cell	Administrative Segregation	MF	1	Single Bunk	1
T3	Dormitory	Medium	F	16	Double Bunks	16
T4	Dormitory	Maximum General Population	F	16	Double Bunks	16
U1	Cell	Maximum	F	1	Single Bunk	1
U2	Cell	Maximum	F	1	Single Bunk	1
U3	Cell	Maximum	F	1	Single Bunk	1
W1	Dormitory	Minimum	F	12	Double Bunks	12
W2	Dormitory	Medium	F	5	Double Bunks	5
W3	Dormitory	Minimum	F	4	Double Bunks	4
W4	Cell	Administrative Segregation	F	1	Single Bunk	1
W5	Cell	Administrative Segregation	F	1	Single Bunk	1
W6	Cell	Administrative Segregation	F	2	Double Bunks	2
<b>Total Butte County Jail Inmate Housing Beds/Bunks</b>				<b>614</b>		<b>614</b>

ButteNA/Tables/Table1

The male and female beds contained in the Butte County Jail are classified as follows:

Butte County Jail Male/Female Security Bed Classifications				
Security Classification	No. Male Beds	No. Female Beds/Bunks	No. Male or Female Beds/Bunks	Total
Administrative Segregation	48	8	3	59
Medical	-	-	3	3
Sensitive Needs Housing (SNH)	112	-	-	112
Maximum General Population	96	35	-	131
Medium General Population	160	37	-	197
Minimum	96	16	-	112
<b>TOTAL</b>	<b>512</b>	<b>96</b>	<b>6</b>	<b>614</b>

## Butte County Jail Functional Use Area Layouts and Configurations

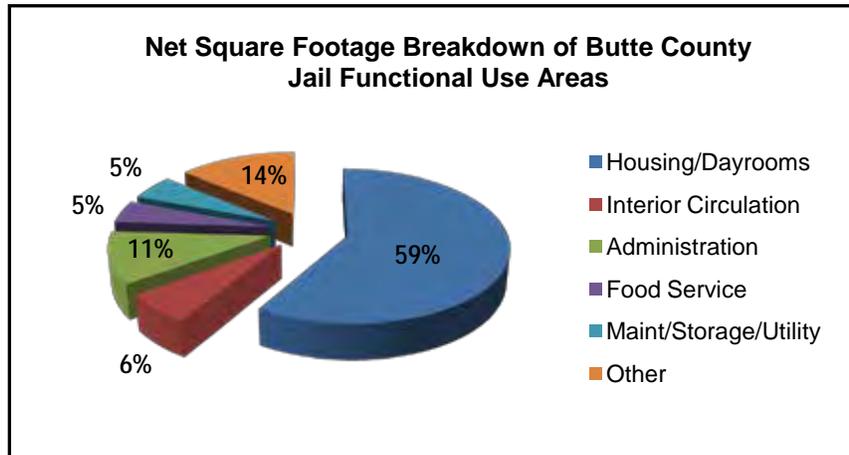
In order to determine the aggregate gross square footage in the main jail building, measurements for each functional use space were determined from “as-built” construction drawings. Gross square footage includes wall thicknesses, chases, structural columns, staircases, elevators, mezzanines, and shafts of all roof areas. Exterior room measurements were taken from the outside of the exterior wall to the center line of the interior wall. Interior room measurements were taken from the center line of walls. The individual rooms by definition were placed in one of the 16 functional use area space categories and then totaled. These functional use areas are typical categories of building spaces found in jails throughout California.

The gross square footage, percentage of indoor space, and the space available for each rated detention custody bed by functional use area for the Butte County Jail is shown in the Table.

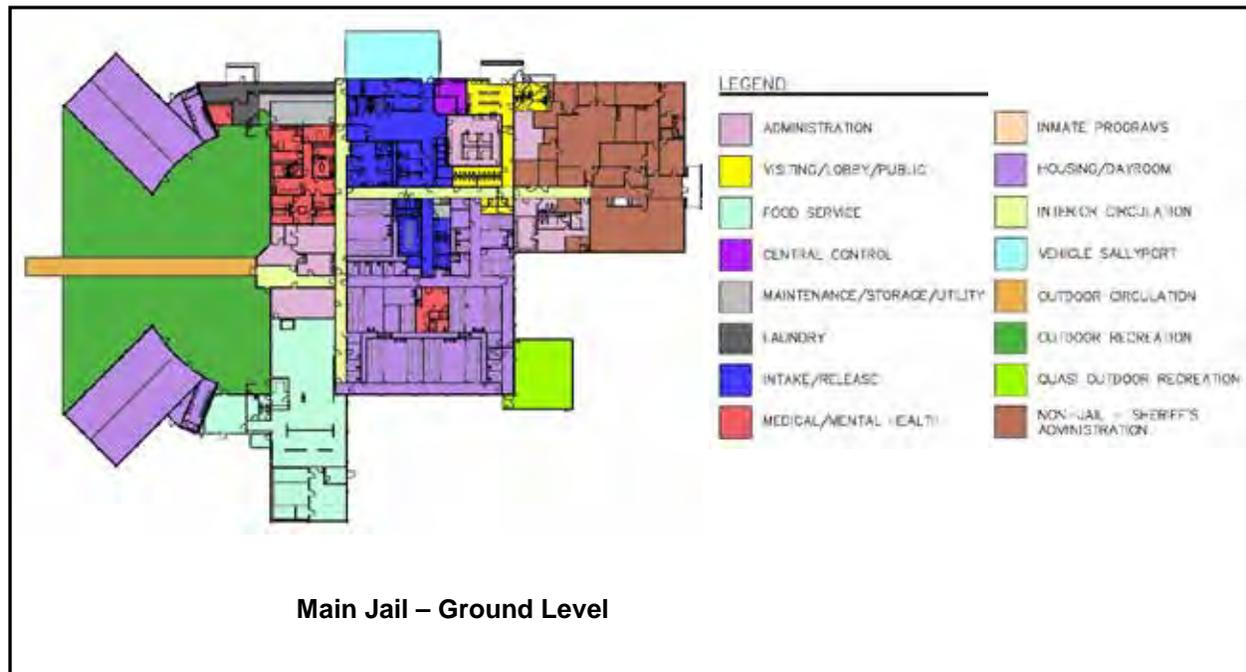
<b>Butte County Jail Space Allocation Chart Functional Use Area Square Footage</b>							
Building/Space (Functional Use Area)	Main Jail	West Facility	East Facility	Ancillary Building	Total Square Feet	Butte County Square Foot Per Bed	(%) Percent
1. Administration Area	3,696	382	7,674	-	11,752	19.1	9.1%
2. Visiting/Lobby/Public Area	1,455	3,253	-	-	4,708	7.7	3.6%
3. Food Service	5,123	-	-	-	5,123	8.3	3.9%
4. Central Control Room	341	-	-	-	341	0.6	0.3%
5. Maintenance / Storage / Mechanical / Electrical	2,449	-	3,251	-	5,700	9.3	4.4%
6. Laundry	775	-	1,145	-	1,920	3.1	1.5%
7. Intake Processing Area/ Release	4,004	-	-	-	4,004	6.5	3.1%
8. Medical / Mental Health/Dental	2,416	360	-	-	2,776	4.5	2.1%
9. Classrooms & Program Space		1,087	-	-	1,087	1.8	0.8%
10. Housing & Dayrooms	14,341	48,256	-	-	62,597	102.0	48.2%
11. Interior Circulation	2,338	1,128	3,266	-	6,732	11.0	5.2%
<b>Subtotal Jail Interior Functional Area</b>	<b>36,938</b>	<b>56,647</b>	<b>15,336</b>	<b>0</b>	<b>106,740</b>	<b>173.9</b>	<b>82.2%</b>
12. Vehicle Sallyport	1,300	1,314	-	-	2,614	4.3	2.0%
13. Outdoor Circulation	1,242	-	-	-	1,242	2.0	1.0%
14. Outdoor Recreation	12,511	5,451	-	-	17,962	29.3	13.8%
15. Quasi-Outdoor Recreation	1,247	-	-	-	1,247	2.0	1.0%
<b>Subtotal Jail Exterior Functional Area</b>	<b>16,300</b>	<b>6,765</b>	<b>0</b>	<b>0</b>	<b>23,065</b>	<b>37.6</b>	<b>17.8%</b>
<b>TOTAL JAIL SPACE</b>	<b>53,238</b>	<b>63,412</b>	<b>15,336</b>	<b>0</b>	<b>129,805</b>	<b>211.5</b>	<b>100.0%</b>
16. Non-Jail - Sheriff's Administration	15,401	-	5,282	2,535	20,683		
<b>Subtotal Non-Jail Functional Area</b>	<b>15,401</b>	<b>0</b>	<b>5,282</b>	<b>2,535</b>	<b>20,683</b>		
<b>TOTAL</b>	<b>68,639</b>	<b>63,412</b>	<b>20,618</b>	<b>2,535</b>	<b>150,488</b>		

As the data shows, the total gross square footage of detention system jail space consists of **106,740** square feet of indoor space, which represents an average of **173.8** square feet per Board of State and Community Corrections (BSCC) rated custody bed. As shown, the housing and dayroom areas consist of nearly half the entire jail facility.

The following Chart provides a summary square footage breakdown, identifying which functional uses comprise the major portions of the total building area as used in 2015. As shown, the housing and dayroom areas consist of over half the entire jail facility.

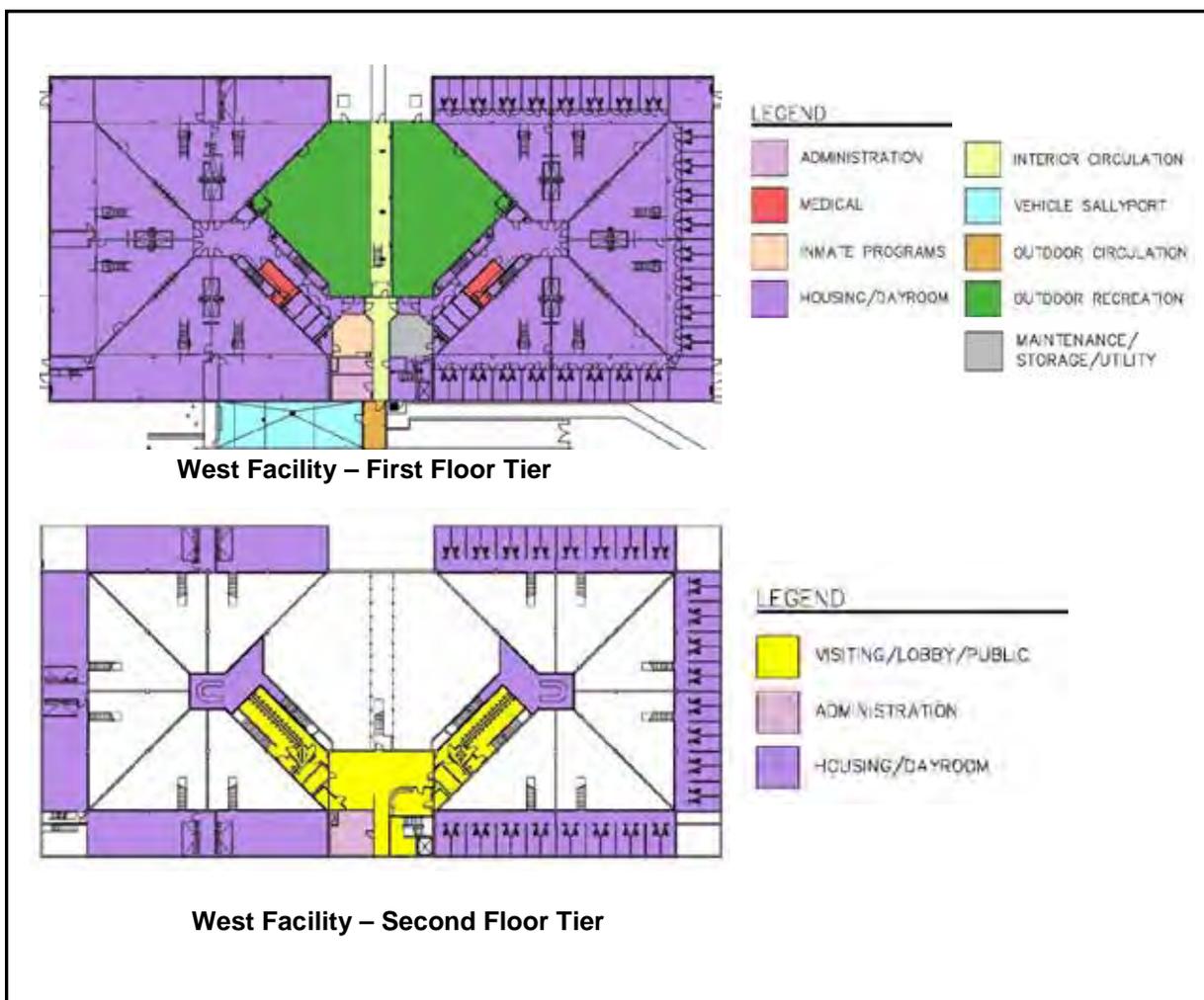


The following two Charts represent a graphic breakout and distribution of the interior functional use areas that define the Butte County Jail. Also depicted are non-jail functional use areas devoted to the Sheriff's Office functions.



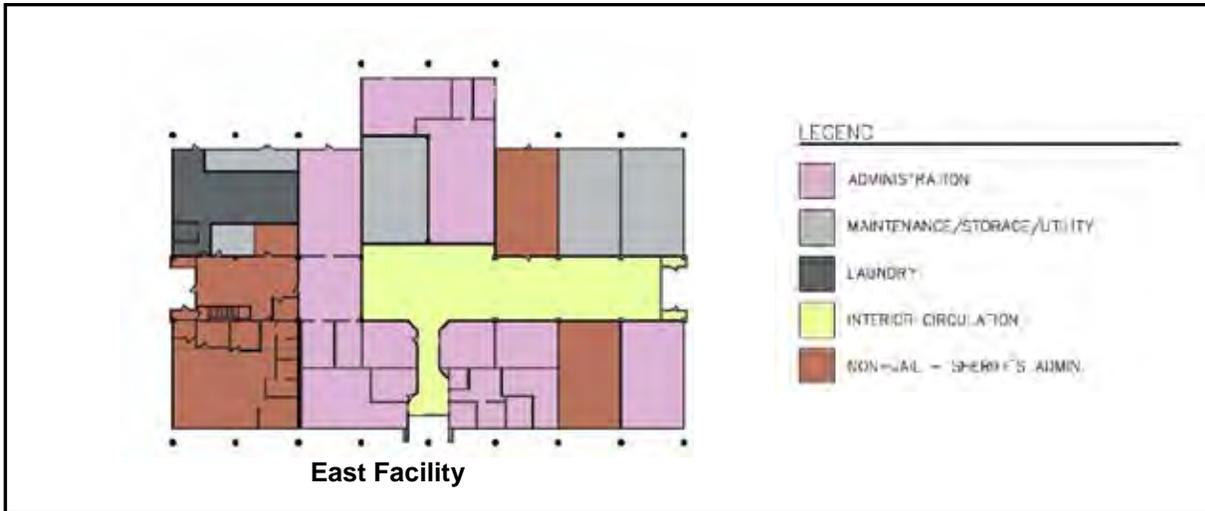


**Main Jail Basement**



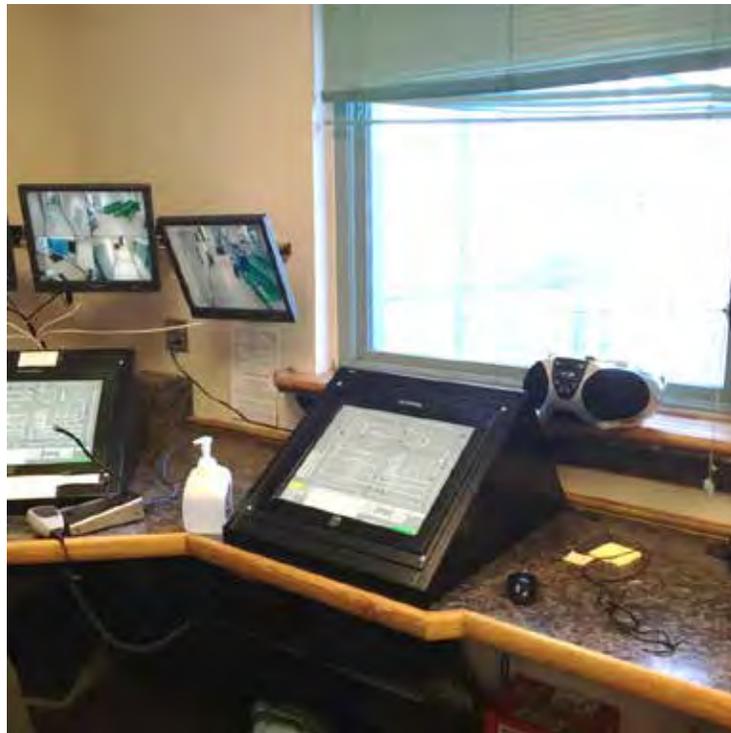
**West Facility - First Floor Tier**

**West Facility - Second Floor Tier**



Based on the Butte County Jail's rated capacity of 614 beds/bunks and 106,740 square feet of gross interior area, the overall average area in the jail system is 173.8 square feet per bed/bunk. In California, based on a state-wide BSCC database of seven county jail facilities built across the state during the last wave of construction in the 1990s and 2000s, the rule of thumb for medium/large county jails similar to Butte County is 462.1 square feet of interior space per custody bed/bunk. Additional analysis of the adequacy and general availability of the key functional use areas contained in the Butte County Jail can be found in **Section 6: Facility Assessment and Evaluation of the Needs Assessment**.

*The remainder of this Section provides a series of photographs highlighting key areas and functional use area operations in the Butte County Jail.*



**Butte Jail Central Control Room**



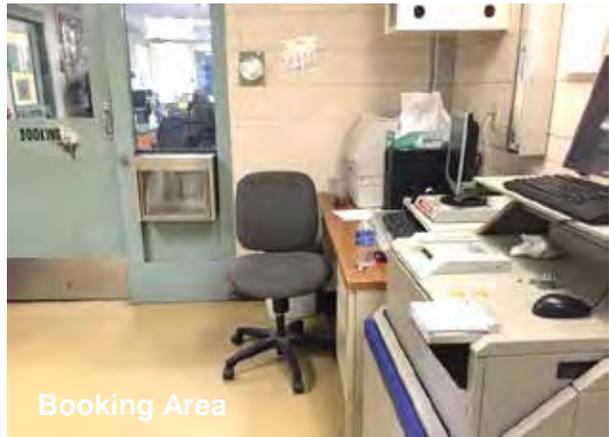
Staff Dining



Laundry



Dayroom Equipment



Booking Area



Quasi Outdoor Recreation



Inmate Visiting



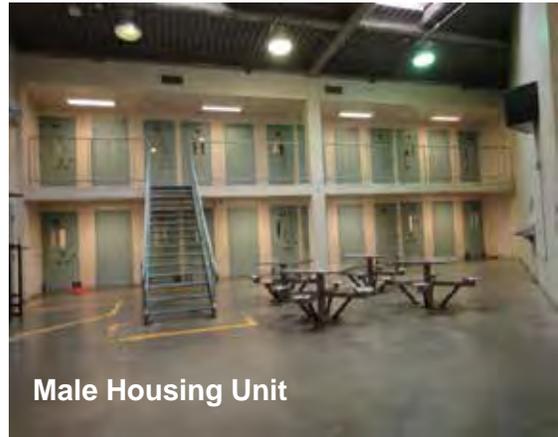
Court Transportation Sallyport



Female Housing Corridor



Jail Kitchen



Male Housing Unit



Medical Staff Office



Program Room

## SECTION 4: PREVIOUS JAIL NEEDS ASSESSMENT UPDATE

### Butte County Jail Needs Assessment Update

#### Prior Conclusions and Recommendations Outlined in the Original Needs Assessment Study



**Male Housing Cell**

The Butte County Sheriff's Office originally contracted with Harris and Harris Enterprises, a justice consulting firm, to prepare a Jail Needs Assessment Update which was completed in April 2013. The Update was prepared following the guidelines and content criteria identified in the Board of State and Community Corrections (BSCC) Title 15 Minimum Jail Standards and Regulations. The original Update includes a range of important planning information about critical elements associated with the Butte County Jail system and the Sheriff's Office's 614-bed secure jail facility located in Oroville, California.

The published report specifically examined and provided information that the consultants relied on in updating the construction needs and future facility building recommendations outlined in this document. The information and data focused on (a) elements of the County's adult detention system, (b) Mission Statement and design philosophy emphasized by the Sheriff's Office, (c) historical inmate population trends, (d) inmate classification process, (e) jail programs and services, (f) analysis of local custody trends and inmate characteristics, (g) adequacy of jail staffing levels, (h) ability of jail facility to provide visual inmate supervision, (i) adequacy of jail recordkeeping, (j) compliance with standards, and (k) any unresolved jail operational and physical plant issues.

The information in this Section of the Jail Needs Assessment Update includes the Executive Summary Section of the April 2013 Jail Study which is summarized below.

#### **Executive Summary Butte County 2013 Jail Needs Assessment Update**

In January 2013, the BUTTE County Administrative Office contracted with *Harris & Harris Enterprises* to provide an updated BUTTE County Jail Needs Assessment. Primary goals were to provide a current evaluation of the jails needs and a Jail Needs Assessment Report, which is a requirement of the Board of State and Community Corrections before new inmate housing can be added. This report is also required for the County and Sheriff's Office to move forward in requesting grant funding.

This document is based in part on the previous assessment completed in 2006 by Steven Reader Enterprises with a revision completed February 28, 2008. That previous project team also included members of *Harris & Harris Enterprises*. Many of the same assumptions are still applicable and those that are not are specifically addressed. All references to the previous document are with the express permission of Steve Reader Enterprises and the County of BUTTE.

In meeting and communicating with numerous BUTTE County officials, it has become abundantly clear that BUTTE County has moved well beyond the mere planning phase of inmate realignment, alternative custody supervision, and inmate programming. While some agencies are still trying to understand and prepare for the impacts of a new corrections paradigm, BUTTE County has taken tangible next-steps to position themselves for this shift in California corrections.

They have prepared a comprehensive Community Corrections Plan and then began to aggressively implement its tenets. They are now operating new programs and processes to remove bottlenecks in their system and are doing all that they can to make themselves successful.

However, in spite of all that they've done, they still face daunting challenges. They release inmates at a remarkably high rate. Many of these inmates are felons that reoffend almost immediately upon release. There is a pervasive understanding among the criminal element in BUTTE County that they will not be held accountable except for the most serious offenses. As stated above, this is not for a lack of effort among **all** of the criminal justice entities in BUTTE County. It is simply because they do not have the capacity to house inmates that need to be in custody. These assertions are documented in greater detail within this needs assessment. It is the opinion of the project team that BUTTE County is in dire need of additional jail beds and a modernized facility.

This 2013 Updated Jail Needs Assessment Study is a result of the cooperation and assistance of BUTTE County criminal justice professionals, County government administrators, health and program providers, and the consultants hired to prepare the report. This Executive Summary provides an overview of the study process and findings. More in depth discussion and statistical data is presented later in the report. Since the last Jail Needs Assessment was completed, the adoption of AB109 Inmate Realignment has been implemented. This has had a significant impact on BUTTE County's ability to house inmates, offer services, and their criminal caseload. BUTTE County should be commended for their efforts in addressing this difficult task and serves as a model for other agencies. Their Community Corrections Partnership Plan is comprehensive, creative, and very inclusive of the stakeholders involved in their criminal justice system. County officials have done everything within their resources and abilities to address the housing, rehabilitation, and supervision of their inmates.

### ***Purpose of Report***

The primary goal of this Jail Needs Assessment is to provide a sound document which is user friendly, can be updated each year and can easily be used as a road map for future jail planning and budgeting. The information contained in this report should be used as follows:

- To update and identify any significant jail problems or deficiencies
- To review the current efficiencies of the County Justice System related to timely progression of arrestees through the system.
- To evaluate pre and post release programs designed to provide jail-overcrowding management, out of custody rehabilitation and community corrections, and ensure court appearances.
- To evaluate the ability of the jail staff to safely house and observe the inmates.
- To identify short term solutions to any significant jail problems.
- To identify and make recommendations related to areas of potential jail liability.
- To evaluate all levels of jail programs, including Title 15 mandates and rehabilitation programs.
- To compile and statistically document jail inmate demographics and bed needs.
- To identify long and short term remodel and building needs.
- To update a broad image of the size, scope and needs of future jail buildings or additions.
- To review any proposed jail or additions are efficient and compatible to serve the overall goals of all the criminal justice agencies.
- To review planning that not only enhances safety, but also affords the ability to provide health and rehabilitation programs for the inmates.

### ***Significant Findings of this Report***

The following are some of the significant findings of the study. Special emphasis should be focused on the replacement of some of the **antiquated** and **inadequate** physical plant.

- The Sheriff's Office, including Management and Correctional staff, display dedication to providing a professional and constitutionally compliant correctional facility despite several facility shortcomings.
- Many physical components of the jail are inadequate and should be replaced.
- Insufficient bed space, inability to properly separate inmates and mandatory release of inmates to avoid overcrowding is a growing problem. New beds are needed.
- The "linear" female housing built in 1963 poses significant concerns related to staffs ability to visually supervise and protect the inmates, meet privacy issues, provide programs, prevent suicides, provide classification housing needs, etc. Replacement should be a high priority.
- The medical and mental health area is poorly designed, lacks sufficient space and poses security and privacy concerns.
- The intake vehicular sally port and intake and booking areas are inadequately sized and have a shortage of specialized and standard holding cells.
- The kitchen, while well designed and efficiently managed, will need additional space if more beds are added. The truck unloading and bulk food intake areas are very inadequate.

### ***Some of the More Notable Problems With the Existing Jail***

BUTTE County Jail was originally built in the 1960's and is nearly 50 years old. It has been added onto and remodeled several times. The result is a complex mix of old, new, remodeled, and added onto space that is disjointed and inefficient. This results in making it hard to supervise and presents roadblocks to efficient operations. While there are many concerns and recommendations later in this report, below are some of the more significant issues:

- The 1963 building that houses intake-booking, administration, medical, inmate property, kitchen, female housing etc. is a maze that makes inmate movement and staff movement inefficient and difficult. Due to the many twists and turns of the hallways, all inmate movement must be escorted, which is staff-intensive. Areas such as the strip search dress out areas are on the main hallway and at times require inmate and staff restrictions.
- One of the main hallways traverses alongside an open-barred female housing unit that's used by staff and male inmates, providing visual access to the female housing. Staff has attempted to mitigate this with plastic barriers, but it has some inherent problems.
- The 1963 building has deteriorated over time and is less energy inefficient and has become maintenance intensive.
- There is no direct access from the jail to the courts, despite their close proximity, causing inefficient and unsafe vehicle transport of prisoners.
- The small vehicle sally ports are inadequate and cause delay for arresting officers in getting back on the street. When large transport buses arrive, security is breached, as they must park outside the sally port to load and unload prisoners.
- The medical and mental health area is poorly designed, has inadequate general use space and lacks a sufficient number of cells for ill inmates, mental health beds and suicide watch beds. The three existing medical cells are poorly located and are not easily supervised. There is no proper waiting area for inmates causing supervision, medical privacy and security concerns. This adds to the need for additional staff to physically monitor inmates.
- The shortage of lock down and separation cells for administrative segregation, gang separation, and disciplinary isolation causes difficulty for classification and managing the population.

### ***How Many of the Problems Came About***

Sheriff's Management and other County officials offered opinions as to how the jail problem reached this point:

- Lack of County, State, or Federal funds for the specific purpose of building new jail additions.
- Lack of adequate ongoing local funding source for inevitable jail building needs.
- Closing of the East Minimum Security Facility and loss of those beds because of design, inmate classification, and staffing issues.

### ***Current Justice Operations Related to the Jail***

In past studies and interviews with criminal justice leaders, there were some philosophical and procedural disagreements. This appears to have been largely eliminated. The State's requirement of AB109 Inmate Realignment to collaboratively create a Community Corrections Partnership (CCP) has compelled the key leaders to come together and thoroughly examine their policies from a systemic perspective. They have done this admirably and by all accounts use the CCP as an ad hoc form of a Criminal Justice Policy Committee CJPC. We have recommended in the past that they create and use a CJPC on a regularly scheduled basis. We maintain that position, but acknowledge that some counties choose to meet only when they believe it necessary. We continue to recommend that they review the Criminal Justice Policy Committee tenants and structure in the previous Needs Assessment to ensure all issues are addressed and all stakeholders are adequately represented.

It appears that previous concerns regarding charging, plea-bargaining, and pre-arraignment releases have also been addressed. Again, AB109 has driven a thorough review of their processes. Several revisions in their system have been implemented, streamlining many previous "bottlenecks." Some examples are; plea offerings are now sent with initial complaints, pretrial meetings are held ten days in advance of trial dates, a comprehensive pre-arraignment risk analysis is completed and reviewed for potential releases, and an improved O.R. process has been implemented.

The overall consensus of the leadership is that there is a reasonable and improved willingness to work together on related jail issues and to have an efficient criminal justice system.

### ***Insufficient Jail Beds Continues to be a Considerable Problem***

By use of the Consent Decree and strict releasing policies, severe overcrowding is avoided, however, this gives an artificial sense of security. Even though they are not exceeding the inmate population limits, the system is still suffering under the strain of overcrowding. This is also evident in the District Attorney, courts, and Public Defender caseloads.

Usually one would look to rapid County population growth, significant increases in criminal activity, or changes in the County's Administration of Justice policies for the causation of overcrowding. There has not been a rapid population growth in BUTTE County. In fact, there has been a decrease to only .83% over the ten years of 2000 to 2010. This leaves the following consensus on inmate population growth:

- Not adding jail facilities for 15 years. There has been little State and Federal grant money for building jails and none of the limited County funds have been available for building jail beds.
- 15% increase in felony complaints.<sup>1</sup>
- AB109 impacts resulting in increased average length of stay for a certain segment of the jail population. This is expected to increase over time resulting in "prison like" conditions for the county jail system.

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<sup>1</sup> See District Attorney statistics on complaint filings.

### ***Inmate Population Growth***

Comparisons of the average daily population (ADP) trends for the past 10-years reflecting the total inmate population and comparisons with other similar counties were studied. Statistics indicate a steady increase in the average daily population, with an average increase of 13.57 beds per year. There has been a 17.1% increase in the ADP from 2002 to 2012. This increase is also consistent with the increase in cases filed by the DA's office during this time period.

### ***Incarceration Rate Average Seems Reasonable***

The study of the jail indicates an incarceration rate of 26.2 for every 10,000 County residents that are very similar to comparison counties of like size and demographics and are in line with statewide averages. Incarceration rates are the number of inmates in jail per 10,000 County residents and are an important factor in determining jail beds needs. Although incarceration rates are not exactly the same from area to area, there are correlations between similar social-economic regions. Crime rates influence incarceration rates; however, another factor is the availability of community corrections programs such as electronic monitoring, work release, transitional housing, etc. The community corrections approach directs some select offenders into outside programs rather than incarceration. Preferably, a county would utilize a balance of jail beds and community corrections. Counties with mid-range incarceration rates and few community corrections programs usually achieve this by way of court ordered early releases, which over time tends to drive up crime rates.

### ***Average length of stay (ALOS)***

The average length of stay generally reflects the efficiency of the courts. As an example, an ALOS in the 30's (days) is an indicator that cases are not being adjudicated in a timely manner, usually the result of too many continuances. A normal range for the average length of stay would be between 12 and 24 days. BUTTE County Jail's ALOS of 16 days in 2012 is within the normal range. There is some concern that the ALOS is somewhat misleading because of the Consent Decree requiring early releases. The jail staff released 1,747 inmates early in 2012. This is a 1,517% increase indicating a highly significant strain on their system.<sup>2</sup>

## ***Significant BUTTE County Jail Housing Deficiencies***

### ***Classification Unit***

BUTTE County currently does not have a separate housing unit or "pod" especially for new arrestees. The benefit of this housing allows inmates to acclimate to the jail setting after being arrested. It also allows the jail staff to observe these inmates more closely (many who come into custody under the influence of drugs or alcohol) until they recover from the shock of arrest or become completely sober. Lastly, only those inmates who remain in custody after arraignment (except those initially housed outside this unit) are subject to a full classification interview freeing the Classification Officers to focus on more important tasks such as helping to manage gang members or assisting with "OR" verification.

### ***Mental Health (Psych) Unit***

Currently BUTTE County does not have a distinct and separate housing unit or pod to house inmates with significant emotional or psychological problems. Inmates with mental health problems tend to be more suicidal as a result of their emotional instability. Housing these inmates in specialized areas allows for closer and more consistent supervision.

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<sup>2</sup> See "Impact of Early Kicks" in Section F.

### ***Disciplinary Isolation Unit***

Currently BUTTE County does not have a distinct or separate housing unit or pod specifically for disciplinary isolation.

### ***Female Housing Unit***

The current female housing units have been criticized by the Grand Jury and the former Board of Corrections and are very inadequate and should be replaced.

### ***Maximum security and special housing unit for males***

The celled areas used to separate the most dangerous inmates, including gang members and the extremely violent, are at capacity and additional housing for these difficult prisoners as well as general inmate population growth is a high priority.

### ***Programs to rehabilitate inmates***

In years past, BUTTE County needed to place a greater emphasis on rehabilitative programs. Since the creation and implementation of their Community Corrections Partnership plan, BUTTE County has aggressively pursued these programs. There still remains the problem of a lack of program space within the confines of the main jail, however their Day Reporting Center is in the midst of expansion and they are already using it to facilitate a number of evidence-based programs.

### ***Population Projections***

The California Department of Finance Population Projections and the Butte County Association of Governments - 2011 studies were used to estimate County population projections.

### ***Inmate Population Projections***

**Table 1**

<b>Bed Need Projection (Pop/Incarceration Rate) Plus AB 109</b>					
	<b>2015</b>	<b>2020</b>	<b>2025</b>	<b>2030</b>	<b>2035</b>
Low	717.3	762.8	817.3	871.8	921.3
Medium	722.4	776.9	841.5	906.2	975.9
High	728.4	791	864.8	938.5	1019.3
Includes peak and AB 109					

**Table 2**

<b>Projected Bed Needs Increases Beyond Current Capacity</b>					
	<b>2015</b>	<b>2020</b>	<b>2025</b>	<b>2030</b>	<b>2035</b>
Low	103.3	148.8	203.3	257.8	307.3
Medium	108.4	162.9	227.5	292.2	361.9
High	114.1	177	250.8	324.5	405.3
Includes peak and AB 109					

### ***Staffing Estimates***

The 2006 Needs Assessment provided two scenarios as options to consider for BUTTE County to follow. It is the assertion of BUTTE County officials that the 2006 "scenario one" is unfeasible in their current

setting and situation. Therefore, we have only included **one** potential scenario for consideration. The scenario will hereafter be designated as the Construction Scenario with no implication of their being any additional options. Any reference to “scenario one” and “scenario two” are references to the 2006 Needs Assessment that this document is intended to update. All “scenario two” assumptions and architectural plans will be used for this update with the exception of revisions to the “Hypothetical Female Housing and Transportation First Floor”.

Both previous scenarios recommended two additional housing units as soon as possible, a female replacement unit and a male unit for special handling and general population male inmates. Construction scenarios exceed the twenty-year planning window for this Needs Assessment and could provide housing for the next twenty to forty years. The theoretical master plan is provided in phases. It is estimated that 27 additional correctional officers would be needed to staff the new housing units at an annual cost, including benefits, of approximately \$2,504,736.

### ***Executive Summary Conclusion***

The following document contains comprehensive information on the areas and issues discussed in this executive summary. County officials are urged to familiarize themselves thoroughly with this report and the other recent BUTTE County criminal justice advisory reports to better understand the jail situation and for future policy and decision-making. County leaders should consider taking the next step in the jail planning process by initiating the Architectural Feasibility Study, which would include a comprehensive space program study with detailed project and operating costs. ***(See Appendix C: Butte County Jail Needs Assessment Update, April 2013)***

## SECTION 5: UPDATED ARRESTS, JAIL BOOKINGS & INMATE ADP

### Butte County Jail Needs Assessment Update

#### Background Information and Scope of Work



*Inmate Personal Property Storage*

The Criminal Justice Research Foundation (CJRF) was retained to work with Vanir, Inc. and Nacht & Lewis Architects to finalize a 2015 Jail Needs Assessment Update Report and plan for newly proposed renovations to the County's adult jail detention facility that would be constructed with SB 863 funding awarded by the Board of State and Community Corrections (BSCC) to Butte County. CJRF's scope of work has focused on compiling and analyzing jail inmate population trends and bed security classification needs which have been used to prepare an updated jail inmate profile with average daily population (ADP) inmate projections.

The Butte County Sheriff's Office operates the County's only Type II jail facility located at 33 County Center Drive, in Oroville, California. The jail was built in 1963 as a component of the new Sheriff's Office building. In 1987, the East Facility inmate housing unit was added to the jail and the West Facility was opened in 1994. The entire jail complex has a Board of State and Community Corrections (BSCC) rated capacity for 614 inmates. The County jail, because of serious overcrowding, has been operating under a Court Consent Decree limiting the inmate housing population since 1985.

The County jail houses both pretrial and sentenced male / female offenders. The jail also, since October 2011, houses AB 109 Public Safety Realignment Act County Jail Prison (N3), 3056 PC Parolees, Post Release Community Supervision (PRCS) offenders, and flash incarceration Probation Department offenders.

In order to address persistent crowding in the detention facility, the Sheriff's Office has developed and implemented a wide array of alternative to incarceration programs and case processing procedures which allows the jail system to function within the limits of available custody beds. Continued increases in inmate populations, particularly as a result of the State AB 109 Public Safety Realignment Act, is seriously impacting crowding in the adult detention facility.

The provisions of the Public Safety Realignment Act became operative on October 1, 2011. As offenders are sentenced on or after this date or released to community supervision, they are the responsibility of the County, if they meet the statutory criteria for the realigned population. The Realignment Act mandates that felons convicted of non-violent, non-serious and non-sex offenses serve their prison sentence in County Jail instead of State Prison. Offenders sentenced to serve determinate incarceration terms, whether it is in State Prison or local custody as the law requires, will serve a term directed by the Superior Court. For offenders sentenced to a term in local custody, the new law, however, permits a judge to split a determinate sentence between custody and "mandatory supervision."

The AB 109 legislation reassigns three groups of offenders previously handled through the State Prison and Parole System to California counties. The first group includes convicted offenders receiving sentences for new non-violent, non-serious, non-sex offender (N3) crimes that will be served locally (one year or more). Offenders in this category will have no prior violent or serious convictions. The second group involves post-release offenders (up to three years) coming under Probation Department supervision for (N3) crimes released from State Prison. Offenders in this category may have had prior convictions for violent or serious crimes. The third group includes State parole violators who are revoked to custody.

Operationally, there are not enough beds / bunks to properly house inmates based upon classification. The County jail also does not have the ability to appropriately house classified inmates during peak population levels, or segregate inmates who should be housed in higher custody single- and double-occupancy units because of their classification. The County jail is also confronting the need to house inmates for longer periods of incarceration as a result of the 2011 implementation of AB 109 which is diverting significant number of offenders from the State prison system to county jails.

The County's previous Needs Assessment Update was prepared in April 2013. With the system-wide average daily population levels for the County Jail continually at or above rated bed capacity, the Sheriff's Office is extremely concerned about the influx of AB 109 convicted and sentenced felony defendants. In order to address this situation, this current Jail Needs Assessment Update was undertaken by the Sheriff's Office to prove our need for applying for SB 863 Jail Construction Funds that will become available through the Board of State and Community Corrections (BSCC) in the summer of 2015.

In addition to inmate population pressure, the facility is outdated and is experiencing a number of significant maintenance issues. The jail's infrastructure generally has become antiquated and some areas are in need of replacement. In addition to capacity issues that complicate classification decisions and failing infrastructure, the jail's physical layout does not provide for many programmatic opportunities or reflect the needs of a modern adult jail detention facility.

CJRF consultant staff worked with the Butte County Sheriff's Office staff to collect and analyze jail inmate population data that was used to prepare an updated population profile of 2014 pretrial / sentenced male and female inmates currently housed at the County jail facility. The following tasks and information was compiled and analyzed by CJRF's staff in carrying out this scope of work.

#### ***Updated Butte County Jail Inmate Population Profile***

1. ***Updated Inmate Projections:*** CJRF collected, reviewed and updated historical arrests, booking, average daily population (ADP), and release trend data for the reporting period 2002 – 2014. With assistance from the jail management staff, data was also collected and summarized showing the impact the Public Safety AB 109 Realignment legislation and Proposition 47 passed by the voters in 2013 is having or likely will have on the inmate population housed in the jail facility. Summary population projections for the 20 year period 2015 - 2034 considering incarceration rates per 10,000 County adult population, length of jail stay, and release patterns was developed and shown by gender and security classification groupings for the 20 year projection period. Peak population and inmate classification factors were also incorporated into the published projection data.
2. ***Jail Inmate Classification Process and Criteria:*** CJRF met with the jail's inmate booking/classification personnel to review and understand the current and/or proposed inmate classification policies, procedures and housing criteria used in classifying pretrial and sentenced detainees. The review of the classification system focused on identifying the specific criteria staff are using for determining single cell, double-occupancy, and multiple-occupancy housing assignments. CJRF also collected, to the extent possible, historical inmate classification trend data to understand changes in inmate housing patterns and other inmate security classification needs the facility has experienced.
3. ***Point-in-Time Classification Snapshot:*** With assistance of the jail management staff, CJRF analyzed a "point in time" snapshot of the incarcerated inmate population including pretrial and sentenced inmates housed at the jail facility because of overcrowding. Information collected from the snapshot was used to identify custody housing breakdowns and classifications associated with (a) pretrial male/female inmates, (b) sentenced male/female inmates, and (c) AB 109 offenders including (N3), PRCS, flash incarceration, and parole revocation inmates. Housing security

classification breakdowns was also compiled and analyzed for felony and misdemeanor pretrial/sentenced inmate groupings.

4. **Other Issues Impacting Inmate Populations and Projections:** CJRF also worked with the Butte County Sheriff's Office management personnel to identify and analyze any major future developments including the potential developments in the County which could impact jail custody housing needs and classifications. Discussions also focused on the identification of any new and significant alternatives to incarceration programming the Sheriff's Office, the local Probation Department, and Courts might be planning in response to the full implementation of the Public Safety Realignment Act which is estimated to occur in the counties by mid-year 2015.

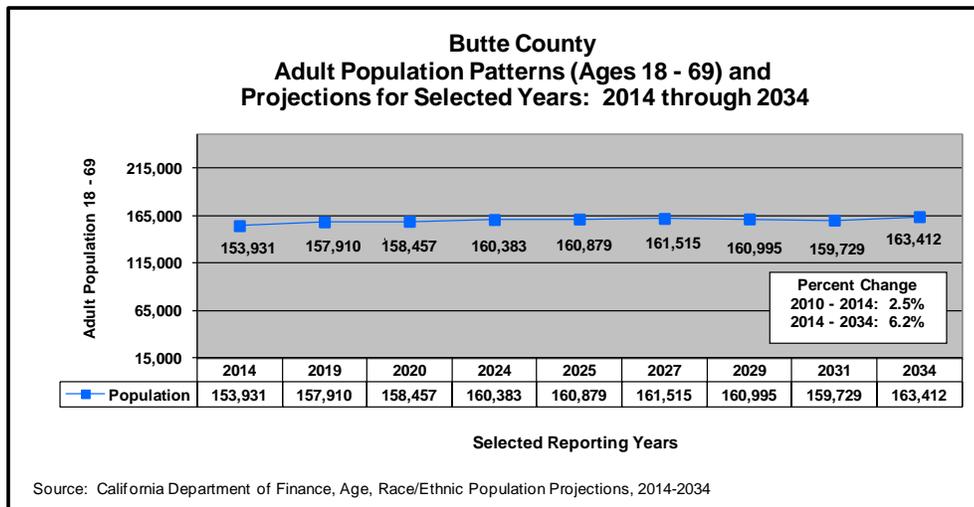
### Updated Inmate Population Profile

County detention facilities can be impacted by the growth rate of a community's population and other significant changes associated with crime rates, adult arrests, bookings, Court sentencing, and jail release trends. As part of the work undertaken for this study, CJRF collected and analyzed historical trend data that included (a) adult population patterns and projections, (b) crime rate patterns and trends, (c) adult felony and misdemeanor trends, (d) jail booking and inmate population trends, (e) inmate security classifications, (f) inmates requiring mental health and medical services, (g) Butte Jail releases due to the lack of housing capacity, and (h) impact of the AB 109 Realignment Act on jail inmate ADP levels. **(See Exhibit 1: Background Information and Reference Trend Data beginning on page 72 of this section)**

Analysis of this data was summarized and the information shows the following key trends:

- § **County Population Data:** California Department of Finance (DOF) census data for 2010 with countywide projections through the year 2034 were analyzed for the Butte Jail Needs Assessment Update. The demographic data shows Butte County's population in 2010 was 220,273 and DOF projects that the county-wide population will rise through 2034 to 261,781, an increase of 15.9%. Analysis of the population by age group, however, shows that all of the projected growth will be among older adults 70+ years of age. This older adult population group is projected to increase from 24,130 to 52,110, a growth of 53.7%. The resident group ages 0 – 17 years of age is expected to increase by 0.5%, and the 18 – 69 year old group is also expected to only increase by 8.1%.

Yearly Butte County population projections involving adult males and females ages 18 - 69, instead of the total County population growth, was selected as most representative of the population and demographic groups of residents affecting jail inmate ADP levels. This age group was chosen for the analysis because it is used by National and State law enforcement agencies to calculate individual county and state-wide adult arrest rate trends published annually. Key trends for the period 2010 – 2014 showed that Butte's total adult population base increased from 150,116 to 153,931 residents. This represents an increase of 2.5% over the five year period. The change in adult population over this period increased by approximately 0.6% each year. More significantly, the Department of Finance's projections shows that the County's adult population is only projected to reach 163,412 by the year 2034. Over this future timeframe, the rate of yearly growth in the adult population base is projected to be relatively stable and changing only about 0.3% from year to year.



§ **Reported Community Crime Patterns:** Analysis of changes in reported yearly crimes and crime rates per 100,000 population to County law enforcement agencies can provide an indication of the overall characteristics of a community's crime patterns, law enforcement responses, and relationships to arrest trends which impact a County's jail system. As part of the analysis undertaken in this study, reported crimes and crime rates for the period 2004 – 2013 in Butte County was collected and analyzed. The analysis showed that in 2013, a total of 6,912 crimes were reported by residents to local law enforcement agencies. Approximately 90.0% of the reported crimes involved a larceny / theft and other property crimes. A total of 634 (9.2%) of the reported crimes involved violent crimes and 55 (0.8%) arson crimes were also reported.

Overall, reported crimes decreased -25.0% in Butte County over the ten year period between 2004 – 2013. Total crime rates per 100,000 population during the same period also dropped from 4,344.8 to 3,125.8, a reduction of -28.1%. The most significant drop in crime rates between 2004 – 2013 involved arson which declined by -74.0% and other property crime rates which declined by -28.3%. Violent crime rates have also declined but at a much lower rate (-19.1%) since 2004.

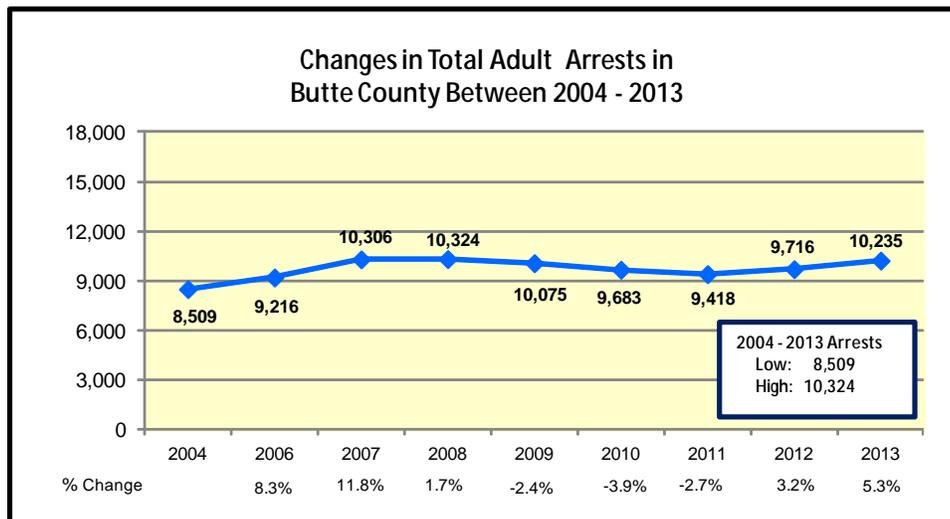
Comparison Between California Statewide and Butte County Crimes and Rates by Category and Type of Crime 2004 - 2013						
Crime Category	California			Butte County		
	2004	2013	% Change 2004 - 2013	2004	2013	% Change 2004 - 2013
<b>Reported Crimes:</b>						
Violent Crimes	197,432	151,634	-22.1%	752	634	-15.7%
Property Crimes	712,193	1,018,333	-1.2%	4,987	3,726	-25.3%
Larceny - Theft (under \$400)	511,082	393,172	-16.8%	3,278	2,497	-23.8%
Arson	12,660	7,446	-45.4%	203	55	-72.9%
<b>Total</b>	<b>1,433,367</b>	<b>1,570,585</b>	<b>-9.9%</b>	<b>9,220</b>	<b>6,912</b>	<b>-25.0%</b>
<b>Reported Crimes Rates (Per 100,000 Population):</b>						
Violent Crimes	539.6	399.2	-26.0%	354.4	286.7	-19.1%
Property Crimes	1,946.4	2,680.9	37.7%	2,350.0	1,685.0	-28.3%
Larceny - theft (under \$400)	1,396.7	1,035.1	-25.9%	1,544.7	1,129.2	-26.9%
Arson	34.6	19.6	-34.4%	95.7	24.9	-74.0%
<b>Total</b>	<b>3,917.3</b>	<b>4,134.8</b>	<b>5.6%</b>	<b>4,344.8</b>	<b>3,125.8</b>	<b>-28.1%</b>

ButteNA1/Tables&Charts/Tables57

In spite of the downward trend in County reported crimes and rates, a comparison of California statewide crime rates per 100,000 population between 2004 and 2013 shows that crime rates statewide have slightly increased to 5.6% while Butte County's total crime rate in the same period declined -28.1%. The crime pattern data, further shows that the County's total crime rate of 3,125.8 per 100,000 population is 24.4% lower than the California statewide crime rate (4,134.8) in 2013. The comparative data, however, also shows that the Butte County violent crime rate is declining but at a much slower rate per 100,000 population compared to statewide violent crime rates.

§ **Adult Felony / Misdemeanor Arrest Trends:** Any analysis of growth trends impacting adult detention facilities must consider adult arrest patterns. Arrests have major impact on booking volumes at detention facilities, on inmate population levels (ADP), and on the workload of agencies that must make case processing decisions. The analysis of overall changes in adult felony and misdemeanor arrest patterns in Butte County shows that in 2013, Butte law enforcement agencies arrested a total of 10,235 adult offenders. In 2004, local law enforcement agencies arrested 8,509 adult offenders, an increase of 20.3%.

Over the past decade, adult arrests peaked in 2008 at 10,324 and have gradually been decreasing in the intervening years in spite of minor yearly fluctuations. A close look at the trend information does show that in the last three years (2011 – 2013) of available data, total County adult arrests have increased and are averaging 9,790 a year. **(See Appendix D: Jail Bookings, Pretrial/Sentenced and Peak Inmate ADP by Month)**



For the past ten years, an average of 9,623 adults have been arrested each year for felony and misdemeanor crimes. The mix of felony and misdemeanor arrests has, however, fluctuated significantly during this period. Felony offenses generally account for about one out of every four arrests local law enforcement agencies make each year. A closer analysis of changes in average yearly adult felony and misdemeanor arrests between 2004 – 2013 shows, on the average, felony arrests over this period have increased 7.6% while average yearly misdemeanor arrests have increased 3.1%. In 2013, 2,813 females were arrested by city and County law enforcement agencies. These arrests represented 27.5% of the total county-wide arrests (10,235) which occurred that year. Approximately 72.5% of the adult arrests in 2013 involved male offenders. Annually, approximately one out of every four arrests involve female offenders. Between 2004 – 2013, female adult arrests increased 32.7% compared to

a decreased of -6.1% for male arrests. **(See Appendix E: Jail Pretrial and Sentenced Male/Female Population by Month)**

In spite of the fluctuations in yearly adult arrests, nearly one out of every ten felony and misdemeanor arrests in Butte County involve adults who have been arrested for serious crimes of violence and weapons charges. Analysis of offense patterns over the past decade shows that adult arrests for violent crimes and weapons have increased 5.6%. During this same period, adult felony and misdemeanor property crime arrests declined 1.9% while all other offense categories have increased. Between 2004 – 2013, the number of arrests involving drugs increased 2.4% and alcohol-related violations have increased 4.9%. When factored for the effects of population growth, the adult arrest trend data shows that the total adult felony and misdemeanor arrest rate per 10,000 adult population between 2004 – 2013 have also increased 15.5%. In 2013, an average of 463 adult Butte residents were arrested for felony or misdemeanor offenses for every 10,000 adults residing in the community.

§ **Jail Booking and Inmate Population Trends:** In 2014, the County jail processed an average of 991 bookings each month. Average annual monthly County jail bookings, since 2002, have ranged from a low of 875 to a high of 1,090 (2005). Over the past 13 years, monthly bookings have averaged 1,010 a month (33.0 per day). It is important to note the volume of monthly bookings impacts jail ADP levels, however, the overall composition and make-up of the type of bookings occurring in the detention facility will have a greater impact over ADP than total bookings.

Butte County Jail Facility									
Changes in Jail Bookings, Pretrial / Sentenced and Peak Jail Inmate ADP									
2002 - 2014									
Year	Peak Jail Inmate ADP								
	Total Bookings	Ave. Monthly Bookings	Pretrial ADP	Sentenced ADP	Total Jail ADP	High (Peak) ADP	Male ADP	Female ADP	Total ADP
2002	10,501	875	299	186	485	523	427	58	485
2003	11,078	923	318	191	509	548	438	71	509
2004	11,510	959	313	200	513	569	435	78	513
2005	13,085	1,090	308	205	513	576	427	86	513
2006	12,612	1,051	286	229	515	585	429	86	515
2007	12,818	1,068	297	199	496	570	413	83	496
2008	12,604	1,050	302	178	480	532	397	83	480
2009	12,412	1,034	348	163	511	585	434	77	511
2010	11,942	995	412	136	548	586	475	73	548
2011	11,942	995	425	140	565	599	497	68	565
2012	12,418	1,035	441	147	588	605	525	63	588
2013	12,644	1,054	406	188	594	611	517	77	594
2014	11,991	999	354	233	587	617	494	93	587
<b>Average Yearly Bookings &amp; Inmate ADP</b>	<b>12,120</b>	<b>1,094</b>	<b>347</b>	<b>184</b>	<b>531</b>	<b>617</b>	<b>454</b>	<b>77</b>	<b>531</b>
<b>(%) Percent</b>			<b>65.3%</b>	<b>34.7%</b>	<b>100.0%</b>		<b>85.5%</b>	<b>14.5%</b>	<b>100.0%</b>
<b>Yearly Average 2002 - 2007</b>	<b>11,934</b>	<b>995</b>	<b>303</b>	<b>202</b>	<b>505</b>	<b>585</b>	<b>428</b>	<b>77</b>	<b>505</b>
<b>2008 - 2014</b>	<b>12,279</b>	<b>1,023</b>	<b>384</b>	<b>169</b>	<b>553</b>	<b>617</b>	<b>477</b>	<b>76</b>	<b>553</b>

In 2014, the Butte County Jail had an average daily inmate population (ADP) totaling 587. Between 2002 and 2014, the County jail inmate population levels have ranged from a low of 480 (2008) to a high of 594 in 2013. In spite of some minor yearly fluctuations, total jail inmate ADP has remained virtually unchanged over the past 13 year period between 2002 – 2014. Currently, the jail facility is operating at 95.6% of the Board of State and Community Corrections (BSCC) rated custody bed capacity of 614.

For the jail system as a whole, pretrial inmate population levels comprise about 60.3% of the total 2014 County jail custody bed space. Sentenced inmate population levels comprise about 39.7% of the total jail's detention bed space. Over the past 13 years, the County jail system's pretrial ADP population has averaged 347 inmates while sentenced ADP has average 184 inmates. The 2014 average daily pretrial population (354), however, mostly includes felony detainees (341) and only 13 misdemeanor detainees. The average daily 2014 sentenced population (233) also mostly includes felony detainees (211) and only 22 misdemeanor inmates. Because of the crowding at the facility, the jail has eliminated most pretrial and sentenced misdemeanants from the incarcerated population particularly since 2008. Prior to taking these steps, the County jail had an ADP of 23 pretrial and 77 sentenced misdemeanants.

Another perspective on the jail's composition of pretrial and inmate population is highlighted in the following Chart which provides a comparative breakdown between the Butte County jail and California jails statewide average pretrial and sentenced inmate ADP levels during September 2014. As the data indicates, an average of 62.7% of the California county jail's bed capacities were occupied by pretrial inmates. The other 37.3% of jail beds were occupied by sentenced inmates. In Butte County during the same reporting period, the jail's pretrial inmate ADP was significantly lower at 59.0% while the sentenced inmate population was higher at 41.0% compared to a typical jail throughout the State.

<u>Jurisdiction</u>	<u>(%) Pretrial Jail ADP</u>	<u>(%) Sentenced Jail ADP</u>	<u>Total</u>
Butte County Jail	59.0%	41.0%	100.0%
California County Jails	62.7%	37.3%	100.0%

A further comparison of the overall composition of the County's jail inmate population is highlighted in the following Table which shows the breakdown of felony and misdemeanor inmate ADP levels between the Butte County Jail and statewide jail facilities. As the data shows, the Butte Jail as well as all other County jail facilities throughout the State have virtually eliminated misdemeanants from the jail detention populations. Only about one out of every ten inmates in 2014 were offenders incarcerated for misdemeanor crimes. The overwhelming majority of incarcerated offenders is made up of individuals charged with felony crimes rather than misdemeanor offenses.

<u>Jurisdiction</u>	<u>(%) Misdemeanor Jail ADP</u>	<u>(%) Felony Jail ADP</u>	<u>Total</u>
Butte County Jail	5.4%	94.6%	100.0%
California County Jails	11.6%	88.4%	100.0%

Between 2002 and 2014, the Butte County jail had an average daily male population of 454 (85.5%) and a pretrial and sentenced female population which has averaged 77 (14.5%) per day.

Average daily inmate population counts do not take into account the “spikes” and peak population inmate levels which can also affect available jail custody bed capacities. To provide for sufficient flexibility for inmate classification and to accommodate population fluctuations, the Jail Study planning work has compiled information over the past 13 years on the jail’s peak inmate populations. The County jail reports to BSCC the single one-day highest inmate count the facility experienced each month. The analysis of this data shows that between 2008 – 2014, the facility had a high inmate population (ADP) of 617 which was 11.6% above the average daily jail population of 553 during the same period.

Over the past 13 years, the highest or peak inmate ADP recorded at the Butte County jail was 617 which occurred in 2014. This is approximately 16.2% higher than the average inmate ADP over the same time period of 531. Between 2002 – 2014, average peak populations have ranged from 2.3% to 14.5% higher than the jail’s ADP. In 2014, the high (peak) ADP was 617 which was 30 inmates above the average daily jail population of 587 (+5.2%).

§ **Average Length of Jail Stay (ALS):** One of the most important factors in developing an understanding of a county jail’s daily operations and policies that affect inmate booking and release trends which impact future bed capacity needs involves changes in average length of jail incarceration rates. Analysis of the average length of jail incarceration among inmates released from the Butte County Jail for the past two years (2013 – 14) is shown in the following Table.

Average Length of Jail Incarceration Among Inmates Released from the Butte County Jail 2013 - 2014				
Length of Jail Stay (Days)	Length of Inmate Jail Incarceration			
	2013		2014	
	Number	Percent	Number	Percent
0 - 2	7,425	56.5%	6,747	53.7%
3 - 5	1,198	9.1%	1,288	10.3%
6 - 10	986	7.5%	1,075	8.6%
11 - 20	758	5.8%	716	5.7%
21 - 35	754	5.7%	767	6.1%
36 - 45	317	2.4%	360	2.8%
46 - 60	362	2.7%	364	2.9%
61 +	1,348	10.3%	1,243	9.9%
<b>Total Jail Releases</b>	<b>13,148</b>	<b>100.0%</b>	<b>12,560</b>	<b>100.0%</b>
<b>Total Custody Days</b>	<b>307,589 Days</b>		<b>250,483 Days</b>	
<b>Average Length of Jail Stay</b>	<b>23 Days</b>		<b>20 Days</b>	

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As the data indicates, the average length of jail stay in 2013 was 23 days, and 20 days in 2014. More importantly, the release information shows that nearly two out of every three individuals booked into the facility are able to secure a release within five days or less. In 2014, 6,747 detainees (53.7%) were booked and released from the jail in less than two days. Another 1,288 detainees (10.3%) were released between three to five days following their intake into the detention facility.

A further indication the lack of jail bed capacity is having in the Butte County Jail system is shown in the following comparison between the average length of jail stay in Butte County and California county jails generally. In September 2014, the average statewide length of jail stay was 29 days, with the length of the incarceration in the

Butte jail at 20 days. Equally significant, the average length of stay for both pretrial and sentenced detainees in the Butte jail is also significantly lower compared to California statewide data.

<b>Average Length of Jail Stay Comparison Between Butte County and California County Jails 2014 – 3<sup>rd</sup> Quarter</b>			
<u>Jail Incarceration</u>	<u>Butte County Jail</u>	<u>California County Jails</u>	<u>Average Length of Jail Stay Differences</u>
Average Length of Stay For Pretrial / Sentenced Releases	20 Days	29 Days	9 Days

§ **AB 109 Public Safety Realignment:** On April 4, 2011, Governor Brown signed AB 109, the 2011 Public Safety Realignment Act. This 652 page law, alters the California criminal justice system by (a) changing the definition of a felony, (b) shifting housing for low level offenders from State Prison to local County jail, and (c) transferring the community supervision of designated parolees from the California Department of Corrections and Rehabilitation (CDCR) to local county probation departments. The AB 109 legislation reassigns three groups of offenders previously handled through the State Prison and Parole System to California counties. The first group includes convicted offenders receiving sentences for new non-violent, non-serious, non-sex offender (N3) crimes that will be served locally (one year or more). Offenders in this category will have no prior violent or serious convictions. The second group involves post-release offenders (up to three years) coming under Probation Department supervision for (N3) crimes released from State Prison. The third group includes State parole violators who are revoked to custody. With the exception of offenders sentenced to life with parole, this group is revoked to the local County jail instead of State Prison.

CDCR estimates that at “full implementation”, the Butte County criminal justice system will be handling an average daily population (ADP) of new offenders that will include **(a) 268 County Prison (N3) offenders, (b) 181 California Department of Corrections and Rehabilitation (CDCR) offenders receiving Post-Release Community Supervision (PRCS) provided by the Probation Department, and (c) 36 revoked offenders in County jail on parole or local probation violations.**

The following Table shows the total number of AB 109 inmates who have been incarcerated in the Butte County Jail since the law was implemented.

<b>Butte County Jail AB 109 Realignment Act Inmate Incarceration Trends October 2011 – December 2014</b>						
<u>AB 109 Detainees</u>	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>Total AB 109</u>	<u>Percent</u>
County Prison offenders sentenced to local custody	69	272	299	279	<b>919</b>	<b>30.0%</b>
Post-Release Community Supervision (PRCS) offenders booked on a PC3454(c) flash incarceration only	0	116	233	233	<b>582</b>	<b>19.0%</b>
Post-Release Community Supervision (PRCS) offenders booked with a new local charge	0	157	224	220	<b>601</b>	<b>19.6%</b>
Number of persons booked on a PC 3056 parole violation only	<u>105</u>	<u>368</u>	<u>282</u>	<u>204</u>	<b>959</b>	<b>31.3%</b>
<b>Total AB 109</b>	<b>174</b>	<b>913</b>	<b>1,038</b>	<b>936</b>	<b>3,061</b>	<b>100.0%</b>

Between 2011-14, the County jail has processed 3,061 AB 109 Realignment Act inmates. A total of 919 (30.0%) have been County Prison (N3) offenders sentenced to local custody. Another 582 (19.0%) have been Post-Release Community Supervision (PRCS) offenders booked on a PC3454(c) flash incarceration. A total of 601 (19.6%) have been PRCS offenders booked with a new local charge and 959 individuals (31.3%) were booked on a PC 3056 parole violation.

As the following Table shows, since AB 109 became law, the Butte County jail has booked an average of 24 AB 109 sentenced felons a month into the detention facility. CDCR originally estimated the County jail would be admitting an average of 17 County Prison sentenced inmate a month. To date, the jail has been processing seven more County Prison inmates a month than the State projected.

<b>Butte County County Prison (N3) and (PRCS) Offenders Serving Jail Time as a Result of New Charges, Revocation Violations, and Flash Incarcerations by Quarter October 2011 - December 2014</b>					
Month / Year	Newly Sentenced (N3) Inmates	<i>Post-Release Community Supervision (PRCS)</i>			
		Booked With New Charges	Booked For Revocation Hearing	Flash Incarceration	Serving Jail Revocation Sentence
<b>2011:</b>					
Qtr 4: Oct - Dec	69	0	6	0	8
<b>2012:</b>					
Qtr 1: Jan - Mar	78	29	22	25	24
Qtr 2: Apr - Jun	83	43	21	28	14
Qtr 3: Jul - Sep	52	45	26	25	20
Qtr 4: Oct - Dec	59	40	26	38	23
<b>2013:</b>					
Qtr 1: Jan - Mar	76	49	28	62	38
Qtr 2: Apr - Jun	69	60	31	44	30
Qtr 3: Jul - Sep	88	52	40	62	41
Qtr 4: Oct - Dec	66	63	17	65	22
<b>2014:</b>					
Qtr 1: Jan - Mar	78	61	25	44	24
Qtr 2: Apr - Jun	72	61	27	57	32
Qtr 3: Jul - Sep	87	55	25	61	32
Qtr 4: Oct - Dec	42	43	21	71	26
<b>Total</b>	<b>919</b>	<b>601</b>	<b>315</b>	<b>582</b>	<b>334</b>
<b>Monthly Average</b>	<b>24</b>	<b>15</b>	<b>8</b>	<b>15</b>	<b>9</b>

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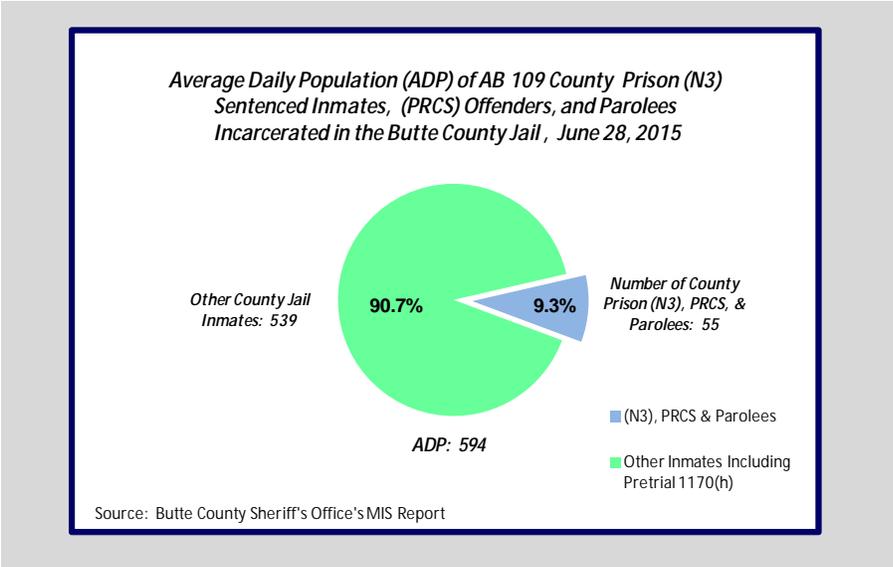
Data collected monthly by the Butte County Sheriff's Office and reported to BSCC about the number of PRCS bookings, flash incarcerations, and PRCS offenders serving jail time as a result of a revocation hearing shows that on the average, the County jail has been processing approximately 32 PRCS offenders each month since October 2011. Among the PRCS offenders booked each month into the County jail facility, 15 have been booked under the Probation Department's AB 109 flash incarceration provisions. The flash incarceration cannot exceed ten days. Another eight (8) of the PRCS offenders booked into the jail each month are awaiting a pre-revocation violation hearing. To date, 15 PRCS offenders each month have been charged with new local crimes. On the average, the jail has nine (9) PRCS offenders incarcerated and serving a jail term resulting from a revocation hearing disposition.

A review of the Butte County jail PC 3056 parole violator bookings by quarter since October 2011, summarized in the following Table, shows that an average of 40 pre-parole revocation violation bookings have occurred at the County jail each month since Realignment began. Approximately 61.6% of the monthly parole bookings (959) have involved parolees who are booked on technical program violations and 38.4% each month (599) are parolees booked as a result of new local criminal charges. Among the post-parole revocation inmates at the jail, an average of 19 per month are serving a County jail sentence because of a parole revocation disposition hearing and three post-revocation inmates have served a jail term for a new criminal Court conviction.

<b>Butte County Number of Jail PC 3056 Parole Violator Bookings, Parolees Serving Jail Time as a Result of Revocation Hearing, and Parolees Serving Time on New Local Sentence by Quarter October 2011 - December 2014</b>					
Month / Year	<i>Pre-Parole Revocation</i>			<i>Post-Parole Revocation</i>	
	3056 Parole Violation Booking Only	Parolee With New Local Charges	Total	Parolee Serving Jail / Revocation Hearing	Parolee Serving a Local Sentence
<b>2011:</b>					
Qtr 4: Oct - Dec	105	76	181	50	9
<b>2012:</b>					
Qtr 1: Jan - Mar	83	76	159	51	6
Qtr 2: Apr - Jun	107	62	169	84	13
Qtr 3: Jul - Sep	87	56	143	76	14
Qtr 4: Oct - Dec	91	48	139	109	15
<b>2013:</b>					
Qtr 1: Jan - Mar	101	35	136	101	16
Qtr 2: Apr - Jun	62	57	119	47	11
Qtr 3: Jul - Sep	59	51	110	23	5
Qtr 4: Oct - Dec	60	30	90	35	3
<b>2014:</b>					
Qtr 1: Jan - Mar	51	37	88	35	4
Qtr 2: Apr - Jun	59	31	90	51	6
Qtr 3: Jul - Sep	52	27	79	25	7
Qtr 4: Oct - Dec	42	13	55	49	9
<b>Total</b>	<b>959</b>	<b>599</b>	<b>1,558</b>	<b>736</b>	<b>118</b>
<b>Percent (%)</b>	<b>61.6%</b>	<b>38.4%</b>	<b>100.0%</b>		
<b>Monthly Average</b>	<b>25</b>	<b>15</b>	<b>40</b>	<b>19</b>	<b>3</b>

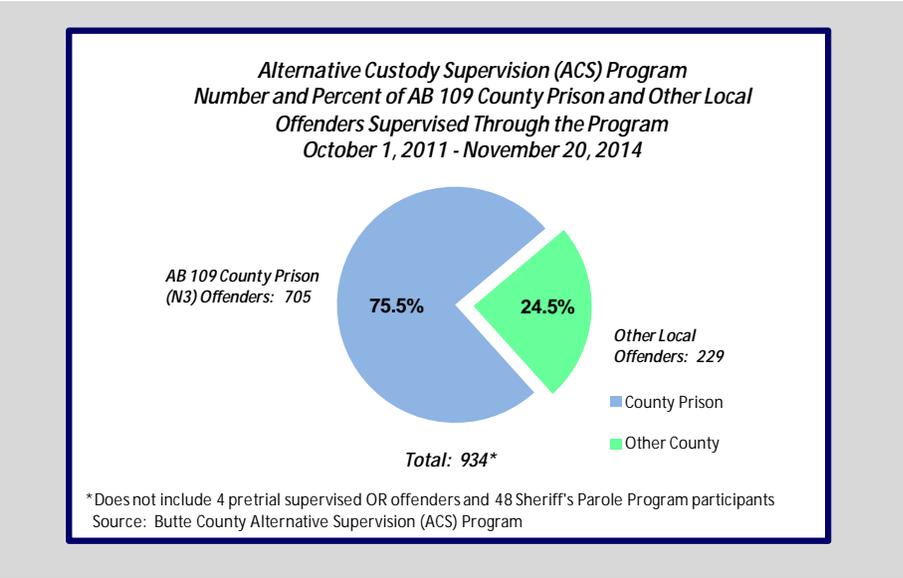
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The following Chart further shows the impact the AB 109 Realignment Act is having on Butte County jail's custody trends. In a one-day "snapshot" taken on June 28, 2015, the Butte County jail system held an daily population (ADP) of 594 (100.0%) incarcerated inmates, 9.3% or 55 of the inmate population were sentenced AB 109 County Prison (N3) convicted felony defendants, parolees (3056 PC), and PRCS offenders held under the Realignment Act flash incarceration or revocation provisions of the law. The other 539 (90.7%) incarcerated inmates were pretrial and sentenced local adult offenders and other detainees being held on warrants and holds from federal / State law enforcement agencies.



Because of the desire to expand inmate treatment / counseling services coupled with the provisions contained in the Superior Court Consent Decree (Case #84429) "capping" inmate housing capacities, the County jail has pursued a wide range of inmate population management policies / alternative programs directed to all incarcerated offenders. A primary target population for this alternative programming which has helped minimize jail overcrowding has been AB 109 sentenced felony inmates who are being redirected in large numbers to the Sheriff's Office's Alternative Custody Supervision (ACS) Program.

As the following Chart shows, since AB 109 began in October 1, 2011, a total of 705 County Prison (N3) offenders have been referred to the ACS Program in lieu of continued incarceration in the County jail while they complete their Court sentence.



The AB 109 County Prison (N3) offenders enrolled in the Program are strictly supervised through the use of electronic monitoring equipment and they must participate in structured evidenced-based treatment / counseling while fulfilling their

Court sentence through the alternative to custody program. To date, these AB 109 offenders represent 75.5% of the participants supervised by the Sheriff's Office.

§ **Proposition 47 Impact:** On November 4, 2014, California voters approved Proposition 47 which reduces the classification of most “non-serious and non-violent property and drug crimes” from a felony to a misdemeanor. Specifically, the initiative would (1) reduce felony and wobbler offenses for simple drug possession to straight misdemeanors for most people, (2) reduce a number of theft-related wobblers to straight misdemeanors for most people, and (3) retroactively allow most people convicted of felonies under prior law to reduce their convictions to misdemeanors if their crimes would not have been felonies if committed after the initiative's effective date. **(See Appendix F: Summary Analysis of Proposition 47 Penal Code Offense Modifications)**

Eligible Proposition 47 Penal Code Offenses		
PC 459 (2 <sup>nd</sup> Degree)	PC 460(b)	PC 470, 470a, 470b
PC 470(a), (b), (c), (d)	PC 471, 471.5	PC 472
PC 473	PC 475	PC 476,476a
PC 484e, 484f, 484g, 484h	PC 484i(b)	PC484.1
PC 484/487, 484/487(a)	PC 487(b),(b)(1)	PC 487 (b)(1)(A)
PC 487(b)(1)(B)	PC487(b)(1)(B)(2)	PC 487(c), (d)
PC 487d, 487i	PC 490.2	PC 496, 496(a)
PC 666	HS 11350	HS 11357
PC 11357(A)	HS 11377	

In order to develop an estimate of the impact (custody bed reduction) of the newly passed Proposition 47 on the Butte County jail facility, CJRF's staff examined data showing the total number of monthly jail releases between 2014 (baseline period) and the first five months in 2015 when the law was beginning to be implemented. This analysis was undertaken because staff assumed that if there was going to be any impact occurring with the implementation of the new law, it would likely be reflected in changes in emerging jail inmate release patterns. Analysis of the first five months of total monthly releases which have occurred at the jail in 2015 compared to total monthly releases which took place one year prior (2014) to the passage of Proposition 47 is highlighted in the following Table.

Changes in the Average Number of Total Monthly Jail Releases Occurring at the Butte County Jail 2014 - 2015			
<u>2014</u>	<u>2015*</u>	<u>Difference</u>	<u>Jail ADP Impact (Bed Reduction)</u>
869	802	- 67	42 beds

\*Covers the months of January – May

Analysis of changes in total monthly jail releases between 2014 (baseline period) and the first five months in 2015 when the law was beginning to be implemented shows a reduction of 67 facility releases a month, which if this continues, will result in an estimated drop in future jail ADP levels by 42 custody beds. For this jail study, CJRF was not able to develop any other specific estimate of how the law will ultimately impact jail inmate population levels. If the total monthly jail release trends shown during the first five months of 2015 continue at these volumes, the new law will likely

have minimal impact on overall long-term inmate housing custody bed needs.

§ **Alternatives to Incarceration Programs:** Since 1985, the Sheriff's Office has operated the County jail under the provisions of a Consent Decree established through Superior Court in response to overcrowding conditions in the detention facility. Under the provisions of the Consent Decree, the Sheriff's Custody Division has pursued a Population Management Program which is intended to limit jail population to the rated capacity of individual inmate housing units located in the facility. In order to maintain the population cap, the Sheriff, at his discretion, can release inmates pursuant to the Population Management Program whenever the inmate population reaches or exceeds 90.0% of the jail's rated capacity. In order to maintain the rated capacity of the housing units, inmates must be released to reach the population cap in the following order:

- (a) Unsentenced and unconvicted persons charged with a misdemeanor crimes against property.
  - (b) Unsentenced and unconvicted persons charged with misdemeanor crimes against persons.
  - (c) Sentenced persons, in descending order of the percentage of their net sentence already served that have served at least 80%. The remainder of their jail sentence shall be deemed served.
  - (d) Unsentenced and unconvicted persons charged with felony crimes against property, in ascending order of the amount of bail.
  - (e) Sentenced persons in descending order of the percentage of their net sentence already served, that have served at least 65% of their sentence, and in the following order:
    - (1) Persons sentenced for crimes against property. The remainder of their jail sentence shall be deemed served.
    - (2) Persons sentenced for non-Penal Code Section 1319 Crimes against persons. The remainder of their jail sentence shall be deemed served.
- Needs assessment correction list- Flicker (cont.)
- (f) Unsentenced and unconvicted persons charged with non-Penal Code Section 1319 felony crimes against persons, in ascending order of the amount of bail.
  - (g) All other sentenced persons in descending order of percentage of total sentenced served, and in the following order:
    - (1) Persons sentenced for crimes against property. The remainder of the jail sentence shall be deemed served.
    - (2) Persons sentenced for non-Penal Code Section 1319 Crimes against persons. The remainder of the jail sentence shall be deemed served. Probation conditions imposed by the Court shall remain in effect, if applicable. No person charged with a felony crime falling within the provisions of Penal Code Section 1319 shall be released under the provisions of this section.

Butte County's current and continuing approach to reducing the need for jail custody beds is the result of collaborative efforts among key local agencies including the Sheriff's Office, Courts, Probation, District Attorney, Social Services, law enforcement, and County management staff. A key aspect of this process has been the acceptance of the fundamental tenants of evidence-based practices and the agreement among the agencies to support these key principles in local programming efforts. The County's criminal justice system uses validated actuarial assessment tools to guide program and supervision decisions and has established analytic capacities to monitor relevant trends and evaluate what is and is not working, always aiming to develop programs that are proven effective in specifically targeted offender

needs. The Butte County AB 109 Realignment Plan, for example, adopted by the Community Corrections Partnership (CCP) endorses the use of alternatives to incarceration governed by the criteria of safe management, appropriate punishment, evidence of recidivism reduction, and cost. The primary alternative to incarceration programs which have been substantially expanded with the implementation of Realignment include the following:

- Misdemeanor Citation Release: Citation release is being used when necessary to avoid a continuing overcrowding housing capacity issue. When this occurs, jail staff will ascertain whether or not the inmate is a danger to others, themselves or property and conducts a careful review. In most cases, the inmate will be cited to appear in Court and released.

Pretrial Release: Dedicated correctional staff assigned to the jail interview defendants, check references, and make recommendations so judges can quickly make informed decisions about recognizance releases and conditional supervised OR releases. The purpose of the initial booking interview is to obtain information on the arrestees' community ties and criminal record, in order to determine eligibility for release. The Pretrial Program uses the Ohio Pretrial Risk Assessment Instrument (ORAS) which relies on seven risk factors that classify defendants into one of three risk levels. The instrument identifies the level of risk for program failure (re-offense or failure-to-appear). With the permission of Butte County Superior Court Judges and District Attorney, jail staff have been using the instrument in conjunction with the consideration of the nature and circumstances of the current offense in making OR release recommendations. The Pretrial Release on Own Recognizance (OR) Program allows offenders identified as low-risk and not a threat to public safety to be released on pre-arranged OR. In July 2012, a standing order (BCSC 2012-SO-04) allowed those evaluated as low-risk and not a threat to public safety to be released on pre-arranged OR. In March 2013, the second phase began allowing those identified as moderate risk to be released with judicial authorization. Additionally, the Pretrial Release Program managed through the Sheriff's Office also provides the Courts with an alternative supervised OR option. The supervised own recognizance release is a conditional release. Defendants released on supervised own recognizance agree to comply with Court-ordered conditions, which are closely monitored by officers assigned to the Alternative Custody Supervision (ACS) Program. Correctional staff responsible for this program work seven days a week in 10-hour shifts.

- Alternative Custody Supervision (ACS) Program: The Sheriff's Office has established an Alternative Custody Supervision (ACS) unit responsible for supervising offenders released from the jail and placed into the community. Prior to being placed in the Program, the offenders are assessed to determine the level of risk their release would pose to public safety. If the risk is determined to be reasonable, and the offender meets other Program requirements, he/she may be accepted into the Program. Correctional deputies assigned to the ACS unit supervise the offenders by conducting regular and unannounced home visits, ensure compliance with the terms and conditions of release, and provide basic case management. The Alternative Custody Supervision (ACS) Program uses radio frequency (RF) and global positioning systems (GPS) equipped electronic monitoring ankle bracelets to supervise participants. Participants are required to remain at their residence unless they are working, attending classes, or have permission to leave.
- Day Reporting Center: The Sheriff's Office has also established, in conjunction with the Alternative Custody Supervision (ACS) Program, a Day Reporting

Center where offenders released on ACS work with correctional deputies and trained program staff to participate in evidence-based treatment / counseling classes designed to address their individual criminogenic needs and reduce recidivism. Offenders have access to a wide range of services and specialized programs at the Day Reporting Center. All assessed ACS offenders are attending these classes.

- Sheriff's Work Alternative Program (SWAP): The Sheriff's Work Alternative Program (SWAP) allows carefully selected individuals to participate in community supervised work projects in lieu of jail incarceration. Most participants have been qualified by the Courts as eligible for alternatives. Some in-custody inmates with no more than 120 days remaining on their sentence also are selected for participation. All inmates on early release are encouraged to participate. SWAP participants work one 8-hour day on jail grounds or under the supervision of a local public/non-profit agency. One 8-hour day counts as a 24-hour day of incarceration. Participants live at home and work on a schedule convenient for the offender. A non-refundable \$75 application fee is required along with a \$7 fee per day.
  
- Sheriff's Parole: A Sheriff's Parole Board comprised of a member of the Sheriff's Office, a member from the Probation Department, and a public member oversee the Sheriff's Parole Program. The Board reviews incarcerated felony and misdemeanor inmates for eligibility. Participation in Sheriff's Parole provides inmates with a behavioral incentive and reduction in the time sentenced to County jail. The criteria to participate in this Program includes (1) must have been sentenced to 60 days or more, (2) must have served at least one-quarter of the net sentence, (3) must reside and work in Butte County, (4) must have a telephone at their disposal, (5) must have a means of support for the entire period of parole, (6) must have acceptable transportation to and from work, (7) no prior walk-away from SWAP in the past year, (8) no major disciplinary write-ups, (9) must have served any minimum term required by law, (10) must meet eligibility for SWAP Programs, (11) must not have been denied parole by the Courts, (12) must not have failed terms and conditions of probation, and (13) applications must be turned in two weeks before the 2<sup>nd</sup> Tuesday of each month by 12:00 Noon.

Data showing the importance of these alternatives to incarceration programs and their impact on controlling overall jail inmate population levels was collected and analyzed by CJRF's staff. The review of cite and release trends for 2013 and 2014, for example, showed that during this 24-month period, a total of 9,991 offenders booked into the Butte County jail were cited and released from custody shortly after being admitted into the facility under 856.3 PC provisions and provisions of the Consent Decree (case #84429). These individuals accounted for 40.5% of the jail releases in this recent timeframe.

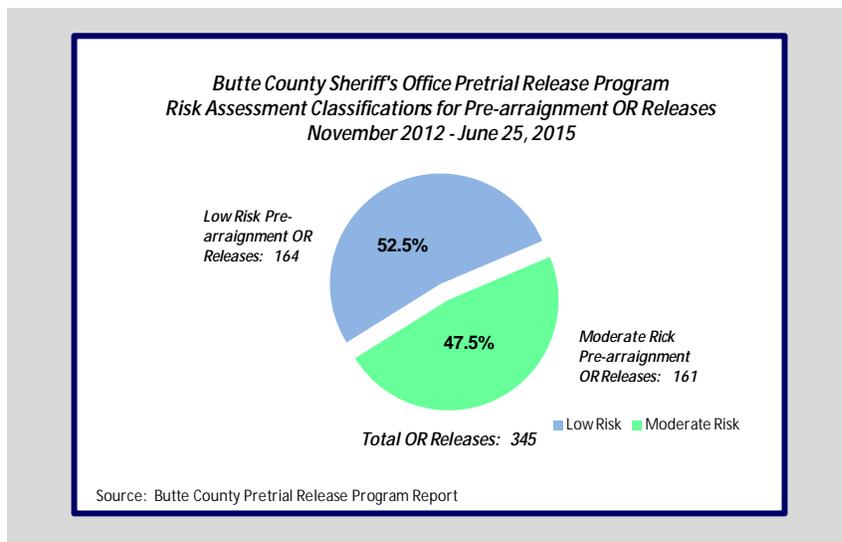
Data showing the number of risk assessments, pre-arraignment, and Court OR releases for 2014 for the Sheriff's Office's Pretrial Release Program is highlighted in the following Table. As the data shows, last year the Pretrial Release Program was able to gain Court approval for 190 pre-arraigned and 625 Court-arraigned defendants for an OR release from the detention facility. This represented an average of 68 jail OR releases a month. The length of time from OR custody release to the Court's adjudication of the arrest has averaged 5.4 months.

Butte County Sheriff's Office Pretrial Release Program Risk Assessments, Pre-arraignment & Court OR Releases for 2014			
Program Profile	Pre-arraignment OR Releases	Court Arraignment OR Releases	Total OR Releases
1. Total Jail Pretrial Release Risk Assessments	1,600	2,632	<b>4,232</b>
2. Average Number of Monthly Jail Pretrial Release Risk Assessments	133	219	<b>353</b>
3. Total Number of Defendants Granted OR Releases	190	625	<b>815</b>
4. Average Number of Jail OR Releases Per Month	16	52	<b>68</b>
5. Percentage of Risk Assessments Resulting in Jail OR Release	12.0%	23.7%	<b>19.3%</b>
6. Average Length of Time From OR Custody Release to Court Adjudication	4.0 months	6.7 months	<b>5.4 months</b>

ButteNA1/Tables&Chs/Table63

The Chart at the top of the following page shows the risk assessment classifications for pre-arraignment OR release cases screened by the Pretrial Release Program staff and subsequently released by the Court. As the data shows, 52.5% (164) of the 345 pre-arraignment OR releases were low-risk offenders. The other 47.5% were classified as moderate-risk pretrial detainees.

***The analysis also showed that the impact the 815 offenders screened through the Pretrial Release Program and released represents a reduction of approximately 42 jail custody beds.***



Additional data collected and analyzed showing the impact of the Sheriff's Office's Alternative Custody Supervision (ACS) Program for the three-year period 2012 – 2014 is highlighted in the following Table. As the trend data shows, since 2012, the Sheriff's Office has been making greater use of the program in lieu of jail incarceration for eligible pretrial and sentenced offenders. In 2012, the program supervised an average daily population (ADP) of 92 individuals, and in 2014, the ACS had a total ADP supervision caseload of 113 offenders. **Overall, the average**

**daily population of the Alternative Custody Supervision (ACS) Program has risen 22.8% over the past 36 months.**

<b>Alternative Custody Supervision (ACS) Program 2012 - 2014</b>		
<u>Year</u>	<u>Average Daily Population (ADP)</u>	<u>(%) Percent Change</u>
2012	92	
2013	97	5.4%
2014	113	16.5%
<b>Overall (%) Percent Change</b>		<b>22.5%</b>

Since the AB 109 Realignment Act began in October 1, 2011, the Alternative Custody Supervision (ACS) Program has supervised a total of 934 participants as the following Table shows.

<b>Alternative Custody Supervision (ACS) Program 10/1/11 – 11/20/14</b>					
<u>Active Participants</u>	<u>Time Served</u>	<u>Violation of Terms/ Conditions</u>	<u>Arrests</u>	<u>Escaped &amp; Other Dispositions</u>	<u>Total Participants*</u>
84 9.0%	355 38.0%	302 32.4%	34 3.6%	159 17.0%	934 100.0%
*Does not include 4 pretrial supervised OR offenders and 48 Sheriff's Parole Program participants					

Nearly 47.0% (439) of the Program's total participants have completed supervision or are still actively receiving services or following the electronic monitoring supervision guidelines the correctional staff have instituted. Overall, only 34 individuals (3.6%) have been rearrested, but 32.4% (302) of the Program's participants have failed the Program because of violations of the terms and conditions of supervision the Sheriff's Office has set for the Program. The remaining participants (159) have been terminated from the Program because of escapes or other dispositions. ***It is important to note that nearly 75.5% of the ACS caseloads are AB 109 County Prison (N3) sentenced offenders.***

Analysis of the program signup and ADP trend data included in the following Table for the Sheriff's Work Alternative Program (SWAP) for the years 2012 – 2014 shows that last year, SWAP had a total of 933 convicted felony and misdemeanor offenders signup and enroll in the Program. Throughout the year, SWAP had an average daily population of 159 participants assigned to community work crews throughout the County in lieu of jail incarceration. A close examination of the enrollment trend data does, however, show that the Program's ADP, however, has declined from a high of 263 in 2012.

Butte County Average Daily Population (ADP) and New Program Signups for the Sheriff's Work Alternative Program (SWAP) by Month 2012 - 2014						
Month / Quarter	2012		2013		2014	
	ADP	New Program Signups	ADP	New Program Signups	ADP	New Program Signups
Qtr 1: Jan - Mar	210	366	217	276	147	237
Qtr 2: Apr - Jun	282	435	179	246	150	239
Qtr 3: Jul - Sep	306	467	195	295	161	233
Qtr 4: Oct - Dec	253	299	158	233	180	224
<b>Total:</b>	<b>263</b>	<b>1,567</b>	<b>187</b>	<b>1,050</b>	<b>159</b>	<b>933</b>

ButteNA1/Tables&Chs/Table60

Analysis of the overall characteristics of SWAP Program participants shows that, on the average, 74.9% of the Program's ADP are male and 25.1% are female offenders. Approximately 46.8% of the yearly average ADP are convicted felons with the remaining participants having been convicted of misdemeanor offenses.

Butte County Average Daily Population (ADP) of Males and Females Participating in the Sheriff's Work Alternative Program by Type of Conviction 2012 - 2014								
Gender / Conviction	2012		2013		2014		Yearly Average	
	ADP	Percent	ADP	Percent	ADP	Percent	ADP	Percent
<b>Males:</b>								
Felony	81	42.0%	71	48.6%	67	56.8%	73	48.0%
Misdemeanor	112	58.0%	75	51.4%	51	43.2%	79	52.0%
Total:	193	73.4%	146	78.1%	118	74.2%	152	74.9%
<b>Females:</b>								
Felony	27	38.6%	19	46.3%	19	46.3%	22	43.1%
Misdemeanor	43	61.4%	22	53.7%	22	53.7%	29	56.9%
Total:	70	26.6%	41	21.9%	41	25.8%	51	25.1%
<b>SWAP:</b>								
Felony	108	41.1%	90	48.1%	86	54.1%	95	46.8%
Misdemeanor	155	58.9%	97	51.9%	73	45.9%	108	53.2%
Total:	263	100.0%	187	100.0%	159	100.0%	203	100.0%

ButteNA1/Tables&Chs/Table61

The following Table shows, for the period 2012 through June 25, 2015, the number of participants and average days supervised for convicted and sentenced offenders accepted into the Sheriff's Parole Program. The data shows the Program is currently supervising seven offenders, the majority (85.7%) of which have felony convictions. In prior years, the Parole Program has supervised between 10 – 16 convicted offenders. Participants who are currently in the Program have an average of 160 days to serve.

As the trend data further shows, between 70.0% - 87.5% of the Sheriff's Parole population do complete all Program requirements. Since 2012, only seven offenders have failed the Program and were rebooked into the County jail to complete their sentence.

Butte County Number of Participants and Average Days Supervised in the Sheriff's Parole Program 2012 - 2015								
Program Profile	2012		2013		2014		2015*	
<b>Number of Participants:</b>	10		16		16		7	
<b>Conviction Offense:</b>								
Felony	10	100.0%	16	100.0%	15	93.3%	6	85.7%
Misdemeanor	0	0.0%	0	0.0%	1	6.7%	1	14.3%
Total:	10	100.0%	16	100.0%	16	100.0%	7	100.0%
<b>Supervision Days:</b>								
1 - 30	1	10.0%	0	0.0%	0	0.0%	1	14.3%
31 - 90	3	30.0%	5	31.3%	10	62.5%	1	14.3%
Over 90 days	6	60.0%	11	68.7%	6	37.5%	5	71.4%
Total:	10	100.0%	16	100.0%	16	100.0%	7	100.0%
<b>Total Participant Supervision Days:</b>	1,297		2,248		1,970		1,125	
<b>Ave. Days to Serve:</b>	130 days		141 days		123 days		160 days	
<b>Program Completions:</b>								
Completed	7	70.0%	14	87.5%	14	87.5%	2	28.6%
Failed	3	30.0%	2	12.5%	2	12.5%	0	0.0%
Still Active	0	0.0%	0	0.0%	0	0.0%	5	71.4%
Total:	10	100.0%	16	100.0%	16	100.0%	7	100.0%

ButteNA1/Tables&Chs/Table62

\*Covers the period of June 1 - 25, 2015

The overall value and importance of the County's pretrial and sentenced alternative to incarceration programs is shown in the following table which provides a one-day "snapshot" of the total number of pretrial and sentenced offenders in custody, and those in incarceration alternatives. As the data shows on the one-day "snapshot" taken on June 28, 2015, a total of 1,081 offenders were under the jurisdiction of the Sheriff's Office and criminal justice system and were either in custody or participating in one of five alternatives to incarceration programs.

As the data shows in the Table at the top of the next page, 594 (54.9%) of the 1,081 offenders included in the "snapshot" were in-custody pretrial or sentenced inmates. The remaining 487 individuals (45.1%) included in the "snapshot" were participating in the five primary alternatives to incarceration programs in lieu of continued incarceration in the County jail facility.

**One-Day Snapshot of the Number of Offenders Participating  
in Incarceration Alternative Programs  
June 28, 2015**

<u>Status</u>	<u>Number</u>	<u>Percent (%)</u>
<b><i>Jail (In-Custody Inmates):</i></b>		
Pretrial	330	30.5%
Sentenced	<u>264</u>	<u>24.4%</u>
Sub-Total:	594	54.9%
<b><i>Incarceration Alternatives:</i></b>		
Pretrial Release Program:		
Pre-arraignment OR	49	4.5%
Court Arraignment OR	<u>90</u>	<u>8.4%</u>
Sub-Total:	139	12.9%
Sheriff's Work Alternative Program (SWAP):		
	131	12.1%
Alternative Custody Supervision (ACS) Program:		
Electronic Monitoring	84	7.8%
DUI Pending	19	1.8%
ACS Work Crews	<u>34</u>	<u>3.1%</u>
Sub-Total:	137	12.7%
Day Reporting Center Evidence-based Counseling Classes*		
	75	6.9%
Sheriff's Parole		
	<u>5</u>	<u>0.5%</u>
<b>Total</b>	1,081	100.0%

\*Does not include an additional 49 in-custody inmates currently enrolled in evidence-based counseling classes.

A total of 139 (12.9%) of the "snapshot" population were Pretrial Release Program OR defendants. Another 131 (12.1%) were enrolled in the SWAP Program. An additional 137 (12.7%) were being supervised through the Alternative Custody Supervision (ACS) Program's Electronic Monitoring Unit. A total of 75 convicted felons and misdemeanants (6.9%) were participating in evidence-based counseling through the Sheriff's Day Reporting Center and five sentenced offenders were in the Sheriff's Parole Program.

§ **Jail Releases Due to Lack of Housing Capacity:** For the past several years, the Butte County jail has been operating at or above the detention facility's BSCC rated capacity of 614 beds / bunks. In response to the continual crowding at the County's only jail facility, the Butte County Sheriff's Office and the local criminal justice system have developed and implemented or expanded (as described in the previous section) a broad range of alternatives to incarceration programs and policies. The alternatives include law enforcement field misdemeanor citations in lieu of jail booking. At the jail, the booking staff are using (a) misdemeanor citation releases (PC 853.6) for individuals booked on misdemeanor non-violent warrants, (b) expedited holds / warrant releases to other agencies, and (c) pretrial OR releases for felony defendants who have not been charged with crimes of violence or weapons. For sentenced

inmates, the jail is also routinely making early releases and sentence conversion transfers to alternative programs including Sheriff's Parole.

In order to understand what impact these actions are having on the County jail, release data for 2013 and 2014 was collected with the assistance of the jail's administrative staff and analyzed. The analysis focused on identifying changes in the number and type of monthly inmate release events currently occurring at the County jail. The Table provides a comparison by type of jail release by month for each of the selected years. As the data shows, the overwhelming majority of individuals booked into the facility are able to secure a release from custody pending the Courts disposition and/or other outside agency transfer for warrant holds. In 2014, the jail has been processing an average of 1,024 release events each month. The overwhelming majority of detainees associated with these events (68.1%) secure a release from the facility after booking. Only 31.9% are continuing custody inmates (time served or other type of release) who are sentenced.

Changes in the Number and Type of Monthly Inmate Release Events Occurring at the Butte County Jail 2013 - 2014								
Type of Jail Release	2013			2014			Total 2013 & 2014	
	Number Released	Monthly Average	Percent	Number Released	Monthly Average	Percent	Number	Percent
Bail / Bond	569	47	4.6%	562	47	4.6%	1,131	4.6%
Cite and Release (856.3 PC)	3,776	315	30.4%	3,605	300	29.3%	7,381	29.9%
Cite and Release (84429 Consent Decree)	1,474	123	11.9%	1,136	95	9.2%	2,610	10.6%
No Charges Filed & 849(b)(2) PC	1,823	152	14.7%	1,763	147	14.4%	3,586	14.5%
ROR / Order of Judge	576	48	4.6%	619	52	5.0%	1,195	4.8%
Released Other Agency	<u>758</u>	<u>63</u>	<u>6.1%</u>	<u>692</u>	<u>58</u>	<u>5.6%</u>	<u>1,450</u>	<u>5.9%</u>
Sub-Total	8,976	748	72.3%	8,377	698	68.1%	17,353	70.3%
Time Served (Straight)	1,397	116	11.2%	1,628	136	13.3%	3,025	12.2%
Time Served (84429 Consent Decree)	714	60	5.7%	879	73	7.2%	1,593	6.4%
Sentence Conversion to Alternative Program	562	47	4.5%	632	53	5.1%	1,194	4.8%
4024 Release	649	54	5.2%	565	47	4.6%	1,214	4.9%
Other	<u>135</u>	<u>11</u>	<u>1.1%</u>	<u>203</u>	<u>17</u>	<u>1.7%</u>	<u>338</u>	<u>1.4%</u>
Sub-Total	3,457	288	27.7%	3,907	326	31.9%	7,364	29.7%
<b>TOTAL</b>	<b>12,433</b>	<b>1,036</b>	<b>100.0%</b>	<b>12,284</b>	<b>1,024</b>	<b>100.0%</b>	<b>24,717</b>	<b>100.0%</b>

ButteNA1/Tables&Chrs/Table59

Source: Butte County Jail MIS Report

A close examination of the inmate release data further shows that, on the average, 447 pretrial release events are, in fact, cite and releases or inmates granted an OR release each month after initially being booked into the County jail. These releases account for nearly 43.5% of all inmate release events which are occurring each month at the jail. More importantly, the analysis of release events between 2013 – 2014 shows that the overall percentage of incarcerated sentenced inmate population being released each month because of the lack of custody bed capacity (PC 4024.1) is accounting for 4.5% of the facility's yearly releases. This volume of early releases and sentence conversions for detainees has resulted in an overall average length of stay (ALS) at the County jail of 20.0 days which is significantly less than the state-wide average length of jail stay of 29 days.

The Butte County Sheriff's Office is required to report each month to the BSCC the number of pretrial and sentenced inmate releases that occur at the County jail due to the lack of jail housing capacity. This data is included in the reference information contained in Exhibit 1 at the conclusion of this section of the Report. For the most recent period 2010 – 2014, the data shows that an average of 110 inmates have

been released each month from the detention facility because of the lack of housing capacity. Nearly all are pretrial inmates (65.5%). Because of the continuing high population levels at the jail in 2014, a total of 1,847 inmates or 154 a month were released due to the lack of pretrial and sentenced housing capacity.

<u>Year</u>	<u>Annual Releases Due to Lack of Housing Capacity</u>	<u>Monthly Pretrial Releases</u>		<u>Monthly Sentenced Releases</u>		<u>Total</u>
2010	224	8	42.1%	11	57.9%	19
2011	401	18	54.5%	15	45.5%	33
2012	1,830	113	73.9%	40	26.1%	153
2013	2,320	124	64.2%	70	35.8%	193
2014	1,847	97	63.0%	57	37.0%	154
<b>Ave. Yearly/ Monthly Inmate Releases</b>	<b>1,324</b>	<b>72</b>	<b>65.5%</b>	<b>38</b>	<b>34.5%</b>	<b>110</b>

As the following Table shows, approximately 61.7% of the average monthly releases due to the lack of jail housing capacity since 2010 have involved felony offenders with the remaining releases being made (38.3%) taking place for incarcerated misdemeanor offenders. In 2014, nearly 1,254 (67.9%) of the 1,847 inmate releases due to the lack of jail housing capacity involved felony offenders with the remaining 593 (32.1%) involving misdemeanants. ***If these early releases were not occurring because of the lack of jail bed space, the facility's average daily population considering the average length of jail stay (20 days) would increase by 103 inmates.***

<u>Year</u>	<u>Annual Releases Due to Lack of Housing Capacity</u>	<u>Felony Releases</u>		<u>Misdemeanor Releases</u>		<u>Total Ave. Monthly Releases</u>
2010	224	60	26.8%	154	73.2%	19
2011	401	138	34.4%	263	65.6%	33
2012	1,830	1,023	55.9%	807	44.1%	154
2013	2,320	1,609	69.4%	711	30.6%	194
2014	1,847	1,254	67.9%	593	32.1%	153
<b>Ave. Yearly/ Monthly Inmate Releases</b>	<b>1,324</b>	<b>817</b>	<b>61.7%</b>	<b>507</b>	<b>38.3%</b>	<b>110</b>

§ **Inmate Security Classifications:** CJRF worked with the jail's management staff to review and understand the current inmate classification process, policies, and housing criteria used in classifying pretrial and sentenced detainees. Additionally, with assistance from the jail's administrative staff, a "one-day snapshot" of the incarcerated inmate population was developed at Midnight on June 30, 2015.

The following Table provides a breakdown of the number and type of beds currently contained in the Butte County jail. As the information shows, the jail contains a total of 614 rated single, double-occupancy, and dormitory beds / bunks. The older Main Jail has 198 custody beds which account for 32.2% of the jail's capacity. The West

Facility has 416 custody beds which accounts for 67.8% of the facility's detention housing capacity. The jail only contains 31 single cells which only represent 5.0% of the jail's total custody beds. The facility's remaining housing capacity is shared between double-occupancy cells with 162 beds (26.4%) and dormitories with 421 beds (68.6%). This housing configuration provides the detention facility with a total of 614 secure custody beds which are used to house male / female pretrial and sentenced incarcerated offenders.

<b>Number and Type of Custody Beds Designed in the Butte County Jail</b>		
<u>Type of Cells</u>	<u>Custody Beds</u>	<u>Percent</u>
<b>Main Jail:</b>		
Single Cell	15	2.4%
Double-occupancy	2	0.3%
Dormitory	<u>181</u>	<u>29.5%</u>
Sub-total	198	32.2%
<b>West Facility:</b>		
Single Cell	16	2.6%
Double-occupancy	160	26.1%
Dormitory	<u>240</u>	<u>39.1%</u>
Sub-total	416	67.8%
<b>Total Custody Beds</b>	<b>614</b>	<b>100.0%</b>

Information collected from the snapshot was used to identify custody housing breakdowns and security classifications associated with the jail's male and female inmates. Analysis of the snapshot is summarized in the following Table.

<b>Snapshot of Butte Jail Inmate Security Classifications and Housing Configurations Needed for Incarcerated Population June 30, 2015</b>				
<b>Inmate Population</b>	<b>Male Inmates</b>	<b>Female Inmates</b>	<b>Total Jail</b>	<b>Percent</b>
<b>Inmate Classifications:</b>				
Administration Segregation (AdSeg)	42	10	52	8.7%
Protective Custody (PC)	110	0	110	18.4%
Medical	3	0	3	0.5%
Mental Health	<u>19</u>	<u>8</u>	<u>27</u>	<u>4.5%</u>
<b>Sub-Total:</b>	<b>174</b>	<b>18</b>	<b>192</b>	<b>32.1%</b>
<b>Other Inmate Jail Classifications:</b>				
Minimum Security	93	18	111	18.5%
Medium Security	160	38	198	33.0%
Maximum Security	<u>90</u>	<u>8</u>	<u>98</u>	<u>16.4%</u>
<b>Total:</b>	<b>343</b>	<b>64</b>	<b>407</b>	<b>100.0%</b>
<b>Type of Security Housing Configurations Needed For Incarcerated Population:</b>				
<i>High Security:</i>				
Single Cells (AdSeg, PC, Medical, Mental Health & Maximum Security)	264	26	290	48.4%
<i>Lower Security:</i>				
Double-occupancy Cells	160	38	198	33.1%
Dormitory Beds	<u>93</u>	<u>18</u>	<u>111</u>	<u>18.5%</u>
<b>Total:</b>	<b>517</b>	<b>82</b>	<b>599</b>	<b>100.0%</b>

ButteNA1/Tables&Chs/Table64

Source: Butte County Sheriff's Office Custody Division

The jail has four full-time classification officers and a Sergeant who provides management oversight. The classification officers work seven days per week from 6AM to 2AM. The classification staff physically go to the booking unit every hour or so as needed to conduct interviews on all individuals to be housed in the jail.

The jail currently uses a standardized screening questionnaire which is scored to identify the security classifications for each individual admitted into the jail. The assessment questions and scoring cover areas including (a) age, (b) criminal history, (c) detainees / holds, (d) local jail history and custody behavior, (e) present charge, and (f) special needs. Points are assigned to a defendant's response to standardized questions provided in each of these areas. Based on the information and classification process, the security levels identified for each incarcerated offender includes (a) maximum security (b) medium security, (c) minimum security, (d) administrative segregation, (e) protective custody, and (f) special sensitive needs. **(See Appendix G: Butte County Jail Inmate and Housing Classification Policy and Form)**

From a practical operational standpoint, regardless of an individual's classification because the jail lacks sufficient housing pods to appropriately segregate numerous classifications of male and female inmates, the classification personnel are focusing housing assignments on identifying the highest security pretrial and sentenced inmates who have a violent offense, escape history, are gang members, have behavioral problems, have enemies in the facility, or other protective custody problems. These types of inmates are given priority for the administrative segregation units, protective custody housing cells, or medical / mental health beds.

Currently, the snapshot shows that about 32.1% (192) of the inmates in jail on June 30, 2015 were high security detainees. Among the other inmates housed in the facility, the classification process showed that an additional 16.4% (90 male and 8 female inmates) were also maximum security detainees. Overall, the one-day "snapshot" shows that the facility currently has an inmate population in which one out of every two detainees (48.4%) require higher security, single-cell housing. The existing jail, however, only contains 31 single cells within the facility's total available beds. The "snapshot" also shows that about one out of every three inmates have classifications which should require double-occupancy housing. The analysis of inmate classifications also shows that only 18.5% (111) of the detained male and female inmates were classified as requiring minimum security dormitory housing beds. In contrast, the jail is configured with 421 dormitory-style beds which account for 68.6% of available housing. This stark difference in inmate security classifications compared to the type of custody beds contained in the jail not only complicates classification decisions, the lack of higher security housing places the safety of inmates, staff, and visitors at higher risk.

Analysis of additional inmate security housing classification information the Butte County Sheriff's Office is required to report each month to the Board of State and Community Corrections (BSCC), as part of the state-wide Jail Survey reporting process, was also collected and analyzed for this study. A close examination of the inmate classification population trends the Sheriff's Office reports to BSCC consistently has shown the jail is classifying nearly half of the detainees as meeting maximum security criteria for single cell housing. The larger number of maximum security detainees is the result of the jail virtually eliminating the incarceration of lower risk misdemeanants, the majority of whom would be housed in dormitory beds.

§ **Inmates Requiring Medical and Mental Health Services:** The jail population "snapshot" developed for this study showed that 22 male and eight female inmates were classified as needing medical and mental health services. These inmates

represented approximately 5.0% of the jail's total population when the "snapshot" was taken. Other data collected for the study from prior monthly BSCC Jail Survey Reports for the years 2010 – 2014 showed that, on the average, between 18 - 30 inmates have required medical practitioner contact each day during this reporting period. The facility also reported that between 11 - 13 off-site medical appointments were taking place each month during the five year period this data was reported to the State. The same reports also showed that between 182 - 247 inmates were receiving mental health clinical services on the last day of each month over this five year period. This is approximately 42.1% of the jail's daily inmate count. The reports also indicated that between 46 - 51 jail inmates were receiving psychotropic medications. This is approximately 8.6% of the jail system's average daily population.

## Updated Jail ADP Population Projections

As part of the work undertaken in the study, the following information has been compiled which was used to provide updated projections of the adult detention system inmate population. The projections are based on current incarceration practices including implementation of the AB 109 Public Safety Realignment Act, County adult population changes, trends in criminal activity, and estimated impact of the new Proposition 47 legislation approved by California voters in November 2014. Incarceration practices include not only jail booking policies, but also County law enforcement apprehension practices and existing pretrial release programs and Court case processing procedures as well as the availability of alternative sentencing programs.

Using historical trend data compiled during the study, additional information was developed which projects inmate population levels through the year 2034. The projections show system-wide detention population by custody status, gender, and housing classifications. The projections show the projected trends in relation to the Board of State and Community Corrections (BSCC) current capacity rating of the 614 custody beds.

The basic types of data relied on in developing the projections include (a) county adult population trends, (b) reported community crime patterns / rates, (c) historical arrest data, (d) average daily jail population trends, (e) booking and release trend data (f) District Attorney and Court dispositions, (g) length of incarceration, and (h) inmate profile characteristics. This range of statistical reference information provided the baseline data about Butte County's correctional system which formed the planning assumptions used to project future jail population levels. The statistical reference data is organized and summarized in the first part of this section of this Report.

Practical consolidation of the information described above in relation to past experience and practice were used to develop assumptions about future populations and criminal justice activity. **These assumptions provided the basis for selecting the method that appears to give the best indication for projecting future jail population levels.** The planning assumptions included:

### Projection Assumptions

**Assumption #1** – Butte County's adult population base (ages 18 – 69) in 2015 is estimated at 155,232. The County's future adult population base is only projected to rise to 163,412 by the year 2034. Over this 20 year time frame, the California Department of Finance projects that the rate of yearly growth in the adult population base will be relatively stable at 0.3% from year to year which should not affect jail ADP levels.

**Assumption #2** – Over the past decade, total reported countywide crimes and rates have declined. Violent crimes have also declined, but at a much lower rate since 2004. This trend will likely continue into the future, however, reported violent crime rates will continue to be a factor with respect to arrests and subsequent jail bookings.

**Assumption #3** – Hiring and deployment patterns of law enforcement patrol officers through 2034 should be similar to the general countywide patterns experienced over the period 2010 to 2014.

**Assumption #4** – Local community policing activities combined with law enforcement operations/services into high-risk crime areas of the community will continue as a long-term enforcement policy of Butte County police agencies and Sheriff's Office. Targeting of gang activities and related violence, and apprehension of parolees at large will continue as a priority for law enforcement.

**Assumption #5** – In spite of the arrests/charging changes recently made with the passage of Proposition 47, particularly for simple drug possession and petty theft offenses, law enforcement agencies will continue to aggressively respond to persisting serious drug problems in the community which will result in at least 1,700 – 1,850 felony / misdemeanor drug arrests annually. Prosecution and judicial programs which emphasize treatment alternatives for selected drug-addicted offenders will continue to be available to the criminal justice system. Without major funding increases, however, expansion of treatment capacity involving out-patient and residential programming "slots" which are reserved for adjudicated drug offenders will limit the volume of offenders Probation, Courts, and Butte County Behavioral Health Agency can direct into these programs. Jail incarceration will continue to be the primary sentencing disposition available to the Courts.

**Assumption #6** – Countywide arrest patterns, with the exception of drug possession offenses, will likely not change significantly from the trends experienced over the past five years. Adult arrests will continue to fluctuate slightly from year to year, but in spite of the fluctuations in yearly adult arrests, nearly one out of every ten felony and misdemeanor arrests in Butte County will involve adults who have been arrested for serious crimes of violence and weapons charges. Total arrests will likely range from 10,000 – 11,500 a year. Overall arrest rates per 10,000 adult population will, however, continue to gradually increase long-term.

**Assumption #7** – No major community construction / building projects that significantly expands the development of residential housing and light industrial developments which could impact arrests and jail booking trends in the near future is expected to occur in the County.

**Assumption #8** – Future felony and misdemeanor jail bookings will continue to fluctuate from year to year. In spite of fluctuations in total yearly booking volumes, jail bookings should range from 36 – 50 a month.

**Assumption #9** – When additional jail capacity is constructed that eases the current crowding and lack of appropriate security inmate housing and programming space, the combined average length of custody for all inmate releases will likely remain below the state-wide average length of jail custody trends of 29 days. The current average monthly pretrial and sentenced inmate releases due to the lack of jail housing capacity will be reduced by at least half over the 20 year planning period. This will increase the need for jail custody beds by approximately 50 inmates.

**Assumption #10** – The projections assume that the District Attorney's felony filing policies will continue and not vary significantly in the future as well as Superior Court sentences for convicted defendants. Because of the mandated changes Proposition 47 has made with selected drug and property offenses, both the DA's charging policies and the Court's sentencing patterns for a significant number of misdemeanor arrest cases will change over time which will likely reduce jail bed capacity needs long-term. Until more actual experience and understanding about policies local criminal justice agencies take

with the implementation of Proposition 47, a solid estimate of the law's impact cannot be totally confirmed. A comparative analysis of changes in total monthly jail releases between 2014 (baseline period) and the first five months in 2015 when the law was beginning to be implemented shows a reduction of 67 facility releases a month, which if this continues, will result in an estimated drop in future jail ADP levels by 42 custody beds.

**Assumption #11** – The full impact of AB 109 in the Butte County jail should be reached by late 2015. Because of the Sheriff's Office's commitment to expand inmate treatment / counseling services and use of alternatives to incarceration programs directed to AB 109 sentenced felony inmates, the County jail will likely have an ongoing operational ADP of at least 55 Realignment inmates combined with an additional 120 (ADP) receiving treatment services through the Alternative Custody Supervision (ACS) and Day Reporting Center Program.

**Assumption #12** – The entire Butte County criminal justice system will continue to strongly support and implement a wide range of validated risk / needs assessments and evidence-based programming within community supervision caseloads and County jail which is designed to reduce long-term recidivism among male and female offenders. Research clearly shows that this programming targeted to the specific needs of individual offenders will reduce criminal behavior. No estimate has been made which would identify any reduction in jail custody bed requirements resulting from the use and incorporation of these evidence-based programs into the County's continuum of services and sanctions case processing procedures.

**Assumption #13** – Existing alternatives to incarceration programs will continue to be used. Because of insufficient jail custody bed space combined with the Consent Decree, the Sheriff's Office has had to increase misdemeanor cite and releases, felony OR releases, and convert the sentences of convicted offenders by transferring this incarcerated population to other post-sentence alternative programs or grant early releases to a point where nearly 40.0% - 45.0% of inmates are released in lieu of jail custody. The need to use alternatives has reached a level that currently few pretrial or sentenced misdemeanants are in custody at the County jail. When additional replacement beds are brought online in the renovated detention facility, the current alternatives to incarceration policies will remain intact and not be modified overtime. No major program modifications or new alternatives to incarceration or policies are expected to occur in the County's criminal justice system.

**Assumption #14** – In order to operate the County jail facility safely for the public, staff, and inmates, the average daily future inmate population projections include additional bed capacity to meet both high peak population spikes and housing security classification needs of the male/female incarceration populations.

***Overall population and criminal justice system characteristics indicate Butte County trends experienced over the past five years should, to a large part, continue through 2034.***

In making the updated projections, three different methods were examined including (1) trend line projections, (2) multiple linear regression projections, and (3) incarceration rate projections. Projecting population levels under each method was determined using a computer-assisted linear regression statistical modeling method based on actual ADP experience in the jail over the past five years. The computer-modeling program was run on the SPSS software. The specific projection program uses the ARIMA time series model projection methodology. ARIMA estimates non-seasonal and seasonal univariate ARIMA (Box-Jenkins) models, with optional fixed regressor variables. The algorithm allows imbedded missing values in the series. It creates new series containing predicted values, standard errors, confidence intervals, and residuals. ARIMA allows model time series data to be used for projection

purposes. An observation at a given time is modeled as a function of its past values both at non-seasonal and seasonal lags. ARIMA models involves a differencing process.

Use of the different projection methods provide a range of projections from which judgments can be made about future bed/cell space requirements from a planning perspective based on a continuum of low to high growth forecasts.

For planning purposes, separate projections were developed using (1) the 2010 – 2014 entire five year experience with inmate population levels, arrest rate trends, and incarceration rates, etc., and (2) the most recent experience (two year period). When multiple projections, using the same projection method, were considered, an average of the projections was also developed. The trend line method compares ADP to time. The incarceration rate method uses changes in booking rates per 10,000 population, and ADP levels. The multiple linear regression method compares the growth in ADP to the growth in adult population, arrests to booking ratios overtime, average length of jail stay, and other assumptions about jail release trends.

The distribution by gender and sentence status is based on an analysis of custody status trends for the period 2010 – 2014. The distribution is based on these assumptions:

Gender Status		Custody Status	
<b><u>2015 to 2019:</u></b>		<b><u>2015 to 2019:</u></b>	
Male	84.0%	Pretrial	60.5%
Female	16.0%	Sentenced	39.5%
<b><u>2020 to 2034:</u></b>		<b><u>2020 - 2034:</u></b>	
Male	81.5%	Pretrial	57.0%
Female	18.5%	Sentenced	43.0%

Analysis of the projection assumptions outlined above resulted in a determination that the range of projections resulting from the various projection methodologies should coincide with the most recent five year experience of inmate population growth in the County's jail system.

Analysis of the inmate population projection methods shows the following:

- § Regardless of projection method considered, inmate population levels over the next 20 years will continue to increase. Through 2019, there is little significant differences between the jail's ADP levels regardless of the projected methodology.
- § Of the three methods considered, changes in the multiple regression method (compares the growth in jail ADP to the growth in population, arrests to booking ratios over time, average length of jail stay, and other assumptions about jail release trends) over the base period 2010 - 2014 appear to represent the most reasonable approximation of future growth trends, particularly in light of the impact AB 109 and Proposition 47 have had on County jail inmate population levels. These projections show that system-wide, inmate population will change as follows.

Average Daily Jail Inmate Population (ADP)	2014	2015 to 2019	2020 to 2024	2025 to 2029	2030 to 2034
<b>Total ADP</b>	587 (actual)	688	699	703	714

**Note:** Current Board of State and Community Corrections (BSCC) Butte Jail bed-rated capacity is 614. Inmate ADP for 2015 through 2034 is estimated on December 31st of each reporting year.

§ System-wide projections by custody status and gender based on the multiple regression methodology is summarized in the following Table.

Custody Status and Gender	2014	2015 to 2019	2020 to 2024	2025 to 2029	2030 to 2034
Pretrial	354	416	398	401	407
Sentenced	<u>233</u>	<u>272</u>	<u>301</u>	<u>302</u>	<u>307</u>
<b>TOTAL</b>	<b>587</b>	<b>688</b>	<b>699</b>	<b>703</b>	<b>714</b>
Male	494	578	588	592	582
Female	<u>93</u>	<u>110</u>	<u>108</u>	<u>111</u>	<u>132</u>
<b>TOTAL</b>	<b>587</b>	<b>688</b>	<b>699</b>	<b>703</b>	<b>714</b>

§ System-wide projections by inmate classifications and type of security housing, based on the projection methodology shown on the top of the following page shows the bed space breakdown and higher and lower security housing trends through 2034.

Inmates Classifications and Type of Security Housing	2014	2015 to 2019	2020 to 2024	2025 to 2029	2030 to 2034
<i>High Security:</i>					
Single Cells (AdSeg, PC, Medical / Mental Health & Maximum Security)	188	220	224	226	229
<i>Lower Security:</i>					
Double-occupancy Cells	399	468	475	477	487
<b>Total Beds / Bunks</b>	<b>587</b>	<b>688</b>	<b>699</b>	<b>703</b>	<b>714</b>

The population projections show the jail will have at least 5.0% of the facility's inmate population requiring medical or mental health services that would require between 24 – 36 dedicated medical and mental health beds.

Average daily population projections provide only a basis for estimating future bed space requirements. To provide sufficient flexibility for inmate classification and to accommodate population fluctuations, an allowance above average daily populations must be determined. This allowance should be based on expected variations between average daily population, and expected peak population levels.

In recent years, average peak populations have varied widely because of persistent crowding and have ranged from 2.3% to 14.5% higher than the jail system's ADP. The high (peak) ADP in the last five year was 617 which was 30 inmates above the 2014 average daily jail population of 587 (+5.1%). In order to provide sufficient bed capacity for both peak and inmate classification, for planning purposes, a factor of

10.0% was used adjusting aggregate inmate population projections. When considering the peak factor, the level of inmates who will be housed in the County's detention system by the 2034 will be as follows:

<u>Year</u>	<u>Projected ADP</u>	<u>Peak &amp; Inmate Classification Factor</u>	<u>Total</u>
2015 - 19	688	69	757
2020 - 24	699	70	769
2025 - 29	703	70	773
2030 - 34	714	71	785

Projected “spikes” in peak population and housing security classification needs of incarcerated inmates at different times of the year will increase total inmate ADP. Maintaining inmate classification policies will, however, not be as significant of a problem as the staff encounter in the existing facility because the new SB 863 replacement housing unit will contain numerous new separate and distinct housing pods. This will give facility staff a higher degree of flexibility to safely separate inmates who, for their own safety or the safety of others, need to be housed in a segregated environment.

**Summary Overview and Conclusions**

Part of the work for the Butte County Jail Needs Assessment Update has focused on compiling and analyzing historical jail inmate population trends which have been used to prepare an update jail inmate profile with average daily population (ADP) inmate projections through 2034. The information and data which has been compiled and analyzed shows the following:

*The 52 year old Butte County Jail has a total of 614 rated single, double-occupancy, and dormitory beds/bunks. The older Main Jail has 198 custody beds which account for 32.2% of the jail's capacity. The West Facility has 416 custody beds which accounts for 67.8% of the facility's detention housing capacity. The jail only contains 31 single cells which represent 5.0% of the jail's total custody beds. The facility's remaining housing capacity is shared between double-occupancy cells with 162 beds (26.4%) and dormitories with 421 beds (68.6%). This housing configuration provides the detention facility with a total of 614 secure custody beds which are used to house male / female pretrial and sentenced incarcerated offenders. The jail does not have the ability to segregate numerous classifications of inmates because of crowding and the lack of physically secure custody housing to separate inmates who should be housed in higher security, single- and double-occupancy units because of their classification.*

*Over the past 13 years, the jail has been processing an average of 1,010 bookings each month. This represents an average of 33 bookings per day. The jail has a 2014 average daily inmate population (ADP) totaling 587. Currently, the jail is operating at 95.6% of the Board of State and Community Corrections (BSCC) rated custody bed capacity. Pretrial inmate population in 2014 comprised about 60.3% of the total custody bed space. Sentenced inmate population made up 39.7% of the detention bed space. Because of the crowding, the jail, over the past three years, has virtually eliminated most pretrial and sentenced misdemeanants from the incarcerated population. Prior to taking these steps, the County jail had an ADP of misdemeanants that ranged from 65 - 125.*

*The AB 109 Realignment Act has had a significant impact on county jail custody trends. Between 2011-14, the County jail has processed 3,061 AB 109 Realignment Act inmates. A total of 919 (30.0%) have been County Prison (N3) felony offenders sentenced to local*

custody. Another 582 (19.0%) have been Post-Release Community Supervision (PRCS) offenders booked on a PC3454(c) flash incarceration. A total of 601 (19.6%) have been PRCS offenders booked with a new local charge and 959 individuals (31.3%) were booked on a PC 3056 parole violation. The jail has booked an average of 24 sentenced felons a month into the detention facility. CDCR originally estimated the County jail would be admitting an average of 17 County Prison sentenced (N3) inmates a month. To date, the facility has been processing seven more County Prison (N3) inmates a month than the State projected.

Among the PRCS offenders booked each month into the jail, 15 have been booked under the Probation Department's AB 109 flash incarceration provisions. The flash incarceration cannot exceed ten days. Another eight (8) of the PRCS offenders booked each month are awaiting a pre-revocation violation hearing. To date, 15 PRCS offenders each month have been charged with new local crimes. On the average, the jail has nine (9) PRCS offenders incarcerated and serving a jail term resulting from a revocation hearing disposition.

An average of 40 pre-parole revocation violation bookings have also occurred at the jail each month since Realignment began. Approximately 61.6% of the parole bookings have involved parolees who are booked on technical program violations and 38.4% are parolees booked as a result of new local criminal charges. Among the post-parole revocation inmates at the jail, an average of 19 per month are serving a County jail sentence because of a parole revocation disposition hearing and three post-revocation inmates are serving a jail term for a new criminal Court conviction.

In a one-day "snapshot" taken on June 28, 2015, the jail system held a daily population (ADP) of 594 (100.0%) incarcerated inmates, 9.3% or 55 of the inmate population were sentenced AB 109 County Prison (N3) convicted felony defendants, parolees (3056 PC), and PRCS offenders held under the Realignment Act flash incarceration or revocation provisions of the law. The other 539 (90.7%) incarcerated inmates were pretrial and sentenced local adult offenders and other detainees being held on warrants and holds from federal / State law enforcement agencies. Because of the desire to expand inmate treatment / counseling services coupled with the provisions contained in the Superior Court Consent Decree (Case #84429) "capping" inmate housing capacities, the jail has pursued a wide range of inmate population management policies / alternative programs directed to all incarcerated offenders.

A primary target population for this alternative programming which has helped minimize jail overcrowding has been AB 109 sentenced felony inmates who are being redirected in large numbers to the Sheriff's Office's Alternative Custody Supervision (ACS) Program. A total of 705 County Prison (N3) offenders have been referred to the ACS Program in lieu of continued incarceration in the County jail while they complete their Court sentence. The County Prison (N3) offenders enrolled in the Program are strictly supervised through the use of electronic monitoring equipment and they must participate in structured evidenced-based treatment / counseling while fulfilling their Court sentence through the alternative to custody program. To date, these AB 109 offenders represent 75.5% of the participants supervised by the Sheriff's Office. Overall, the average daily population of the Alternative Custody Supervision (ACS) Program has risen 22.8% over the past 36 months.

Because of the lack of bed space, the overwhelming majority of jail detainees (68.1%) secure a release from the facility after booking or prior to completing their Court sentence. Only 31.9% are continuing custody inmates (time served, etc.) who are sentenced or held in a pretrial status pending disposition of their arrest. Because of the continuing high population levels at the jail in 2014, a total of 1,847 inmates or 154 a month were released due to the lack of pretrial and sentenced housing capacity. Nearly

61.7% of the average monthly releases due to the lack of jail housing capacity since 2010 have involved felony offenders with the remaining releases (38.3%) taking place for incarcerated misdemeanor offenders. **If these early releases were not occurring because of the lack of jail bed space, the facility's average daily population considering the average length of jail stay (20 days) would increase by 103 inmates.**

The average length of jail stay in 2013 was 23 days, and 20 days in 2014. Nearly two out of every three individuals booked into the facility are able to secure a release within five days or less. In 2014, for example, 6,747 detainees (53.7%) were booked and released from the jail in less than two days. Another 1,288 detainees (10.3%) were released between three to five days following their intake into the detention facility. A further indication the lack of jail bed capacity is having in the Butte County jail system is shown in a comparison between the average length of jail stay in Butte County and California county jails generally. In September 2014, the average statewide length of jail stay was 29 days, with the length of the incarceration in the Butte jail at 20 days. Equally significant, the average length of stay for both pretrial and sentenced detainees in the Butte jail is also significantly lower compared to California statewide data.

On November 4, 2014, California voters approved Proposition 47 which reduces the classification of most "non-serious and non-violent property and drug crimes" from a felony to a misdemeanor. Specifically, the initiative would (1) reduce felony and wobbler offenses for simple drug possession to straight misdemeanors for most people, (2) reduce a number of theft-related wobblers to straight misdemeanors for most people, and (3) retroactively allow most people convicted of felonies under prior law to reduce their convictions to misdemeanors if their crimes would not have been felonies if committed after the initiative's effective date. No firm data showing what the total impact of this new legislation will have on county jails inmate ADP levels has been developed. Until more actual experience and understanding about policies local criminal justice agencies take with the implementation of Proposition 47, a solid estimate of the law's impact cannot be totally confirmed. A comparative analysis of changes in total monthly jail releases between 2014 (baseline period) and the first five months in 2015 when the law was beginning to be implemented, however, shows a reduction of 67 facility releases a month, which if this continues, will result in an estimated drop in future jail ADP levels by 42 custody beds.

The County's criminal justice system also makes extensive use of both pretrial and sentenced alternatives to incarceration programs. In a "snapshot" taken on June 28, 2015, 1,081 offenders were under the jurisdiction of the Sheriff's Office and criminal justice system and were either in custody or participating in one of five alternatives to incarceration programs. A total of 594 (54.9%) offenders were in-custody pretrial or sentenced inmates. The remaining 487 individuals (45.1%) were participating in five primary alternatives to incarceration programs in lieu of continued incarceration in the County jail facility. A total of 139 (12.9%) of the "snapshot" population were Pretrial Release Program OR defendants. Another 131 (12.1%) were enrolled in the SWAP Program. An additional 137 (12.7%) were being supervised through the Alternative Custody Supervision (ACS) Program's Electronic Monitoring Unit. A total of 75 convicted felons and misdemeanants (6.9%) were participating in evidence-based counseling through the Sheriff's Day Reporting Center and five sentenced offenders were in the Sheriff's Parole Program.

The jail currently has an inmate population in which nearly half the detainees (48.4%) require high-security housing. The jail, however, currently contains 31 cells which can accommodate the inmate population. The other housing in the facility includes double-occupancy cells and dormitory beds/bunks. Only 18.5% (111) of the detained male and female inmates are classified as requiring minimum security dormitory housing beds. In

contrast, the jail is configured with 421 dormitory-style beds which account for 68.6% of available housing. This stark difference in inmate security classifications compared to the type of custody beds contained in the jail not only complicates classification decisions, the lack of higher security housing places the safety of inmates, staff, and visitors at higher risk.

From a practical operational standpoint, regardless of an individual's classification and because the jail lacks sufficient housing pods to segregate numerous classifications of male and female inmates, the classification personnel are focusing housing assignments on identifying the highest security pretrial and sentenced inmates who have a violent offense, escape history, are gang members, have behavioral problems, have enemies in the facility, or other protective custody problems. These types of inmates are given priority for the administrative segregation units, protective custody housing pods, or medical / mental health beds.

Using historical trend data (County population, crime rates, felony/misdemeanor arrests, jail bookings, and inmate population levels) compiled during the study, additional information was developed which projects inmate population levels through the year 2034. The data indicates that the overall population and criminal justice system characteristics Butte County has experienced over the past five years should, to a large part, continue through 2034 with the exception of the impact Proposition 47 could have on jail inmate counts. The following Table shows the estimated future inmate population levels for Butte County's jail system.

<u>Year</u>	<u>Projected ADP</u>	<u>Peak &amp; Inmate Classification Factor</u>	<u>Total</u>
2015 - 19	688	69	757
2020 - 24	699	70	769
2025 - 29	703	70	773
2030 - 34	714	71	785

The estimated 20-year population projections take into consideration (a) peak housing capacity factors, and (b) inmate classification requirements. The projection of inmate ADP also assumes that when additional bed capacity is made available, early releases for pretrial and sentenced inmates will be reduced. The jail will also have reached full implementation of AB 109 Realignment law by the end of 2015.

**Exhibit 1 Butte County Jail SB 863 Project**  
**Background Information and Reference Trend Data**

**Adult Population Patterns and Projections:**

**Butte County**  
**Juvenile and Adult Population Projections by Age Group**  
**2010 - 2034**

<b>Countywide Population Projections by Age Group</b>							
Year	0-17 Years of Age		18-69 Years of Age		70+ Years of Age		Total County Population
	Number	Percent (%)	Number	Percent (%)	Number	Percent (%)	
2010	46,027	20.9%	150,116	68.1%	24,130	11.0%	<b>220,273</b>
2011	45,743	20.7%	150,728	68.3%	24,358	11.0%	<b>220,829</b>
2012	45,366	20.5%	151,475	68.4%	24,628	11.1%	<b>221,469</b>
2013	44,928	20.2%	152,053	68.5%	25,054	11.3%	<b>222,035</b>
2014	44,765	19.9%	153,931	68.6%	25,822	11.5%	<b>224,518</b>
2015	44,754	19.7%	155,232	68.5%	26,670	11.8%	<b>226,656</b>
2016	44,846	19.6%	156,213	68.3%	27,641	12.1%	<b>228,700</b>
2017	44,885	19.5%	156,717	67.9%	29,120	12.6%	<b>230,722</b>
2018	44,918	19.3%	157,275	67.6%	30,551	13.1%	<b>232,744</b>
2019	44,965	19.1%	157,910	67.2%	31,953	13.6%	<b>234,828</b>
2020	45,062	19.0%	158,457	66.9%	33,417	14.1%	<b>236,936</b>
2021	45,122	18.9%	158,969	66.5%	34,931	14.6%	<b>239,022</b>
2022	45,188	18.7%	159,556	66.1%	36,478	15.1%	<b>241,222</b>
2023	45,287	18.6%	159,934	65.7%	38,118	15.7%	<b>243,339</b>
2024	45,295	18.5%	160,383	65.4%	39,724	16.2%	<b>245,402</b>
2025	45,269	18.3%	160,879	65.0%	41,230	16.7%	<b>247,378</b>
2026	45,304	18.2%	161,202	64.7%	42,740	17.1%	<b>249,246</b>
2027	46,165	18.3%	161,515	64.1%	44,158	17.5%	<b>251,838</b>
2028	46,573	18.4%	161,536	63.7%	45,536	18.0%	<b>253,645</b>
2029	46,270	18.2%	160,995	63.4%	46,842	18.4%	<b>254,107</b>
2030	46,062	18.1%	160,542	63.0%	48,121	18.9%	<b>254,725</b>
2031	45,843	18.0%	159,729	62.7%	49,308	19.3%	<b>254,880</b>
2032	45,995	17.9%	160,767	62.5%	50,341	19.6%	<b>257,103</b>
2033	46,134	17.8%	162,317	62.5%	51,276	19.7%	<b>259,727</b>
2034	46,259	17.7%	163,412	62.4%	52,110	19.9%	<b>261,781</b>
<b>% Change 2010 - 2034</b>	<b>0.5%</b>		<b>8.1%</b>		<b>53.7%</b>		<b>15.9%</b>

ButteNA1/Tables&Chts/Table4

Source: California Dept of Finance, Age, Race/Ethnic Population Projections, 2010 - 2034

**Comparison of the Growth in California and Butte  
County Adult Populations 2010 - 2034**

<b>Adult Population Trend Comparisons</b>				
	<b>Butte County Adult Population</b>		<b>California Adult Population</b>	
<b>Year</b>	<b>Number</b>	<b>% Change</b>	<b>Number</b>	<b>% Change</b>
2010	150,116		25,103,955	
2011	150,728	0.4%	25,367,122	1.0%
2012	151,475	0.5%	25,631,278	1.0%
2013	152,053	0.4%	25,875,347	1.0%
2014	153,931	1.2%	26,129,967	1.0%
<b>Average Annual Change (2010-2014)</b>		<b>0.6%</b>	<b>1.0%</b>	
2015	155,232	0.8%	26,369,040	0.9%
2016	156,213	0.6%	26,583,092	0.8%
2017	156,717	0.3%	26,742,330	0.6%
2018	157,275	0.4%	26,899,263	0.6%
2019	157,910	0.4%	27,051,041	0.6%
<b>Average Annual Change (2015-2019)</b>		<b>0.5%</b>	<b>0.7%</b>	
2020	158,457	0.3%	27,181,615	0.5%
2021	158,969	0.3%	27,321,459	0.5%
2022	159,556	0.4%	27,459,399	0.5%
2023	159,934	0.2%	27,588,557	0.5%
2024	160,383	0.3%	27,711,493	0.4%
<b>Average Annual Change (2020-2024)</b>		<b>0.3%</b>	<b>0.5%</b>	
2025	160,879	0.3%	27,826,901	0.4%
2026	161,202	0.2%	27,938,272	0.4%
2027	161,515	0.2%	28,031,295	0.3%
2028	161,536	0.0%	28,119,572	0.3%
2029	160,995	-0.3%	28,210,683	0.3%
<b>Average Annual Change (2025-2029)</b>		<b>0.1%</b>	<b>0.4%</b>	
2030	160,542	-0.3%	28,280,881	0.2%
2031	159,729	-0.5%	28,361,356	0.3%
2032	160,767	0.6%	28,472,135	0.4%
2033	162,317	1.0%	28,602,659	0.5%
2034	163,412	0.7%	28,722,279	0.4%
<b>Average Annual Change (2030-2034)</b>		<b>0.3%</b>	<b>0.4%</b>	

ButteNA1/Tables&Chs/Table1

Source: Based on projections prepared by the California  
Department of Finance Age 18+

**Adult Felony and Misdemeanor Arrest Trends:**

<b>Butte County Average Yearly Adult Felony and Misdemeanor Arrests 2004 - 2013</b>					
	<u>Felony Arrests</u>	<u>Percent</u>	<u>Misdemeanor Arrests</u>	<u>Percent</u>	<u>Total</u>
2004 - 2008	2,098	22.3%	7,322	77.7%	9,420
2009 - 2013	2,270	23.1%	7,555	76.9%	9,825
% Change 2004 - 2013	<b>7.6%</b>		<b>3.1%</b>		<b>4.1%</b>

<b>Butte County Male and Female Adult Arrests 2004 - 2013</b>					
	<b>Male Arrests</b>		<b>Female Arrests</b>		<b>Total</b>
	<u>Number</u>	<u>Percent</u>	<u>Number</u>	<u>Percent</u>	
2004 - 2008	7,669	73.8%	1,751	26.2%	9,420
2009 - 2013	7,225	71.0%	2,600	29.0%	9,825
% Change 2004 - 2013	<b>-6.1%</b>		<b>32.7%</b>		<b>4.1%</b>

<b>Arrest Rates Per 10,000 Butte County Total Population 2004 - 2013</b>				
<u>Offense Category</u>	<u>2004</u>	<u>2009</u>	<u>2013</u>	<u>% Change</u>
Felony Arrest Rates	93	89	126	35.5%
Misdemeanor Arrest Rates	308	370	337	9.4%
<b>Total Arrest Rates</b>	<b>401</b>	<b>459</b>	<b>463</b>	<b>15.5%</b>

**Butte County**  
**Number and Yearly Percent Change in Adult Felony & Misdemeanor Arrests**  
**2004 - 2013**

Felony and Misdemeanor Adult Arrests						
Year	Felony Arrests		Misdemeanor Arrests		Total Adult Arrests	% Change
	Number	% Change	Number	% Change		
2004	1,976		6,533		8,509	
2005	2,018	2.1%	6,728	3.0%	8,746	2.8%
2006	2,052	1.7%	7,164	6.5%	9,216	5.4%
2007	2,383	16.1%	7,923	10.6%	10,306	11.8%
2008	2,059	-13.6%	8,265	4.3%	10,324	0.2%
<b>Ave. Yearly Arrests</b>	<b>2,098</b>		<b>7,322</b>		<b>9,420</b>	
2009	1,960	-4.8%	8,115	-1.8%	10,075	-2.4%
2010	1,924	-1.8%	7,759	-4.4%	9,683	-3.9%
2011	2,079	8.1%	7,339	-5.4%	9,418	-2.7%
2012	2,611	25.6%	7,105	-3.2%	9,716	3.2%
2013	2,778	6.4%	7,457	5.0%	10,235	5.3%
<b>Ave. Yearly Arrests</b>	<b>2,270</b>		<b>7,555</b>		<b>9,825</b>	
<b>Ave. Yearly Arrests</b>						
<b>2004 - 2008</b>	<b>2,098</b>		<b>7,322</b>		<b>9,420</b>	
<b>2009 - 2013</b>	<b>2,270</b>		<b>7,555</b>		<b>9,825</b>	
<b>% Change 2004 - 2013</b>	<b>7.6%</b>		<b>3.1%</b>		<b>4.1%</b>	

ButteNA1/Tables&Chs/Table7

**Butte County**  
**Male and Female Adult Arrest Trends**  
**2004 - 2013**

Male / Female Felony and Misdemeanor Arrests							
Year	Male Arrests			Female Arrests			Total County-Wide Adult Arrests
	Felony	Misdemeanor	Total	Felony	Misdemeanor	Total	
2004	1,519	5,081	6,600	457	1,452	1,909	8,509
2005	1,547	5,145	6,692	471	1,583	2,054	8,746
2006	1,690	5,832	7,522	362	1,332	1,694	9,216
2007	1,989	6,736	8,725	394	1,187	1,581	10,306
2008	1,727	7,081	8,808	332	1,184	1,516	10,324
<b>Ave. Yearly Arrests</b>	<b>1,694</b>	<b>5,975</b>	<b>7,669</b>	<b>403</b>	<b>1,348</b>	<b>1,751</b>	<b>9,420</b>
2009	1,468	6,027	7,495	492	2,088	2,580	10,075
2010	1,417	5,765	7,182	507	1,994	2,501	9,683
2011	1,572	5,402	6,974	507	1,937	2,444	9,418
2012	1,932	5,120	7,052	679	1,985	2,664	9,716
2013	2,076	5,346	7,422	702	2,111	2,813	10,235
<b>Ave. Yearly Arrests</b>	<b>1,693</b>	<b>5,532</b>	<b>7,225</b>	<b>577</b>	<b>2,023</b>	<b>2,600</b>	<b>9,825</b>
<b>Ave. Yearly Arrests</b>							
<b>2004 - 2008</b>	<b>1,694</b>	<b>5,975</b>	<b>7,669</b>	<b>403</b>	<b>1,348</b>	<b>1,751</b>	<b>9,420</b>
<b>2009 - 2013</b>	<b>1,693</b>	<b>5,532</b>	<b>7,225</b>	<b>577</b>	<b>2,023</b>	<b>2,600</b>	<b>9,825</b>
<b>% Change 2004 - 2013</b>	<b>-0.1%</b>	<b>-8.0%</b>	<b>-6.1%</b>	<b>30.2%</b>	<b>33.4%</b>	<b>32.7%</b>	<b>4.1%</b>

ButteNA1/Tables&Chs/Table8

**BUTTE COUNTY**  
**CHANGES IN NUMBER OF ADULT ARRESTS BY OFFENSE CATEGORY**  
**2004 - 2013**

Year	OFFENSE CATEGORY					Total
	Violence & Weapons	Property	Drugs	Alcohol	Other	
2004	1,191	1,170	1,342	3,429	1,377	8,509
2005	1,188	1,036	1,590	3,473	1,459	8,746
2006	1,214	1,046	1,439	3,810	1,707	9,216
2007	1,301	1,184	1,536	4,413	1,872	10,306
2008	1,343	1,008	1,409	4,876	1,688	10,324
<b>Ave. Yearly Arrests</b>	<b>1,247</b>	<b>1,089</b>	<b>1,463</b>	<b>4,000</b>	<b>1,621</b>	<b>9,420</b>
2009	1,264	1,025	1,281	5,015	1,490	10,075
2010	1,240	935	1,415	4,743	1,350	9,683
2011	1,309	1,024	1,392	4,104	1,589	9,418
2012	1,403	1,144	1,690	3,627	1,852	9,716
2013	1,391	1,215	1,718	3,533	2,378	10,235
<b>Ave. Yearly Arrests</b>	<b>1,321</b>	<b>1,069</b>	<b>1,499</b>	<b>4,204</b>	<b>1,732</b>	<b>9,825</b>
<b>Ave. Yearly Arrests</b>						
<b>2004 - 2008</b>	<b>1,247</b>	<b>1,089</b>	<b>1,463</b>	<b>4,000</b>	<b>1,621</b>	<b>9,420</b>
<b>2009 - 2013</b>	<b>1,321</b>	<b>1,069</b>	<b>1,499</b>	<b>4,204</b>	<b>1,732</b>	<b>9,825</b>
<b>% Change 2004 - 2013</b>	<b>5.6%</b>	<b>-1.9%</b>	<b>2.4%</b>	<b>4.9%</b>	<b>6.4%</b>	<b>4.1%</b>

ButteNA1/Tables&Chs/Table9

Butte County Jail Booking Trends			
2002 - 2014			
Year	Total Bookings	Average Monthly Bookings	Average Number of Daily Bookings
2002	10,501	875	28.8
2003	11,078	923	30.4
2004	11,510	959	31.5
2005	13,085	1,090	35.8
2006	12,612	1,051	34.6
2007	12,818	1,068	35.1
2008	12,604	1,050	34.5
2009	12,412	1,034	34.0
2010	11,942	995	32.7
2011	11,942	995	32.7
2012	12,418	1,035	34.0
2013	12,644	1,054	34.6
2014	11,991	999	32.9
<b>% Change</b>			
<b>2002 - 2014</b>		<b>12.4%</b>	
<b>Average Yearly Bookings</b>	<b>12,120</b>	<b>1,010</b>	<b>33.2</b>
<b>Yearly Average</b>			
<b>2002 - 2007</b>	<b>11,934</b>	<b>995</b>	<b>32.7</b>
<b>2008 - 2014</b>	<b>12,279</b>	<b>1,023</b>	<b>33.6</b>

ButteNA1/Tables&Chs/Table47

**Butte County Jail Total Inmate ADP Trends 2002 – 2014**

Year	Pretrial Inmates		Sentenced Inmates		Total Jail ADP
	Pretrial ADP	Percent	Sentenced ADP	Percent	
2002	299	61.8%	186	38.2%	485
2003	318	62.3%	191	37.7%	509
2004	313	61.0%	200	39.0%	513
2005	308	60.0%	205	40.0%	513
2006	286	55.5%	229	44.5%	515
2007	297	59.9%	199	40.1%	496
2008	302	62.9%	178	37.1%	480
2009	348	68.1%	163	31.9%	511
2010	412	75.2%	136	24.8%	548
2011	425	75.2%	140	24.8%	565
2012	441	75.0%	147	25.0%	588
2013	406	68.4%	188	31.6%	594
2014	354	60.3%	233	39.7%	587
<b>% Change</b>		<b>15.5%</b>		<b>20.6%</b>	<b>17.5%</b>
<b>Ave. Yearly Inmate Pop. (ADP)</b>	<b>347</b>	<b>65.3%</b>	<b>184</b>	<b>34.7%</b>	<b>531</b>

Butte County Jail Facility									
Changes in Jail Pretrial and Sentenced Felony / Misdemeanor Inmates									
Average Daily Jail Inmate Population (ADP) 2002 - 2014									
Year	Pretrial ADP		Total Pretrial ADP	Sentenced ADP		Total Sentenced ADP	Total Felony	Total Misdemeanor	Total Jail System ADP
	Felony	Misdemeanor		Felony	Misdemeanor				
2002	274	25	299	113	73	186	387	98	485
2003	296	22	318	139	52	191	435	74	509
2004	289	24	313	131	69	200	420	93	513
2005	283	25	308	121	84	205	404	109	513
2006	264	22	286	130	99	229	394	121	515
2007	275	22	297	113	86	199	388	108	496
2008	281	21	302	107	71	178	388	92	480
2009	330	18	348	98	65	163	428	83	511
2010	391	21	412	80	56	136	471	77	548
2011	405	20	425	95	45	140	500	65	565
2012	427	14	441	127	20	147	554	34	588
2013	395	11	406	169	19	188	564	30	594
2014	341	13	354	211	22	233	552	35	587
<b>Average Yearly Inmate Pop. (ADP)</b>	<b>327</b>	<b>20</b>	<b>347</b>	<b>126</b>	<b>58</b>	<b>184</b>	<b>453</b>	<b>78</b>	<b>531</b>
<b>(%) Percent Average Yearly Inmate Pop. (ADP)</b>	<b>94.2%</b>	<b>5.8%</b>	<b>100.0%</b>	<b>68.5%</b>	<b>31.5%</b>	<b>100.0%</b>	<b>85.3%</b>	<b>47.7%</b>	<b>100.0%</b>
<b>2002 - 2007</b>	<b>280</b>	<b>23</b>	<b>303</b>	<b>125</b>	<b>77</b>	<b>202</b>	<b>405</b>	<b>101</b>	<b>505</b>
<b>2008 - 2014</b>	<b>367</b>	<b>17</b>	<b>384</b>	<b>127</b>	<b>42</b>	<b>169</b>	<b>494</b>	<b>59</b>	<b>553</b>

ButteNA1/Tables&Chits/Table48

Butte County Jail Facility									
Changes in Jail Pretrial and Sentenced Male / Female Inmate Population									
Average Daily Jail Inmate Population (ADP) 2002 - 2014									
Year	Pretrial ADP		Total Pretrial ADP	Sentenced ADP		Total Sentenced ADP	Total Male ADP	Total Female ADP	Total Jail System ADP
	Male ADP	Female ADP		Male ADP	Female ADP				
2002	264	35	299	163	23	186	427	58	485
2003	273	45	318	165	26	191	438	71	509
2004	266	47	313	169	31	200	435	78	513
2005	262	46	308	165	40	205	427	86	513
2006	244	42	286	185	44	229	429	86	515
2007	256	41	297	157	42	199	413	83	496
2008	257	45	302	140	38	178	397	83	480
2009	306	42	348	128	35	163	434	77	511
2010	364	48	412	111	25	136	475	73	548
2011	381	44	425	116	24	140	497	68	565
2012	398	43	441	127	20	147	525	63	588
2013	356	50	406	161	27	188	517	77	594
2014	297	57	354	197	36	233	494	93	587
<b>Average Yearly Inmate Pop. (ADP)</b>	<b>302</b>	<b>45</b>	<b>347</b>	<b>152</b>	<b>32</b>	<b>184</b>	<b>454</b>	<b>77</b>	<b>531</b>
<b>(%) Percent</b>	<b>87.0%</b>	<b>13.0%</b>	<b>100.0%</b>	<b>82.6%</b>	<b>17.4%</b>	<b>100.0%</b>	<b>85.5%</b>	<b>14.5%</b>	<b>100.0%</b>
<b>Average Yearly Inmate Pop. (ADP)</b>									
<b>2002 - 2007</b>	<b>261</b>	<b>43</b>	<b>304</b>	<b>167</b>	<b>34</b>	<b>201</b>	<b>428</b>	<b>77</b>	<b>505</b>
<b>2008 - 2014</b>	<b>337</b>	<b>47</b>	<b>384</b>	<b>140</b>	<b>29</b>	<b>169</b>	<b>477</b>	<b>76</b>	<b>553</b>

ButteNA1/Tables&Chts/Table49

**Inmate Security Classifications:**

Butte County Jail Facility							
Average Daily Jail Inmate Security Classification ADP Trends							
2002 - 2014							
Year	Inmate Security ADP Classifications						
	Maximum Security Inmate ADP		Medium Security Inmate ADP		Minimum Security Inmate ADP		Total Jail Inmate ADP
2002	204	42.1%	281	57.9%	0	0.0%	485
2003	225	44.2%	284	55.8%	0	0.0%	509
2004	223	43.5%	290	56.5%	0	0.0%	513
2005	231	45.0%	282	55.0%	0	0.0%	513
2006	232	45.0%	283	55.0%	0	0.0%	515
2007	228	46.0%	268	54.0%	0	0.0%	496
2008	213	44.4%	267	55.6%	0	0.0%	480
2009	216	42.3%	295	57.7%	0	0.0%	511
2010	238	43.4%	310	56.6%	0	0.0%	548
2011	239	42.3%	326	57.7%	0	0.0%	565
2012	257	43.7%	331	56.3%	0	0.0%	588
2013	264	44.4%	330	55.6%	0	0.0%	594
2014*	261	44.5%	326	55.5%	0	0.0%	587
<b>Average Yearly Inmate Pop. (ADP)</b>							
<b>2002 - 2007</b>	<b>223</b>	<b>44.2%</b>	<b>282</b>	<b>55.8%</b>	<b>0</b>	<b>0.0%</b>	<b>505</b>
<b>2008 - 2014</b>	<b>241</b>	<b>43.6%</b>	<b>312</b>	<b>56.4%</b>	<b>0</b>	<b>0.0%</b>	<b>553</b>

ButteNA1/Tables&Chts/Table50

\*Includes the months of January - September

**Impact of AB 109 Realignment on Jail ADP Levels:**

**Estimated Average Daily Population (ADP) at "Full Implementation" of AB 109 of New Offenders in the Butte County Criminal Justice System**

- § 268 (N3) offenders serving felony sentences in County Jail (161 serving less than three years; 107 serving more than three years).
- § 181 California Department of Corrections and Rehabilitation (CDCR) offenders receiving Post-Release Community Supervision (PRCS) provided by the Probation Department.
- § 36 revoked offenders in County Jail on State parole or local probation violations.

**Butte County  
Projected Impact of AB-109: Number of Defendants Not Sent  
to State Prison as New Admissions or Parole Violators  
With New Terms (N3) and CDCR Institution Discharges  
to County Post-Release Community Supervision by Month**

Month / Year	County Jail Incarceration			Post-Release Community Supervision (PRCS)
	New Admissions	Parole Violator With New Term	Total	
October 2011	17	4	21	37
November 2011	11	5	16	33
December 2011	18	0	18	33
January 2012	12	2	14	25
February 2012	21	2	23	31
March 2012	21	4	25	21
April 2012	24	1	25	26
May 2012	11	6	17	27
June 2012	<u>25</u>	<u>4</u>	<u>29</u>	<u>23</u>
<b>Sub-Total</b>	<b>160</b>	<b>28</b>	<b>188</b>	<b>256</b>
<b>Monthly Average</b>	<b>18</b>	<b>3</b>	<b>21</b>	<b>28</b>
July 2012	13	7	20	21
August 2012	14	5	19	18
September 2012	19	2	21	18
October 2012	24	3	27	22
November 2012	23	3	26	12
December 2012	18	3	21	14
January 2013	20	6	26	17
February 2013	10	12	22	5
March 2013	8	3	11	12
April 2013	13	8	21	12
May 2013	18	8	26	14
June 2013	20	8	28	21
July 2013	21	4	25	11
August 2013	12	4	16	16
September 2013	<u>16</u>	<u>5</u>	<u>21</u>	<u>15</u>
<b>Sub-Total</b>	<b>249</b>	<b>81</b>	<b>330</b>	<b>228</b>
<b>Monthly Average</b>	<b>17</b>	<b>5</b>	<b>22</b>	<b>15</b>
<b>24 Month Total</b>	<b>409</b>	<b>109</b>	<b>518</b>	<b>484</b>
<b>Monthly Average</b>	<b>17</b>	<b>5</b>	<b>22</b>	<b>20</b>

ButteNA1/Tables&Chrs/Table51

Source: California Department of Corrections & Rehabilitation (CDCR)

**Average Daily Population at Full Rollout (Year 4) of AB 109 by County  
(Department of Finance Estimates)**

County	Low-Level (N/N/N) Offenders			Post Release Community Supervision Population Totals (1)	RTC ADP 30-Day ALOS (1,7)
	Total Inmates N/N/N No Prior S/V ADP (1, 2, 5)	Short-term Inmates N/N/N w/No Prior 5/V w/ Sentence Length <3 Years (1, 2, 3, 5, 6)	Long-term Inmates N/N/N w/No Prior S/V w/ Sentence Length >3 Years (1, 2, 4, 5, 6)		
	Alameda	267	181		
Alpine	2	2	-	-	-
Amador	53	35	18	43	6
Butte	268	161	107	181	36
Calaveras	21	12	8	25	5
Colusa	23	16	6	9	1
Contra Costa	104	60	44	318	56
Del Norte	11	2	9	20	5
El Dorado	68	45	23	81	10
Fresno	518	357	161	971	218
Glenn	28	18	10	19	3
Humboldt	137	108	29	126	15
Imperial	90	53	37	107	11
Inyo	15	7	7	15	3
Kern	1,019	784	236	1,040	154
Kings	321	201	120	185	39
Lake	73	39	34	75	11
Lassen	32	19	13	26	6
Los Angeles	8,342	5,767	2,576	9,791	530
Madera	111	67	44	150	24
Marin	66	27	39	53	8
Mariposa	13	9	5	11	2
Mendocino	75	38	37	50	8
Merced	171	100	71	214	42
Modoc	2	1	1	3	1
Mono	3	2	1	7	1
Monterey	308	176	132	309	34
Napa	70	44	26	69	7
Nevada	23	16	7	17	6
Orange	1,464	1,038	427	1,750	220
Placer	251	133	118	153	25
Plumas	9	7	3	12	1
Riverside	1,601	990	611	1,683	262
Sacramento	895	505	390	1,203	208
San Benito	52	30	22	23	4
San Bernardino	2,301	1,638	663	2,521	348
San Diego	1,821	1,043	778	2,038	256
San Francisco	164	114	50	421	61
San Joaquin	450	311	138	639	126
San Luis Obispo	140	88	52	136	22
San Mateo	208	139	70	351	33
Santa Barbara	294	181	112	288	37
Santa Clara	693	402	291	1,067	115
Santa Cruz	78	72	6	69	17
Shasta	326	147	178	201	40
Sierra	1	1	-	1	-
Siskiyou	34	12	21	23	8
Solano	278	162	116	363	53
Sonoma	231	116	115	164	21
Stanislaus	540	316	224	426	66
Sutter	103	67	35	108	21
Tehama	154	94	60	50	13
Trinity	9	8	1	9	1
Tulare	520	292	228	388	70
Tuolumne	47	13	33	33	4
Ventura	380	210	170	363	60
Yolo	277	130	147	215	37
Yuba	94	64	30	88	19
<b>Total Projected</b>	<b>25,649</b>	<b>16,670</b>	<b>8,976</b>	<b>29,549</b>	<b>3,522</b>

ButteNA1/Tables&Chts/Table52

- 1 Numbers are based on full implementation.
- 2 Numbers have been adjusted for excluded crimes.
- 3 Numbers reflect sentence lengths 3 years or less.
- 4 Numbers reflect sentence lengths above 3 years. Population serving longer than 3 years will be significantly less due to day for day credit ea
- 5 Judicial decisions could decrease this population dramatically.
- 6 This population is a subset of the total low level offender population.
- 7 Assumes 30-day average length of stay for locally supervised violators and State Parole violators.

**Jail Releases Due to Lack of Housing Capacity:**

Butte County Jail Facility Changes in the Number of Pretrial and Sentenced Inmate Releases Due to the Lack of Jail Housing Capacity 2002 - 2014						
Year	Pretrial Releases		Sentenced Releases		Total Jail Releases	
	Lack of Housing Capacity	Monthly Average	Lack of Housing Capacity	Monthly Average	Lack of Housing Capacity	Monthly Average
2002	0	0	737	61	737	61
2003	460	38	655	55	1,115	93
2004	142	12	233	19	375	31
2005	61	5	40	3	101	8
2006	75	6	66	6	141	12
2007	63	5	78	7	141	12
2008	46	4	45	4	91	8
2009	53	4	171	14	224	19
2010	95	8	129	11	224	19
2011	211	18	190	16	401	33
2012	1,355	113	475	40	1,830	153
2013	1,484	124	836	70	2,320	193
2014	1,162	97	685	57	1,847	154
<b>2002 - 2014 Ave. Yearly/Monthly Inmate Releases</b>	<b>401</b>	<b>33</b>	<b>334</b>	<b>28</b>	<b>735</b>	<b>61</b>
<b>(%) Percent</b>		<b>54.1%</b>		<b>45.9%</b>		<b>100.0%</b>

ButteNA1/Tables&Chs/Table53

**Inmates Requiring Mental Health and Medical Services:**

Butte County Jail Facility Average Number of Monthly Jail Inmates Receiving Mental Health and Medical Services 2007 - 2014								
Jail Inmates Requiring Mental Health & Medical Services	Butte County Jail Mental Health and Medical Services							
	2007	2008	2009	2010	2011	2012	2013	2014*
<b>Mental Health Services:</b>								
Number of Mental Health cases open on last day of month	164	152	161	182	181	213	234	247
Number of new Mental Health cases opened during month	88	84	98	104	97	104	106	107
Number of inmates receiving psychotropic medications on last day of month	65	55	59	51	46	57	51	51
<b>Medical Services:</b>								
Number of inmates seen at sick call during month	922	929	923	919	683	785	688	565
Number of inmates seen by physician/mid-level practitioner during month	704	774	784	672	466	592	469	47
Number of off-site medical appointments during month	13	10	13	11	13	14	23	19
Number of inmates receiving dental cases	83	86	85	77	78	76	88	87

ButteNA1/Tables&Chs/Table38

\*Includes the months of January - September

## SECTION 6: FACILITY ASSESSMENT AND EVALUATION

### Butte County Jail Needs Assessment Update

#### Physical Condition of the Butte County Jail

The information in this section of the Jail Needs Assessment Study focuses on an overall assessment and evaluation of the Butte County Jail building structure and key building systems including security and electronics. The facility survey and assessment information reported in this section focuses on identifying the detention facility's physical plant and building systems strengths and weaknesses. This information was used to determine the continued usefulness and overall economic viability of the structure.

The Assessment focused on factors that included:

1. Configuration and intended security levels.
2. Defined uses of the facility.
3. Physical condition of the building elements.
4. Quality of the space.
5. Ability to achieve intended security and level of safety for staff and inmates as well as compliance with standards.



*Jail Vehicle Sallyport*

The facility survey/assessment looked at previous reports, inspections, maintenance logs, capital expenditures, and any other documents or work products that influenced or have altered the status of the facility. Information on physical layout, dimensions and utilization of the detention facility was developed by observation, measurement, and drawings. Information on the history of the institution's defined use was obtained directly from facility personnel. Space measurements from architectural plans were taken from the outside of exterior walls to the center line of the wall between adjacent interior rooms.



*Butte Jail Public Entrance*



*Sheriff's Office Entrance*



***Refuse Storage within Corridor Connecting Main Jail to West Facility***

The Assessment was conducted over several months and involved discussions with Sheriff's personnel. The information obtained was intended to provide a broad based understanding about the adequacy of the space and physical arrangement of the Butte County Jail. It was also intended to provide insight into several fundamental questions about the overall characteristics, continued use and future expandability of the facility. Using the information from the facility survey and evaluation, Vanir examined the following planning questions:

1. Is the detention facility and support space sufficiently sized, configured, and in a condition from a physical plant perspective, to support the security level and program requirements of the adult offender population?
2. Are there renovations, remodeling, or other building modifications which can be made to the existing facility which would make better use of available space for staff, inmates, and the public?
3. Does the local adult facility contain building elements or systems which present excessive liability for the County when continuing to operate or use the facility at current "ADP" levels?
4. What is the remaining useful life of the facility?
5. Can the existing facility be economically expanded to accommodate future increased populations?
6. What are the likely and probable construction costs the County will experience in responding to expansion of the institution?
7. Have there been significant changes in either the volume or characteristics of male/female inmate population which should be recognized in any remodeling or housing construction plan to expand the capacity of the facility? Are there selected "special" sub-populations of inmates currently being housed in the facility which could be better served through a different housing configuration or security custody response?
8. Where could expansions occur within the facility site plan that would be compatible with the department's operational standards?

9. Would the future facility be operated under the current custody philosophy?
10. What would be the immediate, short, mid, and long range phased construction recommendations needed to satisfy and/or address the project's identified facility requirements for the Butte County Jail?
11. What are the likely and probable operational and construction costs the County will experience in responding to expansion of the institution?

Uniform definitions of the space included in each functional use area (FUA) were also developed and applied in the calculations of the space breakdowns. Overall conclusions about the adequacy of a facility and its space provisions incorporated the evaluator's professional knowledge of standard building and design criteria as well as the systems needed to support the operation of such a facility. In some instances, discussions with the staff and their opinion of the space and building systems have also been taken into account when evaluating and developing a composite rating of a particular space or area. In reviewing the published results of the evaluation, it is important to note that other individuals with different professional backgrounds (i.e., users versus non-users) may rate or score a facility differently than what is contained in this Report. In order to assess the overall building and possible expansion impacts, a facility evaluation and survey was completed. The work included examining the configuration, capacities, utilization, and physical condition of the County's detention facilities.

A survey instrument was used to allow the consultants to provide summary ratings for the different FUA's in each of the detention facilities. The areas included in the evaluation are related to categories of standard building design criteria and systems needed the operations of a detention facility. Scoring of the 11 functional use areas and building elements were made on a scale of values from 0-3 as follows:

<b>Butte County Jail Building Assessment Ratings Scale</b>	
0 =	Very Inadequate
1 =	Inadequate
2 =	Adequate
3 =	Very Adequate

The methodology used in the facility evaluation process involved the collection, analysis, and assessment of the following data:

**Facility Survey and Evaluation Data**

§ **Facility Description:** Principal items of information gathered include the date of construction of the facility, total square footage, building configuration, construction type, and the physical arrangement of space. The number and rated bed capacity of each housing unit, security classifications of living units, and history of structural changes (i.e., additions, renovations, and remodeling) are also identified. Identifiable utility, water, sanitary, heating/ventilating/air conditioning (HVAC) and lighting elements for the building and other information about the institution's fire and life safety systems (fire sprinklers, fire alarms, smoke detectors) was also collected.

§ **Defined Functional Area Uses of Jail Facility:** The total gross square footage of the facility was calculated. Square footage space allocation measurements for 11 pre-defined FUA's were developed. These FUAs are categories of spaces grouped into a "title" that encompasses all the adjacent associated spaces. For instance, "Food Service" will contain the kitchen, scullery, food storage area, loading dock for kitchen, dining area, coolers, dry storage, bakery, and janitor's closet in food service only, walk-in coolers, dining room, and kitchen supervisor's office if in food service area, and toilets rooms if in food service area. Uniform definitions of the space included in each FUA were applied in the calculation of the space breakdowns. A comparative space utilization analysis was undertaken as part of the review of the

physical characteristics of each institution. The FUA's considered in the facility evaluation are those generic spaces found in detention type facilities. The 11 FUA's allow a facility containing numerous differing spaces to be categorized and compared, averaged, and described. The FUA's reviewed in the detention facilities are the following (1) Administration area, (2) Public/Lobby/Visiting, (3) Food Service, (4) Central Control Room, (5) Maintenance/Storage/Mechanical/Electrical, (6) Laundry, (7) Intake Processing/Release Area, (8) Medical, (9) Programs, (10) Housing/Dayrooms, and (11) Circulation.

§ **Standard Building and Design Criteria:** This review and assessment involved surveying the jail for (1) appropriate size and efficiency, expansion, capabilities, location and adjacencies of departments, (2) systems - HVAC, plumbing, electrical and lighting, (3) fire and life safety - fire sprinklers, smoke detectors, alarms and panels, doors, emergency lighting, fire resistive materials, furniture and equipment, (4) codes and standards including ADA standards, (5) maintenance - interior I exterior structure, systems, grounds, (6) site - landscaping, parking, handicapped access, walks, curbs, and drainage, (7) structure - exterior walls, roof, foundations, windows, doors, overhangs and chimneys, (8) infrastructure - interior walls, floors, ceilings, finishes, stairs, hand rails, locks, hardware, and flues, and (9) energy conservation - orientation, glazing, insulation, and shading. The review focused on the following areas and issues:

Detention Facility Survey and Evaluation Data	
Building Component	Condition
Roof	Leaks, bubbles, cracks, loose tiles
Exterior Walls	Cracks, condition of surface
Structure	Visible signs of structural problems; cracks in walls, floors or ceilings
Windows	Operate and lock properly, glazing, sealants
Doors	Operate and lock properly.
Interior: Floors	Condition of surface, cracks
Interior: Walls	Non-structural cracks, condition of surface
Interior: Ceilings	Cracks, condition of surface
Heating, Ventilation, and Air Conditioning	Operation, reliability, level of maintenance required / available
Plumbing	Operation, reliability, surfaces, level of maintenance required / available
Electrical System	Operation, reliability, safety, level of maintenance required / available
Lighting Systems	Operation, reliability, surfaces, level of maintenance required / available
Communications	Operation, reliability, surfaces, level of maintenance required / available
Security Equipment and Systems	Operation, reliability, surfaces, level of maintenance required / available
Physical Security Items	For locks, doors, windows, fences: Operation, reliability, surfaces, level of maintenance required / available
Fire Safety monitors and Fire Sprinklers	Operation, reliability, surfaces, level of maintenance required / available
Kitchen Equipment	Operation, reliability, surfaces, level of maintenance required / available
Site Paving	For parking and walks: paved or not, cracks, potholes, smooth for safety and handicap access
Outdoor Areas	Paved or not, cracks, potholes, smooth for safety and handicap access

§ **Quality of Systems:** Assessments of the current condition of the primary building elements and systems which support the Butte County Jail were also made. Judgments about systems considered a number of factors involving the quality of materials, reoccurring failures, operability, the ease or difficulty in getting parts or service, and how quickly a repair or upgrade may have been made.

§ **Quality of Existing Space:** A separate assessment and rating of the quality of the building and space was also undertaken. The ratings assigned to each space took into account factors including appropriates in (1) size, (2) efficiency / organization, (3) ability to expand, (4) circulation, (5) location, (6) adjacencies, and (7) level of privacy.

Overall conclusions about the adequacy of the detention facility and the space provisions focused on standard building and design criteria as well as the systems needed to support the operation of such a facility. Discussions with staff and their opinion of the space and building systems were also taken into account when evaluating a particular space or area. This information and analysis helped provide insight into several fundamental questions about the overall characteristics, continued use, and future expandability of the jail facility.

**Butte County Jail Functional Use Areas**

To determine the aggregate gross square footage in the Butte County Jail's building, measurements for each space were determined from drawings using AutoCAD. Gross square footage includes wall thickness, chases, structural columns, staircases, elevators, mezzanines, and shafts of all roof areas. Exterior room measurements were taken from the outside of the exterior wall to the centerline of the interior wall. Interior room measurements were taken from the centerline of walls. The individual rooms were placed in one of the 11 interior categories and then totaled. The total interior area of the Butte County Jail is 106,740 square feet.

In the following Table, measurements for each "functional use area" (FUA), or groups of spaces contained in one of the 11 interior space categories are summarized for comparison and assessment purposes. These functional use areas are typical categories of interior spaces found in most jails throughout California. The gross square footage, percent of indoor space, and the space available for each rated bed by functional use area is also shown in the following Table.

<b>Defined Space Allocations in the Butte County Jail</b>			
<b>Functional Use Area/Space</b>	<b>Gross Square Feet (GSF)</b>	<b>% of Total Square Footage</b>	<b>GSF/ Rated Detention Bed</b>
1. Administration Area	11,752	11.0%	19.1
2. Visiting/Lobby & Public Area	4,708	4.4%	7.7
3. Food Service	5,123	4.8%	8.3
4. Central Control Room	341	0.3%	0.6
5. Maintenance/Storage/Mechanical/Electrical	5,700	5.3%	9.3
6. Laundry	1,920	1.8%	3.1
7. Intake Processing/Release Area	4,004	3.8%	6.5
8. Medical/Mental Health/Dental	2,776	2.6%	4.5
9. Classrooms and Program Space	1,087	1.0%	1.8
10. Housing and Dayrooms	62,597	58.7%	102.0
11. Interior Circulation	6,732	6.3%	11.0
<b>Total (Interior) Jail Space</b>	<b>106,740</b>	<b>100.0%</b>	<b>173.9</b>
12. Vehicle Sallyport	2,614	11.3%	
13. Outdoor Circulation	1,242	5.4%	
14. Outdoor Recreation	17,962	77.9%	
15. Quasi-Outdoor Recreation	1,247	5.4%	
<b>Total (Exterior) Jail Space</b>	<b>23,065</b>	<b>100.0%</b>	
16. Non-Jail/Sheriff's Administration	20,683		
<b>Total Space</b>	<b>150,488</b>		

The review of the defined uses of space in the Jail showed that the facility contains **106,740** interior gross square feet. A total of **173.9 square feet** of interior facility space is available to support each of the 614 rated detention custody beds in the facility.

In order to better understand and identify space deficiencies in the Butte County Jail, the consultant team also used a summary breakdown for comparisons of the amount of interior square feet per rated inmate bed in each functional use area from a database originally developed by the Board of State and Community Corrections (BSCC). The database contains functional use area space allocations by rated bed capacity for 78 new generation adult jail facilities constructed with State bonds beginning in the early 90s. Information on seven (7) comparably-sized jail facilities included in this database was used for comparison purposes. Because very little has changed relating to jail design, this information allowed our consultant team to better understand space shortfalls and other deficiencies associated with the older Butte County Jail facility originally constructed in 1963 with a 1994 housing unit addition. The space breakdowns by interior functional use area for these comparison jail facilities are shown below. Each of the comparative jail facilities responds to new building designs, seismic regulations, and changes in minimum jail standards including other operational requirements resulting from numerous lawsuits filed in response to inmate overcrowding conditions which led to the construction of these comparably-sized county jail facilities.

Below is a comparison to the medium county jails included in the BSCC database with the Butte County Jail detention facility. **The information shows that the Butte County Jail contains 173.9 gross square feet of interior space per rated custody bed while the state-wide average of seven facilities is 462.0 square feet per bed. Based on this comparative data, the Butte County Jail contains less than one-half of the average gross square foot per inmate compared to newer facilities built in California with similar population levels.**

<b>Comparison of Butte County Jail Defined Interior Space Allocations With Other California County Medium-sized Jails</b>				
<b>Functional Use Area/Space</b>	<b>Butte County Jail</b>		<b>BSCC County Jail Database</b>	
	<b>Gross Square Feet (GSF) Per Bed</b>	<b>Percent (%) of GSF Per Bed</b>	<b>Average GSF Per Bed</b>	<b>Percent (%) of GSF Per Bed</b>
1. Administration Area	19.1	11.0%	31.4	6.8%
2. Visiting/Lobby & Public Area	7.7	4.4%	16.8	3.6%
3. Food Service Area	8.3	4.8%	8.4	1.8%
4. Central Control Room	0.6	0.3%	1.3	0.3%
5. Maintenance/Storage/Mechanical/Electrical	9.3	5.3%	35.6	7.7%
6. Laundry	3.1	1.8%	1.3	0.3%
7. Intake Processing/Release Area	6.5	3.8%	44.4	9.6%
8. Medical/Mental Health/Dental Care	4.5	2.6%	29.4	6.4%
9. Classrooms and Program Space	1.8	1.0%	15.4	33.3%
10. Housing and Dayrooms	102.0	58.7%	234.4	50.8%
11. Interior Circulation	11.0	6.3%	43.6	9.4%
<b>Total (Indoor) Jail Space</b>	<b>173.9</b>	<b>100.0%</b>	<b>462.0</b>	<b>100.0%</b>
	<b>Gross Sq. Ft.</b>		<b>Gross Sq. Ft.</b>	

**Jail Functional Use Area Space Allocations and Layout**

The Butte County Jail was originally constructed in 1963 (Main Jail) with both cells and dormitory housing settings. The West Facility addition was completed in 1994 as a response to higher classification levels of incoming inmates. Key inmate housing unit characteristics of the two facilities include:

- § The older **Main Jail** portion of the building has several rows of bar-front cells and dormitories accessed from central corridors in a linear design. Two 48-bed

dormitories are located in wings off the western side of the Main Jail with direct access to outdoor recreation space.

- § The **West Facility** has two tiers of cells and dormitories with a central dayroom in a podular design. The population is split between two housing units. One housing unit contains six dormitory-style custody units for medium-security classification inmates while the second contains six celled units for higher security inmates. The inmates in this facility are all male. The combination of settings allows for a flexible placement of pretrial and sentenced inmates that can adjust with fluctuating custody and security needs.



*View of Quasi-Outdoor Recreation Yard*

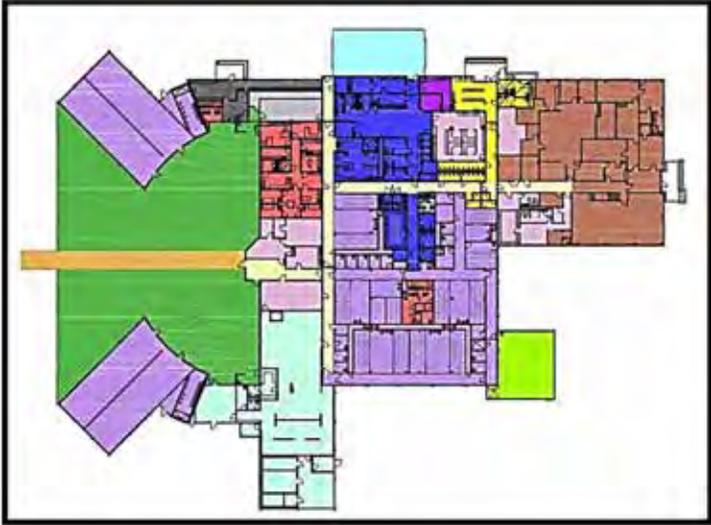
The detention facility is a full-service, Type II jail containing space for (a) vehicle sallyport, (b) Intake and release, (c) inmate housing and dayrooms, (d) visiting, (e) medical and mental health services, (f) inmate programs, (g) food services, (h) laundry, (i) visitor and staff circulation, (j) Central Control operations, (k) maintenance and storage, (l) outdoor recreation, and (m) jail administration. The total square footage per BSCC-rated inmate custody bed is highlighted in the Chart at the top of the following page.

The space allocation Chart shows that the Main Jail contains a total 36,938 interior custody space. The facility has an additional 16,300 square feet of exterior space that includes the jail's vehicle sallyport, outdoor recreation area, and general circulation. The West Facility, which contains tiered inmate housing, has 36,515 square feet on the first level and 20,132 square feet of interior space on the second level of the building. The West Facility also has 6,765 square feet of exterior space which includes the Court transportation sallyport and outdoor recreation yard. The jail system's East Facility has an additional

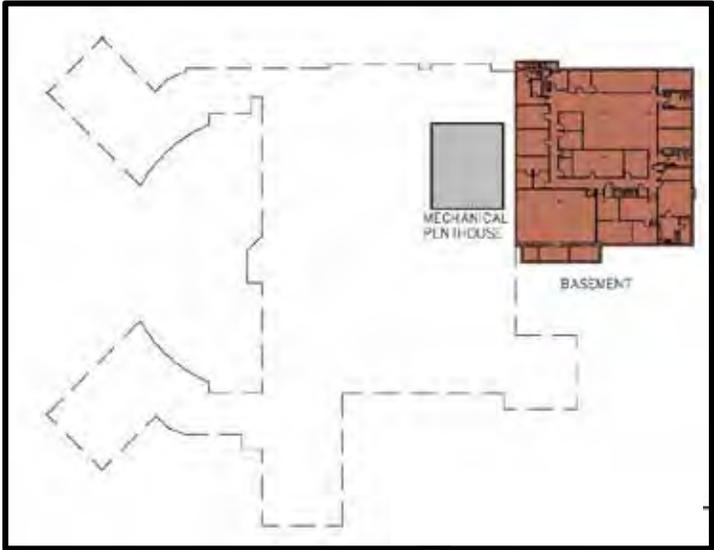
15,336 square feet of building space. The Butte County jail system, in total, contains 106,740 square feet of interior functional use area space which represents 173.9 square feet per rated inmate custody bed.

<b>Butte County Jail Space Allocation Chart Functional Use Area Square Footage</b>							
<b>Building/Space (Functional Use Area)</b>	<b>Main Jail</b>	<b>West Facility</b>	<b>East Facility</b>	<b>Ancillary Building</b>	<b>Total Square Feet</b>	<b>Butte County Square Foot Per Bed</b>	<b>(%) Percent</b>
1. Administration Area	3,696	382	7,674	-	11,752	19.1	9.1%
2. Visiting/Lobby/Public Area	1,455	3,253	-	-	4,708	7.7	3.6%
3. Food Service	5,123	-	-	-	5,123	8.3	3.9%
4. Central Control Room	341	-	-	-	341	0.6	0.3%
5. Maintenance / Storage / Mechanical / Electrical	2,449	-	3,251	-	5,700	9.3	4.4%
6. Laundry	775	-	1,145	-	1,920	3.1	1.5%
7. Intake Processing Area/Release	4,004	-	-	-	4,004	6.5	3.1%
8. Medical / Mental Health/Dental	2,416	360	-	-	2,776	4.5	2.1%
9. Classrooms & Program Space		1,087	-	-	1,087	1.8	0.8%
10. Housing & Dayrooms	14,341	48,256	-	-	62,597	102.0	48.2%
11. Interior Circulation	2,338	1,128	3,266	-	6,732	11.0	5.2%
<b>Subtotal Jail Interior Functional Area</b>	<b>36,938</b>	<b>56,647</b>	<b>15,336</b>	<b>0</b>	<b>106,740</b>	<b>173.9</b>	<b>82.2%</b>
12. Vehicle Sallyport	1,300	1,314	-	-	2,614	4.3	2.0%
13. Outdoor Circulation	1,242	-	-	-	1,242	2.0	1.0%
14. Outdoor Recreation	12,511	5,451	-	-	17,962	29.3	13.8%
15. Quasi-Outdoor Recreation	1,247	-	-	-	1,247	2.0	1.0%
<b>Subtotal Jail Exterior Functional Area</b>	<b>16,300</b>	<b>6,765</b>	<b>0</b>	<b>0</b>	<b>23,065</b>	<b>37.6</b>	<b>17.8%</b>
<b>TOTAL JAIL SPACE</b>	<b>53,238</b>	<b>63,412</b>	<b>15,336</b>	<b>0</b>	<b>129,805</b>	<b>211.5</b>	<b>100.0%</b>
16. Non-Jail - Sheriff's Administration	15,401	-	5,282	2,535	20,683		
<b>Subtotal Non-Jail Functional Area</b>	<b>15,401</b>	<b>0</b>	<b>5,282</b>	<b>2,535</b>	<b>20,683</b>		
<b>TOTAL</b>	<b>68,639</b>	<b>63,412</b>	<b>20,618</b>	<b>2,535</b>	<b>150,488</b>		

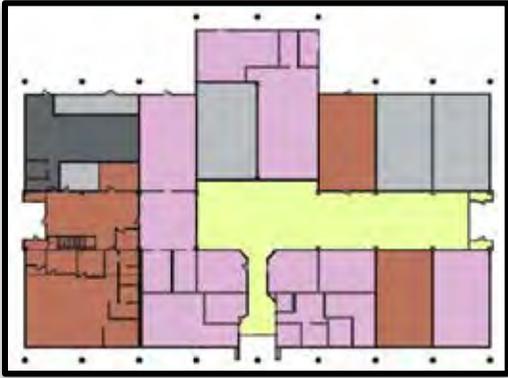
Diagrams of the jail buildings on the following pages indicate how space is used throughout the Butte County detention facility.



**Main Jail Layout –  
Ground Level**



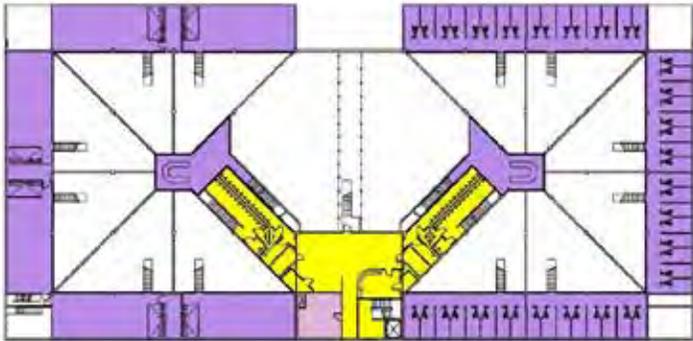
**Main Jail Layout –  
Basement**



**East Facility Layout**



**West Facility  
First Floor Layout**



**West Facility  
Second Floor Layout**

The facility assessment and evaluation information reported in this section focuses on a number of specific space and building elements the consultant team used to determine the continued usefulness and economic viability of each of the building's interior functional use areas including (1) configuration and intended security levels, (2) defined uses of the facility, (3) physical condition of the building elements, (4) quality of the space, (5) ability to achieve intended security and level of safety for staff and inmates, and (5) compliance with standards.

The conclusions about the adequacy of the jail's space provisions have also incorporated the evaluator's professional knowledge of standard building and design criteria as well as the systems needed to support the operation of an adult detention facility like Butte County's Jail. The evaluation of the physical plant was completed by a member of the consultant team who has been professionally involved in reviewing numerous detention facility designs throughout the State for the Board of State and Community Corrections (BSCC).

The Chart below represents a summary overview depicting the rating the consultants have made about each functional use area contained in the facility. The numbers 1 - 11 represents the interior functional use areas as follows: (1) Administration Area, (2) Visiting/Lobby/Public Area, (3) Food Service (4) Central Control Room, (5) Maintenance/Storage/Mechanical/Electrical (6) Laundry, (7) Intake Processing/Release Area, (8) Medical/Mental Health/Dental, (9) Classrooms and Program Space, (10) Housing & Dayrooms, and (11) Interior Circulation.

<b>BUTTE COUNTY JAIL FACILITY Building Space / Systems Quality Evaluation Ratings</b>												
<b>Building Systems / Elements</b>	<b>Evaluation Ratings / Functional Use Area</b>											
	1	2	3	4	5	6	7	8	9	10	11	Average
Space	1.0	0.5	3.0	0.5	0.5	3.0	1.0	0.5	0.5	1.5	1.5	1.2
HVAC	1.5	1.5	1.5	1.5	1.5	1.0	1.5	2.0	1.5	1.0	1.5	1.5
Plumbing	2.0	1.5	1.5	1.0	1.0	1.5	1.5	1.5	1.5	1.5	1.5	1.5
Electrical / Lighting	1.5	1.5	1.5	1.5	0.5	1.5	1.5	1.5	1.5	1.0	1.5	1.4
Noise Control	2.0	0.5	1.0	2.0	2.0	1.5	1.0	1.5	1.0	0.5	1.0	1.3
Fire Life Safety	2.0	0.5	0.5	2.0	0.5	0.0	2.0	2.0	0.5	0.5	0.5	1.0
Disabled / ADA	0.5	0.0	0.5	0.0	0.0	0.0	0.5	0.0	0.0	0.0	0.0	0.1
Structures	2.5	1.5	3.0	2.0	2.0	1.5	2.0	1.5	1.0	0.5	1.5	1.7
Security	2.0	1.5	1.5	2.0	1.5	0.5	1.5	0.5	1.0	0.0	0.5	1.0
Total	15.0	9.0	14.0	12.5	9.5	10.5	12.5	11.0	8.5	6.5	9.5	10.8
<b>Summary Space/ Systems Rating</b>	<b>1.7</b>	<b>1.0</b>	<b>1.6</b>	<b>1.4</b>	<b>1.1</b>	<b>1.2</b>	<b>1.4</b>	<b>1.2</b>	<b>0.9</b>	<b>0.7</b>	<b>1.1</b>	<b>1.2</b>

*Building/System Rating Scale: 0 – Very Inadequate, 1 – Inadequate, 2 – Adequate, 3 – Very Adequate.  
A dash (-) indicates the space or system does not exist for evaluation.*

*From the evaluation assessment that was completed of the Jail's space and building systems, the consultant team has assigned an overall score of 1.2 or "Inadequate" for the detention facility. As the Chart shows, the low rating has been assigned to all of the 11 interior functional use areas the consultants evaluated in the Needs Assessment Update. While the individual interior functional use areas have significant deficiencies, the Jail's overall structures, however, are seen as adequate. The remaining information in this section provides additional insight into the strengths and weaknesses the consultants have associated with each of the 11 key interior functional use areas contained in the Butte Type II Jail.*

## EVALUATION OF THE FUNCTIONAL USE AREAS IN THE BUTTE COUNTY JAIL

The following information contains a summary review of each of the 11 interior functional use areas contained at the Sheriff's adult detention jail facility.

### 1. Administration Area



**Administration Area:** The Administration space is usually the connecting hub of the Jail to the entire detention facility. It is the space where administrative staff are located including the Jail Commander, Supervisors, support staff, and clerical personnel. This area provides a buffer to the secure area of the Jail and non-secure functions involving management, public, and staff. This function is the primary response to the public concerning the inmates, process, laws, etc. The Jail's Administration space is essential to the staff operations of the detention facility. It is typically located outside of the secure perimeter which allows custody staff to prepare for their shift. The spaces may include: (1) briefing room, (2) training rooms, (3) locker room with showers, (4) assignment room, (5) CERT room, (6) armory, (7) offices, (8) staff conference room, (9) staff lunch room, (10) IT room, (11) storage room, (12) janitor closets, (13) restrooms, (14) records, and (15) public area.

**Existing Square Footage: 11,752**

**Summary Facility Evaluation Rating: 1.7 Inadequate**

#### Space Strengths:

§ The jail's break room is operating at capacity, but is adequate for the current staffing levels.

#### Space Deficiencies:

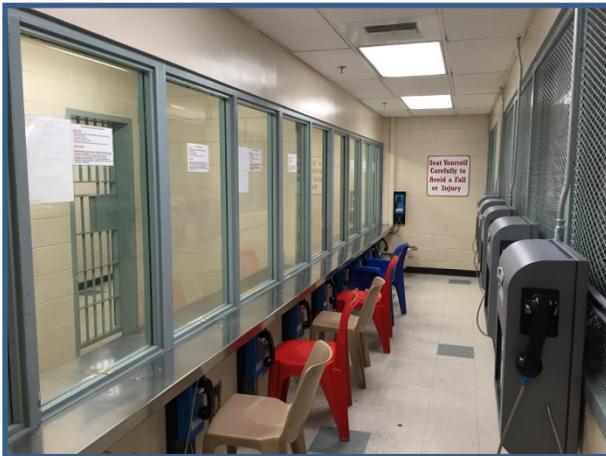
§ The Administration spaces are scattered throughout the facility wherever space can be found. The jail's Captain and Lieutenants are physically separated and cannot share clerical assistance.

§ The lack of quality meeting spaces within the jail forces staff to leave the facility and use the East Facility for this purpose. Additional briefing and conference rooms are needed for improved efficiency within the detention facility.

§ Due to scattered office locations, some of the managers are difficult to access and meet with. The separation of managers makes communication more difficult and shared clerical assistance is not possible.

- § There are no staff locker rooms with shower capability in the jail. This forces staff to wear uniforms to work and provides no space for storage of extra uniforms, required safety equipment, and issued equipment.
- § The jail lacks a workout room for staff to stay physically fit. Workout room space is typically provided in law enforcement and corrections facilities and has proven to improve staff morale and retention.
- § The current staff dining and break room space is small, but adequately meets the current needs. The staff dining area needs to be expanded as staffing levels increase.
- § The current inmate administration area is considerably small and inadequate for the current number of inmates. The area will be further impacted as the inmate population increases. The average square footage of seven similarly sized detention facilities in California is **31.4** square feet per inmate. The Butte County Jail has **19.1** square feet per inmate which is more than a third less space than other comparable jail facilities recently constructed throughout the State.

## 2. Visiting / Lobby & Public Area



**Inmate Visiting / Lobby / Public Space:** The public lobby is a staging area for the general public and other agencies wishing to interact with detention facility staff. Normally, this space is typically defined as a lobby area with public seating. This area may also include public toilets, water fountains, telephone, storage lockers, TV, staircases, and elevators to other floors. Visiting can take the form of contact or non-contact. Contact visiting means that there are no barriers between the inmate and visitor. Non-contact visiting usually means the presence of a security glass barrier between the inmate and visitor. Communication is conducted through a port in the glass or an electronic device such as a telephone. The latter type of visiting is usually implemented when a potential security risk exists, either from the family or inmate. Attorney visiting usually requires a sound-proof area where attorney-client privilege can be maintained.

The Main Jail Inmate Visiting Center is in an inconvenient location to the housing areas and is difficult to observe. Some face-to-face visiting is still being provided, but video visitation kiosks have been installed in a number of locations to replace the traditional visiting booths. Ten kiosks have been provided in the visiting room with an additional two additional kiosks located in the public lobby of the Main Jail. Two non-contact attorney visitation rooms are provided adjacent to these stations for confidential meetings. Currently, there is no appropriate location for court-ordered contact family visiting. These visits are typically held in one side of the attorney visitation rooms.

The West Facility provides 13 non-contact visiting stations on each of the two large inmate housing units in addition to contact visitation spaces and two confidential non-contact rooms for attorney visits.

Existing Square Footage: 4,708

Summary Facility Evaluation Rating: 1.0 Inadequate

#### Space Strengths:

- § Video visitation is provided in both the lobby and non-contact visitation areas of the facility.
- § An adequate numbers of non-contact visitation stations are provided in the jail.

#### Space Deficiencies:

- § Confidential inmate attorney space is limited and needs to be expanded.
- § The video visitation area in the public lobby is noisy for visitors.
- § Family reunification space is non-existent in the Main Jail and is limited in the West Facility.
- § The facility's public parking, path of travel, pulls, and reaches are non-ADA compliant.
- § There are no panels (baffles) separating visitors from either side.
- § No confidential contact visiting space provided for attorneys in main jail.
- § Current inmate visitation and public space is considerably small and inadequate for the number of inmates. The average square footage for visiting and public space for seven similarly-sized detention facilities in California is **16.8** square feet per inmate. The Butte County Jail has **7.7** square feet per inmate of public and visitation space, which is significantly less than other comparable Type II jail detention facilities.

### 3. Food Service



**Food Service:** Meals are required for inmates being detained during any scheduled meal time. The facility in which the meals are prepared and delivered is left to the discretion of the County and Sheriff's Office. In some counties, this function may be contracted with a private provider. Jail administrators and supervisors throughout the State have long believed that a meal that is adequate and tasty goes a long way in reducing the anxiety of those being detained. In the design of a typical kitchen, there is a prescribed order of preparation and activity areas. For instance, the baking area (for preparing breads, cakes, and cookies) may contain the ovens, reach-in refrigeration, floor-mounted mixer, bowl and paddle storage within close proximity to one another.

Other specific areas within a kitchen may include salad wash area, frying area, soups and sauces area, slicing area, sandwich make-up area, serving line and scullery, to name a few. Most designers will provide equipment and apparatus needed to support specific tasks within close proximity.

The Butte County Jail kitchen is located in the southwest portion of the original 1963 facility and provides meals for the entire jail. One cold meal (breakfast) and one hot meal (lunch) are prepared within this space daily. The County contracts with a vendor to provide one cold dinner meal per day. These dinner boxes are delivered weekly in one shipment via the delivery sallyport. The kitchen also prepares approximately 60 hot meals per day for jail staff.

Approximately six staff cooks and managers supervise the 14 inmate workers needed daily to prepare food, serve, and clean up in the kitchen. Hot and cold items prepared in the preparation and cook stations are panned up and placed in the bank of two-sided, reach-in warmers and coolers for hot meals while breakfast cold meals are bagged and loaded on carts with milks / juices and rolled into the refrigerator units. Pre-prepared box meals for dinner are loaded on carts and rolled into the other refrigerator for night meal service.

<b>Existing Square Footage: 5,123</b>	<b>Summary Facility Evaluation Rating: 1.6 Inadequate</b>
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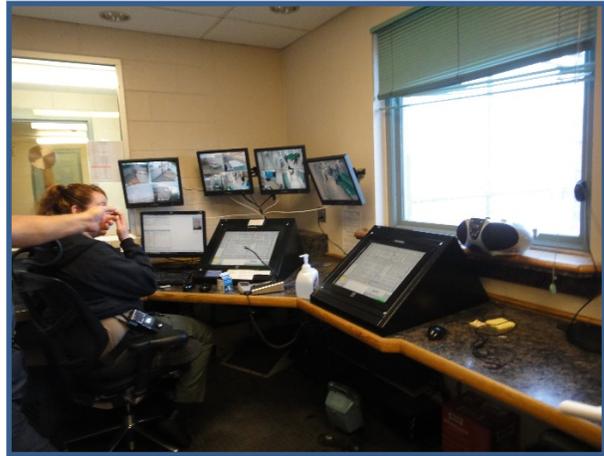
**Space Strengths:**

- § The current kitchen is well-designed and efficiently managed.
- § The original jail kitchen has been remodeled with a capacity to prepare 4,500 meals a day.
- § The kitchen area space is adequate for current inmate population levels.
- § The 1994 kitchen remodel project provided expanded space and relatively new equipment.

**Space Deficiencies:**

- § The food service area has no loading/unloading dock for trucks.
- § The kitchen lacks adequate space for food preparation equipment if the facility handles any additional inmate population.
- § The kitchen lacks adequate freezer and cold storage space for expanded inmate population.
- § The kitchen's delivery sallyport doors are double-magnetized and are highly inefficient for unloading deliveries.
- § Dry storage is at its maximum capacity for the current inmate population.
- § The kitchen equipment is often stored in the dry storage areas due to the lack of storage space.
- § The walk-in refrigerators are at maximum capacity for the current population.
- § Cart storage space in the kitchen is limited.
- § Much of the kitchen equipment is inoperative and has been cannibalized for parts.
- § The current kitchen is slightly under the average area for the number of inmates and will be further compounded by any future additional inmate population. The average square footage for kitchen space among seven similarly-sized detention facilities in California is **8.4** square feet per inmate. The Butte County Jail has **8.3** square feet per inmate.

#### 4. Central Control Room



**Central Control Room:** In new generation jails, the Central Control rooms perform the function of observing and controlling, by electronic means, including door controls, sallyports, communications, audio monitoring, video monitoring, access to the building and through the facility. This allows for a keyless facility. The Central Control space then becomes the “master key”, thus requiring the highest security in the facility. With a keyless system, the risk of obtaining staff keys for escape is eliminated. A well-designed Central Control room provides a high level of staff, public and inmate safety utilizing both direct visual and electronic equipment to observe, monitor, notify, and control essential areas of the building.

The original 1963 Central Control Room is situated to provide direct line-of-sight into the intake / release and visiting / public lobby area. However, the jail's main Control Room space is separated physically from a majority of the facility and housing. Central Control watches over entry (through sallyports and walking entrances) booking and Main Jail.

**Existing Square Footage: 341**

**Summary Facility Evaluation Rating: 1.4 Inadequate**

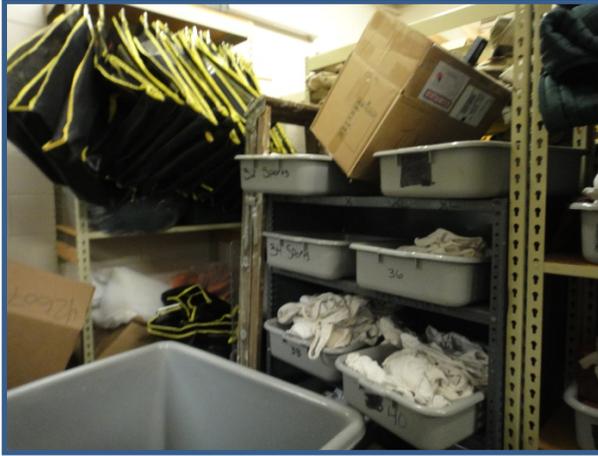
##### **Space Strengths:**

- § The jail's security and electronics system monitors were recently upgraded to touch-screen technology.
- § Each wing of the detention facility has autonomous control in case of an emergency in the Central Control Room.

##### **Space Deficiencies:**

- § The Central Control Room does not have a staff restroom.
- § The Control Room area is small and cramped.
- § The current Central Control Room is considerably small and inadequate for the inmate capacity of the jail. The average square footage of seven similarly-sized new generation detention facilities in California is **1.3** square feet per inmate. The Butte County Jail has **0.6** square feet per inmate for the Central Control function which is less than half the space in other comparable jail detention facilities.

## 5. Maintenance / Storage / Mechanical / Electrical



**Maintenance / Storage / Mechanical / Electrical:** This functional use area contains a number of spaces used primarily for storage and the location of utilities and janitor closets. This type of space exists in all county jails. This space could contain the heater / boiler room or electrical room and telephone closet. Storage space is extremely vital to the operations of the facility. In most cases, there is not enough storage space designed into a facility. In order to efficiently operate, the jail needs supplies and goods and a place to store them. The storage needs of a facility are directly proportional to the number of staff and inmates located in the facility. The location of the storage space is also very important. Supplies and goods need to be accessible and in the appropriate locations of the facility.

Miscellaneous storage and supply rooms are distributed throughout the Main Jail and West Facility. The large storage space for maintenance equipment and uniforms is located within the East Facility.

**Existing Square Footage: 5,700**

**Summary Facility Evaluation Rating: 1.1 Inadequate**

### Space Strengths:

§ General storage space is fairly ample within the East Facility.

### Space Deficiencies:

- § The storage spaces are small and spread throughout the Butte County Jail making them inefficient and disjointed.
- § Accessing East Facility storage means a staff member has to exit the secure area, leave the jail facility, and enter a second building in order to access supplies. This process is extremely inefficient and staff intensive.
- § The jail's kitchen and food supply storage is very undersized. Kitchen equipment is often stored in food areas due to lack of space.
- § The jail's inmate personal property storage space is currently operating at capacity for the population of detainees housed in the detention facility.
- § Overall, the current Inmate Maintenance / Storage / Mechanical / Electrical space is considerably small and inadequate for the number of inmates and will be further compounded by additional inmate population. The average square footage of seven similarly-sized new generation detention facilities in California is **35.6** square feet per inmate. The Butte County Jail only has **9.3** square feet per inmate which is approximately one-quarter of the area found in comparable-sized facilities.

## 6. Laundry



**Laundry:** The laundry area is often thought of as a key “infrastructure space” for the entire jail. The laundry provides for the complete sanitation of inmate’s clothing, bedding, towels, and other articles. This is a “day to day” task to maintain operational cleanliness standards. Normally when designed, the laundry is sized to support the largest projected jail population, including overcrowding. This provides for the optimum use of equipment and space. When the laundry requirements exceed the supported capacity, several steps can be taken including (a) the laundry operation hours can be extended (a burden to equipment and staffing), (b) the laundry space can be expanded and additional equipment added, and/or (c) laundering services can be solicited from an outside private vendor.

The Butte County Jail laundry is currently located outside the secure area within the East Facility. Nine dryers and six washing machines serve the needs for the entire jail system, running five days a week for half the day. Inmate workers currently assist with the laundry process.

**Existing Square Footage: 1,920**

**Summary Facility Evaluation Rating: 1.2 Inadequate**

### Space Strengths:

- § The jail’s nine washers and six dryers have more than enough capacity for current and projected inmate population counts.

### Space Deficiencies:

- § The laundry’s location is outside of secure area in East Facility. Moving inmate workers outside the secure area increases risk for the facility and brings about continuing contraband issues.
- § Clean and dirty laundry needs purpose-built storage within the facility. Currently, clean laundry is transported back from the East Facility and back to the Main Jail and stored in what used to be one of the jail’s visiting areas.
- § The jail’s current laundry space is more than adequate for the number of inmates. The average square footage of seven similarly-sized detention facilities in California is **1.3** square feet per inmate. The Butte County Jail has **3.1** square feet per inmate, more than double the average in similar jails.

## 7. Intake Processing/Release Area



**Intake Processing/Release Area:** This is the space or area where the inmates enter or leave the jail facility. More than likely, a police or sheriff's officer brings them in for booking. The detainee goes through a battery of processing steps. The detainee may be handcuffed at this time. The transition from law enforcement custody to the jail is a critical time in the booking process. This is the time when a detainee may act out or resist being incarcerated. The area needs to be designed to accommodate all types of individual security risks and should be of the highest security level. After the arresting officer leaves and the processing and I.D. is completed, the detainee is showered, given jail clothing in exchange for his or her own clothing, given bedding, a hygiene kit, and assigned to a custody cell. The spaces included in this functional use area may include (a) an officer report writing table, (b) holding cells for combative inmates or Court staging, (c) waiting area for the compliant, (d) fingerprint area, (e) photo booth, (f) shower and toilet room, (g) adjacent property storage, (h) inmate valuable storage area, (i) bedding and issue storage, (j) medical screening room, (k) interview room, (l) classification office, (m) booking staff office, (n) booking staff toilet, and (o) storage area for large items such as bikes, backpacks, bedrolls, etc.

The Butte County Jail's booking and intake area was remodeled in 1998. However, due to funding shortages, many needs could not be addressed at that time. Currently, there are two vehicle sallyports, one for intake and booking and one for transportation of inmates leaving the detention facility for Court or other location.

Existing Square Footage: 4,004

Summary Facility Evaluation Rating: 1.4 Inadequate

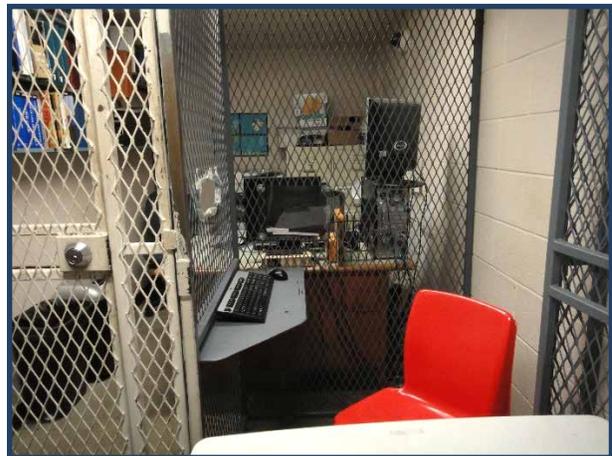
### Space Strengths:

- § The jail's booking area contains adequate space arresting officers to carry out their pre-booking activities at one of three workstations.
- § The intake inmate processing area contains four booking stations.
- § The jail's booking and release area is adjacent to the Central Control Room.

### Space Deficiencies:

- § The jail's intake vehicular sallyport is undersized for larger transport buses and lacks parking stalls.
- § The lack of space in the vehicle sallyport can delay patrol officers from returning to their patrol activities.
- § The vehicle sallyport is not covered for inclement weather.
- § The vehicle sallyport is highly visible and is adjacent to the public area.
- § Intake and booking areas are inadequately sized and do not have distinct ID and photo designated areas.
- § The jail's intake area has a shortage of specialized and standard holding cells. Currently, only two holding and sobering cells are located at intake.
- § The ceilings are too low in the sobering cells.
- § The intake space contains too few specialty and pre-booking holding cells for non-docile qualified arrestees.
- § Property storage at intake is functioning at maximum capacity.
- § The current intake / release area is considerably small and inadequate for the capacity of the jail. The average square footage of seven similarly-sized detention facilities in California is **44.4** square feet per inmate. The Butte County Jail has **6.5** square feet per inmate of intake, booking, and release space – nearly a seventh of the space found in other comparable jail detention facilities.

## 8. Medical / Mental Health / Dental





**Medical / Mental Health / Dental:** This functional use area is extremely critical to a county jail, a sheriff's office, and a county. This is where the medical, mental health, and dental screening for detainees occurs. The purpose of the screening is to identify, at a minimum, those individuals with chronic, acute, and communicable conditions, and those detainees who are alcohol or drug dependent and those with serious emotional disorders and dental needs. Screening these detainees before they are housed can insure against unnecessary aggravation of their medical, dental, or mental health conditions and can dramatically reduce the spread of infection to the rest of the inmate population. The Board of State and Community Corrections (BSCC) has established specific guidelines for the facility's health care administrator to follow. Many small counties contract this service out to a local medical group. However, when health care services are delivered within a jail facility, staff, space, equipment, supplies, materials, and resource manuals must be adequate for the level of care provided at the detention facility. At a minimum, the facility must have a medical exam room of no less than 144 square feet and it must contain lockable medical supply storage and cold/hot water. Title 15 Minimum Jail Standards also responds to a wide range of rules and procedures for medical, mental health, and dental health care for detained individuals.

The Butte County Jail's medical and mental health space is currently located in the Main Jail. This space was remodeled in 1998 by using the original gymnasium and vacating an old linear housing area. The area was increased to provide professional quarters and to meet more of the specialized medical needs at the time. Renovations, however, were limited by funding and all requests could not be met. There are three medical beds in this space and no true mental health observation beds. A dental station is provided within the medical area. No waiting area is provided in this space.

<b>Existing Square Footage: 2,776</b>	<b>Summary Facility Evaluation Rating: 1.2 Inadequate</b>
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**Space Strengths:**

- § The Medical Program Manager's space is adequate.
- § Tele-med services are currently being used by the health care professional staff.
- § Dental services, although limited are provided at the jail.

**Space Deficiencies:**

- § The three medical cells with anteroom (negative pressure) are located in a space not easily supervised or utilized by medical staff. This is a concern when housing ill or injured inmates. These cells are often used for non-medical inmate segregation.

- § The medical unit has no true secure waiting area for inmates. They must wait in an open area between the main hallway and the medical receptionist/nurses station where they can hear staff conversations and have access to non-secured items. This is a security and privacy concern.
- § The nurses' station is not located in such a manner as to provide for efficient work production or infirmary supervision.
- § There is no centralized medical correctional officer station for observing the safety of the staff and the movement of inmates.
- § With the exception of the Medical Program Manager, offices for professional staff are lacking.
- § There is lack of space for medical supplies storage.
- § There is no inmate shower or toilet inmates can use.
- § Space for dirty and clean clothing is lacking (disease control).
- § The medical records storage space is inadequate for both current and archived files.
- § There is no office or quiet room for visiting medical or mental health officials to confidentially dictate medical information.
- § The narrow hallway in the infirmary must also serve as a work/copier location.
- § The medical area lacks space for the medical carts and, as a result, they are located in the hallway.
- § There is a lack of mental health suicide prevention cells in the infirmary.
- § There is no safety cell in the booking area or the infirmary.
- § The medical unit lacks a pharmacy storage room for prescription medications.
- § The jail needs more interview rooms for medical and mental health staff to use.
- § The jail lacks program space at the housing units for health education programs.
- § Current inmate medical space is considerably small and inadequate for the number of inmates and will be further compounded by additional inmate population. The average square foot per inmate of seven similarly sized detention facilities in California is **29.4** square feet. The Butte County Jail has just **4.5** square feet of medical space.

## 9. Classrooms and Program Space



**Classrooms and Program Space:** Operationally, in addition to classroom space, a jail needs to have dedicated program space which can accommodate small and larger group counseling sessions and treatment programming for incarcerated inmate populations. In recent years, California sheriff's departments have begun training staff and working collaboratively with qualified treatment providers who are experienced in providing evidence-based cognitive behavioral rehabilitative programming to adult offenders. These programs have demonstrated that when properly directed to high-risk offenders, they

can reduce long-term recidivism rates. Jails throughout California are working to bring these programs into the detention environment in an effort to reduce recidivism rates among the incarcerated populations. These program areas need to be large enough to accommodate one-on-one, face-to-face counseling sessions, group orientations, and follow-up structured counseling for 12 – 15 participants.

With the implementation of AB 109 in October 2011, more (N3), Post-Release Community Supervision (PRCS) offenders, flash incarceration probationers, and pre- and post-revocation parolees are serving longer sentences in the Butte County Jail. As a result of AB 109, it is the Sheriff's Department's intent to maximize the availability of programs for inmates. Programs are currently provided to inmates that are both in custody and out of custody. The Alternative Custody Supervision (ACS) and Day Reporting Center (DRC) provide innovative evidence based programs. Existing programs and services offered include the following:

- § Moral Reconciliation Therapy (MRT)
- § Anger Management: Coping with Anger
- § Substance Abuse: Staying Quit – Relapse Prevention
- § Parenting/Family Value
- § Theft/Something for Nothing
- § Bob's Pancake Wagon
- § Online GED Program
- § Job Search and Job Readiness (Alliance for Workforce Development)
- § College Readiness Class
- § Narcotics Anonymous
- § Butte County Mentoring Program
- § Library Literacy Program
- § Road Crew
- § Paradise Fire Safe Council

<b>Existing Square Footage: 1,087</b>	<b>Summary Facility Evaluation Rating: 0.9 Very Inadequate</b>
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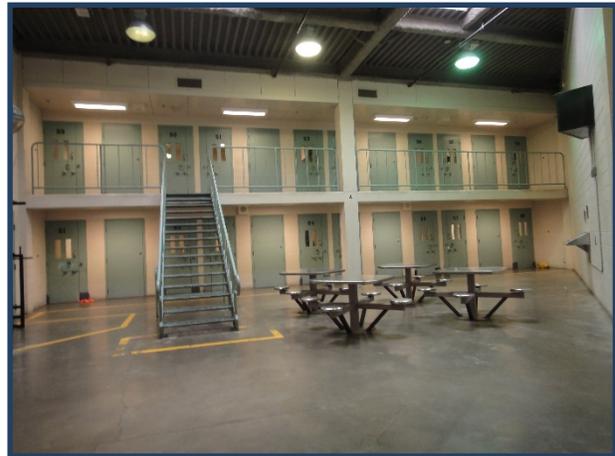
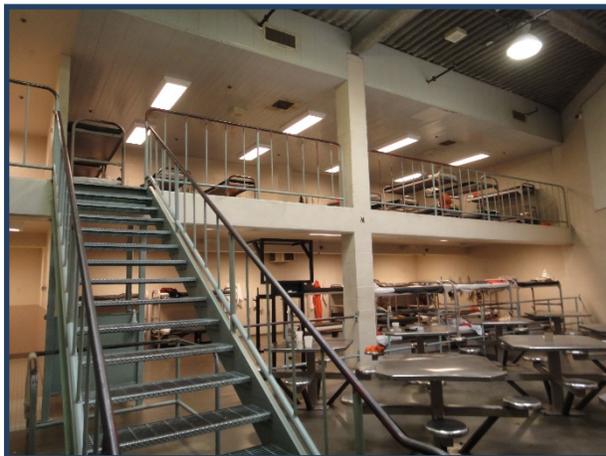
**Space Strengths:**

- § The jail's West Facility program space is relatively new (photo above left).

**Space Deficiencies:**

- § No program space exists at the housing units in the Main Jail.
- § Programming space that is available at the West Facility is limited. One room is shared by over 400 inmates in the West Facility.
- § The jail will not be able to significantly expand evidence-based counseling services and specialized treatment to the inmate population without additional dedicated classroom and program spaces.
- § The current amount of programming space is considerably small and inadequate for the number of inmates. The average square footage of seven similarly-sized detention facilities in California is **15.4** square feet per inmate. The Butte County Jail has just **1.8** square feet per inmate of programming space. In an era where evidence-based programming is seen as the key to rehabilitation, this is a huge disparity.

## 10. Housing and Dayrooms



**Housing and Dayrooms:** County jails typically will contain housing units which can accommodate male / female detainees classified as having maximum, medium, and minimum security risk levels. Housing units can be configured to include single- and multiple-occupancy cells and dormitory beds / bunks. Adjacent dayroom space is an area where detainees can conduct passive and active activities such as TV, board games, reading, etc. If a housing unit is locked from the dayroom, then the cells and sleeping rooms are required to contain a toilet.

The Butte County Jail inmate custody housing is divided into two main groups including (a) linear housing units, and (b) podular tiered housing configurations. The West Facility has two tiers of cells and dormitories with a central dayroom in a new generation podular design configuration. The older original Main Jail has several rows of cells and dormitories accessed from central corridors with detached dayrooms in a linear design. It also contains two wings that break off the Main Jail, each with a 48-bed male dormitory and exterior yard. Other characteristics of the inmate housing contained in the detention facility include:

- § **1963 Main Jail Inmate Housing:** The custody housing is arranged in a linear design which consists of a combination of small dormitories and cells of various sizes accessed off two main corridors as well as two large male dormitories. Dayrooms are centralized between two smaller dormitories and, in some cases, are nonexistent for inmates housed in cells. Women are housed within the single cells and smaller dormitory spaces. A single 1,200 SF exterior yard is located off this area for single-

celled female inmates to use in inclement weather; all others use the outdoor yards adjacent to the 48-man dorms. Rover or floor officers supervise this portion of the facility with random cell checks no less than once an hour.

- § **1994 West Facility Inmate Housing Addition:** The custody housing is podular design. There are two housing units within this more modern addition. Both units are two-tiered with a central dayroom. One has six dormitory-style units and the other has six celled units for a combined total of 416 inmates. Two exterior yards are located off these units for use by all 416 inmates. All inmates are male and are primarily pre-sentenced, have a hold, or are or have been classified as dangerous.

<b>Existing Square Footage: 62,597</b>	<b>Summary Facility Evaluation Rating: 0.7 Very Inadequate</b>
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**Space Strengths:**

- § The West Facility housing units are relatively new and contain some ADA-accessible housing.
- § West Facility contains some programming space for male inmates.
- § The range of cells and dormitories within the West Facility allows for more flexible placement of inmates.

**Space Deficiencies:**

- § The original 1963 Main Jail housing units are difficult to observe given the geometry of the space and bar fronts.
- § The older Main Jail housing units are non-ADA compliant.
- § The older toilet rooms in the Main Jail are non-ADA compliant.
- § The housing units in the Main Jail have no acoustic material for noise control.
- § The Main Jail's bar cell fronts are not only a suicide risk, but are unsafe for staff and other inmates passing by.
- § The Main Jail's old housing unit hallways are too narrow.
- § There is an inability to adequately supervise inmates in the older housing units due to the outdated linear design layout.
- § The older units generally present unsafe conditions for staff, service providers, and other inmates due to open bar fronts.
- § There are poor sightlines throughout Main Jail.
- § There are difficult sightlines in the West Facility to the outdoor recreation areas.
- § The jail's housing units lack services, recreation, and program space that is directly and easily accessible to individual unit populations.
- § There is a lack of outdoor exercise areas in the detention facility. There is currently only one exercise area per large housing unit that is shared which causes difficulty with inmate classifications being moved by other groups, scheduling, and lack concurrent recreation activities.
- § The jail's Housing unit's infrastructure is worn and is in need of replacement, particularly in the Main Jail (i.e., roof, plumbing, mechanical, electrical).
- § The older housing units do not meet today's building seismic codes.
- § Current inmate housing and dayrooms are considerably small and inadequate for the number of inmates and will be further compounded by additional inmate population.
- § The square footage per inmate of seven similarly-sized detention facilities in California is **234.4** square feet per inmate. The Butte County Jail has **102** square feet per inmate which is less than half of what is typically provided in new generation, tiered, podular designed jail facilities. This is because the 1963 housing units contain less space per inmate as compared to today because of the "grandfathering" of older standards. The large disparity can be attributed to today's standards relating to larger

dayrooms, cells, more showers, janitor closets, pill room, inmate storage, and ADA standards regarding wider hallways and sallyports.

## 11. Interior Circulation



**Interior Circulation:** Circulation space exists in all detention facilities. It is this space that allows an individual to move from one functional use area to another. In the case of many detention facilities, there are three basic types of circulation including (a) public circulation, (b) private circulation, and (c) secure circulation. In public circulation, anyone has access until encountered by a locked door. Private circulation is maintained for jail custody personnel or selected individuals. This circulation is usually controlled by locked doors and special keys or card locks. In some cases, I.D. badges and visitor passes may be required. In secure circulation, all access is verified and controlled through the use of cameras and intercoms. Doors are electronically opened after satisfactory verification of the person(s) requesting passage. Some circulation areas will require an escort. I.D. badges are usually required. This is referred to as a “keyless” system. Title 15 does not address detention facility circulation. Title 24 indicates that corridors in housing units must be at least six - eight feet wide.

Circulation may be interior or exterior and the Butte County Jail includes both of these. For the purposes of this evaluation, only the interior circulation is addressed.

The Butte County Main Jail has narrow corridors that do not meet current codes. The West Facility has a more efficient podular layout, requiring fewer corridors to access more spaces. The vehicle sallyport is open chain-link and uncovered, adjacent to visitors' path of travel.

**Existing Square Footage: 6,732  
(Interior Circulation Only)**

**Summary Facility Evaluation Rating: 1.1 Inadequate**

### Space Strengths:

§ The West Facility has efficient wide corridors.

### Space Deficiencies:

§ The Main jail corridors are narrow.

§ The Main Jail interior circulation contains open bar fronts. Very little privacy or modesty is attainable in this space which houses women.

§ Due to the Main Jail facility's layout and poor circulation paths, most inmates must pass by women in open bar front cells.

- § Sight lines within the Main Jail's corridors are poor.
- § Circulation spaces in the Main Jail often serve dual purposes due to lack of space within the facility including refuse storage.
- § The jail's vehicle sallyport is uncovered with open chain-link fencing leaving this space open to security threats from the public as well as contraband.
- § The square footage of interior circulation for seven similarly-sized detention facilities in California is **43.6** square feet per inmate. The Butte County Jail has **11.0** square feet per inmate which is a quarter of what is typically provided. More efficient facilities can have lower averages, but this number is likely driven in part by the narrow corridors.

## Building Elements and System Summary Evaluation

Assessments of the current condition of the primary building elements and systems which support the Butte County Jail were also made. Judgments about these systems considered a number of factors involving the quality of materials, reoccurring failures, inoperability, the ease or difficulty in getting parts or service, and how quickly a repair or upgrade may have been made. The building systems which were examined included: (1) HVAC, (2) plumbing, (3) electrical/lighting, (4) noise control, (5) fire and life safety, (6) handicapped accessibility (ADA), (7) structure, and (8) security. Summary building system's strengths and deficiencies include the following:

### **Jail Building / System Strengths:**

- § The jail's geographical location is within a County Complex housing other County services including the Probation Department and the Administration Office.
- § An HVAC is provided throughout entire facility.
- § The building structure is predominantly concrete block and poured concrete which shows no major signs of structural failure or wear requiring maintenance.

### **Jail Building / System Deficiencies:**

- § The jail's location lacks direct access from the facility to the Courts requiring inefficient and unsafe vehicle transport of prisoners.
- § Very few Americans with Disabilities (ADA) accommodations are in place at the Butte County Jail for staff, inmates, and the public. This includes a lack of accessible accommodations for inmate housing, inmate programs, toilet rooms and showers, visitor toilet rooms, signage, path-of-travel, and parking, as well as general non-custody staff accommodations. Handrails have been added in some locations in an attempt to make areas more handicapped-friendly. Most pulls, reaches, and fixtures are not ADA-compliant.
- § No cell doors are large enough in either the Main Jail or the West Facility to accommodate wheelchair entry.
- § A majority of the Main Jail's space lacks a fire sprinkler system.
- § There is no smoke evacuation system in the West Facility.
- § Heating is not sufficient on coldest days. Small space heaters are utilized on cold days throughout the Main Jail as well as extra blankets for inmates.
- § The building's plumbing chases are aged and have incandescent lighting.
- § The boiler room above the Main Jail frequently leaks.
- § Outlets were added to the administration area after the building was completed by way of external conduit including electrical, phone lines, etc.
- § The flat roof structure contains mechanical units and wire penetrations. Roof penetrations often leak. The facility has been reroofed over the years but continues to have leak problems every winter.

- § With the exception of the small area remodeled in 1998 around intake, all facility doors are still hard-keyed. This means doors cannot be controlled remotely which poses a potential safety risk.
- § The spray-on acoustic insulation in West Facility is not noticeably effective. Space in the West Facility is still quite loud.
- § The Main Jail housing units with open bar fronts are highly noisy environments.

An evaluation and scoring of the systems at the Butte County Jail are represented in the Table below from worst to best. At the top of the list (lowest score) is ADA (Americans with Disabilities Act). There has been some attempt to respond to this population, however, it falls short of meeting the ADA recommended standards for inmates, staff, and the public. The consultant team believes the best score for the jail can be assigned to the structure. Roof leaks are an issue, but these could be addressed with roof replacement if needed. Currently, the average rating of all 9 systems comes to just **1.2**, which is far below adequate.

Butte County Jail Facility	
System	Ranking
Space	1.2
HVAC	1.5
Plumbing	1.5
Electrical/Lighting	1.4
Noise Control	1.3
Fire Life Safety	1.0
Handicapped Accessibility (ADA)	0.1
Structure	1.7
Security	1.0
<i>Building/System Rating Scale:            0 – Very Inadequate, 1 – Inadequate,            2 – Adequate, 3 – Very Adequate.</i>	

**Butte County Jail Site and Civil Engineering Assessment**

As part of the planning process, the consultant team looked at facility siting and expansion options for the Butte County Jail. Site topography, the existing drainage channel, and the existing paved parking areas are site conditions which should be considered when siting the jail expansion. Significant earthwork and drainage improvements would be required in order to site the jail expansion to the south or west of the existing West Facility. The analysis showed the following:

**Southern Expansion Option.** Siting the proposed jail expansion south of the existing West Facility would require significant grading based on the steep existing terrain and numerous drainage channels in this area. In addition to extensive grading and drainage improvements, retaining walls would be required to accommodate a new facility. Expanding to the south should not be considered as an alternative for the proposed jail expansion due to the costs associated with earthwork, retaining wall, and drainage improvements.

**Western Expansion Option.** Siting the jail expansion west of the existing West Facility would require removal and replacement of the existing drainage channel and additional site grading in order to provide a level building pad suitable for the type of proposed construction. Constructing a new facility in this area would likely involve over-excavation of the existing channel down to suitable native material and then backfilling the excavation in short lifts (typically 6-8”). The depth and width of the existing channel varies by location although it is consistently 8 feet wide at the bottom and a minimum depth of 2 feet (typically deeper due to the adjacent terrain) with 2:1 side slopes up to adjacent existing grade. Backfilling a portion of the channel would require several

hundred yards of competent fill material. A soils analysis should be prepared under the supervision of a licensed Geotechnical Engineer in order to determine the suitability of existing soils for use as competent fill material. It is possible that excavation of a replacement channel and grading required for establishing a new building pad would provide enough material for backfilling the existing channel. Proper backfilling and compaction of the fill material within the existing channel would be critical to minimizing potential building settlement. Expanding to the west is a viable alternative for the proposed jail expansion, but could require substantial site work.

**Northern Expansion Option.** Siting the jail expansion north of the existing Main Jail is the most feasible alternative from a site selection standpoint. This location creates the most compact design option, and provides staff and inmates with the closest proximity to central support services. Earthwork quantities should be significantly less when compared to expanding to the west or south of the existing West Facility. However, this option would require removal and relocation of the existing Evidence Storage building.

The site is also more easily accessed from existing paved roads and is an optimal location for construction staging and equipment storage due to the existing paved surface of the North Parking Area. The new facility will be located on a portion of the existing parking lot. A new parking lot will be provided on the East side of the facility to replace the lost spaces. The existing parking lot by the Sheriff's Administration will be restriped to gain additional public parking spaces. There may be an opportunity to utilize removed AC pavement as a source for recycled base and/or AC pavement material for new parking areas or restoration of the Main Parking Area. Generating recycled materials for use on site would reduce disposal costs as well as new base and/or AC pavement material costs.

#### **Site Utilities**

Utility services provided for the existing facilities are adequate and appear in good working order based on site observations, discussions with maintenance staff, and discussions with regional utility service providers.

Maintenance staff indicated that the sewer pump station located northeast of the West Facility is nearly at capacity. A cursory review of the system indicates that the existing pumps are likely the limiting factor. Maintenance staff also indicated that the existing pumps are not grinder pumps and tend to clog several times per week. This requires maintenance staff to physically switch the pump(s) to reverse flow in order to clear the clog. Replacing the pumps with grinder pumps with increased discharge capabilities would likely remedy the capacity and clogging issues being experienced currently. A detailed system analysis should be performed based on proposed inmate/growth models to determine system capacity versus future demand. Based on assumed inflow rates of 150 gallons per inmate per day, it is unlikely that upsizing of the existing 6" force main would be necessary to accommodate increased flows associated with the facility expansion. Pump sizing would likely remain the limiting factor for future growth and should be evaluated in detail for inmate population projections.

Rerouting of the discharge force main piping from the lift station would not be necessary to accommodate jail expansion to the west or north. However, the gravity main running from the existing East Facility towards Main Jail and the North Parking Area (east to west flow) would need to be relocated if the jail facilities are expanded to the north. Based on a cursory review of existing invert elevations, there is adequate elevation difference to re-route the gravity main to the north around the proposed expansion.

Based on several conversations with Thermalito Water and Sewer District staff and review of existing utility documents, water service capacity and pressure will not be an issue for the jail facility expansion. The existing water main running from east to west between the Main Jail and the North Parking Area would need to be re-routed so that it is not running under the jail expansion.

Storm drainage improvements would be required for the facility expansion to account for increased runoff generated by expanded impervious surfaces on the site. Sizing of storm water improvements will depend on the final design of the facility and additional parking area. There may be opportunities to decrease storm water runoff if low impact development measures are implemented in the expansion design.

The capacity of gas, electrical, phone, and cable utilities were not evaluated for the purposes of this report. However, service is currently provided to the Butte County Correctional Facilities and it is anticipated that services could be extended/expanded to accommodate a facility expansion. Service requests would need to be filed with the appropriate utility provider in order to start this process.

### **Parking Area Pavement**

Asphalt concrete (AC) pavement conditions around the Main Jail and the East Facility vary in quality and remaining life expectancy. The Main Parking Area between the Main Jail and East Facility is generally in poor condition. Drive aisles in the Main Parking Area should be removed and replaced as extensive alligator cracking is evident and several potholes have developed. AC pavement within the parking spaces is in fair condition but a grind and overlay would be beneficial in preserving the overall structural section for several years. The Circulation Roads and North Parking Area of the Main Jail are in good condition with minimal cracking evident. Crack sealing and application of a surface treatment would be beneficial in prolonging the life expectancy of these paved surfaces but should be a secondary consideration to the facility expansion efforts.

## **Overall Conclusions**

As an overall conclusion based on the Building Space / Systems Quality Evaluation Ratings Chart included in the beginning of this section, the following functional use areas have been identified as highly deficient: (1) Housing and Dayrooms, (2) Classrooms and Program Space, (3) Medical/Mental Health/Dental, and (4) Intake processing/Release Area. Overall each of the following functional use areas are highly deficient in space as compared to the 7 facilities in the consultant's database. This is because much of the facility and its infrastructure is of the 1963 era, when there were very few jail standards to be met. Today, modern custody standards have emerged along with the space needed to manage jail facilities while providing safety to staff, inmates, and the public. A summary recap of the deficiencies is as follows:

1. **Housing and Dayrooms** – The jail's older inmate housing space is overcrowded with more bunk space than dayroom space. The rooms are too small for the custody population. The rooms are also difficult to observe and supervise because of their layout and geometry. Butte County is one of the few remaining counties in California that are still using these types of facilities.
2. **Classrooms and Program Space** – Dedicated space to provide inmates with evidence-based programs is key to rehabilitation and reduction in recidivism. However, the existing Main Jail has no space specifically allocated for inmate programming and the West Facility shares only one programming room for over 400 inmates.
3. **Medical/Mental Health/Dental** – The medical/clinical spaces are undersized and inefficient. Spaces are not consolidated which makes this function staff-intensive; increasing the cost to the County. The clinic lacks appropriate waiting areas, ADA-compliance and acoustic privacy. Appropriate housing specifically designed for inmates with medical and/or mental health treatment program needs is not available.

4. **Intake Processing/Release Area** – The existing Intake Processing/Release area is inadequate and undersized. Inmate holding is not designed to allow for adequate separation of inmates with varying security needs. The organization of space is inefficient for staff. In addition, the Intake Processing /Release area is bisected by a corridor which is the primary East/West circulation pathway through the jail.
  
5. **Space Deficiencies** – In all but one functional use area at the Butte County Jail, the space is less than that of a typical detention facility built today. The square foot deficiencies for most functional use areas fall in a range from 60.8% (Administration area) down to just 11.7% (Classrooms and Program Space) of the BSCC average. The two areas that are near or above average space are food services and laundry. This is due to the a 1993 remodel of the kitchen in the Main Jail as well as space provided for the laundry in the East Facility for the laundry (although that location is problematic since it is not physically connected to the Mail Jail). Overall, the Butte County Jail has only 37.6% the amount of space as other newer facilities with similar population.

<b>Summary Space Comparison Between the Butte County Jail and Board of State and Community Corrections (BSCC) Database Showing Seven Comparably-Sized Constructed Jail Facilities in California (Sorted in order of "FUNCTIONAL USE AREA")</b>			
Functional Use Area	Butte Co. SF / Bed	BSCC Average SF / Bed	Butte Space as % of Average
1. Administration Area	19.1	31.4	60.8%
2. Visiting / Lobby / Public Area	7.7	16.8	45.8%
3. Food Service	8.3	8.4	98.8%
4. Central Control Room	0.6	1.3	46.2%
5. Maintenance / Storage / Mechanical / Electrical	9.3	35.6	26.1%
6. Laundry	3.1	1.3	238.5%
7. Intake Processing/Release Area	6.5	44.4	14.6%
8. Medical/ Mental Health / Dental	4.5	29.4	15.3%
9. Classrooms and Program Space	1.8	15.4	11.7%
10. Housing and Dayrooms	102.0	234.4	43.5%
11. Interior Circulation	11.0	43.6	25.2%
<b>Jail Interior Functional Use Areas</b>	<b>173.8</b>	<b>462.1</b>	<b>37.6%</b>

Source: Board of State and Community Corrections (BSCC) Database of county jail facilities constructed between 1986 and 2013.

In the Table on the following page, the functional use areas are sorted by the greatest deficiency, or need (column on the far right). The functional use listed at the top of the chart has the greatest deficiency (lowest % of average), as compared with the average space provided in other jails included in the BSCC database. The functional use listed at the bottom of the chart indicates a function that has space in excess of the comparison jails in the BSCC database.

**Summary Space Comparison Between Butte County Jail  
and Board of State and Community Corrections (BSCC)  
Showing Seven Comparably-Sized Constructed Jail Facilities in California  
(Sorted in order of “% OF AVERAGE” compared to database.)**

Functional Use Area	Butte Co. SF / Bed	BSCC Average SF / Bed	Butte Space as % of Average
9. Classrooms and Program Space	1.8	15.4	11.7%
7. Intake Processing Area / Release	6.5	44.4	14.6%
8. Medical / Mental Health / Dental	4.5	29.4	15.3%
11. Interior Circulation	11.0	43.6	25.2%
5. Maintenance / Storage / Mechanical / Electrical	9.3	35.6	26.1%
10. Housing and Dayrooms	102.0	234.4	43.5%
2. Visiting / Lobby / Public Area	7.7	16.8	45.8%
4. Central Control Room	0.6	1.3	46.2%
1. Administration Area	19.1	31.4	60.8%
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6. Laundry	3.1	1.3	238.5%
<b>Jail Interior Functional Areas</b>	<b>173.8</b>	<b>462.1</b>	<b>37.6%</b>

Source: Board of State and Community Corrections (BSCC) Database of county jail facilities constructed between 1986 and 2013.

## SECTION 7: JAIL FACILITY CONSTRUCTION PLAN

### Butte County Jail Needs Assessment Update

#### Guidelines for Development of the Butte County Jail



*Existing Vehicle Sallyport*

Butte County's jail facility, located at 33 County Center Drive, Oroville, California, is 52 years old and has a Board of State and Community Corrections (BSCC) rated capacity for 614 inmates and houses both pretrial and sentenced offenders.

The implementation of the AB 109 Realignment Act initiated in October 2011 is having a major and significant impact on Butte's jail because of the (1) large numbers of convicted felony defendants who previously would have been given State Prison sentences, (2) the longer length of sentences for these new locally incarcerated offenders, and (3) the jail's lack of space for inmate programs and services that must be provided for the growing population of these longer term inmates.

AB 109 Realignment encourages all California counties, including Butte, to create, develop, and implement inmate assessment processes, treatment, and other service programs including drug / alcohol treatment, mental health services, life skills development, cognitive behavioral counseling, and other State-recognized programming that, when made available to these offender populations, can reduce recidivism. AB 109 also fundamentally acknowledges that counties are better positioned to integrate these public health and social services as part of offender reentry in ways that the State cannot. Most counties, including Butte, however, need to construct additional or replacement housing with appropriately designed space for these types of programs / services and bed capacity that will accommodate reentry programming for offenders completing sentences and transitioning back to the community.

Between 2011-14, the County jail has processed 3,061 AB 109 Realignment Act inmates. A total of 919 (30.0%) have been County Prison offenders (N3) sentenced to local custody. Another 582 (19.0%) have been Post-Release Community Supervision (PRCS) offenders booked on a PC3454(c) flash incarceration. A total of 601 (19.6%) have been PRCS offenders booked with a new local charge and 959 individuals (31.3%) were booked on a PC 3056 parole violation. On a snapshot taken on June 28, 2015, 9.3% (55) of the jail's inmate population are AB 109 sentenced offenders and 120 (75.5%) of the Sheriff's Office's Alternative Custody Supervision (ACS) Programs active supervision caseload are County Prison (N3) AB 109 sentenced offenders.

In recognition of the lack of appropriate programming space and other bed capacity needs counties are confronting because of AB 109, the State is making available through SB 863 legislation jail construction funding grants up to \$40 million for medium-sized counties including Butte. In order to compete for the SB 863 construction funding, Butte County has prepared this comprehensive Jail Needs Assessment Update and are developing a detailed proposal that will be submitted for funding evaluation and consideration by the Board of State and Community Corrections (BSCC) on August 28, 2015.

The Needs Assessment work has involved the collection and review of current and historical data trends on bookings/arrests, types of inmates, length of stay, and types of services currently provided in the jail. The Assessment also focused on identifying the overall impact AB 109 is having on jail operations and longer term effect on pretrial and sentenced average daily inmate population (ADP) levels. The Assessment also evaluated the jail facility's physical plant / environment with respect to the types and sizes of functional areas, housing and support areas, and administration space, etc. in order to provide a document that defines these areas and presents potential areas of improvement.

The Assessment has also examined and defined the current jail operational model / philosophy for managing different types of inmates, including longer term AB 109 (N3) offenders, movement of inmates within the facility, to and from Courts, offender classifications, programs, etc. and has identified potential areas of improvement. The resulting information highlighted in this section of the Needs Assessment Update responds to the available SB 863 construction requirements with cost-effective recommendations to meet the projected AB 109 and other future inmate custody housing requirements.

The Sheriff's Office's Corrections Division and planning consultants have also explored many different detention options for adding future inmate custody housing and services. Through these discussions, several basic philosophies and guidelines have emerged as the foundation for all future jail planning and construction including facilities to address the changing custody requirements associated with longer term male and female sentenced inmates. These guidelines are summarized in the following:

### **Butte County Jail Construction Guidelines**

- § Perimeter Security – Facilities should be constructed to provide maximum security at the building perimeter with layered security zones within the envelope of the facility. Interior construction should be consistent with the security needs of each functional use area.
- § Podular Tiered Housing Design – The housing units should meet standard podular design criteria. That is a “wheel and spoke” layout concept in a 270 degree pattern. The housing units should contain two tiers, with single, double-occupancy, or dormitory housing configurations permitted on two tiers. The housing units should be sized to allow the optimum number of inmates while maintaining a high degree of classification separation. The entire housing unit should be observable from any location within the housing module and contain no blind spots.
- § Direct / Indirect Supervision – The housing units should be operated as direct supervision, where the housing unit officer is in immediate contact with inmates. A back-up observation station should be provided to allow inmate supervision during the sleeping hours and when shift deployments are reduced.
- § Centralized Services – Each housing unit will allow the following activities or services to occur: dining, laundry room (for clothing issue), programs and education, interviews, medical exams, janitorial, food staging area, and security entrance (sallyport). Visiting needs further exploration. There have been numerous discussions regarding the change in philosophy regarding visiting. The discussions have focused on the use of video visiting, which many other counties have adopted.
- § Flexible Reentry Housing Unit – The County jail facility should have a full security range of housing units ranging from minimum to maximum security. With the shift which is occurring under the AB 109 Realignment Act which is bringing significantly more multi-year sentenced male and female felony inmates to county jail's additional specialized reentry housing that can provide a greater degree of flexibility particularly as inmates are about to begin transitioning from the jail to the community is desirable. The reentry housing provides a “step down,” short-term custody environment for this population of detainees and also gives a greater degree of flexibility for managing custody populations across the various security levels.
- § State-of-the-Art Security Systems – Incorporate state-of-the-art security control systems that have proven their value and are now “tried and true” systems, thus minimizing breakdowns and failures.

- § Staff / Public / Inmate Separation – Maintain to the extent possible separation of the staff / public and inmate in circulation areas, lobbies, drives, and outdoor parking to assure the safe operations of the Jail.
- § Central Control Point – Overall security management of the jail facilities should be maintained by a Central Control station. Eventually, existing control rooms in the Butte jail should be integrated into one main Central Control Room. This station should be responsible for the entire safe and secure movement of staff, inmates, and the public movement through all perimeters within the facility and grounds. This secure station should be in a remote area that is inaccessible to inmates, visitors, and away from high traffic areas. Other functions that can be served by the main Central Control are housing intercoms / camera monitors, staff duress alarms, radio transmissions, and a fire alarm notification system.
- § ADA Compliance – Every room and space within the jail should comply with American With Disabilities Act (ADA) standards.
- § Video Visitation – Cameras and monitors shall be installed in every housing unit to allow video visitation for the inmates. This is a trend that is developing nationwide to allow families to visit from locations closer to their residence.
- § Detention Administration and Staff Areas – The facility should provide appropriate custody staff space to accommodate staff briefings, conferences, training, breaks, meals, showers, toilets, and lockers. This space should provide staff privacy and relaxation away from other jail facility activities.

## SB 863 Adult Local Criminal Justice Facilities Construction

This Jail Needs Assessment Update was undertaken in response to the SB 863 Local Criminal Justice Facilities Construction Funding Program requirements. The requirements call for counties to develop and submit a current Comprehensive Jail Needs Assessment Report or Updated Study if jurisdictions are requesting replacement and/or expansion of their existing adult detention facility. This Needs Assessment Update highlights adult crime trends, County jail inmate ADP trends, and major findings associated with the Facility Assessment and Evaluation Survey process undertaken as part of the County's process in developing a construction grant request.

The information collected and analyzed in the Jail Needs Assessment Update has demonstrated a major need for new replacement custody beds and programming / services space at the Butte County Jail detention facility located in Oroville, California. In establishing the schedule of construction recommendations, the consultants are mindful that most counties, including Butte, do not have sufficient fiscal resources to build adult jail facilities without significant State financial assistance. It is important to understand that the construction recommendations reported here can take from 3 – 5 years from the point of grant award to occupancy. The time-phased sequence also was based on the anticipated timing of the BSCC County Jail Construction Grant Funding cycle contained in the recently enacted SB 863 Adult Local Criminal Justice Facilities Construction Funding Program.

On June 20, 2014, the Adult Local Criminal Justice Facilities Construction Funding Program under Senate Bill 863 became law. Under the legislation, \$500 million in adult detention facility construction funding through State lease revenue bonds administered by the BSCC was established. In order to complete the legislation, BSCC has appointed a ten member Executive Steering Committee composed of County Sheriffs, Chief Probation Officers, non-profit community-based organizations, and BSCC Board members to develop a competitive Request for Proposals (RFP) process for determining construction funding awards for SB 863.

The Committee's draft RFP was to be reviewed and approved by the BSCC Board on June 12, 2015. Under the provisions of the RFP, a total of 15 large urban counties (population of 700,000 plus) can compete for \$240 million in construction funding for the expansion, renovation or construction of local youthful offender rehabilitative facilities. The remaining \$260 million in SB 863 funding is being set aside for medium and small county construction projects. ***The maximum amount a medium-sized county can apply for is \$40 million.***

Completed project proposals are due to BSCC no later than 5:00 PM on August 28, 2015. The construction facility funds awarded to counties will be administered by the State Public Works Board (SPWB) from the issuance of leased revenue bonds. This financing mechanism requires the SPWB to hold ownership interest of the constructed facilities subject to the bonds being sold and paid off (25 – 35 years). The SPWB will lease the constructed adult facilities to the California Department of Corrections and Rehabilitation (CDCR), which will in turn, sub-lease the jail facilities to the participating county for their use and operation during the period of bond indebtedness. Once the bonds are repaid, the facility ownership will then transfer back to the participating county.

Counties that receive construction funding are responsible for the (a) site acquisition, (b) CEQA environmental process, (c) design, (d) construction, (e) staffing, (f) operation, (g) ongoing maintenance and repair of the facility, and (h) any other terms and conditions in the CDCR / participating county agreement. Counties receiving construction funding have the obligation to complete the proposed construction project within the agreed upon timelines, building codes and standards, and established construction budget. Counties are also responsible to fully staff and operate the facility within 90 days after the completion of construction.

County construction projects must be substantially complete within three years after the participating county issues a Notice to Proceed beginning the construction process at the approved building site. It is currently anticipated that counties selected for funding through this RFP process will be issued a conditional Intent to Award letter by the BSCC sometime in early 2016. Counties awarded construction funding are not responsible for debt service or rent payments to the State. Medium-sized counties like Butte must provide a minimum of 10.0% cash match for the construction grants. The cash match contribution is limited to County costs incurred for CEQA documents, architectural fees, construction management fees, state agency fees, audit, needs assessment, transition planning and additional building construction costs above the grant award.

The purpose of the SB 863 funding program is to support the rehabilitation, programming and service needs of adult offenders at the local community level. Counties may apply for and receive State funds to build new, or expand/renovate existing county facilities. Construction funding may also be used for free-standing buildings (i.e., not in or adjacent to existing county facilities) so long as the county will be the owner and the buildings are designed and constructed to comply with applicable fire and life safety and Title 24 Physical Plant Standards. Thus, for example, construction funding may be used for non-secure or non-residential facilities, subject to the approval of the SPWB, for the purpose of a broad array of rehabilitative or treatment programs providing these facilities comply with Title 15 regulations and the county has and maintains administrative oversight should the county choose to contract operational and program services to private providers. Counties may not build for future capacity beyond the year 2019.

For new facility projects, counties must ensure that the construction plans include all necessary ancillary space to enable the proposed facility to comply with operational, fire/life safety, and physical plant standards contained in Titles 15 and 24 (e.g., dayrooms, education classrooms, dining, recreation, medical exam, visiting, attorney visitation, and mental health conferences) as directed by the BSCC. Ancillary space paid for, in whole or in part, with State funds and/or county matching funds must be reasonable and necessary for facility operations, including administrative support space and rehabilitative program space.

Utilizing the Needs Assessment Update, the following recommendations have been developed that respond to both housing and infrastructure needs for two housing units and program space at the Butte County Jail. The recommendations are grouped in separate time-phased scheduling sequences that

reflect the current BSCC Jail Construction SB 863 funding process. ***As required, SB 863 will only fund detention bed space needs through 2019. Long-term future bed space projections cannot be included in this funding source.***

## Jail Construction Estimated Costs

Because jail facilities are some of the most expensive buildings to construct, the consultants examined a number of factors to determine the likely probable cost (in 2015 dollars) for the SB 863 jail construction and jail infrastructure projects included in the time-phased schedule of construction recommendations outlined in this report. Refinement of the estimates in this section needs to occur throughout the programming and architectural process. The consultants based the costs on general square footages that were derived through the following means: (1) discussions with staff regarding space needs; (2) hypothetical scenarios; (3) typical spaces found in jail facilities; (4) field trips to other detention facilities; (5) past practices; (6) current acceptable functional use areas / spaces utilized in the existing facility; and (7) State Minimum Jail Standards.

The consultants also looked at (1) available information for recently bid detention facilities, and (2) Means Estimating Guide for Jail Construction. The resulting estimated Statement of Probable Costs are summarized under each construction recommendation and the costs are grouped into two categories covering construction related and project related costs. The construction related costs reflect costs that are submitted by the general contractor at bid time, and the project related costs are those non-general contractor related expenses paid by the owner. The factors that make up the Statement of Probable Costs in each category included the following items:

### Jail - Construction Related Costs

- § Escalation - Since it is unknown when California BSCC state jail construction financing funds will be granted and when the County will be ready to bid, a factor recognizing a least a year from this date was provided.
- § Design Contingency – Since there is no design at this time, a factor is provided for unknown size and space needs, based on the complexity of the space.
- § Contractor's Overhead & Profit / General Conditions – A factor for the contractor's overhead and profit including General Conditions are also identifies.

### Jail - Project Related Costs

- § Construction Contingency of 5% - These funds are intended for change orders, either owner or contractor initiated. These funds may not be spent.
- § Architect / Engineers Fees – This fee varies depending on the complexity and number of specialty consultants employed by the architect. For jail design-type of work, in addition to typical engineering: (1) a security hardware consultant; (2) security electronics engineer; and (3) a food service consultant may be employed.
- § Building Construction Management and Inspection – The costs include individuals or firms contracted for building inspection, materials testing, special inspections, construction administration / management (CM), and other project management duties.
- § Miscellaneous – This is a placeholder cost for building permit fees, duplication costs, special inspections, geotechnical, and other incidental costs.

The Statement of Probable Costs assigned to each recommendation also includes an allowance for movable furniture, fixtures, and equipment (FF&Es) required for the construction project.

**Phased Butte County Jail Construction Recommendations**

Based on the facility gaps identified in the Needs Assessment project, the following recommendations have been developed that will respond to both inmate housing and infrastructure needs. The recommendations are grouped in three separate time-phased scheduling sequences that reflect the current BSCC jail construction SB 863 funding process. The recommendations are summarized in a matrix format that lists the Statement of Probable Construction Costs identified for the proposed project.

The Consultants are mindful that most counties, including Butte, do not have sufficient fiscal resources to build jail facilities without significant State financial assistance. As a result, a priority objective of the **Phase I** BSCC Senate Bill 863 Adult Local Criminal Justice Facility Construction Funding will not only address selected major facility infrastructure and deficiencies and shortfalls, but will alleviate the impact the AB 109 Realignment Act is currently having on the County Jail. It is important to understand that the construction recommendations reported here can take three to five years from the point programming begins to occupancy. This has been taken into consideration when the schedule for each recommendation was set. The time-phased sequence also was based on the anticipated timing of California BSCC jail construction grant funding cycles. The **Phase II** immediate and short-term listing of other jail projects called for within 1 – 7 years has been structured to address remaining jail infrastructure building gaps.

For the BSCC Senate Bill 863 proposed construction project, a summary line-item budget cost estimate has been prepared and included at the end of the Phase I recommendation project narrative. A detailed description of the scope of work and estimate of both construction and 3-page estimated project costs is included in the Appendix. The construction costs that are identified include factors for (a) escalation, (b) design contingency, and (c) contractor’s overhead, profit, and general conditions. The identified “loaded” project costs include items involving the (a) construction contingency, (b) architectural and engineering consultant services, (c) building inspection and materials testing, (d) construction management, and (e) other miscellaneous fees / costs that will be required for the proposed construction project.

**Butte County Sheriff’s Office Corrections Division**

Recommendation	Scope of Work	Probable Construction Cost
<b>Phase I: Senate Bill 863 Programming &amp; Jail Construction Project</b>		
<b>Board of State and Community Corrections (BSCC) SB 863 Jail Construction Funding</b>		
<b>Recommendation #1</b>	<b>SB 863 –New Housing Unit and Intake Facility</b> - Program, design and construct a new stand-alone housing unit north of the existing jail intake. The new housing unit will include: inmate program areas, medical and mental health treatment beds and services, replacement beds, an intake area, and support spaces.	\$44,445,000
<b>Recommendation #2</b>	<b>SB 863 – New Secure Parking lot</b> – Program, design and construct a New 26 space secure parking lot for jail and Sheriff’s staff.	Included in Recommendation #1

Phase II: Short-term Programming and Jail Construction (Within 1 – 7 Years)		
Other Butte County Capital Construction Funding Sources		
<b>Recommendation #3</b>	<b>New Video Visitation Facility</b> - Program, design and construct a new video visitation facility adjacent to the East Facility.	To be determined
<b>Recommendation #4</b>	<b>Relocate Existing Evidence Storage Building</b> - Program, design and construct a new evidence storage building and yard in vacant land adjacent to the East Facility.	To be determined
<b>Recommendation #5</b>	<b>Security Electronic Upgrades</b> - Assess, develop program and repair/upgrade all security electronics, control panels, cameras, and head-in equipment, to provide a functional security electronic system. <sup>1</sup>	To be determined
<b>Recommendation #6</b>	<b>Security Hardware</b> – Assess and repair/replace all security locking devices essential to the jail operations. <sup>1</sup>	To be determined
<b>Recommendation #7</b>	<b>Deferred Maintenance</b> – Assess and repair/replace essential systems to maintain the effectiveness of the jail operations. The maintenance will include HVAC, roof, life safety, and other miscellaneous identified projects. <sup>1</sup>	To be determined
Phase III: Long-Term Programming and Jail Construction (Within 8 - 15 Years)		
Other Butte County Capital Construction Funding Sources		
<b>Recommendation #8</b>	<b>Relocate Sheriff's Administration</b> – Program, design and construct a new Sheriff's Administration and 911 dispatch building.	To be determined
<b>Recommendation #9</b>	<b>Kitchen and Laundry Remodel</b> – Program, design and construct a remodel of the existing food-service kitchen and laundry facilities.	To be determined

1. The Statement of Probable Costs shown in the recommendation matrix include both construction and project-related costs for Recommendation #1. The remodeling projects will require other non-state funding sources because they will not qualify for BSCC funding through SB 863 legislation.

### Scope and Areas to Be Improved With SB 863 Jail Construction Project

The Needs Assessment Project has identified several deficiencies which need to be corrected at the Butte County Jail which are priorities of Butte County's SB 863 funding application. The consultants have specifically identified the need to (1) add program and treatment rooms/spaces, (2) expand services for medical and mental health treatment and counseling, (3) provide medical and mental health beds, (4) provide adequate staff areas for clinical and programming staff (5) replace substandard linear housing, and (6) replace the functionally inadequate intake area. A new building with the amenities listed above will be the first phase in the phased demolition and replacement of an antiquated, non-compliant jail facility.

The AB 109 Realignment Act has resulted in additional multi-year sentenced felony inmates in the County jail system. The Butte County Jail is, therefore, overcrowded and lacks adequate beds, a means to separate distinct populations, and space for rehabilitative programs.

The jail lacks adequate medical and dental exam rooms, mental health services, office space for treatment staff, and treatment space to facilitate evidence based programs that are necessary to reduce

recidivism. Currently there is a small medical unit with only three cells. There is one pod dedicated for inmates with mental health disorders but that pod was not designed specifically for mental health treatment and lacks adequate space for programming and staff support area.

In addition to the lack of rooms and spaces for treatment and programming, movement of inmates to treatment spaces inside the jail is challenged due to the poor state of the existing jail and its circulation system. A portion of this circulation system bisects in the intake area, traveling between the booking area and the shower and property storage area. This has the potential to mix sterile inmates with new arrestees. Another portion of the jail circulation is an exterior covered walkway connecting the original jail with the newer, West Facility; but that corridor bypasses exterior yards and detached dormitories creating a security risk. Because the vehicle sallyport of the existing intake is too small, inmates awaiting transfer to court or other institutions must queue in this exterior corridor near a second make-shift sallyport between old and new wings of the jail. This creates a great deal of congestion and a lack of security along this corridor (the main thoroughfare between sections of the jail). This combined with open barred cells along other portions of the circulation system prevents movement of inmates to programs.

The existing female housing is linear with barred cell fronts in a mix of single cells and dormitories. Some of this housing affronts the primary circulation corridors and creates a lack of modesty for the female inmates as visitors and staff pass by. These cells do not have fire sprinklers, often lack a second required exit, and fail to provide adequate dayroom and yard space. These open cell fronts also pose a security, contraband, and health risk because they are along the primary path for people, food, laundry, and other supplies.

The existing intake, which can accommodate only two patrol vehicles in a single lane, is in the oldest portion of the jail. This building is non-compliant and cannot be modified without a significant upgrade in infrastructure which will include the introduction of fire sprinklers, fire walls, corridors, door openings, and an accessible path of travel. A renovation of the existing intake area is not economically feasible nor would it be compliant by current code requirements.

The proposed project would be a separate, stand-alone facility which connects into the existing corridor system. However, because future plans include the phased demolition and replacement of the oldest portion of the jail, a new intake must be included as part of this project. A new intake would also solve other challenges facing the Butte County Jail. The new intake would include a large sallyport which would accommodate a bus for court transfers and up to five patrol vehicles. The new intake would also provide enough holding cells to adequately separate the various populations of inmates who are being processed as well as provide for two safety cells, none are currently provided. Finally, the new intake would no longer be bisected by the main circulation through the jail.

A new housing unit would provide two dedicated medical/mental health treatment pods with 18 beds each, flanking program rooms and treatment staff spaces. These special housing units can be enhanced with a new clinic area (which serves the entire facility), and includes a medical and dental exam room, as well as treatment staff offices located between the medical/mental health unit and the new intake. The new housing unit can also provide necessary programming space for inmates, located directly in the units to ensure services can be provided to inmates regardless of the circulation challenges in the old jail. New construction would replace the existing linear, bar front cells with four modern housing pods with cells and/or dormitories on tiers totaling 96 beds.

The construction of a new specialized housing unit fulfills a critical need of the Butte County jail and it provides a safe, highly structured and service focused custody environment where inmates of all security classifications can receive services and participate in evidence based programs.

Whereas the specific needs align with the funding criteria contained in SB 863, the consultant team is recommending that the Sheriff's Office apply for State funding which would enable the County to address these critical space needs within its jail system. The consultants, in conjunction with jail staff, have explored strategies to improve the secure operations and conditions at the Butte County facility on multiple fronts. The proposed project will provide:

- (a) Additional program and treatment rooms/spaces.
- (b) Two medical and mental health pods.
- (c) A new clinic with medical and dental exam rooms.
- (d) Support space for clinical and program staff.
- (e) Four housing pods to replace substandard linear housing, provide the required dayroom and yard space, and provide dedicated and shared program spaces accessible directly from each pod.
- (f) A new intake area and vehicle sallyport.

The SB 863 jail expansion project be the new “heart” of the Butte County Jail. It will facilitate the phased replacement of the existing, archaic facility and allow the Butte County jail to transform into a state-of-the-art facility that is safe, secure and efficient; and will allow for the addition of program spaces and treatment services that reduces recidivism and supports rehabilitation.

***(See Appendix G: Preliminary Jail Programming and Space Allocations For the SB 863 Project)***

### ***Phase I: Senate Bill 863 Programming and Jail Construction Project***

The following narrative describes the key elements and programming associated with each recommendation the consultant team and Sheriff’s Office believes should be included in a funding application prepared and submitted to the Board of State and Community Corrections (BSCC) for SB 863 Jail Construction funding.

***Recommendation #1: SB 863 New Housing Unit and Intake Facility*** - Program, design and construct a new stand-alone housing unit north of the existing jail intake. The new housing unit would include:

#### *Medical and Mental Health Treatment*

1. Two 18-bed medical/mental health units, primarily single bed cells but with three double cells in each unit which will be used to reintegrate inmates to general population. These units include dayrooms space and dedicated recreation yards so that these beds can be considered board rated. The pods flank a central staff area which has direct visibility into the dayrooms and yards. These staff areas include direct observation custody stations, nurse stations, a medication room, two interview program rooms, a group program room, safety cells, and clean and soiled utility rooms. The interview rooms and the group room will be accessible from dayrooms and the staff area- and visible from the custody station.
2. A medical clinic will be located between the medical/mental health units and intake. It will be located along the main inmate circulation so that it is also accessible to inmates in the rest of the jail facility. This clinic will include two small holding rooms with toilets. An exam room and dental exam rooms will flank a pair of holding cells. Staff areas will support workstations, a private office, a copy/work area, and a pharmacy/lab space.

#### *Housing and Dayrooms*

3. Four 24-person bed pods will replace 96 beds in the linear style, non-sprinklered, jail with barred cell fronts. These new replacement beds will serve a diverse range of classifications, designed to be sensitive to the needs of a female population as well as inmates with mental health disorders. The units will accommodate medium and maximum security inmates in a mix of double-cells

and dormitories in tiered pods. Two pairs of pods will flank two shared classrooms which could accommodate 16 inmates each. These shared classrooms will have direct access from the dayrooms of these pods. All four pods will also have dedicated program/interview rooms as well as access to dedicated yards. Cells/dormitories will be served by rear plumbing chases. The resulting design will maximize the time that inmates can be out of their cells receiving treatment, programs, and recreation. The flexible design accommodates an over-watch custody control station as well as infrastructure that will allow for direct supervision of pods if staffing allows.

#### Intake Processing and Release

4. A new intake area will provide a large, secure sallyport which will accommodate a full size bus and up to five patrol cars or vans. The pre-book area will provide two officer stations, an officer toilet, and emergency shower, a cash collection machine, an exam/triage room, and infrastructure for a property packaging unit. The holding area will provide a variety of cells including two safety cells, five single cells, four sobering cells, and four group cells. One of each type of cell will be disabled accessible. Instead of benches, 30" wide platforms at least 6'-4" long will be provided which can support a mattress. A docile waiting area will provide seating in the open, but visible from booking stations. Two ADA toilets will be provided for arrestees in the docile waiting area. Two attorney interview booths along with a secure public lobby will be provided for visiting attorneys. Four booking stations will be centered in the Intake department. Pre-trial workstations will also be located within the booking staff area. Staging, showers, and sterile holding are also provided.

#### Central Control

5. A secure central control will be located on the tier level. The Central Control will have direct visual control into the four standard housing units. The Control station will have views into dayrooms, large program/classrooms, and yards. They will also be able to see the doors into cells, dormitories, small program rooms, showers, and janitor's closets. Central Control will also have control over the existing facility via CCTV monitoring.

#### Program Rooms

6. The program rooms are different sizes to accommodate a variety of programs and services which include group therapy, educational instruction, religious services, etc. A partial list of planned programs includes:

Cognitive Behavioral Therapy classes and other specialized supporting services which address identified individual needs including:

- § Moral Reconciliation Therapy (MRT)
- § Coping with Anger
- § Staying Quit: Relapse Prevention
- § Parenting and Family Values
- § Something For Nothing: Theft Awareness
- § Taking the High Road: Drug Education
- § Breaking the Chains of Trauma
- § Online GED Program
- § Job Readiness
- § College Readiness
- § Narcotics Anonymous
- § Community Impact Mentoring Program
- § Library Literacy Program

- § Computer Literacy
- § Craving Identification Management (CIM)
- § Seeking Safety / Healthy Relationships (Catalyst DV Services) for men and women
- § Methamphetamine Presentation (Meth Strike Force)
- § Child Support Services
- § Department of Employment and Social Services
- § The Perils of Drug Abuse Presentation (Drug Endangered Children)
- § Sexually Transmitted Diseases Class (Butte County Public Health)

**Recommendation #2: SB 863 New Secure Parking Lot:** Design and construct a new parking lot and renovate portions of the existing lot. A new parking lot will replace the parking located where the proposed building is placed. This will provide secure parking for staff vehicles. The existing parking lot east of the Sheriff’s Office will provide the most convenient parking for visitors. That lot will be re-stripped and a portion will be re-graded to provide for the required ADA parking stalls.

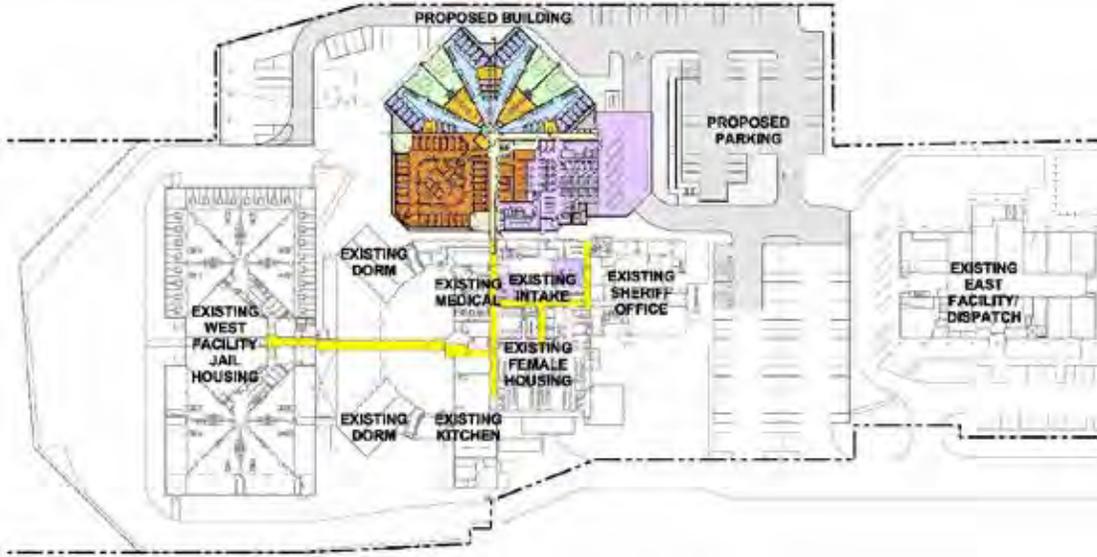
The following Table provides a summary cost estimate of the SB 863 Jail Construction Project.

**BUDGET SUMMARY TABLE**

Line	Item	State Reimbursed	Cash Contribution	In Kind	Total
1	Construction	\$35,480,000	\$1,000,000		\$36,480,000
2	Additional Eligible Cost	\$1,156,000	\$1,890,000		\$3,046,000
3	Architectural	\$1,359,000	\$100,000		\$1,459,000
4	Project/Construction Management	\$1,989,000	\$200,000		\$2,189,000
5	CEQA		\$0		\$0
6	State Agency Fees	\$16,000	\$125,000		\$141,000
7	Audit		\$32,000	\$0	\$32,000
8	Needs Assessment		\$18,000	\$0	\$18,000
9	Transition Planning		\$0	\$250,000	\$250,000
10	County Administration			\$330,000	\$330,000
11	Land Value			\$500,000	\$500,000
	<b>TOTAL PROJECT COSTS</b>	<b>\$40,000,000</b>	<b>\$3,365,000</b>	<b>\$1,080,000</b>	<b>\$44,445,000</b>
	<b>PERCENT OF TOTAL</b>	<b>90.0%</b>	<b>8.0%</b>	<b>2.0%</b>	<b>100.0%</b>

**The diagram on the following page highlights the new replacement housing / treatment building including the custody cells and the proposed 96-bed security housing, and overall site plan showing the limits of the SB 863 project.**

**Butte County Jail Proposed SB 863 Construction Project Conceptual Site Plan**



**Butte County Jail Proposed SB 863 Construction Project Conceptual Building Plan**



***Phase II: Short-term Programming and Jail Construction (Within 1 – 7 Years)***

The following information summarizes additional Jail construction recommendations the consultant team identified as part of the Jail facility evaluation process.

**Recommendation #3: New Video Visitation Facility** - Program, design and construct a new video visitation facility adjacent to the East Facility.

**Recommendation #4: Relocate Existing Evidence Storage Building** - Program, design and construct a new evidence storage building and yard in vacant land adjacent to the East Facility.

**Recommendation #5: Security Electronic Upgrade at Housing Control Rooms** - Assess, develop program and repair/upgrade all security electronics, control panels, cameras, and head-in equipment, to provide a functional security electronic system. Security electronics failures as noted during the survey of the jail facility are an immediate safety concern to staff and the public, and therefore require immediate evaluation and repair. The locking systems and control devices need to be field tested by qualified security electronics personnel to determine specific observable deficiencies. Also, previous staff observations of defective operation must be recorded and considered along with field-test results to determine the most appropriate repair and corrective action.

Overall security management of the jail facilities should be maintained by a Central Control station. Central Control should be responsible for the operation of all entry and exit doors and sallyports for both the perimeter and interior zones. This station shall be in a secure area that is inaccessible to inmates, visitors, and away from high traffic areas.

**Recommendation #6: Security Hardware** – Assess and repair/replace all security locking devices essential to the Jail operations. Conduct a study to determine the priority of repairs that are needed in order to maintain the operation of the Butte County Jail until replacement can occur. The nature of security hardware require immediate repair, and cannot be deferred to a later time as their failure can be both catastrophic and without alternative 'work-arounds'.

**Recommendation #7: Deferred Maintenance** Assess and repair/replace essential systems to maintain the effectiveness of the jail facility operations.

**Phase III: Long-term Programming and Jail Construction (Within 8 – 15 Years)**

**Recommendation #8: Relocate Sheriff's Administration** – Program, design and construct a new Sheriff's Administration facility on a new site.

**Recommendation #9: Kitchen and Laundry Remodel** – Program, design and construct a remodel of the existing food service kitchen and laundry facilities.

Appendix A.

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Butte County Jail Facility Survey and Evaluation Sample Form  
*Butte County Jail Needs Assessment Update*

# Butte County Jail Facility Survey and Evaluation

## General Physical Plant Characteristics

County \_\_\_\_\_ Location \_\_\_\_\_  
Facility Name \_\_\_\_\_  
Type (BSCC, DJJ, Etc.) \_\_\_\_\_ Date Built \_\_\_\_\_ Total GSF \_\_\_\_\_ No. Buildings \_\_\_\_\_  
No. Floors (Ea. Bldg.) \_\_\_\_\_  
Facility/Building Configuration \_\_\_\_\_

Construction Type:  
Floors \_\_\_\_\_  
Exterior Walls \_\_\_\_\_  
Interior Walls \_\_\_\_\_  
Roof \_\_\_\_\_  
Exterior Skin: Walls \_\_\_\_\_ Roof \_\_\_\_\_

Utilities: Electric Service \_\_\_\_\_ Gas \_\_\_\_\_  
Water: Utility \_\_\_\_\_ On-Site Well \_\_\_\_\_

Sanitary Sewer: Utility \_\_\_\_\_ Septic System \_\_\_\_\_ Holding System \_\_\_\_\_

HVAC: Air Conditioning \_\_\_\_\_ Evaporative Cooling \_\_\_\_\_

Lighting Systems: Interior \_\_\_\_\_  
Exterior \_\_\_\_\_  
Special \_\_\_\_\_

Conveying Systems: Elevator(s) \_\_\_\_\_ No. Stops \_\_\_\_\_ Escalator(s) \_\_\_\_\_ No. Stops \_\_\_\_\_  
Dumbwaiter(s) \_\_\_\_\_ Stops \_\_\_\_\_

Emergency Systems: Fire Sprinklers \_\_\_\_\_ Fire Alarms \_\_\_\_\_ Smoke Detectors \_\_\_\_\_  
Smoke Purge System \_\_\_\_\_ Emergency Lights \_\_\_\_\_ Emergency Generator \_\_\_\_\_  
Exit Lights \_\_\_\_\_ Fire Monitoring Station \_\_\_\_\_ Fire Audio Phone Station \_\_\_\_\_

Remodel/Addition:  
1) Date \_\_\_\_\_ Description \_\_\_\_\_  
2) Date \_\_\_\_\_ Description \_\_\_\_\_  
3) Date \_\_\_\_\_ Description \_\_\_\_\_  
4) Date \_\_\_\_\_ Description \_\_\_\_\_  
5) Date \_\_\_\_\_ Description \_\_\_\_\_  
6) Date \_\_\_\_\_ Description \_\_\_\_\_

\_\_\_\_\_  
Completed by: Name/Title \_\_\_\_\_ Date \_\_\_\_\_

# Butte County Jail Facility Survey and Evaluation

## Facility Adequacy – Part 1

ITEM	FUNCTIONAL USE AREAS																
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
<b>SPACE</b>																	
Appropriate size																	
Efficiency/Organization																	
Allows Expansion																	
Circulation																	
Location																	
Adjacencies																	
Privacy																	
<b>HVAC</b>																	
Air Circulation																	
Heat																	
Cooling																	
Controls																	
Supply																	
Return																	
Ventilation																	
Insulation																	
<b>PLUMBING</b>																	
Adequacy																	
Toilets																	
Sinks																	
Urinals																	
Toilet Partitions																	
Water Heater																	
Faucets																	
Drinking Fountain																	
Insulation																	
Showers																	
<b>LIGHTING</b>																	
Adequacy																	
Lighting Controls																	
Level																	
Light Lens																	
Natural Light																	
Energy Efficient																	
<b>NOISE</b>																	
Noise Level																	
Noise Control																	
Acoustics																	

*A – Very Adequate, B – Adequate, C – Neutral (Needs Minor Repair),  
D – Inadequate (Needs Major Repairs), F - Very Inadequate (Beyond Repair/Replace)*

# Butte County Jail Facility Survey and Evaluation

## Facility Adequacy – Part 2

ITEM	FUNCTIONAL USE AREAS																
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
<b>SYSTEMS</b>																	
Paging																	
Speakers																	
Cameras																	
Monitors																	
Intercom																	
Duress																	
Press to Talk																	
Radio																	
<b>FIRE SAFETY</b>																	
Smoke Detectors																	
Heat Detectors																	
Pull Stations																	
Alarm Panel																	
Smoke Evacuation Alarm																	
Emergency Lights																	
Fire Escapes																	
Auto Door Closures																	
Fire Sprinklers																	
Halon																	
Wet Stand Pipes																	
Dry Stand Pipes																	
Crash Door Hardware																	
Adequate Exiting Materials																	
Wire Glazing																	
Fire Rated Doors																	
<b>SECURITY</b>																	
Max Hardware/Doors																	
Med Hardware/Doors																	
Min Hardware/Doors																	
Staff Observation																	
Sightlines																	
Secure Control Station																	
Sallyport																	
Security Glazing																	
Walls																	
Ceilings																	

*A – Very Adequate, B – Adequate, C – Neutral (Needs Minor Repair),  
D – Inadequate (Needs Major Repairs), F - Very Inadequate (Beyond Repair/Replace)*

# Butte County Jail Facility Survey and Evaluation

## Facility Adequacy – Part 3

ITEM	FUNCTIONAL USE AREAS																
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
<b>SECURITY</b>																	
Floors																	
Secure Cells																	
Structural Soundness																	
Safety Cell																	
Secure From Within																	
Secure From Outside																	
Fixtures																	
Furnishings																	
<b>HANDICAP ACCESS</b>																	
Doors Width																	
Door Swing																	
Grab Bars																	
Ramps																	
Washbasin																	
Toilet																	
Restroom Facilities																	
Toilet Stall																	
Water Fountain																	
Curbs																	
Parking																	
Telephone																	
Recreational Facilities																	
Elevators																	
Emergency Exits																	
Isles																	
Classroom Furniture																	
Cells																	
<b>STRUCTURE</b>																	
Wall Finish																	
Floors Covering																	
Ceiling Finish																	
Windows/Glazing																	
Doors/Hardware																	
Furniture																	
Equipment																	
Fixtures																	

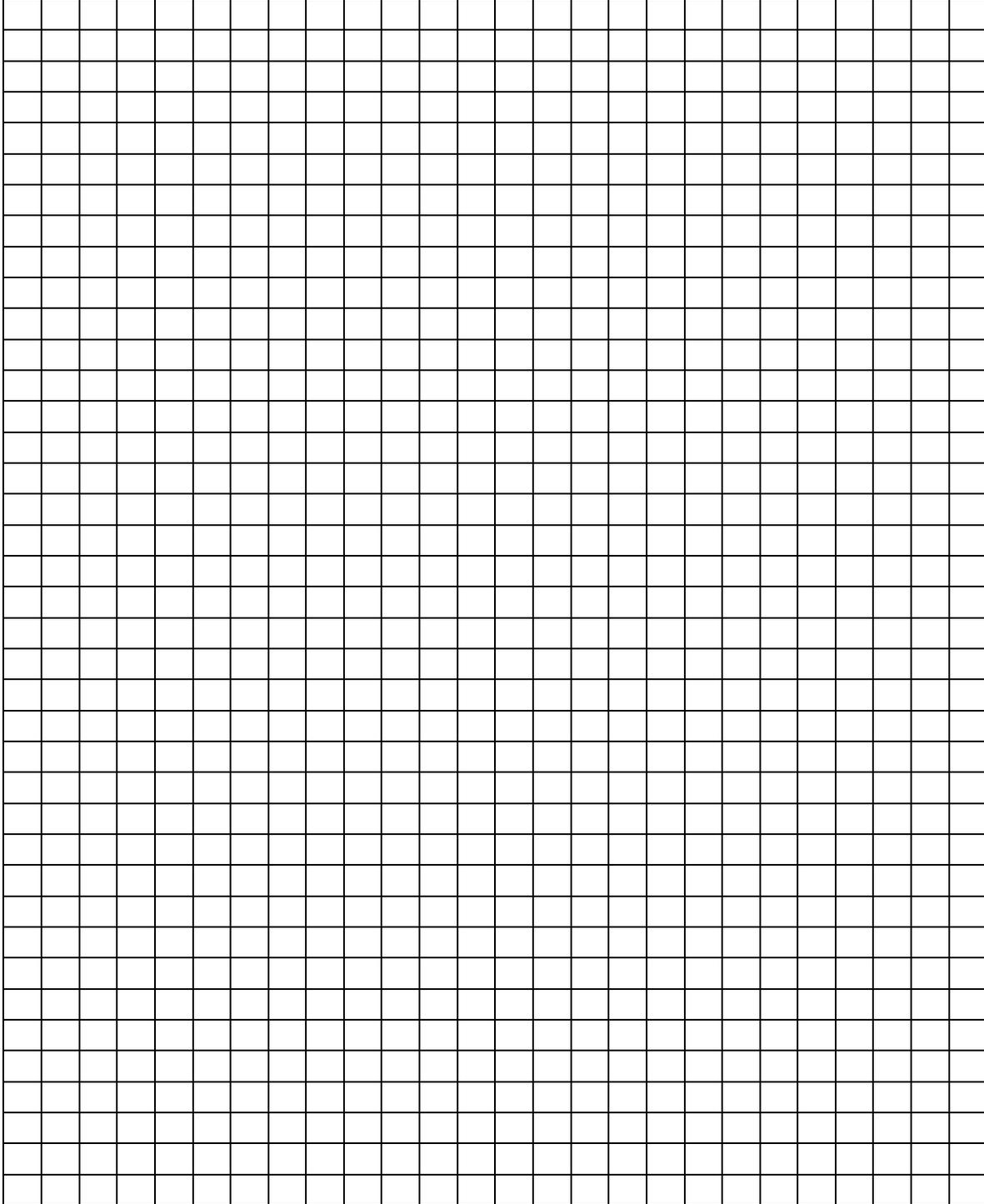
*A – Very Adequate, B – Adequate, C – Neutral (Needs Minor Repair),  
D – Inadequate (Needs Major Repairs), F - Very Inadequate (Beyond Repair/Replace)*





**Butte County Jail  
Facility Survey and Evaluation**

**Basic Building Floor Plan Sketch and Drawing**



Appendix B.

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Butte County Jail Facility Functional Use Area Definitions  
*Butte County Jail Needs Assessment Update*

**Butte County Jail  
Functional Use Area Definitions**

<u>INCLUDES</u>	<u>EXCLUDES</u>
<b>INTERIOR FUNCTIONAL USE AREAS</b>	
<p><b>1. Administration Area:</b></p> <p>Administration Functions:            Administrative Offices            Training Room(s)*            Staff Lounge            Staff Locker Rooms            Staff Lunch Room            Staff Restrooms            Staff Exercise Room*            Conference Room(s)            Records (other than Intake/Release Records)            Interview</p>	<p>Intake/Booking Offices            Lobby, except for a lobby used specifically for administration only            Public Toilets            Intake/Release Records</p>
<p><b>2. Visiting/Lobby &amp; Public Area:</b></p> <p>Inmate Visiting:            Contact Visiting Rooms            Non-Contact Visiting Rooms            Attorney Visiting/Interview Rooms            Family Reunification Contact Visiting (Court-ordered / CPS)            Video Visitation Kiosks (if in a dedicated Visiting area)            Visiting Lobby (if there is a Lobby specifically for Visiting)            Holding Rooms (used for staging of detainees for or from Visiting)            Restrooms just for Visiting            Staff areas within Visiting including Visiting Control Room            Vending Machine area (if just for Visiting)            Child Care Area(s)</p> <p>Lobby &amp; Public Areas:            Main Public Lobby            Public Restrooms            Public Entrance            Vending Machine Area if for Public and is Accessible from Lobby            Video Visitation Kiosks (if in Public Lobby)</p>	<p>Central Control            Main Lobby (if used for more than Pre- and Post-Visiting)</p> <p>Visiting Areas            Visiting Lobby (if there is a Lobby just for Visiting)</p>

\* These spaces, as well as others, may not be included in all jail facilities. They also can also be in a separate part of the jail, not adjacent to the other administration areas

**Butte County Jail  
Functional Use Area Definitions**

<u>INCLUDES</u>	<u>EXCLUDES</u>
<p><b>3. Food Service Area:</b></p> <ul style="list-style-type: none"> <li>Kitchen</li> <li>Food Storage Areas</li> <li>Food Preparation Areas</li> <li>Food Staging Areas</li> <li>Dining Rooms for minors that are separate from Dayrooms</li> <li>Bakery</li> <li>Loading Dock/Receiving Area (that part of it primarily for Food Service it within building perimeter)</li> <li>Restrooms just for Food Service</li> <li>Cart Storage</li> <li>Garbage Storage</li> </ul>	<ul style="list-style-type: none"> <li>Staff Dining</li> <li>Dayrooms (even if Dining takes place there)</li> <li>Loading Dock (outside of building perimeter)</li> <li>Loading Dock (that is part inside of building Perimeter used by other components)</li> </ul>
<p><b>4. Central Control:</b></p> <ul style="list-style-type: none"> <li>Central Control Room</li> <li>Restroom (if just for Central Control)</li> <li>Sallyport (if just for Central Control)</li> </ul>	<ul style="list-style-type: none"> <li>Control Room(s) in Housing Areas, Booking or other areas that do not monitor doors, fire and safety systems for most of the jail facility</li> </ul>
<p><b>5. Maintenance/Storage/Mechanical/Electrical:</b></p> <ul style="list-style-type: none"> <li>Large HVAC Chase that serves more than one space</li> <li>Janitor Closets used by multiple components</li> <li>Telephone Terminal Area</li> <li>Mechanical Areas which serve more than one space</li> <li>Electrical Areas which serve more than one space</li> <li>Central Trash Area within building</li> <li>General Storage</li> <li>Maintenance Shops</li> <li>Maintenance Office</li> <li>Maintenance Storage</li> <li>General Receiving</li> <li>Communication Equipment Rooms</li> <li>Elevator Equipment Room</li> </ul>	<ul style="list-style-type: none"> <li>Receiving Areas (for specific area only) (i.e., kitchen)</li> <li>Pipe Chases</li> <li>Janitor Closets for particular components (e.g., a Janitor Closet in Housing is part of Housing)</li> <li>Garbage/Trash Storage for a particular space</li> <li>Specific HVAC chases that serve an area (i.e., housing)</li> </ul>
<p><b>6. Laundry:</b></p> <ul style="list-style-type: none"> <li>Washing Areas (even if within Housing Area - Subtract from Housing and count as Laundry)</li> <li>Drying Areas (even if within Housing Area - Subtract from Housing and count as Laundry)</li> <li>Folding Areas</li> </ul>	<ul style="list-style-type: none"> <li>Inmate Property Storage</li> <li>Inmate Personal Clothing Storage</li> </ul>

**Butte County Jail  
Functional Use Area Definitions**

<u>INCLUDES</u>	<u>EXCLUDES</u>
<p><b>Laundry (continued):</b>  Mending Areas  Clean Storage of Laundry Areas  Dirty Laundry Area  Delivery/Staging of Laundry Area  Cart Storage Area  Dry Cleaning Area  Restrooms just for Laundry  Laundry facilities throughout facility  (i.e., female housing Laundry)</p>	
<p><b>7. Intake Processing Area/Release:</b></p> <p>Inmate Processing Area/Booking Area  Booking Control Room  Photo Area  I. D. Area  Holding Cells  Safety Cells in Intake/Release  Drunk/Detox Cells  Hearing Rooms  Phone Areas  Release and Detainee Processing/  Waiting Lobbies  Intake/Release Records  Intake/Release Administration Offices  Interview Rooms  Medical Areas just for Intake Examinations  (within Intake Area)  Other Transportation/Staging Areas  (to Courts and other detention facilities)  Restrooms (staff and detainees) for use in  Intake/Release  Line-up in Intake/Release  Inmate Property Storage</p>	<p>Courtrooms  Judges Areas  Court Clerk Areas  Other Court-associated Areas  Medical Areas (used by all detainees or just staff)  Attorney Interview Rooms  Vehicle Sallyport (for drop-off/pick-up  of detainees)  Safety Cells in Housing and Medical Areas</p>
<p><b>8. Medical/Mental Health/Dental Care:</b></p> <p>Medical Offices  Medical Waiting Areas  Short-term Patient Rooms/Infirmary  Psychiatrist/Psychologist Offices and  Counseling Rooms  Medical Storage  Pharmacy and Medicine Distribution  Ambulance Dock (if within building perimeter)  Officers Station/Control Room (if just for  Medical)  Emergency Rooms  Treatment Rooms  Exam Rooms</p>	<p>Housing Modules (for longer-term care of  mentally ill or adults with physical disabilities  that require separation from general  population, but not constant care,  included in Housing)  Ambulance Dock (if outside of the building  perimeter)</p>

**Butte County Jail  
Functional Use Area Definitions**

<u>INCLUDES</u>	<u>EXCLUDES</u>
<p><b>Medical/Mental Health/Dental Care (con't):</b> Restrooms, Showers (just for Medical) Exam Rooms in Housing Dental Examination Room Interview</p>	
<p><b>9. Classrooms and Program Space:</b></p> <p>Education Programs: Academic Classrooms Vocational Classrooms/Shops/Industries/ Factories Offices for Instructors Inmate Library: General Library Office for Library Storage Room for Library Religious Services: Chapel/Religious Meeting Rooms Chaplains Offices Treatment Programs: Interview/Counseling Rooms Group/Treatment Program Rooms True Multipurpose Rooms (not Dayrooms) Volunteer Offices Barber/Beauty Shops Commissary/Inmate Store Mail/Package Areas Furlough Administration Areas</p>	<p>Dayrooms Indoor Recreation Areas (unless truly Multipurpose) Outdoor Recreation Areas Visiting Areas Psychologist/Psychiatrist Offices Furlough Housing Areas Outdoor Recreation Areas Visiting Areas Psychologist/Psychiatrist Offices Multipurpose Rooms that are used for Indoor Exercise 75% or more of the time should count as Indoor Exercise Area, Multipurpose is, likely, mostly used for Indoor Exercise)</p>
<p><b>10. Housing/Dayrooms:</b></p> <p>Cells Dormitories Dayrooms Showers, Toilets, Sinks in Housing Areas Control Rooms for Housing only Staff Areas for Housing only Sallyport/Circulation for Housing only Disciplinary Cells Mental Health Housing Units/Modules (May be included in #9 depending on type/intensity of treatment program) Work/Educational Furlough Housing Areas Inmate Housing Areas All other Housing Areas Janitor Closets in Housing Trash Storage in Housing Mechanical/Electrical Rooms for Housing only</p>	<p>Recreation Areas and other program areas that are adjacent or within Housing (always count Recreation Programs as Programs) Drunk/Detox Cells (in Intake/Release) Work/Educational Furlough Administration Area (put in programs) Medical in Housing Mental Health Treatment Program Rooms Tele-med Rooms Tele-psych Rooms</p>

**Butte County Jail  
Functional Use Area Definitions**

<u>INCLUDES</u>	<u>EXCLUDES</u>
<p><b>11. Interior Circulation:</b></p> <p>General Circulation Corridors and Hallways (between functional use areas) Tunnel between buildings Elevators Escalators Vestibules</p>	<p>Corridors or Hallways that provide circulation within a functional use area (e.g. within Housing Units, within Intake/Release) Lobbies Mezzanine Balcony</p>
<b>EXTERIOR FUNCTIONAL USE AREAS</b>	
<p><b>12. Vehicle Sallyport</b></p> <p>Exterior Sallyport (walls or fenced enclosure, roof/mesh covering or open to sky) Interior Sallyport (within building perimeter, direct access for vehicles)</p>	
<p><b>13. Outdoor Circulation</b></p> <p>Outdoor sidewalks or pathways between Buildings or exterior areas.</p>	
<p><b>14. Outdoor Recreation</b></p> <p>Recreation areas that are fully open to the sky. May be surrounded by fences, perimeter walls or buildings. May be grass, paved, or a combination of surface materials. Basketball court Handball court Baseball diamond Field for football or soccer Exercise areas or stations</p>	<p>Interior, fully-enclosed gymnasium Enclosed/covered basketball court Enclosed/covered exercise areas</p>
<p><b>15. Quasi-Outdoor Recreation</b></p> <p>Recreation area that is partially enclosed (walls or fenced enclosure, roof/mesh covering on all or part of recreation area.</p>	<p>Interior, fully-enclosed gymnasium Exterior, fully-open recreation yard</p>

**Butte County Jail  
Functional Use Area Definitions**

<u>INCLUDES</u>	<u>EXCLUDES</u>
<b>NON-JAIL FUNCTIONAL USE AREAS</b>	
<p><b>16. Non-Jail Administration</b></p> <p>Sheriff's Administration            Work areas, briefing rooms, training rooms,            break rooms and locker rooms for Patrol            Officers <b>exclusively</b> or <b>more than 75%</b>.            Dispatch            911 Call Center            Evidence Storage            Coroner/Morgue Facilities</p>	<p>If work areas, briefing rooms, training rooms,            break rooms and locker rooms are shared            equally between Jail Staff and Patrol, the space            may be split between Non-Jail Administration            (15) and Jail Administration (1).</p>

Appendix C.

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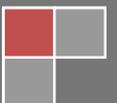
Previous Butte County Jail Needs Assessment Update, April 2013  
*Butte County Jail Needs Assessment Update*

2013

# BUTTE County Jail Needs Assessment Update

Presented by *Harris & Harris Enterprises*

April 1, 2013



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## **Participants and Acknowledgements**

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## Introduction

In January 2013, the BUTTE County Administrative Office contracted with *Harris & Harris Enterprises* to provide an updated BUTTE County Jail Needs Assessment. Primary goals were to provide a current evaluation of the jails needs and a Jail Needs Assessment Report, which is a requirement of the Board of State and Community Corrections before new inmate housing can be added. This report is also required for the County and Sheriff's Office to move forward in requesting grant funding.

This document is based in part on the previous assessment completed in 2006 by Steven Reader Enterprises with a revision completed February 28, 2008. That previous project team also included members of *Harris & Harris Enterprises*. Many of the same assumptions are still applicable and those that are not are specifically addressed. All references to the previous document are with the express permission of Steve Reader Enterprises and the County of BUTTE.

In meeting and communicating with numerous BUTTE County officials, it has become abundantly clear that BUTTE County has moved well beyond the mere planning phase of inmate realignment, alternative custody supervision, and inmate programming. While some agencies are still trying to understand and prepare for the impacts of a new corrections paradigm, BUTTE County has taken tangible next-steps to position themselves for this shift in California corrections.

They have prepared a comprehensive Community Corrections Plan and then began to aggressively implement its tenets. They are now operating new programs and processes to remove bottlenecks in their system and are doing all that they can to make themselves successful.

However, in spite of all that they've done, they still face daunting challenges. They release inmates at a remarkably high rate. Many of these inmates are felons that reoffend almost immediately upon release. There is a pervasive understanding among the criminal element in BUTTE County that they will not be held accountable except for the most serious offenses. As stated above, this is not for a lack of effort among **all** of the criminal justice entities in BUTTE County. It is simply because they do not have the capacity to house inmates that need to be in custody. These assertions are documented in greater detail within this needs assessment. It is the opinion of the project team that BUTTE County is in dire need of additional jail beds and a modernized facility.

## Executive Summary

This Updated Jail Needs Assessment Study is a result of the cooperation and assistance of BUTTE County criminal justice professionals, County government administrators, health and program providers, and the consultants hired to prepare the report. This Executive Summary provides an overview of the study process and findings. More in depth discussion and statistical data is presented later in the report.

Since the last Jail Needs Assessment was completed, the adoption of AB109 Inmate Realignment has been implemented. This has had a significant impact on BUTTE County's ability to house inmates, offer services, and their criminal caseload. BUTTE County should be commended for their efforts in addressing this difficult task and serves as a model for other agencies. Their Community Corrections Partnership Plan is comprehensive, creative, and very inclusive of the stakeholders involved in their criminal justice system. County officials have done everything within their resources and abilities to address the housing, rehabilitation, and supervision of their inmates.

### *Purpose of report*

The primary goal of this Jail Needs Assessment is to provide a sound document which is user friendly, can be updated each year and can easily be used as a road map for future jail planning and budgeting. The information contained in this report should be used as follows:

- To update and identify any significant jail problems or deficiencies
- To review the current efficiencies of the County Justice System related to timely progression of arrestees through the system.
- To evaluate pre and post release programs designed to provide jail-overcrowding management, out of custody rehabilitation and community corrections, and ensure court appearances.
- To evaluate the ability of the jail staff to safely house and observe the inmates.
- To identify short term solutions to any significant jail problems.
- To identify and make recommendations related to areas of potential jail liability.
- To evaluate all levels of jail programs, including Title 15 mandates and rehabilitation programs.
- To compile and statistically document jail inmate demographics and bed needs.
- To identify long and short term remodel and building needs.
- To update a broad image of the size, scope and needs of future jail buildings or additions.
- To review any proposed jail or additions are efficient and compatible to serve the overall goals of all the criminal justice agencies.
- To review planning that not only enhances safety, but also affords the ability to provide health and rehabilitation programs for the inmates.

### *Significant findings of this report*

The following are some of the significant findings of the study. Special emphasis should be focused on the replacement of some of the **antiquated** and **inadequate** physical plant.

- The Sheriff's Office, including Management and Correctional staff, display dedication to providing a professional and constitutionally compliant correctional facility despite several facility shortcomings.
- Many physical components of the jail are inadequate and should be replaced.
- Insufficient bed space, inability to properly separate inmates and mandatory release of inmates to avoid overcrowding is a growing problem. New beds are needed.
- The "linear" female housing built in 1963 poses significant concerns related to staffs ability to visually supervise and protect the inmates, meet privacy issues, provide programs, prevent suicides, provide classification housing needs, etc. Replacement should be a high priority.
- The medical and mental health area is poorly designed, lacks sufficient space and poses security and privacy concerns.
- The intake vehicular sally port and intake and booking areas are inadequately sized and have a shortage of specialized and standard holding cells.
- The kitchen, while well designed and efficiently managed, will need additional space if more beds are added. The truck unloading and bulk food intake areas are very inadequate.

### **Some of the more notable problems with the existing jail**

BUTTE County Jail was originally built in the 1960's and is nearly 50 years old. It has been added onto and remodeled several times. The result is a complex mix of old, new, remodeled, and added onto space that is disjointed and inefficient. This results in making it hard to supervise and presents roadblocks to efficient operations. While there are many concerns and recommendations later in this report, below are some of the more significant issues:

- The 1963 building that houses intake-booking, administration, medical, inmate property, kitchen, female housing etc. is a maze that makes inmate movement and staff movement inefficient and difficult. Due to the many twists and turns of the hallways, all inmate movement must be escorted, which is staff-intensive. Areas such as the strip search dress out areas are on the main hallway and at times require inmate and staff restrictions.
- One of the main hallways traverses alongside an open-barred female housing unit that's used by staff and male inmates, providing visual access to the female housing. Staff has attempted to mitigate this with plastic barriers, but it has some inherent problems.
- The 1963 building has deteriorated over time and is less energy inefficient and has become maintenance intensive.
- There is no direct access from the jail to the courts, despite their close proximity, causing inefficient and unsafe vehicle transport of prisoners.
- The small vehicle sally ports are inadequate and cause delay for arresting officers in getting back on the street. When large transport buses arrive, security is breached, as they must park outside the sally port to load and unload prisoners.
- The medical and mental health area is poorly designed, has inadequate general use space and lacks a sufficient number of cells for ill inmates, mental health beds and suicide watch beds. The three existing medical cells are poorly located and are not easily supervised. There is no proper waiting area for inmates causing supervision, medical privacy and security concerns. This adds to the need for additional staff to physically monitor inmates.

- The shortage of lock down and separation cells for administrative segregation, gang separation, and disciplinary isolation causes difficulty for classification and managing the population.

### **How many of the problems came about**

Sheriff's Management and other County officials offered opinions as to how the jail problem reached this point:

- Lack of County, State, or Federal funds for the specific purpose of building new jail additions.
- Lack of adequate ongoing local funding source for inevitable jail building needs.
- Closing of the East Minimum Security Facility and loss of those beds because of design, inmate classification, and staffing issues.

### **Current justice operations related to the jail**

In past studies and interviews with criminal justice leaders, there were some philosophical and procedural disagreements. This appears to have been largely eliminated. The State's requirement of AB109 Inmate Realignment to collaboratively create a Community Corrections Partnership (CCP) has compelled the key leaders to come together and thoroughly examine their policies from a systemic perspective. They have done this admirably and by all accounts use the CCP as an ad hoc form of a Criminal Justice Policy Committee CJPC. We have recommended in the past that they create and use a CJPC on a regularly scheduled basis. We maintain that position, but acknowledge that some counties choose to meet only when they believe it necessary. We continue to recommend that they review the Criminal Justice Policy Committee tenants and structure in the previous Needs Assessment to ensure all issues are addressed and all stakeholders are adequately represented.

It appears that previous concerns regarding charging, plea-bargaining, and pre-arraignment releases have also been addressed. Again, AB109 has driven a thorough review of their processes. Several revisions in their system have been implemented, streamlining many previous "bottlenecks." Some examples are; plea offerings are now sent with initial complaints, pretrial meetings are held ten days in advance of trial dates, a comprehensive pre-arraignment risk analysis is completed and reviewed for potential releases, and an improved O.R. process has been implemented.

The overall consensus of the leadership is that there is a reasonable and improved willingness to work together on related jail issues and to have an efficient criminal justice system.

### **Insufficient jail beds continues to be a considerable problem**

By use of the Consent Decree and strict releasing policies, severe overcrowding is avoided, however, this gives an artificial sense of security. Even though they are not exceeding the inmate population limits, the system is still suffering under the strain of overcrowding. This is also evident in the District Attorney, courts, and Public Defender caseloads.

Usually one would look to rapid County population growth, significant increases in criminal activity, or changes in the County's Administration of Justice policies for the causation of overcrowding. There has not been a rapid population growth in BUTTE County. In fact, there has been a decrease to only .83% over the ten years of 2000 to 2010. This leaves the following consensus on inmate population growth:

- Not adding jail facilities for 15 years. There has been little State and Federal grant money for building jails and none of the limited County funds have been available for building jail beds.
- 15% increase in felony complaints.<sup>1</sup>
- AB109 impacts resulting in increased average length of stay for a certain segment of the jail population. This is expected to increase over time resulting in "prison like" conditions for the county jail system.

### **Inmate population growth**

Comparisons of the average daily population (ADP) trends for the past 10-years reflecting the total inmate population and comparisons with other similar counties were studied. Statistics indicate a steady increase in the average daily population, with an average increase of 13.57 beds per year. There has been a 17.1% increase in the ADP from 2002 to 2012. This increase is also consistent with the increase in cases filed by the DA's office during this time period.

### **Incarceration rate average seems reasonable**

The study of the jail indicates an incarceration rate of 26.2 for every 10,000 County residents that are very similar to comparison counties of like size and demographics and are in line with statewide averages.

Incarceration rates are the number of inmates in jail per 10,000 County residents and are an important factor in determining jail beds needs. Although incarceration rates are not exactly the same from area to area, there are correlations between similar social-economic regions. Crime rates influence incarceration rates; however, another factor is the availability of community corrections programs such as electronic monitoring, work release, transitional housing, etc. The community corrections approach directs some select offenders into outside programs rather than incarceration. Preferably, a county would utilize a balance of jail beds and community corrections. Counties with mid-range incarceration rates and few community corrections programs usually achieve this by way of court ordered early releases, which over time tends to drive up crime rates.

### **Average length of stay (ALOS)**

The average length of stay generally reflects the efficiency of the courts. As an example, an ALOS in the 30's (days) is an indicator that cases are not being adjudicated in a timely manner, usually the result of too many continuances. A normal range for the average length of stay would be between 12 and 24 days. BUTTE County Jail's ALOS of 16 days in 2012 is within the normal range. There is some concern that the ALOS is somewhat misleading because of the Consent Decree requiring early

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<sup>1</sup> See District Attorney statistics on complaint filings.

releases. The jail staff released 1,747 inmates early in 2012. This is a 1,517% increase indicating a highly significant strain on their system.<sup>2</sup>

### ***Significant BUTTE County Jail Housing Deficiencies***

#### **Classification Unit**

BUTTE County currently does not have a separate housing unit or “pod” especially for new arrestees. The benefit of this housing allows inmates to acclimate to the jail setting after being arrested. It also allows the jail staff to observe these inmates more closely (many who come into custody under the influence of drugs or alcohol) until they recover from the shock of arrest or become completely sober. Lastly, only those inmates who remain in custody after arraignment (except those initially housed outside this unit) are subject to a full classification interview freeing the Classification Officers to focus on more important tasks such as helping to manage gang members or assisting with “OR” verification.

#### **Mental Health (Psych) Unit**

Currently BUTTE County does not have a distinct and separate housing unit or pod to house inmates with significant emotional or psychological problems. Inmates with mental health problems tend to be more suicidal as a result of their emotional instability. Housing these inmates in specialized areas allows for closer and more consistent supervision.

#### **Disciplinary Isolation Unit**

Currently BUTTE County does not have a distinct or separate housing unit or pod specifically for disciplinary isolation.

#### **Female Housing Unit**

The current female housing units have been criticized by the Grand Jury and the former Board of Corrections and are very inadequate and should be replaced.

#### **Maximum security and special housing unit for males**

The celled areas used to separate the most dangerous inmates, including gang members and the extremely violent, are at capacity and additional housing for these difficult prisoners as well as general inmate population growth is a high priority.

#### **Programs to rehabilitate inmates**

In years past, BUTTE County needed to place a greater emphasis on rehabilitative programs. Since the creation and implementation of their Community Corrections Partnership plan, BUTTE County has aggressively pursued these programs. There still remains the problem of a lack of program space within the confines of the main jail, however their Day Reporting Center is in the midst of expansion and they are already using it to facilitate a number of evidence-based programs.

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<sup>2</sup> See “Impact of Early Kicks” in Section F.

## Population Projections

The California Department of Finance Population Projections and the Butte County Association of Governments - 2011 studies were used to estimate County population projections.

### Inmate Population Projections

<b>Bed Need Projection (Pop/Incarceration Rate) Plus AB 109</b>					
	<b>2015</b>	<b>2020</b>	<b>2025</b>	<b>2030</b>	<b>2035</b>
Low	717.3	762.8	817.3	871.8	921.3
Medium	722.4	776.9	841.5	906.2	975.9
High	728.4	791	864.8	938.5	1019.3
Includes peak and AB 109					

**Table 1**

<b>Projected Bed Needs Increases Beyond Current Capacity</b>					
	<b>2015</b>	<b>2020</b>	<b>2025</b>	<b>2030</b>	<b>2035</b>
Low	103.3	148.8	203.3	257.8	307.3
Medium	108.4	162.9	227.5	292.2	361.9
High	114.1	177	250.8	324.5	405.3
Includes peak and AB 109					

**Table 2**

### Staffing Estimates

The 2006 Needs Assessment provided two scenarios as options to consider for BUTTE County to follow. It is the assertion of BUTTE County officials that the 2006 “scenario one” is unfeasible in their current setting and situation. Therefore, we have only included **one** potential scenario for consideration. The scenario will hereafter be designated as the Construction Scenario with no implication of their being any additional options. Any reference to “scenario one” and “scenario two” are references to the 2006 Needs Assessment that this document is intended to update. All “scenario two” assumptions and architectural plans will be used for this update with the exception of revisions to the “Hypothetical Female Housing and Transportation First Floor”

Both previous scenarios recommended two additional housing units as soon as possible, a female replacement unit and a male unit for special handling and general population male inmates. Construction scenarios exceed the twenty-year planning window for this Needs Assessment and could provide housing for the next twenty to forty years. The theoretical master plan is provided in phases. It is estimated that 27 additional correctional officers would be needed to staff the new housing units at an annual cost, including benefits, of approximately \$2,504,736.

### Executive Summary Conclusion

The following document contains comprehensive information on the areas and issues discussed in this executive summary. County officials are urged to familiarize themselves thoroughly with this report and the other recent BUTTE County criminal justice advisory reports to better understand

the jail situation and for future policy and decision-making. County leaders should consider taking the next step in the jail planning process by initiating the Architectural Feasibility Study, which would include a comprehensive space program study with detailed project and operating costs.

## **Methodology**

The Needs Assessment Update projections are the result of trends from the past 10 years, reports and files review, and the expertise from those involved in the project.

By using a combination of computer statistics and statistics gathered by staff and consultants and other reports, there is an adequate amount of quality information to provide reasonable needs projections. Information contained in this report was established through the following processes:

- Gather historical data on trends from the past years through use of computer reports and historical County and State reports.
- Review historical information and interview Sheriff's Office and County managers and supervisors to determine facility building history and relevant issues.
- Review inmate files to obtain a picture of the current inmate population.
- Interview custody staff.
- Interview jail non-custody and custody personnel who provide current programs to determine programs offered and levels of effectiveness and participation.
- Interview and observe Sheriff's personnel and correctional staff to determine operational, staffing and other concerns related to the jail.
- Interview and involve other County officials and the criminal justice department managers to determine the overall efficiency of the system and the impact on the jail.
- Review regulatory agency inspection reports.

The jail and inmate profiles were completed using a "snapshot" of the inmate population. However, instead of using a random selective approach of a percentage of the inmates, all inmates in custody were used for the profile study.

Population projections were derived from the U.S. Census Bureau, the California Department of Finance, and the Butte County Association of Governments 2011 study.

## Planning Assumptions

1. The inmate population jail bed need will continue to increase at a rate likely greater than historical patterns from the past five years given the history of self-imposed inmate capacity limits and the impacts of Inmate Realignment (AB109).
2. The County will implement the programs from the Community Corrections Partnership Plan (copy included) and continue to explore programs and community corrections sentencing alternatives, including full implementation of their pre-trial “own recognizance” program to limit as much as is practical inmate population increases in the jail.
3. The current incarceration rate of 26.2 per 10,000 County residents will likely remain the same or be greater due to lifting the capacity limits and AB 109.
4. If new housing is built it will be a next to the existing jail and part of the Criminal Justice Center on County owned property.
5. The needs assessment team will delineate all needs and efficiencies whether or not there is funding to meet the needs identified.
7. It is critical that any new facilities must be efficient; any recommendations should consider staffing and operations efficiency.
8. Consultants will review the impact of transportation of inmates between the current jail and the court holding.
9. The County realizes it has a responsibility to provide sufficient jail beds and space to provide the smooth operation of the criminal justice system, ensure public safety, and meet constitutional and regulatory requirements for care of the inmates.
10. Any new inmate housing will provide sufficient rehabilitative programs to assist offenders in being law-abiding contributing members of society and bettering their lives and avoiding recidivism.
11. The jail, while providing sufficient inmate housing, must additionally provide sufficient support space for a safe and efficient operation. Therefore, consultants must also review and determine if support space is adequate. Examples of important support space include intake/booking, medical, mental health program, suicide prevention, food services, laundry services, and storage. Staff and support spaces such as locker rooms, workout room, and staff dining must also be reviewed for adequacy.

## Historical Perspective

The BUTTE County Jail was opened in 1963 as a component of the new Sheriff's building. The original jail had a capacity of 200 inmates who were housed in what is commonly known as "linear" and "dorm" style housing. The type of staff to inmate supervision was also linear that is now outdated and seldom used.

In 1987 a new inmate housing facility was built, the "East Facility", which was designed for a low classification of inmates or minimum-security inmates. Though not confirmed, it is believed funding for this unit was through Proposition 4, a statewide jail bond measure. It was built of what is commonly called soft materials or standard construction materials. The capacity of the building was 96 in six 16 bed dorms, one of which was female. Supervision of the inmates included an officer station. However, it was considered linear and indirect because the officer could only see the inmates when they were in a common dayroom. The housing units and bathroom/shower areas could only be supervised when an officer did a routine intermittent walkthrough.

Because of the size of the building and low level of offenders, it was decided to build a facility which had no fire sprinklers and was unlocked. This is not unusual for a minimum security housing unit as often these inmates are leaving the facility daily for work in which they pick up garbage, trim trees etcetera and could just walk away from the job site at any time. This is also common because these inmates are usually nonviolent who either do not qualify for community corrections programs or have been "rolled up" for program failure and generally pose little perceived threat if they walk away.

Between 1987 and 1994 higher classification level inmates, many of whom were felons, were placed in the East Facility as the Main Jail became more crowded. The result was, inmates with longer sentences or facing more serious crimes, walked away from the facility at a greater and unacceptable rate. Requests to harden and lock the facility were not feasible without installing fire sprinklers and other fire related electronic equipment.

In 1994 the West Facility was opened. This facility was designed as a high and medium security facility and constructed of very hardened materials and was funded through statewide jail bond measures Proposition 52 and Proposition 86. The type of staff to inmate supervision is known as indirect in which officers stationed in a housing control have direct visual supervision of the inmates in their housing units through unbreakable glass. Designed in the "podular" style, two housing units were built with each containing six distinct housing modules.

The West Facility opened and still operates with a rated capacity of 416 inmates. One of the housing units has six dorm style units and the other has six celled units. The inmates are all male and are primarily pre-sentenced, have a hold, or are dangerous.

Due to staffing shortages to properly operate the West Facility when it was fully completed, a decision was made to close the East Facility and transfer the staff to the new facility.

The East Facility was never reopened for minimum-security inmates as designed and subsequently a process to use the East Facility for Sheriff's Administration, Patrol, and Dispatch, - as recommended in the County Facilities Master Plan - was started. This, with the support space and storage for the jail also housed in the former inmate space, has made it difficult to reopen for housing inmates.

In 1993/94 the kitchen was remodeled to accommodate the increased inmates housed in West Facility. Using a 1963 inmate dining room as a new food serving line, serving tray washing area, and cart/tray storage, substantially increased the kitchen space. At the same time, other areas of the kitchen were also remodeled to provide for new warming equipment, cooking equipment, food preparation space and various food storage spaces.

The medical and booking area was remodeled in 1998 by using the 1963 inmate gymnasium and vacating one of the old linear housing areas. At that time a docile waiting area was added to the booking room for inmates not requiring a holding cell. The medical unit was increased to provide more professional quarters and meet more of the specialized medical need. Due to budget constraints, several important functions and spaces were not included despite requests from Jail management. This has led to operational and supervision shortcomings in each area.

Through the years other small remodels and space moves have been undertaken in what can be best described as "trying to get by". Often moves have been made out of necessity. However, because there has not been a Corrections Master Plan, often the spaces moved into were not for efficiency but only because the space was deemed available or underused. During the same period from 1963 to present, the Sheriff's Office's other divisions and units have also seen almost no new space and therefore compete with the Corrections Division for space. The result is that both have significant needs.<sup>3</sup>

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<sup>3</sup> BUTTE County Sheriff's Office Jail Needs Assessment, pg. 17

## A. Elements of the System

### Condition of Existing Facilities

The following is a discussion related to the components of the BUTTE County Jail. The current jail has several excellent qualities and at the same time has many components that have significant need for remodel or replacement. The West Facility is well designed to meet the identified needs and while certain aspects such as visibility and lack of program space are problematic, it is an excellent anchor to build from. Below is a summary of the status of the existing jail facility:

### Site

The site is excellent, located on land with the majority of County departments and collocated with the other criminal justice departments in close proximity. Since criminal justice employees interact across departments daily, what is in fact a “Criminal Justice Center” is ideal. Additionally, there is space to expand and build new criminal justice structures. Two concerns raised about the site are:

- *Remote to courts.* The jail is not connected to the courts causing unnecessary and dangerous transportation of inmates to court.
- *Possible Flood Danger.* The proximity of the Oroville Dam and jail location concern staff.

### 1963 Main Jail

The main jail built in 1963 has few qualities worth mentioning in this report. The booking, kitchen and medical units have some positives and also negatives. The building is fifty years old and jail design has changed dramatically since it was built. Jail staff is to be complimented because they make it work and apparently it could continue to work, but not without risk. The following are issues with the 1963 Main Jail:

- *Vehicle sally ports:* Both are undersized, inefficient and provide the opportunity for inmate escapes.
- *Intake area:* This area is small and has a shortage of arresting officer workstations. It also lacks an easily usable interior sally port door.
- *Holding cells:* The docile holding area is adequate; however, with only two pre-booking holding cells for non-docile qualified arrestees, there is insufficient ability to house and separate the arrestees. This forces the use of non-cells like booking cubicles for temporary holding and separation.
- *Specialty booking cells:* With a large number of intoxicated and mentally unstable arrestees, only having two detoxification cells and no safety cells can be problematic, especially for those that might want to hurt themselves.
- *Supervisors’ office:* Because there is a tremendous amount of activity and liability associated with booking, the supervisors’ office is usually located at a central location in booking to be able to observe booking activities. This is not the case at the main jail.
- *Inmate property room:* The property room is full and has no room for additional inmate property bags should additional housing units become built.
- *Inadequate visual supervision of female and male inmates:* The building is designed with linear supervision of inmates. The only direct visual supervision of the female inmates is

when an officer walks by or performs their cell checks. This is also true of the male North and South Dorms. This has been mitigated to some extent using cameras that were recently installed.

- *Female inmate housing options:* Usually there would be different housing design options based on level of security. This would include day rooms, dorms for lower classifications, single cells for maximum security, available work options, program rooms, and areas designated for indoor recreation or television. These are unavailable or inadequate for the female inmates.
- *Supervision of recreation yards:* The recreation yards associated with the 1963 housing units have no designated housing control available to observe the inmates. This requires an officer either be assigned to supervise certain housing units which is staff intensive, or leave the inmates unsupervised which invites assault and escape. Both issues would be eliminated with a new housing design.
- *Inadequate visiting:* The visiting area is inconvenient to the housing areas, difficult to observe and there is no contact family visiting for court ordered visits requiring the use of the very narrow visiting stalls. BUTTE County is currently in the process of adding video visitation and conferencing for the inmate's attorneys. This will allow them to close the antiquated visiting system.
- *Lack of program space:* There is no designated program space associated with the 1963 building. Rehabilitation and program personnel are forced to provide programs through the bars into the cells.
- *Lack of Jail Administration Space:* Space for command staff is scattered about wherever space could be found. The Captain and the Lieutenants are separated and cannot utilize unified clerical assistance.
- *Suicide prevention concerns:* The design of the female units utilizes bars that can easily be tied to for attempted suicide by hanging. This coupled with the linear design concern staff.
- *Medical and mental health housing:* The facility received CMA accreditation and yet it appears to lack mental health beds and easily supervised visually and accessible medical beds
- *Kitchen:* The kitchen lacks adequate space for food preparation equipment, freezer, cold storage, dry goods storage, food receiving sally port and an adequate delivery dock to meet the needs for additional inmates.
- *Transportation issues:* The transportation to court must be done by vehicle even though it is very close to the jail. This is staff intensive and inherently more dangerous than using a tunnel or secure passageway. Also, there is no transportation staging holding cells at the jail, which is very inefficient.

## **West Facility**

As stated earlier, the West Facility has many positive qualities including indirect supervision with direct visual through glass into the housing units, electronic doors, visible family and attorney visiting, and quality housing. The facility should provide many years of service. The more notable shortcomings of the facility are:

- *There is no easily supervised program space.*
- *The housing control room has design issues that make it inefficient and difficult to see into the recreation yard.*

- *Only one recreation yard per housing facility makes it difficult to meet recreation requirements of Title 15.*

### **East Facility**

Closed for inmate housing

### **Miscellaneous**

The laundry located in the East Facility is adequate. The previous assessment indicated that management was concerned about the location away from the main jail and potential for contraband coming to the main jail through laundry. They have modified the laundry process and to a tag and bag system that is monitored more closely, eliminating their concern for the introduction of contraband through this source. There is still a need to move jail related functions out of the East Facility to make room for other Sheriff's Office functions.

### ***Criminal Justice System Overview***

A review of the BUTTE County Criminal Justice System is an important component of the Jail Needs Assessment Update study. The effectiveness and efficiency of the system can greatly impact the number of inmates in jail. It appears the BUTTE County Criminal Justice System is effective and efficient and does not negatively affect the number of inmates in custody at the jail.

As part of the study, interviews were conducted with the department heads and other managers of the criminal justice department to determine what their overall perception was of the criminal justice system in BUTTE County. Much of this section contains the opinions of the criminal justice officials interviewed, which may or may not be supported by statistical data. The interviews included the Presiding Superior Court Judge, District Attorney, Chief Probation Officer, Sheriff and his top managers, Public Defenders, Jail Commander and Supervisor, and the Superior Court Administrator.

### ***Court Leadership***

The BUTTE County court leadership provided this narrative in response to a list of question regarding their general status, efficiency, and needs.

#### **What is your general view of the efficiency of the criminal justice system?**

Prior to AB109, Butte County has had a long established practice of placing most cases on either informal or formal probation. With each new offense and subsequent case, Butte adopted the model that the Violation of Probation enhanced the ability to create plea agreements. This model required more court resources to implement but the goal of generating plea agreements was largely met. Because of the funding reductions to the judicial branch and the court, we have been forced to shift overextended resources to cover ever- increasing caseloads. In short, we have to do more with less.

#### **Are there any areas that need to be improved?**

*Harris and Harris Enterprises – BUTTE County Needs Assessment Update – April 1, 2013*

The court needs to continually review its policies to identify areas to eliminate delay and congestion within the system that can be accomplished within our reduced resources.

**Does the system flow smoothly?**

The system operates fairly well in light of the impacts of resource reductions to all justice agencies.

**Please give your thoughts on Plea Agreement Efficiency:**

Without plea agreements the criminal justice system would be overwhelmed and would cease to function. Our system is working fairly well but could improve.

**Please give your thoughts on Trial Readiness:**

If there is predictability regarding case type dispositions, there is a greater chance cases are resolved prior to trial.

**Please give your thoughts on Pretrial Conferences:**

This is an excellent opportunity for early case resolution.

**Are continuances problematic, or are they appropriate in number and length of time?**

The court further asserts control of case progress and the ultimate disposition by limiting the number of continuances to only those for "good cause." This must be weighed and considered on a case-by-case basis.

**What is your opinion on the use of alternatives to incarceration and pre-sentence programs?**

The incarceration alternatives are planned to maximize public safety within existing resources given to the Sheriff.

**What has been the impact of the AB109 Public Safety Realignment?**

There is little correlation between the sentence imposed by the court for a county prison commitment and actual custodial time due to a reduced number of custodial beds available. Our court has experienced an increase in felony filings of approximately 10% in the last year. *Additionally, our court has experienced fewer defendants opting for collaborative treatment courts and instead rejecting probation and requesting county prison commitments. This places further stress on the limited custodial beds available.*

**How is the cooperation of the different elements of the system, such as DA, Public Defender, Judiciary, Probation, and the Sheriff's Office?**

Historically, Butte has benefitted from cooperation among its justice partners. It is anticipated that increased workloads and reduced resources (for all justice agencies) will cause challenges as the court and the court's justice partners will encounter obstacles in achieving their respective operational goals.

### **Does the jail physical plant pose any limitations on the court?**

Yes, it has limited the Court's ability to make a sentence that reflects the actual custodial time served due to the inadequate bed space available and the subsequent release of inmates at the jail.

### **What have been the impacts on the court system due to AB109?**

- Increase in criminal filings (especially felony filings)
- Increase in repeat offenders
- Increase in the number of jury trials
- New workload of Post Release Community Supervision violation cases
- New workload of in violation of Mandatory Supervision cases
- Anticipated new workload of Parole Violation cases beginning in July of this year
- Increase in size of all criminal calendars, which results in:
  - Calendars running late/long
  - Overtime expenses
  - Backlog

### **Do you have any tangible recommendations for any improvements in the system?**

Before increased workloads and further resource reductions erode remaining cooperation between justice partners, hold a Butte Justice Partner summit to discuss a framework of agreements to handle the increased workloads and impacts to each agency stakeholder in the justice system.

#### **Recommendation related to Courts**

1. Courts should host a court-planning summit to insure that all systems are working smoothly.

### ***District Attorney***

#### **District Attorney General View of the Criminal Justice System**

In an interview with the District Attorney, he gave his view of the criminal justice system in BUTTE County. The District Attorney believes that with the amount of resources within the county, the efficiency of the criminal justice system is "an eight out of ten." However, the system is getting backed up and overwhelmed with too many cases for the limited amount of staff.

He stated that the plea bargain process is reasonably good. They send a plea offer from the DA to the defense attorneys with each complaint filing. This eliminates one potential step in the process and improves efficiency. If the initial offer is rejected, any subsequent offers are less beneficial for the defendant. This hopes to motivate the offenders into early resolution, again making the system more efficient.

For trial readiness, both parties meet with the judge ten days prior to trial. This allows them to either immediately address any issues or start to resolve them prior to trial.

The continuances are considered appropriate for the resources; however, if a defense attorney is repeatedly causing delays, the DA is seeking sanctions in order to keep the process efficient. Continuances keep inmates in the system longer than necessary and cause more jail overcrowding, which is already a problem.

The DA is in favor of the Alternative Custody Supervision (ACS) system run by the Sheriff's Office. They are in the process of implementing a pre-arraignment program that uses a risk assessment matrix that recommends pre-trial release for those that do not need to be in custody. This will also help guide the participants into county services that may reduce recidivism.

From the viewpoint of the DA, the criminal justice partnerships in BUTTE County practices excellent cooperation. They have a long history of collaboration to the benefit of the county.

The jail's physical plant size and condition has an adverse impact on the DA's Office. The jail is forced to release too many inmates. Since there is a sense of no accountability among some offenders, there are more crimes, which in turn increases the number of cases and the subsequent caseload. Implementation of AB109 Realignment has only exacerbated this issue.

The DA would like to see more program space in the BUTTE County "prison" system that they are now running. They hope that this will help to reduce recidivism and improve quality of life for some participants.

The below table indicates the number of felony complaint filings from October 2009 through September 2012 representing a 15% increase. They believe that this is attributable to AB109 Inmate Realignment.

<b>Request for Complaints by Crime Types 10/01/09 thru 09/30/12</b>					
Crime Types	10/01/09 - 09/30/10	10/01/10 - 09/30/11	10/01/11 - 09/30/12		
Attempted Homicide	9	11	11	0	0.0%
All Other Felony	200	188	238	50	26.6%
Arson	4	7	7	0	0.0%
Assault	761	699	784	85	12.2%
Burglary	213	253	259	6	2.4%
Dangerous Drugs	575	524	783	259	49.4%
Escape	1	2	17	15	750.0%
Felony DUI	48	46	52	6	13.0%
Forgery, Checks, Access Cards	113	90	53	-37	-41.1%
Homicide	7	12	12	0	0.0%
Hit and Run	8	8	12	4	50.0%
Kidnapping	7	11	0	-11	-100.0%
Lewd or Lascivious	29	24	41	17	70.8%
Marijuana	166	206	177	-29	-14.1%
Manslaughter - Non-Vehicle	1	0	2	2	100.0%
Manslaughter - Vehicle	5	4	1	-3	-75.0%
Narcotics	235	267	274	7	2.6%
Other Drugs	31	23	25	2	8.7%
Other Sex	39	33	55	22	66.7%
Rape	21	15	16	1	6.7%
Robbery	69	45	79	34	75.6%
Theft	387	356	353	-3	-0.8%
Vehicle Theft	86	80	92	12	15.0%
Weapons	125	118	138	20	16.9%
<b>Total</b>	<b>3140</b>	<b>3022</b>	<b>3481</b>	<b>459</b>	<b>15.2%</b>

K:\DA\_Transit\_Files\Stats\Crime Types\_Special Units\Crime Types\_Received\_Felony Chart\_10-1-09 thru 09-30-12.wpd

## ***Probation Department***

Butte County Criminal Justice System appears to be efficient. However, criminal court calendars are lengthy and our department is concerned about what the impact will be to having State Parole violations handled within our local courts.

The probation department has made adjustments when handling technical violations of probation in an effort to assist the adult corrections facility with population control. With the increase in population as a result of AB-109, the probation department is utilizing evidence-based practices as an alternative to incarceration.

The probation department is not involved in pre-sentence and O.R. reporting. However, if the offender is currently on probation and going through the criminal justice system, the probation department will enforce terms of probation in order to ensure compliance of pre-sentence and O.R. conditions.

Alternative to incarceration programs are used by the probation department as a way to utilize graduated sanctions in an effort to provide rehabilitation to the offender. The probation department uses GPS/EMP, home detention, clean and sober living environments, and residential treatment programs.

The cooperation between these agencies is very good. The Community Corrections Partnership required by the Realignment Act 2011 is an excellent example of this cooperation.

The participation with Behavioral Health and probation has been extensive for many years. The Therapeutic Courts in Butte County involve both probation and Behavioral Health working in a cooperative effort for offenders on probation. The implementation of AB-109 has continued and strengthened this participation.

## ***Public Defender***

From the perspective of the Public Defender's office, the judicial process is relatively efficient within the resources available to them. They believe the initial plea offerings are not as realistic as they should be, thereby creating more backlog than is necessary.

The biggest impediment to the efficiency of the Public Defender's office seems to be the attorney client visitation facilities and visitation process at the jail. There are only two attorney visitation rooms and numerous attorneys in need of consulting with their clients. Since BUTTE County houses Federal prisoners, there are additional attorneys added to the already long list of privileged visitors such as public defenders, private attorneys, parole violation attorneys, and language interpreters. Low jail staffing exacerbates this when staff is required to handle fights and other disturbances within the facility, leaving the attorneys to wait even longer for their client visitations. This time consuming process needs to be addressed to help the entire flow of the Public Defender progression.

Another impediment to them is the court holding process. The jail only serves one hot meal per day at lunch, and two cold meals per day at breakfast and dinner. They require all inmates to be back in

custody to receive this meal. Consequently, in-custody inmates have to be calendared in the morning and hurried through the process, while out of custody inmates need to be in court and available, often waiting for hours for their case to be heard.

They also believe that the transport of inmates to court (currently in the buses) could be much more efficient if there were a tunnel system from the jail. This is consistent with the recommendation of past needs assessments and remains a recommendation in this report as well.

The Public Defender's office supports the ACS program in BUTTE County in the manner in which the Sheriff's Office is administering them. Those parts of the ACS that have proven not to need judicial review have streamlined some processes. AB109 Inmate Realignment has been helpful in that regard, although they endeavor to monitor this particular process.

#### **Recommendations related to the Public Defenders Office:**

1. The jail needs expanded and improved attorney client visitation rooms. This would help reduce the time necessary for all of the visiting attorneys and improve access to their clients.
2. A tunnel to the courts from the jail would improve inmate transportation and also attorney client access.

### ***Sheriff's Administration***

The project team met with members of the Sheriff's Administration that included the Sheriff, Undersheriff, Jail Commander, and jail Administrative Lieutenant. The Sheriff conveyed that the overarching goal of their corrections division is that it fit within the inclusive structure of providing the highest level of public safety. They believe that corrections is a critical component of public safety, not just from the perspective of housing inmates, but as one of the cornerstones in a criminal justice system. They have embraced alternative custody supervision, electronic monitoring, the Day Reporting Center, and other forms of rehabilitative programs in an effort to reduce recidivism.

Though they have embraced alternative custody modalities, their jail is antiquated and overcrowded. The aged facility has become a problem on many levels, not the least of which is the ever increasing costs to properly maintain a building that does not meet their needs. As stated elsewhere, this outdated liner design can create unsafe conditions for staff and inmates. Additionally, an issue such as poor ventilation creates chronic problems within the facility. Consequently, they are experiencing an ever-increasing number of adverse claims. They believe that this is due to the combination of a decrepit facility and an increasingly sophisticated level of inmates that AB109 has placed into their system. These inmates are accustomed to prison conditions, which BUTTE County is unable to provide. This leaves them in an untenable position and exposed to liabilities, which will likely only get worse over time.

When BUTTE County constructed their addition in 1994, program space was not a consideration. With more and more emphasis being placed on programs, their lack of programming capacity has frustrated their efforts. A newly constructed facility would account for this need. It would assist

them in an area where they have demonstrated a strong willingness to have a model program, but not the resources to fulfill their potential to do so.

Other areas of concern are their lack of medical and mental health facilities. BUTTE County meets the **minimum** state standards, but does not have the ability to provide services that might have a greater positive impact on inmate health. Their hope is to leverage mental health and corrections funds to collocate a facility that will serve inmates with mental health issues. Their current circumstance does not allow for this objective.

The sheriff's staff believes that the overall criminal justice processes are efficient and that the different entities within the system work very well together. They further believe that they have met the challenge of inmate realignment together, and had they not, would be in a much worse position. They acknowledge that even though they have done much to meet the challenges, there is yet much to do. They have had to adjust on the fly and recognize that this as an ongoing process that will require them to adapt to new environments.

Simply put, their most acute issue with the most negative impact is an **overcrowded facility**. The result of this is experienced in several areas. For example, they have seen a spike in program failure rates that they believe is directly associated with their inability to hold program participants accountable. If a participant knows going into the program that BUTTE County does not have the capacity to house them, they have very little incentive to comply with program terms. BUTTE County has to release these violators routinely in order to make space for more violent offenders. With the intent of the program being to reduce recidivism, the lack of jail capacity frustrates this process. As much as they desire to provide programs to reduce recidivism, it is inescapable that they need to house some people that need to be sequestered from society.

The sheriff's staff made it clear that they need help from the state to meet their goals. Any legislation that assists them, they support. Conversely, any legislation that would tend to compound their problems they face, they oppose. They, like many others, want to provide a balanced approach to corrections that provide safety to their staff and inmates, meets constitutional requirements, hinders the ever revolving door of repeat offenders, and provides the highest level of public safety for the county residents.

### ***County Administrative Officer***

I spoke with the BUTTE County Administrative Officer. He conveyed that he's been with BUTTE County for the past two and a half years and comes from Sacramento County where he spent 25 years. During his time in BUTTE he has been impressed with the level and spirit of cooperation among the criminal justice entities, especially so in their cooperation during the planning and implementation of the AB109 inmate realignment process. He views their criminal justice processes as mostly efficient; with of course, some room for improvement. He would like to see improved communication with the city police departments.

He views the inmate realignment as an opportunity to try things differently in the corrections arena. This is their chance to implement programs that are not "one size fits all" with the hopes of reducing their recidivism rates and improving public safety. There are of course, funding needs that

they are pursuing to offset the increases in their inmate population and programs that are a part of the AB109 implementation. They have experienced capacity issues (increases) as a result of AB109 that they hope to address with grant funding.

His office closely monitors the State budgets and supports any legislation that will assist the counties in meeting their needs and goals for community corrections.

## **B. Operational and Design Philosophy**

### ***Design and Efficiency, Summary of the Primary Jail Components***

Because BUTTE County Jail currently consists of a mix of designs, two different inmate supervision methods are currently utilized. The 1960's portion uses linear style supervision with rover or floor officers making random cell checks no less than once an hour. This operation is inherited rather than a preference.

The portion of the jail opened in 1994 uses the more modern and commonly used podular design which utilizes indirect supervision by way of housing control rooms which have direct visual into the housing units through glass and rover or floor officers making random cell checks no less than once an hour.

### ***Jail Operational and Inmate Supervision Philosophy***

In discussing the desired operational philosophy of the jail with the jail commander, direct supervision would be the desired inmate supervision with the officers in the housing units directly supervising the inmates. However, with concern for long term staffing costs, the department feels the indirect (through glass) model is an acceptable and more realistic style of inmate supervisor for most of the BUTTE County Jail. Management would like to explore a mixture of direct and indirect supervision of inmates.

### ***Inmate Movement Philosophy***

Jail management would prefer unescorted movement of inmates within the facility; however, the current building design makes it impossible. Any future jail additions should strive for unescorted movement, and if possible, improved movement in the existing jail.

## C. Current Adult Inmate Population

### *Inmate Profiles*

The following data are the “snapshot” result of all active jail files on February 5, 2013.

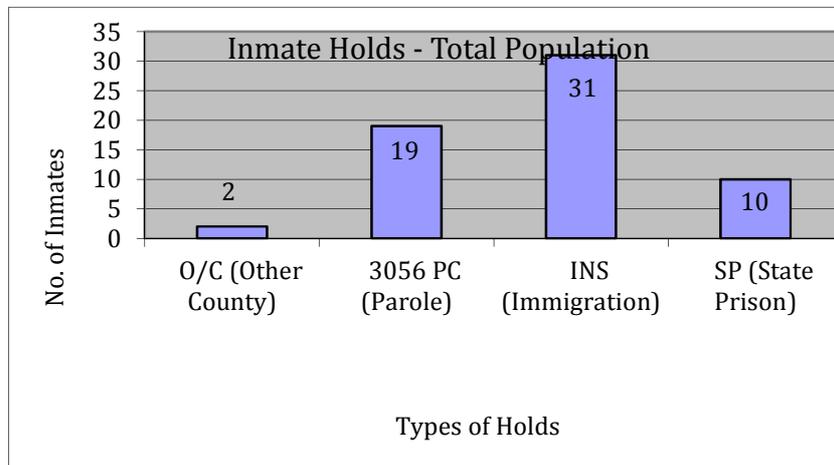
<b>BUTTE County Jail Facility Inmate Profile - February 5, 2013</b>					
<b>Total Profile</b>		<b>Male Profile</b>		<b>Female Profile</b>	
<b>No. Inmates</b>	604	<b>No. Inmates</b>	539	<b>No. Inmates</b>	65
<b>Holds</b>		<b>Holds</b>		<b>Holds</b>	
O/C (Other County)	2	O/C (Other County)	2	O/C (Other County)	0
3056 PC (Parole)	19	3056 PC (Parole)	19	3056 PC (Parole)	0
INS (Immigration)	31	INS (Immigration)	30	INS (Immigration)	1
SP (State Prison)	10	SP (State Prison)	9	SP (State Prison)	1
<b>Age</b>		<b>Age</b>		<b>Age</b>	
Average	34.8	Average	34.9	Average	33.9
High	78	High	78	High	58
Low	18	Low	18	Low	20
<b>Race</b>		<b>Race</b>		<b>Race</b>	
White	392	White	337	White	55
Hispanic	120	Hispanic	117	Hispanic	3
Asian	7	Asian	7	Asian	0
Black	50	Black	46	Black	4
Indian	27	Indian	25	Indian	2
Unknown	8	Unknown	7	Unknown	1
<b>Incarceration Status</b>		<b>Incarceration Status</b>		<b>Incarceration Status</b>	
Sentenced	164	Sentenced	144	Sentenced	20
Pre-Sentenced	440	Pre-Sentenced	395	Pre-Sentenced	45
Felony	573	Felony	511	Felony	62
Misdemeanor	31	Misdemeanor	28	Misdemeanor	3
Violence	250	Violence	233	Violence	17
Property	159	Property	123	Property	36
Drug/Alcohol	167	Drug/Alcohol	155	Drug/Alcohol	12
3056 PC Only	28	3056 PC Only	28	3056 PC Only	0
<b>Security Level</b>		<b>Security Level</b>		<b>Security Level</b>	
Max	238	Max	217	Max	21
Med.	281	Med.	237	Med.	44
Min.	95	Min.	95	Min.	0
<b>Residence</b>		<b>Residence</b>		<b>Residence</b>	
BUTTE County	468	BUTTE County	409	BUTTE County	59
Out-of-County	97	Out-of-County	92	Out-of-County	5
Unknown	39	Unknown	38	Unknown	1

*128 inmates had a drug/alcohol charge in addition to their primary charge.
**114 inmates had a VOP in addition to their primary charge.

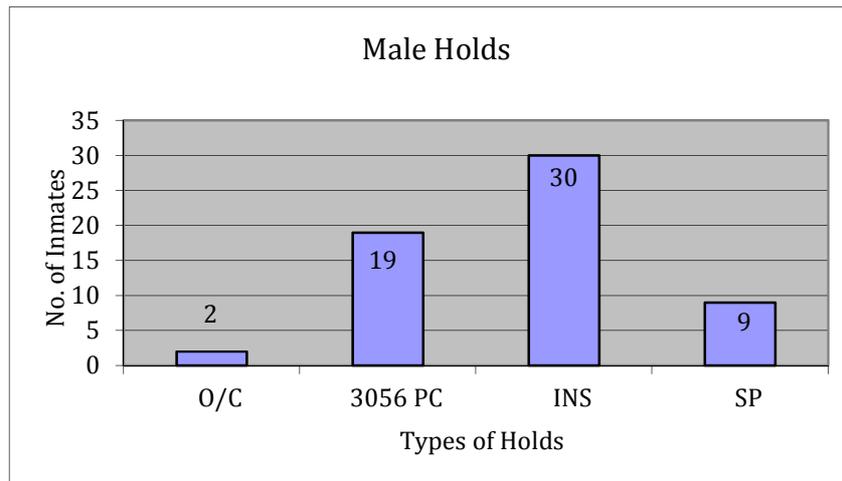
**Table 3**

On February 5, 2013, all the active electronic jail files were reviewed and the above information was obtained. The purpose of the file review was to conduct a “snapshot profile” of the inmate population from a typical month. The following charts illustrate the specific categories from this profile. Furthermore, the data is illustrated in three categories: the total jail inmate population, the male inmate population, and the female inmate population.

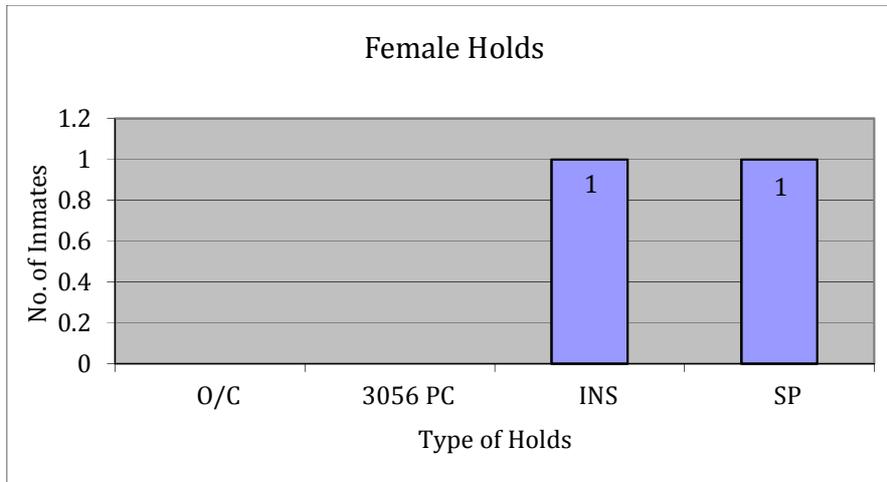
Inmates are often held in county jails on holds from other institutions or agencies for pick up or until their local charges are adjudicated. The below charts indicate the types and number of holds for inmates in the BUTTE County Jail on the profile date.



**Chart 1**

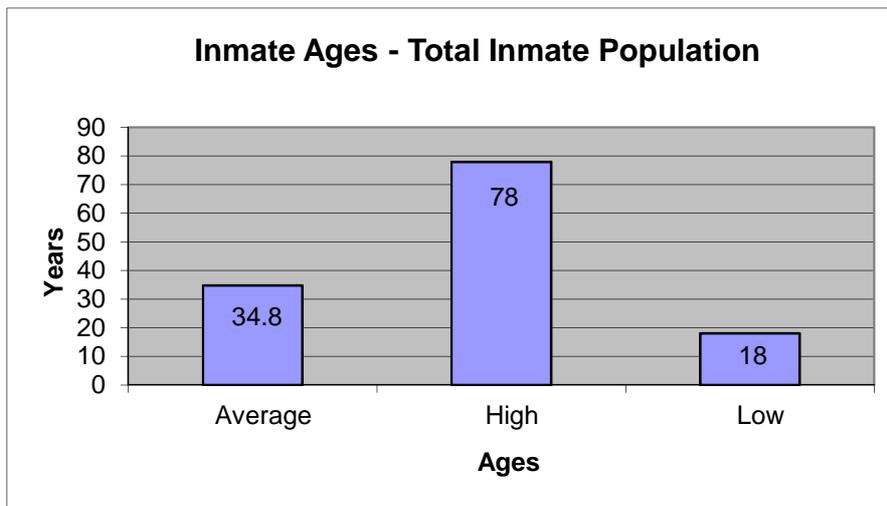


**Chart 2**



**Chart 3**

The following six charts show the age and race demographics of the inmates in the jail that are generally reflective of the county population.



**Chart 4**

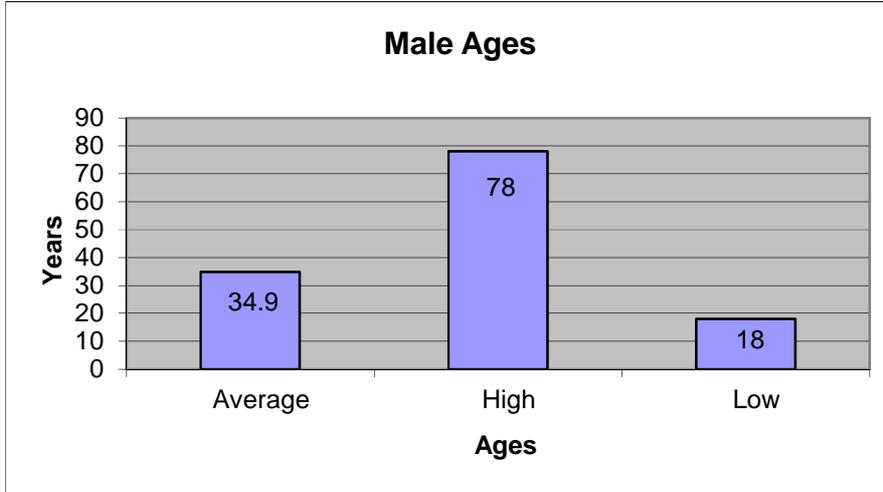


Chart 5

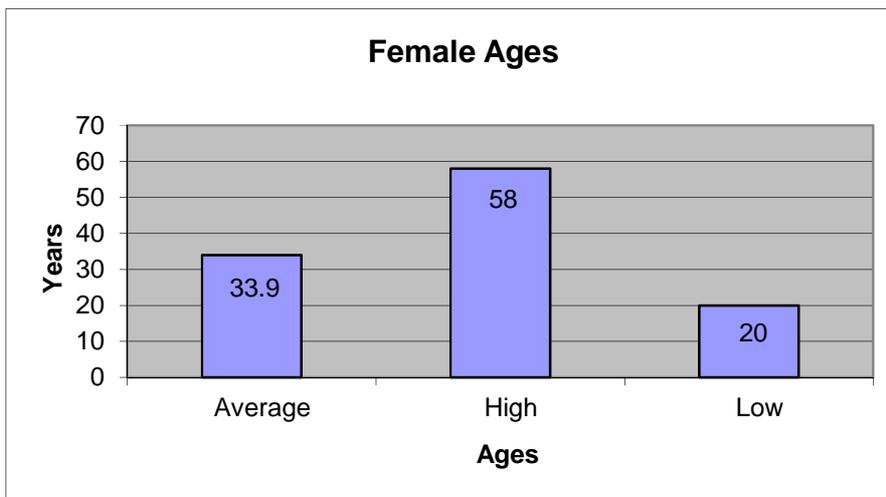


Chart 6

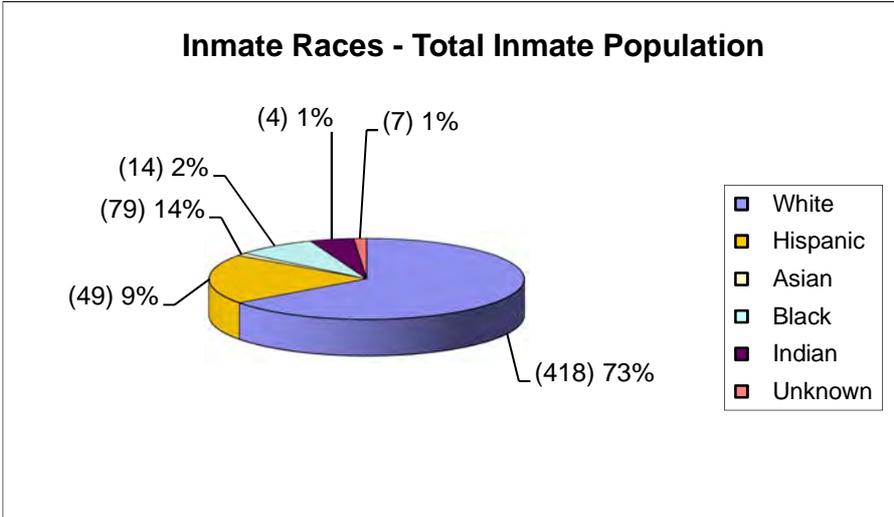


Chart 7

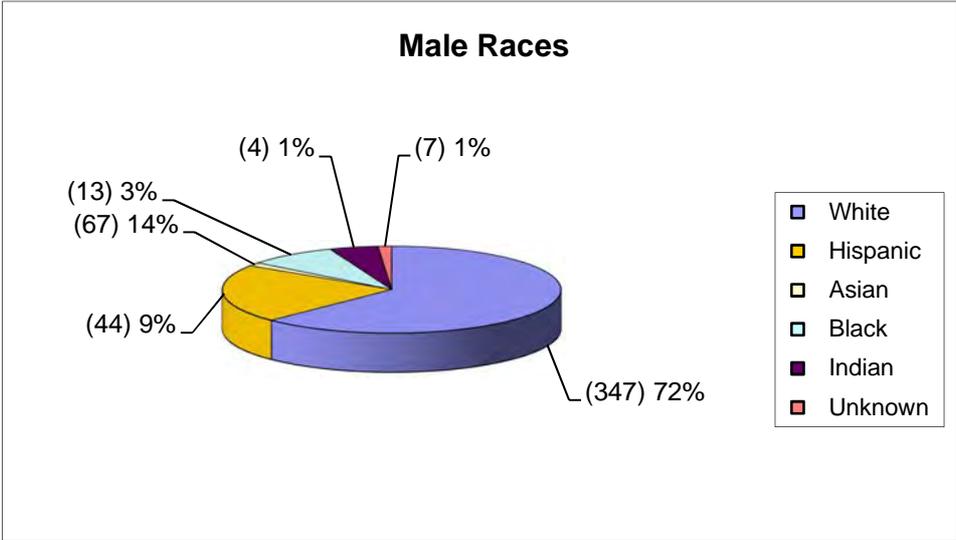
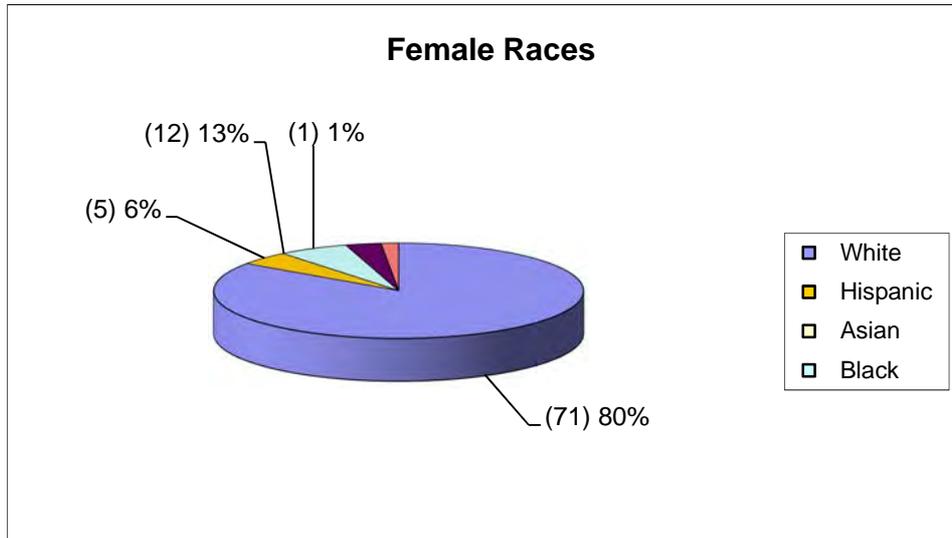
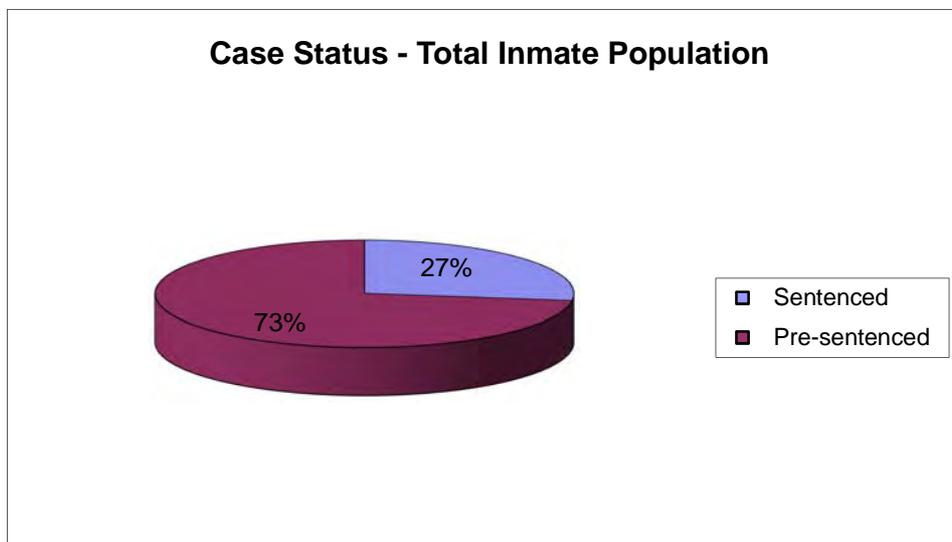


Chart 8

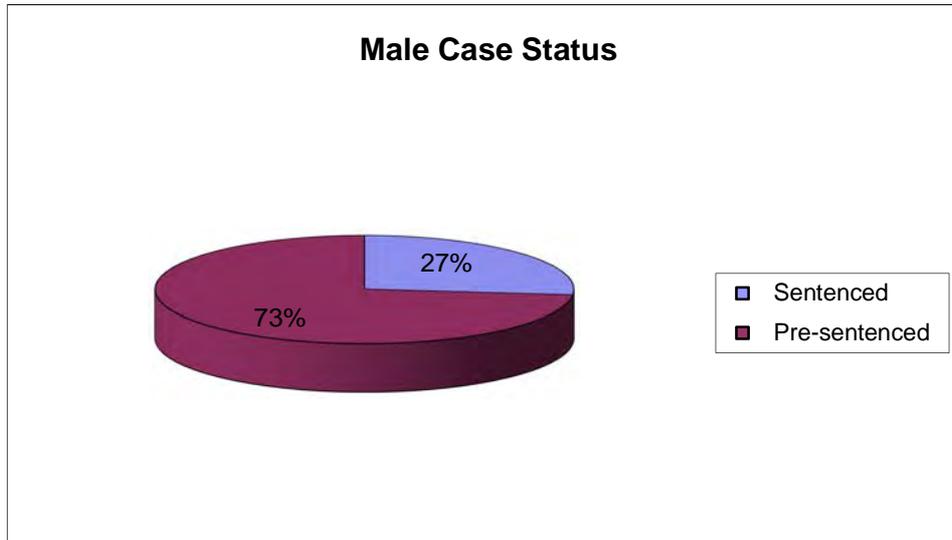


**Chart 9**

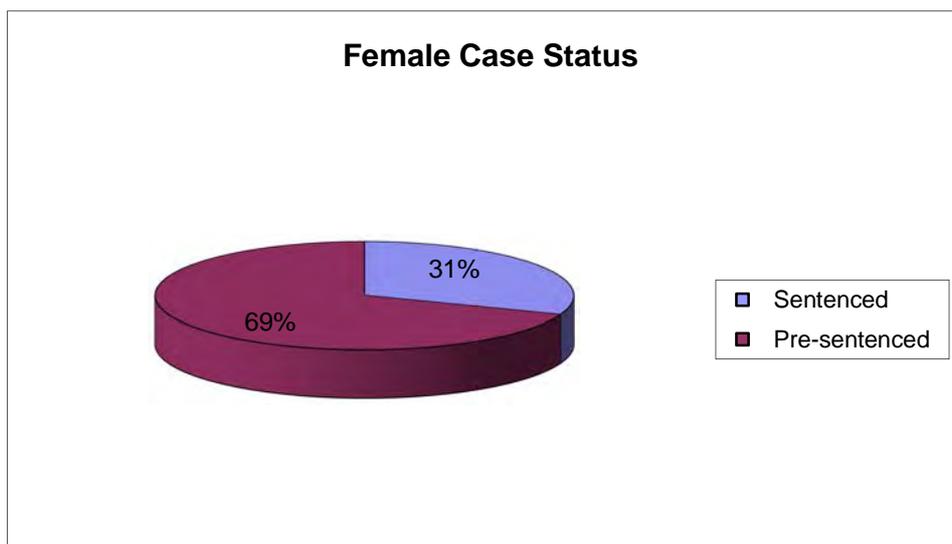
In the statewide Jail Profile Surveys for 2012, the pre-sentenced ratio of total inmate population is 70%. BUTTE County is similar. It should be noted that as more inmates come into the county corrections system with longer sentences, this percentage ratio would necessarily trend downward.



**Chart 10**



**Chart 11**



**Chart 12**

Most jails in the state are facing overcrowding that is reflected in the ratio of felons versus misdemeanants that are in custody. Severely overcrowded jails tend to have a ratio of 80% to 95% felons to misdemeanants. The following charts show that BUTTE County fits this description.

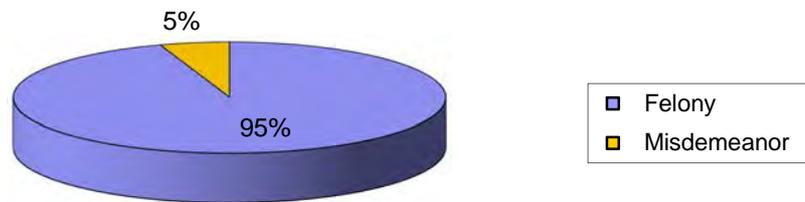
*Harris and Harris Enterprises – BUTTE County Needs Assessment Update – April 1, 2013*

**Felony vs. Misdemeanor Ratio - Total Population**

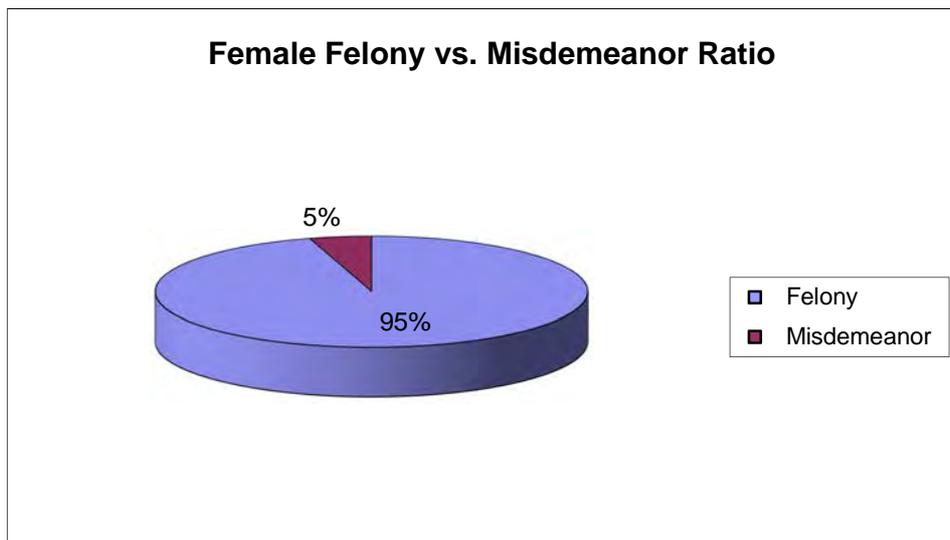


**Chart 13**

**Male Felony vs. Misdemeanor Ratio**

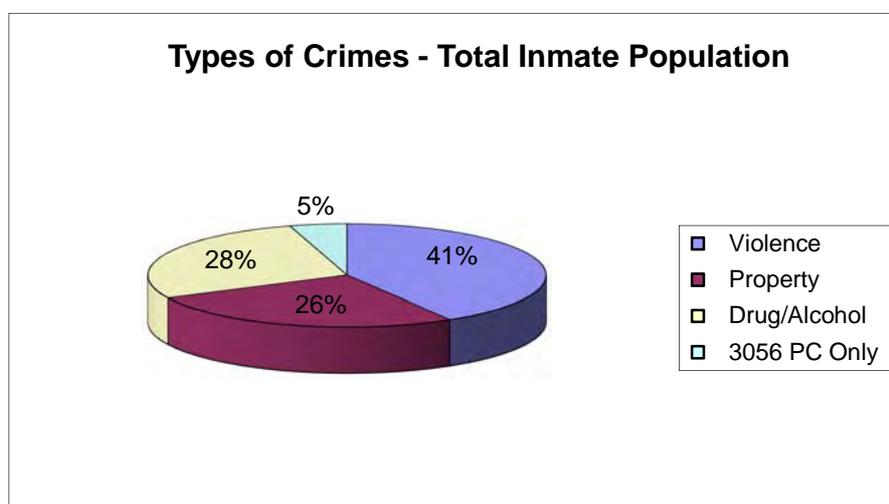


**Chart 14**

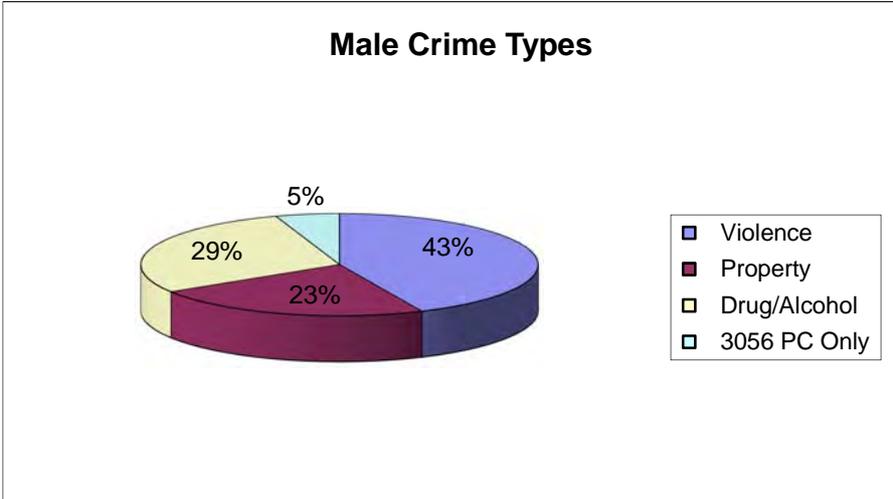


**Chart 15**

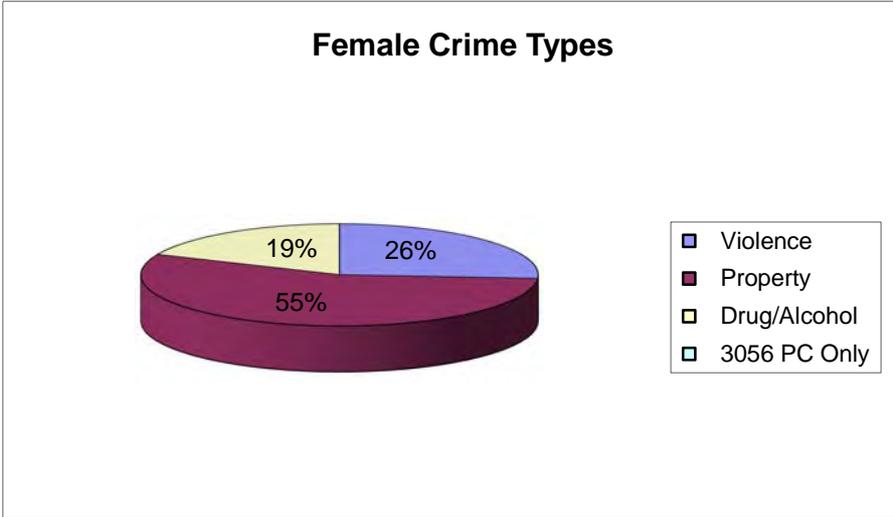
The BSCC Jail Profile Surveys do not identify the types of crimes inmates are in custody for statewide. Typically however, trends reveal a higher percentage of incarcerated inmates are being held for violent crimes.



**Chart 16**



**Chart 17**



**Chart 18**

The BSCC statewide Jail Profile Surveys for 2012 shows the ratios for Security Levels to be:

- Maximum – 31.9%
- Medium – 43.5%
- Minimum – 24.5%

**BUTTE County jail shows a higher percentage of Maximum inmates. Furthermore, BUTTE does not have any minimum-security beds for female inmates.**

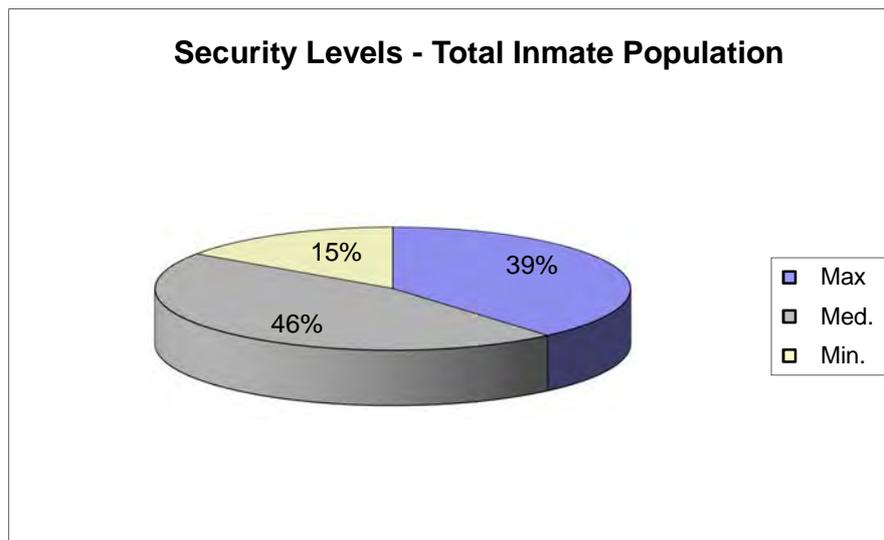


Chart 19

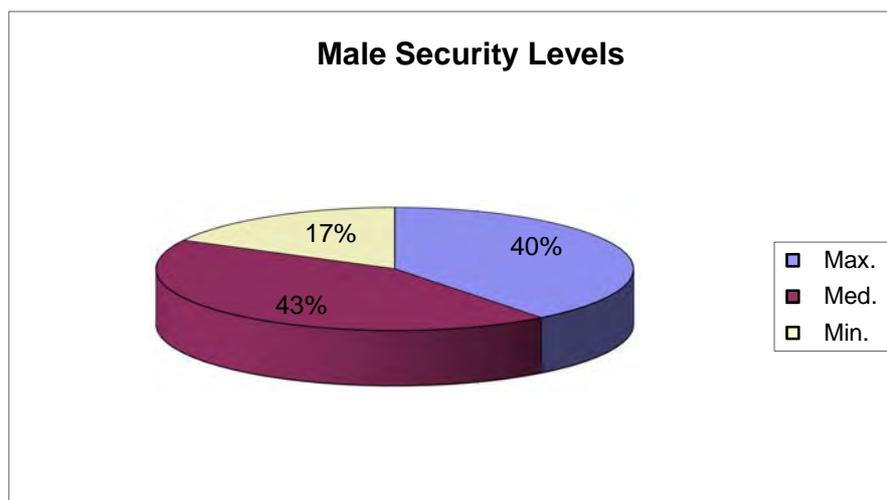
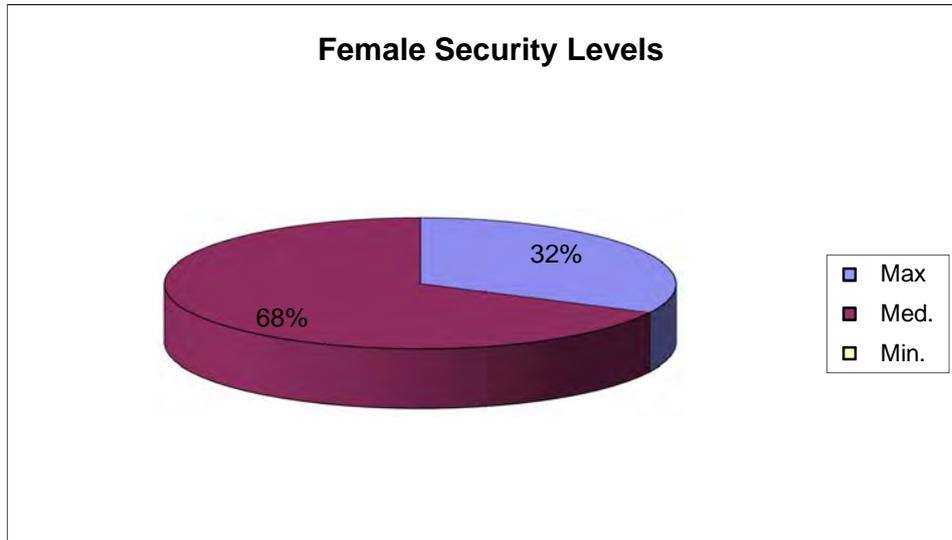
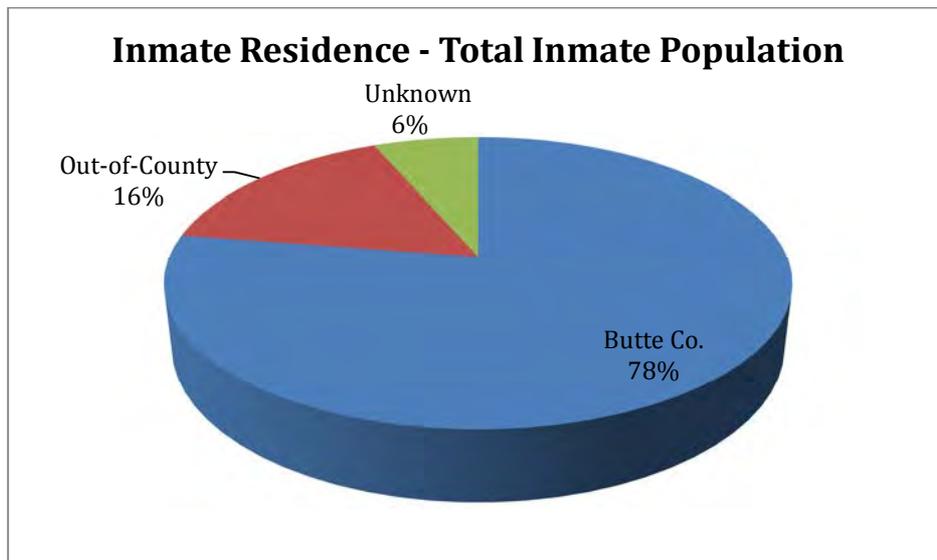


Chart 20

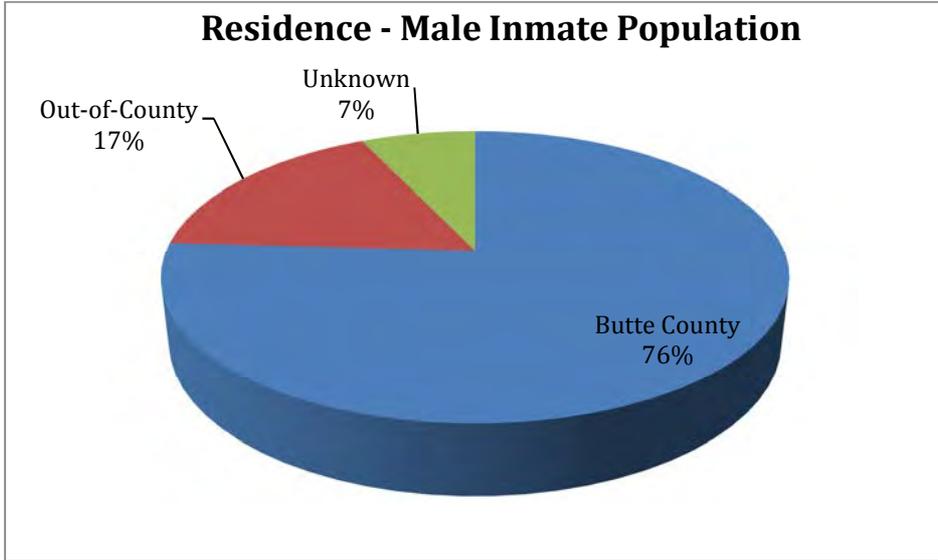


**Chart 21**

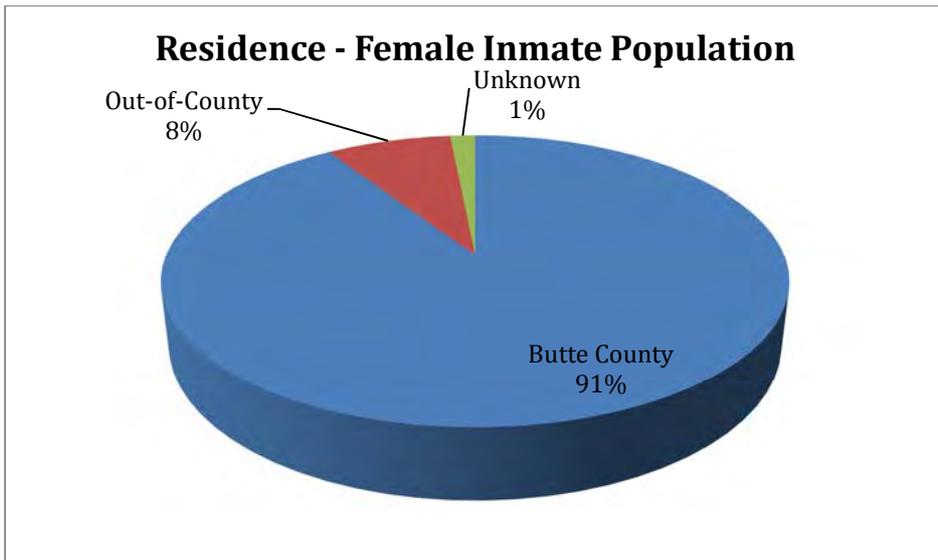
Counties that are contiguous to large urban areas experience significant impact from “spill-over” crime. This is not the case with BUTTE County as reflected in the following charts.



**Chart 22**



**Chart 23**



**Chart 24**

## **D. Current Jail Classification System**

### **Classification Unit**

A thorough analysis of the BUTTE County Sheriff's Office Corrections Classification system revealed the following:

BUTTE County jail has four fulltime Classification officers plus one sergeant who provides oversight as a collateral duty. The Classification officers work seven-days per week from 6:00 am to 2:00 am. This leaves a four-hour period with no coverage but this is a slow period and short in duration. Classification officers go to booking every hour or more as needed to conduct interviews on all inmates to be housed in the jail. Classification officers utilize an objective point accumulated classification instrument evaluating past criminal history, current charges, prior custody behavior and history, gang affiliation, and special needs.

#### **Classification Recommendations:**

1. Classification of new arrestees immediately after booking at the booking room is a very effective way to do classification, however, consideration and study should be given to another method; if the jail had a classification housing pod, most inmates could be sent to this housing assignment as the result of an objective jail classification "decision tree" instrument (except those with special needs of higher security levels). In most jails, 50% of the arrestees are released within 48-hours due to bail or release on Own Recognizance. Inmates would remain in the classification pod until after arraignment. Classification officers then would conduct full interviews of those remaining and assign more specific housing assignments. This may reduce the workload of Classification officers to deal with other important classification needs.
2. The point accumulation instrument is being replaced in some jurisdictions with the decision tree instrument that can be either paper or computer operated. The problem with point-accumulated instruments is that the officers assign a number value to different categories. They then add up all the values and assign housing based on the totals. If an officer transposes a number or makes an addition miscalculation the inmate could conceivably be housed in the wrong living area. If the inmate then becomes victimized and sues the County, there is no clear defense for this error. The decision tree instrument works in the same manner except that the officer follows a flow chart that takes him/her to the appropriate housing assignment. Examples of the decision tree objective jail classification instruments are readily available (Contact the U. S. Department of Justice - National Institute of Corrections for details on decision tree instruments). Jail management should conduct a study and consider whether a change is appropriate.

### **Inmate Discipline System**

Jail line staff correctional officers write up inmates who violate jail rules. The report then goes to the team sergeant who determines guilt or innocence. If it is determined the inmate is guilty of the violation, the report goes to the jail administrative sergeant who proposes discipline. The inmates

can accept the discipline or choose to appeal the finding up to the jail commander. Butte County jail's inmate discipline system meets the standards established by the California Code of Regulations Title 15; however, not having a separate and distinct disciplinary isolation unit is an issue.

### **Inmate Discipline System Recommendations**

1. There is no separate and distinct Disciplinary Isolation (DI) housing in the Butte County jail. There is little or no available housing to put inmates in DI. Consequently, inmates given DI for violation of the jail rules are placed into administrative segregation (adseg) and afforded those privileges, such as television, because they cannot withhold them from the adseg inmates.
2. Any new jail expansion should include separate and distinct disciplinary isolation housing. Inmates who commit "major" jail rule violations should be assigned to DI for a specific period of time. DI housing should be limited to "rights" only and afford no privileges to insure the integrity and security of the jail discipline system.

### **Jail Gang Unit**

There is one full time jail gang officer who works Monday through Thursday 6:00 am to 4:00 pm. The jail gang officer is responsible for interviewing all suspected gang members and validating their status as well as making entries in the state Cal Gang computer system. The gang officer also photographs gang tattoos. The gang officer works closely with the Classification officers to ensure that the gang members are housed appropriately and separate from rival gang members. On February 11, 2013 there were 108 confirmed gang members in custody. The gang officer indicated that there are on average 90 to 110 gang members in custody at any given time.

### **Gang Unit Recommendations**

1. There are a high number of gang members for one officer to manage. The jail administration should consider increasing the number of personnel to manage this number of gang members.
2. A possible solution to this shortage of personnel in the gang unit would be to include a classification pod in any new jail construction which could reduce the number of interviews by the Classification officers who would then have more time to assist with managing the jail's gang unit.

## **E. Programs Needs**

### ***Existing Inmate Programs and Services***

Providing a significant range of programs to inmates is critical to the management of a jail. Jail programs can affect the level of tension in the jail and impact recidivism after release. BUTTE County provides programs to inmates that are both in custody and out of custody. Their Alternative Custody Supervision (ACS) and Day Reporting Center (DRC) provide the innovative evidence based programs.

#### **Sheriff's Work Alternative Program (SWAP)**

SWAP is managed from 31 County Center Drive in the East Facility. SWAP is an alternative to incarceration program where select individuals are permitted to participate in this program in lieu of serving time in jail. Most of the participants arrive when ordered to report to the jail to begin serving their time and have been qualified by the courts as eligible for alternative corrections programs. Some in custody inmates are allowed to participate in the programs as well as all inmates released early due to jail overcrowding.

SWAP participants work one 8-hour workday either at the jail grounds or with a public/non-profit agency in the community. Their 8 hours of work replaces a 24-hour day of incarceration. They live at home and work according to a convenient schedule. There is a non-refundable \$75.00 application fee to apply for SWAP and a \$7.00 per day fee.

One interesting aspect of this program is that inmates released early per the court order for overcrowding are encouraged to participate in SWAP. This is an excellent approach as many counties simply release the early releases as "time served".

#### **Alternative Custody Supervision**

The Sheriff's Office established an Alternative Custody Supervision (ACS) unit responsible for supervising offenders released from the jail and placed into the community. Prior to being placed in the program, the offenders are assessed to determine the level of risk their release would pose to public safety. If the risk is determined to be reasonable, and the offender meets other program requirements, he or she may be accepted into the program. Currently the program has the capacity to supervise 200 offenders. Correctional Deputies assigned to the ACS unit supervise the offenders by conducting regular and unannounced home visits; ensure compliance with the terms and conditions of release and provide basic case management.

The Sheriff's Office uses both Radio Frequency (RF) and Global Positioning System (GPS) equipped ankle bracelets to monitor offenders released to the Sheriff's Alternative Custody program. Offenders are required to remain at their residence, unless they are working, attending classes or have permission to leave. A study released by the National Institute of Justice in September of 2011 indicates that electronic monitoring reduces recidivism by 31 percent.

The Sheriff's Office has opened a Day Reporting Center (DRC), where offenders released to the ACS program meet with Correctional Deputies and programming staff to participate in evidenced based classes designed to address their individual criminogenic needs and reduce recidivism. Offenders have access to a variety of services and programs at the DRC. A December 2010 study showed that offenders required to participate in programming at a DRC are three times less likely to re-offend as compared to offenders in community supervision who are not required to participate in programming at a DRC.

Jail administration indicated that they are averaging over 100 participants in ACS. This is up from approximately 20 reported in the 2006 study when the program was known as the Electronic Surveillance Program. They currently have 113 on the program and all are on electronic monitoring. They maintain about 120 GPS unit and 20 RF units. Ninety percent of the inmates on ACS are county prisoners and the other 10 percent are sentenced to county jail.

Allocated Positions:

- (1) Lieutenant
- (3) Sergeants
- (10) Correctional Deputies (ACS)
- (2) Patrol Deputies (ACS)
- (3) Clerks (ACS)
- (1) Utility Officer
- (1) Half time clerk
- (1) Sheriff's Security Officer (Day Reporting Center)
- (1) Compliance Deputy
- (2) Correctional Technicians
- (2) Correctional Deputies (SWAP)

Positions Currently filled:

- (1) Lieutenant
- (2) Sergeants
- (7) Correctional Deputies (ACS)
- (2) Patrol Deputies (ACS)
- (2) Clerks (ACS)
- (1) Utility Officer
- (1) Half time clerk
- (1) Sheriff's Security Officer (Day Reporting Center)
- (1) Compliance Deputy
- (2) Correctional Technicians
- (2) Correctional Deputies (SWAP)

**County Parole**

A parole board comprised of a member of the Sheriff's Office, a member from the Probation Department, and a public member manages the County Parole Program. The criteria to participate in this program are as follows:

1. Must have been sentenced to 60 days or more.
2. Must have served at least one quarter of the net sentence.
3. Must reside and work in BUTTE County.
4. Must have a telephone at your disposal.
5. Must have means of support for entire period of parole.
6. Must have acceptable transportation to and from work.
7. No prior walk away from SWAP or ESP in past year.
8. No major disciplinary write-ups.

9. Must have served any minimum term required by law.
10. Must meet eligibility for SWAP and ESP programs.
11. Must not have been denied parole by the courts.
12. Must not have failed terms and conditions of probation.
13. Applications must be turned in two weeks before the 2nd Tuesday of each month by 1200 noon.

There is no fee for the County's Parole Program. Records show that on average two persons per month participate in this program.

### **Captain Bob's Pancake Wagon**

This program involves Sheriff's personnel and two inmate workers going out with a cook trailer and preparing pancakes for local fundraisers and events. In 2012 the wagon and crew participated in seven events using two inmates.

### **Pretrial Release (Own Recognizance) Program**

In June 2005, the National Institute of Corrections (NIC) conducted a study of BUTTE County's Pre-trial Release Program and made numerous recommendations. The Consultants concur with the recommendations of the NIC report. BUTTE County has substantively complied with those recommendations and revamped their O.R Release Program.

In 2012, there were 2,507 Pretrial reports completed and sent to the courts. That number of annual reports has averaged around 2,500 since 2007. In 2005, that number was 1,814.

Due to AB109, staffing was increased in the Pretrial Unit with one fulltime Sheriff's Clerk added in February 2012, and two Correctional Technicians in September 2012. The Pretrial Supervisor is still responsible for the additional Sheriff's Clerks assigned to the Jail Division and the daily operations of the Booking Office.

The primary duties of the two Correctional Technicians in the Pretrial Unit include the interviewing of all new arrestees and evaluating them for O.R. releases/recommendations. The Technicians also verify the information gathered from those interviewed. The Technicians are there seven days a week and work ten-hour shifts with one day of overlap. The Sheriff's Clerk assigned to the unit is also familiar with completing O.R. reports and provides relief, but is not utilized in interviewing arrestees, as the Correctional Technicians are more familiar in that area due to their past experience in the Booking office. However, it is anticipated that the Sheriff's Clerk position will play a larger role in communicating with their Alternative Custody Program about those that are on supervised O.R. and/or electronic monitoring and submitting status reports to the Court in the near future.

In July 2012, a standing order (BCSC 2012-SO-04) was signed allowing those evaluated as low-risk and not a threat to public safety to be released on pre-arraigned O.R. The low-risk pre-arraigned phase began November 1, 2012. Due to stringent conditions, only a handful of arrestees have been deemed eligible and released pre-arraignment. In March of 2013, the second phase will commence

allowing for those that are deemed moderate-risk, to be released pre-arraignment with judicial authorization.

**Recommendations:**

1. The Sheriff's Parole seems to be underutilized; however, there are more in the program than during the review in 2006. A separate study should be conducted to determine if there are more inmates who could possibly qualify for this program.

**Out of Custody Program:** All eligible participants are assessed and based on their individual needs placed in groups. Every participant is enrolled in the MRT (Moral Reconciliation Therapy Class). This class meets twice a week for one-hour sessions. Group size is no greater than 12 participants. Groups generally separated by gender.

**In Custody Program:** All eligible participants are assessed and based on their individual needs placed in the appropriate groups. Every participant is enrolled in the MRT class. This class meets once a week in the jail for 90-minute sessions. Groups separated by Pod classification.

**About MRT: Evidenced Based Cognitive Behavioral**

Moral Reconciliation Therapy (MRT) is the premiere cognitive-behavioral program for criminal justice offenders. Developed in 1985 by Gregory Little, Ed.D., and Kenneth Robinson, Ed.D., more than 120 published reports have documented that MRT-treated offenders show significantly lower recidivism for periods as long as 20 years after treatment. Studies show MRT-treated offenders have rearrests and re-incarceration rates 25% to 75% lower than expected. MRT is designed to run 12-16 weeks.

- MRT is a cognitive-behavioral counseling program that combines education, group and individual counseling, and structured exercises designed to foster moral development in treatment-resistant clients. MRT addresses beliefs and reasoning.
- Participants must be confronted with the consequences of their behavior and the effect that it has had on their family, friends and community. Poor moral reasoning is common within at-risk populations.
- It is a systematic, step-by-step group counseling treatment approach for treatment-resistant clients. The program is designed to alter how clients think and make judgments about what is right and wrong.
- Participants make presentations in group and are required to complete homework assignments on a weekly basis.

**Participants are placed in the following specific classes based on the assessments as well as the offender's prior record:**

**Anger Management: Coping with Anger Class:**

- This class is cognitive behavioral in that it confronts the clients' thinking patterns, irrational beliefs, and inappropriate behaviors in response to feelings of anger. The focus is not on the clients' anger feelings but their thinking and behavior as it relates to anger.
- The Coping with Anger Class is a once a week class –approximately 90 minutes in length. This class runs 8-10 weeks.

- The program is task orientated and requires clients to complete homework assignments between groups. In group each client presents his or her homework to the group and the facilitator passes the client to the next module or has the client redo the homework based on objective criteria.

#### **Substance Abuse: Staying Quit –Relapse Prevention Class**

- The Staying Quit class provides evidence-based programs and materials that can help clients avoid a relapse by recognizing risky situations, coping with urges and cravings, being around users, understanding support issues and taking charge.
- The materials help the participants understand which situations and people may trigger a relapse.
- The relapse prevention program runs approximately 8-10 weeks, supplemented by several sessions with a counselor or facilitator. Clients complete homework for each module prior to coming to group. While in their group, each client presents his or her homework to the group and the facilitator passes the client to the next module or has the client redo the homework based on objective criteria.
- The relapse prevention groups are open-ended meaning that new clients can enter an ongoing group at any time. Each group session will usually have new clients as well as some finishing the program.

#### **Parenting/Family Value Class:**

- Some parents lack a sense of what many people would consider basic parenting skills, but are capable of being good parents if they learn these skills. This class offers a cognitive behavioral program to help these parents overcome their struggles and succeed.
- This class is also designed to help participants develop parenting skills and assess values related to family. Clients confront their parenting skills and habits, perform a clarification on their values regarding family, and establish appropriate discipline routines.

#### **Theft/Something For Nothing Class:**

- This class *is* directly targeted to shoplifters/theft related offenses.
- The program runs approximately 6 to 8 weeks (90 minute weekly sessions). The participants complete written material and share their responses with the group. In weekly groups, clients read each exercise and complete the writing assignments.

#### **Other Services:**

- Computer based/Online GED Program
  - Approximately 1/3 of the BUTTE County participants are in need of their GED
- Random Drug Testing
- Job Search/Job readiness (Alliance for Workforce Development)
- College Readiness Class
- Narcotics Anonymous
- Mentor Program (BUTTE County Mentoring Program)
- Library Literacy Program (BUTTE County Library)
- Road Crew – (2) work crews; (1) cutting/brush abatement; (2) litter pickup and removal
- Paradise Fire Safe Council

Program Participation Statistics					
Program (as of 2/5/13)	Started	Completed	Failed	Still in Program	Success Rate
Out of custody ACS/DRC <sup>4</sup>	383	140	141 <sup>5</sup>	102	49.8%
In custody ACS/DRC	205	37	32 <sup>6</sup>	33	53.6%

**Table 4**

ACS Program Participation Failures 2006-2012									
Year	Total	Fail	Fail Rate	T/S	Current	Dead	To S.P.	Stayed	To SWAP
2006	86	8	9%	76			2		
2007	72	4	6%	66					2
2008	95	5	5%	89		1			
2009	98	6	6%	90				1	1
2010	98	4	4%	93		1			
2011	167	26	16%	135	2		3		1
2012	235	75	32%	76	67		16		1
<b>Total</b>	851	128	11%		69	2	21	1	5

**Table 5**

**Note:**

T/S – Time Served

To S.P – To Sheriff's Parole program

SWAP – Sheriff's Work Alternative Program

<sup>4</sup> ACS – Alternative Custody Supervision/ DRC – Day Reporting Center

<sup>5</sup> 15 were new charges/arrests, 31 from unstable environments, 23 escapes, 72 failures

<sup>6</sup> 32 failed, which are categorized as refusals to participate, 103 "Other," which include releases from custody transfers to other facilities or treatment programs

The below chart indicates the year over year increases in the BUTTE County program participation rates. This is directly attributed to their implementation of the AB109 inmate realignment and their Community Corrections Partnership plan.

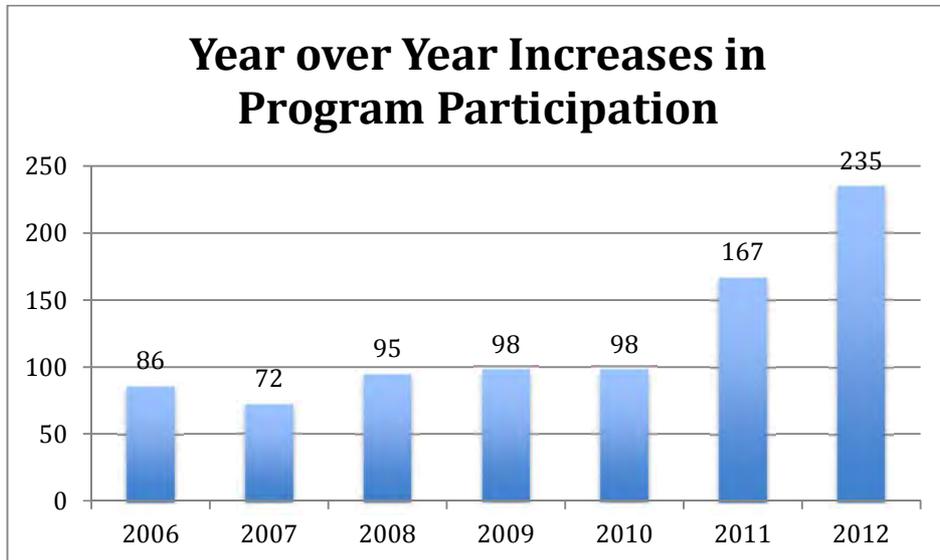


Chart 25

The below chart depicts the program failure rates from 2006 through 2012. The project team believes that the increase in failure rates is caused by the AB109 infusion of more serious and sophisticated offenders. This highlights the need to have the bed space to house program failures to continue to hold them accountable. This of course, is a vital part of the part of the community corrections system.

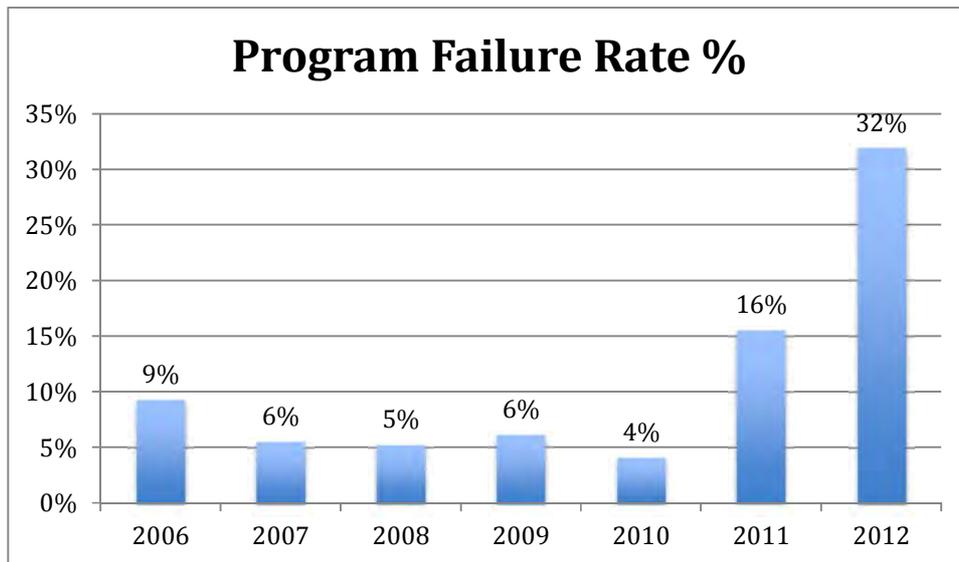


Chart 26

BUTTE County meets the Title 15 mandatory program requirements by providing the following in-custody program. As listed above, they exceed the minimums by providing those additional programs in their efforts to curb recidivism.

***Mandatory Programs Provided***

- Law library/legal resources
- Recreational reading library
- Visitation
- Recreation
- Religious services
- Telephone access
- Medical and Mental Health Services

**Program Recommendations:**

- Continue to implement programs and seek out new programs to mitigate overcrowding impacts.

## ***AB109 Inmate Realignment***

AB109 realignment is a new and complex set of variables. The role that AB109 plays into this updated jail needs assessment is to determine how many additional beds will be needed for future growth in the framework of the new realignment. Now that there has been approximately 15 months of implementation, the factors the project team will use in making this projection are:

- Average Daily Population (ADP) of the BUTTE County Jail
- Average Length of Stay (ALOS) in the BUTTE County Jail
- Post Release Community Supervision (PRCS) Revocations
- New Program Revocations

The project team has found that BUTTE County Sheriff's Office has done a good job of tracking these numbers (in spite of their antiquated corrections management system). We will use these rates to assist in making a projection - excluding technical violations since they can no longer be incarcerated.

\* The AB109 projections will be presented in this document in Section F, "Analysis of Local Trends and Characteristics."

To help understand the implications, we provide an overview of AB109 and the associated Assembly and Senate Bills.

As with all California counties, BUTTE is tasked with trying to determine the true impacts of implementing AB109/117. Since this is a fairly new path for all involved and there is little historical data for trend line analysis, no one can predict the outcomes with any degree of certainty. Based on the California Department of Corrections and Rehabilitations (CDCR) fact sheet, the primary issues of AB109/117 include:

### **Public Safety Realignment**

In 2011, Governor Edmund G. Brown Jr. signed Assembly Bill (AB) 109 and AB 117, historic legislation that will enable California to close the revolving door of low-level inmates cycling in and out of state prisons. It is the cornerstone of California's solution for reducing the number of inmates in the state's 33 prisons to 137.5 percent design capacity by May 24, 2013, as ordered by the U.S. Supreme Court.

All provisions of AB 109 and AB 117 are prospective and implementation of the 2011

Realignment Legislation will begin October 1, 2011. ***No inmates currently in state prison will be transferred to county jails or released early.***

Governor Brown also signed multiple trailer bills to ensure the 2011 Realignment secured proper funding before implementation could go into effect.

The 2011 Realignment is funded with a dedicated portion of state sales tax revenue and Vehicle License Fees (VLF) outlined in trailer bills AB 118 and SB 89. The latter provides

revenue to counties for local public safety programs and the former establishes the Local Revenue Fund 2011 (Fund) for counties to receive the revenues and appropriate funding for 2011 Public Safety Realignment.

### **Funding of Realignment**

- AB 111
  - Gives counties additional flexibility to access funding to increase local jail capacity for the purpose of implementing Realignment.
- AB 94 (2011 Realignment Legislation Addressing Public Safety)
  - Comes into effect upon the passage of AB 111.
  - Authorizes counties who have received a conditional award under a specified jail facilities financing program to relinquish that award and reapply for a conditional award under a separate financing program.
  - Lowers the county's required contribution from 25 percent to 10 percent and additionally requires CDCR and the Corrections Standard Authority to give funding preference to those counties that relinquish local jail construction conditional awards and agree to continue to assist the state in siting re-entry facilities.
- AB 118
  - Outlines the financial structure for allocating funds to a variety of accounts for realignment.
  - Establishes the Local Revenue Fund 2011 for receiving revenue and appropriates from that account to the counties.
  - Directs the deposit of revenues associated with 1.0625 percent of the state sales tax rate to be deposited in the Fund.
  - Establishes a reserve account should revenues come in higher than anticipated.
  - The reallocation formulas will be developed more permanently using appropriate data and information for the 2012-'13 fiscal year and each fiscal year thereafter.
  - Implements sufficient protections to provide ongoing funding and mandated protection for the state and local government.
  - The smallest of counties that benefit from the minimum grant will each receive approximately \$77,000 in 2011-'12.
- SB 89
  - Dedicates a portion (\$12) of the Vehicle License Fee to the Fund.
  - Revenue comes from two sources; freed up VLF previously dedicated to DMV administration and VLF that was previously dedicated to cities for general purpose use.
  - Estimated total amount of VLF revenue now dedicated to realignment is \$354.3 million in 2010-2011.
- SB 87

- Provides counties with a one-time appropriation of \$25 million to cover costs associated with hiring, retention, training, data improvements, contracting costs, and capacity planning pursuant to each county's AB 109 implementation plan.

In addition to the initial funding phases, SB 1022 now offers additional funding to meet some of the AB109 burden of housing and treating additional inmates.

- SB 1022
  - Authorizes up to \$500 million in revenue bonds, notes, or anticipation notes to fund the acquisition, design, construction, and renovation of approved adult criminal facilities, as specified.

### **Local Planning Process**

The Community Corrections Partnership (CCP), which was previously established in Penal Code § 1230, will develop and recommend to the county Board of Supervisors an implementation plan for 2011 Public Safety Realignment. An Executive Committee from the CCP members will be comprised of the following:<sup>7</sup>

- Chief probation officer
- Chief of police
- Sheriff
- District Attorney
- Public Defender
- Presiding judge of the superior court (or his/her designee)
- A representative from either the County Department of Social Services, Mental Health, or Alcohol and Substance Abuse Programs, as appointed by the County
- Board of Supervisors.

The Executive Committee plan is deemed accepted by the county Board of Supervisors unless the Board rejects the plan by a four-fifths vote.

### **Community, Local Custody**

AB 109 allows non-violent, non-serious, and non-sex offenders to serve their sentence in county jails instead of state prisons. However, counties can contract back with the State to house local offenders.

Under AB 109:

- No inmates currently in state prison will be transferred to county jails.
- No inmates currently in state prison will be released early.
- All felons sent to state prison will continue to serve their entire sentence in state prison.

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<sup>7</sup> Salient excerpts from the BUTTE County CCP plan are included in this section for review.

- All felons convicted of current or prior serious or violent offenses, sex offenses, and sex offenses against children will go to state prison.
- There are nearly 60 additional crimes that are not defined in Penal Code as serious or violent offenses but at the request of law enforcement were added as offenses that would be served in state prison rather than in local custody.

Please see the document “AB 109: Final Crime Exclusion List” for a complete listing of those crimes.

### **Post-Release (County-Level) Community Supervision**

CDCR continues to have jurisdiction over all offenders who are on state parole prior to the implementation date of October 1, 2011. Prospectively, county-level supervision for offenders upon release from prison will include current non-violent, current non-serious (irrespective of priors), and some sex offenders. County-level supervision will not include:

- Inmates paroled from life terms to include third-strike offenders;
- Offenders whose current commitment offense is violent or serious, as defined by

California's Penal Code §§ 667.5(c) and 1192.7(c);

- High-risk sex offenders, as defined by CDCR;
- Mentally Disordered Offenders; nor
- Offenders on parole prior to October 1, 2011.

Offenders who meet the above-stated conditions will continue to be under state parole supervision.

Each county Board of Supervisors was required to designate a county agency to be responsible for post-release supervision and provide that information to CDCR by August 1, 2011. In turn, CDCR must notify counties of an individual's release at least one month prior. Once the individual has been released, CDCR will no longer have jurisdiction over any person who is under post-release community supervision. No person shall be returned to prison on a parole revocation except for those life-term offenders who paroled pursuant to Penal Code § 3000.1 (Penal Code § 3056 states that only these offenders may be returned to state prison).

### **Parole Revocations**

**Starting October 1, 2011, all parole revocations will be served in county jail instead of state prison and can only be up to 180 days.**

The responsibility of parole revocations will continue under the Board of Parole Hearings until July 1, 2013, at which time the parole revocation process will become a local court-based process. Local courts, rather than the Board of Parole Hearings, will be the designated authority for determining revocations. Contracting back to the state for offenders to

complete a custody parole revocation is not an option. Only offenders previously sentenced to a term of life can be revoked to prison.

After July 1, 2013 The Board of Parole Hearings will continue to conduct

- Parole consideration for lifers;
- Medical parole hearings;
- Mentally disordered offender cases; and
- Sexually Violent Predator cases.

AB 109 also provides the following under parole:

- Allows local parole revocations up to 180 days
- Authorizes flash incarceration at the local level for up to 10 days

Inmates released to parole after serving a life term (e.g., murderers, violent sex offenders, and third-strikers) will be eligible for parole revocation back to state prison if ordered by the Board.

Patrick Byers, a Public Defender from Fresno County, has prepared a document to further assist in decoding AB109. These excerpts provide some of the salient points.

*“Realignment’s biggest change is creating county jail felonies: felony offenses punishable by sentences of more than 1 year served in county jail; some of those sentences can be followed by a period of probation. (This structure is also described as “split sentencing.”)*

*The second biggest change is realigning most state parole to county Post Release Community Supervision. There is no supervision after release from a county jail felony, except for those persons with felony sentences that can be followed by probation.*

*Realignment is scheduled to become operative October 1, 2011, but implementation has already begun, at the state and county levels.*

*Many defendants currently in prison, or being sentenced to prison now, will be released on post release community supervision, and many defendants convicted of felonies in September 2011 will be sentenced to county jail for more than 1 year when they are sentenced in October 2011.*

*County jail credit for almost all inmates will be halftime: 4 days deemed served for every 2 actually served.*

*County supervisors can authorize a program of electronic monitoring in lieu of bail.”<sup>8</sup>*

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<sup>8</sup> **REALIGNMENT**, By Garrick Byers, Statute Decoder, Author: Chapters 12, 17, & 41 of *California Criminal Law Procedure and Practice* (Cal CEB Annual) Senior Defense Attorney, Fresno County Public Defender’s Office, Certified Criminal Law Specialist, California State Bar Board of Legal Specialization

*“Sentences for most felonies that are non-serious, non-violent, or non-Pen C §290 registerable felonies (the so-called “non-non-nons” [or N<sup>3</sup>])<sup>9</sup>, when the defendant also is a “non–non–non” (that is, also has no prior strikes or registerable sex offenses), will now be served by terms exceeding 1 year in county jail.*

*The jail sentence for many of those felonies, when a specific term is not prescribed by statute, can be followed by a period of probation under Pen C §1170(h).*

*Most county jail felonies carry terms of 16 months, 2 years, or 3 years, but there are also many with terms longer than 3 years.*

*Counties can also contract with the California Department of Corrections and Rehabilitation (CDCR) to accept persons convicted of county jail felonies.*

*The term used in this paper, county jail felony, mainly refers to the prescribed sentence for the felony itself. But the term can also refer to the defendant being a non-non-non (that is, not having a prior serious, violent, or Pen C §290-registerable felony conviction), and thus eligible to serve the felony sentence in county jail.*

*County jail felonies also may be referred to as “Subdivision (h) Felonies,” because they are sentenced under Pen C §1170’s new subdivision (h).”<sup>10</sup>*

California Penal Code Section 1170 (h) has the following text. We have underlined and/or made bold text points of particular interest.

(h) (1) Except as provided in paragraph (3), **a felony punishable pursuant to this subdivision** where the term is not specified in the underlying offense shall be punishable by a term of **imprisonment in a county jail** for 16 months, or two or three years.

(2) Except as provided in paragraph (3), a felony punishable pursuant to this subdivision shall be punishable by imprisonment in a county jail for the term described in the underlying offense.

(3) Notwithstanding paragraphs (1) and (2), where the defendant

(A) has a prior or current felony conviction for a serious felony described in subdivision (c) of Section 1192.7 or a prior or current conviction for a violent felony described in subdivision (c) of Section 667.5,

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<sup>9</sup> There is also a fourth “non.” There cannot be an enhancement under Pen. Code § 186.11, subd. (a); “the aggravated white collar crime enhancement.” That enhancement can add 1 to 5 years for “two or more related felonies, [involving] fraud or embezzlement, ... of ... more than ... \$100,000...” See Part II, subpart D, below.

<sup>10</sup> **REALIGNMENT**, By **Garrick Byers, Statute Decoder**, Author: Chapters 12, 17, & 41 of *California Criminal Law Procedure and Practice* (Cal CEB Annual) Senior Defense Attorney, Fresno County Public Defenders Office, Certified Criminal Law Specialist, California State Bar Board of Legal Specialization

(B) has a prior felony conviction in another jurisdiction for an offense that has all the elements of a serious felony described in subdivision (c) of Section 1192.7 or a violent felony described in subdivision (c) of Section 667.5,

(C) is required to register as a sex offender pursuant to Chapter 5.5 (commencing with Section 290) of Title 9 of Part 1, or

(D) is convicted of a crime and as part of the sentence an enhancement pursuant to Section 186.11 is imposed, an executed sentence for a felony punishable pursuant to this subdivision shall be served in state prison.

(4) Nothing in this subdivision shall be construed to prevent other dispositions authorized by law, including pretrial diversion, deferred entry of judgment, or an order granting probation pursuant to Section 1203.1.

(5) The court, when imposing a sentence pursuant to paragraph (1) or (2) of this subdivision, may commit the defendant to county jail as follows:

(A) For a full term in custody as determined in accordance with the applicable sentencing law.

(B) For a term as determined in accordance with the applicable sentencing law, but suspend execution of a concluding portion of the term selected in the court's discretion, during which time the defendant shall be supervised by the county probation officer in accordance with the terms, conditions, and procedures generally applicable to persons placed on probation, for the remaining unserved portion of the sentence imposed by the court. The period of supervision shall be mandatory, and may not be earlier terminated except by court order. During the period when the defendant is under such supervision, unless in actual custody related to the sentence imposed by the court, the defendant shall be entitled to only actual time credit against the term of imprisonment imposed by the court.

(6) The sentencing changes made by the act that added this subdivision shall be applied prospectively to any person sentenced on or after October 1, 2011.

(i) This section shall remain in effect only until January 1,

2014, and as of that date is repealed, unless a later enacted statute, that is enacted before that date, deletes or extends that date.

As this new section depicts, there are now “county felonies” that will require custody in a county jail and county post release supervision. AB109 has also required the formation of a “Community Corrections Partnership” (CCP). BUTTE County has met this requirement and completed their implementation plan.<sup>11</sup>

This committee was commissioned to implement the following:

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<sup>11</sup> Excerpts of their plan are found in this section of the study.

The new legislation tasks Community Corrections Partnerships (CCP) with planning for the change and implementing local plans.

AB 109 revises the definition of felony to include lower-level crimes that will now be punishable in jail and/or another local sentencing option.

There is a shift in custody to local authorities of felons sentenced for non-violent, non-serious, non-sex offenses (N3) to county control from the state unless excluded by statute.

AB 109 authorizes "Split Sentencing", which means a portion of the offender's term is served in jail and the concluding portion served on mandatory supervision.

Serious violent felons, most sex offenders (all registered), and serious white collar or criminals remain eligible for state prison and state parole supervision.

Local Post-Release Community Supervision (PRCS) has been established for any individual who was convicted of an N3 crime and will be released from state prison on or after October 1, 2011. The serious violent felons will remain in state parole's jurisdiction.

PRCS and parole revocations for N3 offenders will serve their time in the County jail and/or through a combination of detention alternative sanctions and programming.

The legislation authorizes counties to utilize a variety of custody and community based sentencing options. Community based options include electronic monitoring/home detention; Day Treatment Centers; Work Release Programs; Day reporting Centers; and other therapeutic and vocational programming as deemed appropriate.

In an effort to simplify and decode AB 109, there are essentially two tracks that are relative to realignment. One is the new version of parole labeled "Post Release Community Supervision" (PRCS). This will most significantly impact the community corrections element of the criminal justice system for BUTTE County, but will also impact the jail facility through revocations of PRCS term violations that are non-technical.<sup>12</sup>

The second track of AB109 that impacts BUTTE County is the new "county felonies." These crimes will now be housed in county jail and placed into community corrections programs. Some skewing of the current inmate classification system will be needed in order to release less serious offenders and place them into programs in the hopes of a greater success rate. This will allow for space for the more serious offenders.

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<sup>12</sup> **Non-Technical (N Tech)**

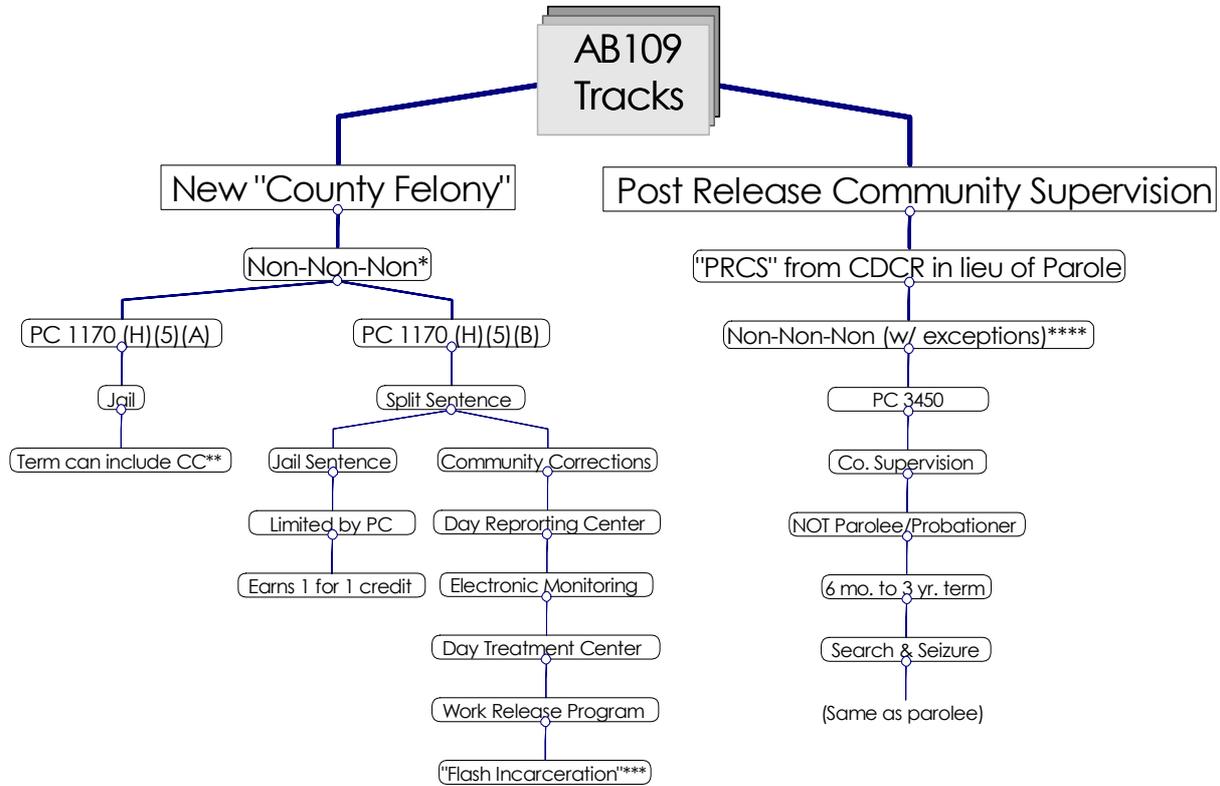
Violations include misdemeanor or felony crimes: DUI, battery, spousal abuse, robbery, etc.

**Tech (Technical)**

These violations include offenses; to include, failure to report, use of alcohol, not following instructions from parole, traveling beyond 50 miles without permission, etc.

The following figure depicts the essential elements of the AB109 tracks that are now effective as of October 1, 2011.

### AB109 Tracks



- \* Non-Non-Non is a non-violent, non-serious, non-sexual charge (290 PC)
- \*\* CC - "Community Corrections" option that can have 1 for 1 credit, same as prison terms
- \*\*\* Flash incarceration is immediate custody for a revocation of terms. It has a 10-day max
- \*\*\*\* Non-Non-Non w/ exceptions - CDCR has included some sexual offenses into this category of PRCS releases

Figure 1

## Community Corrections Partnership - Realignment Plan

The below text are excerpts from the BUTTE County Community Corrections Partnership Plan regarding AB109 implementation. The project team found their document to be very comprehensive, inclusive, and creative. Many of the outlined provisions have already been implemented and have positively impacted the corrections and criminal justice systems in BUTTE County.

### Populations and Strategic Overview

#### New Populations

BUTTE County has a history of providing innovative, quality alternatives to incarceration, problem-solving courts, progressive prosecutorial programs, rehabilitative in-custody programming, and evidence-based supervision and postrelease services. BUTTE County will increase utilization of the County's acclaimed Collaborative/Problem-Solving Court programs and will join with current partners to expand these programs to the greatest degree possible. It is hoped the success of these programs at the "front end" will reduce recidivism and save County Jail space. BUTTE County's goal is to build upon current successful models and implement promising new practices to responsibly meet the diverse needs of these additional individuals. A comparison of offender sentencing based on current practices and offender sentencing under AB109 is shown in Figure 1.

Figure 1. Movement of Offenders through the System

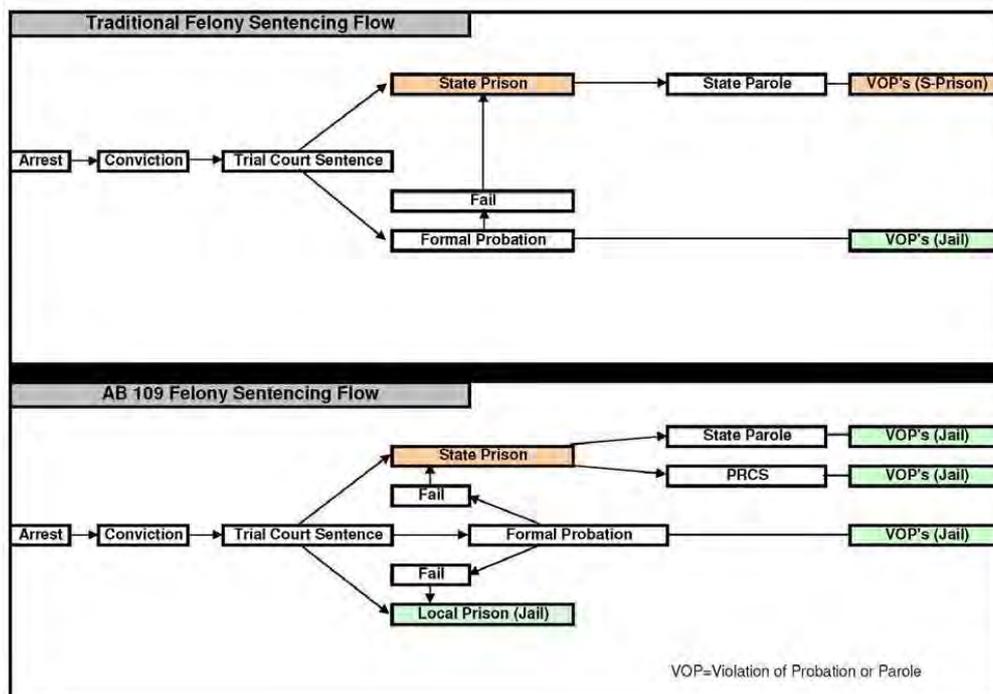


Figure 2

### ***Projected Population***

AB109 transfers responsibility to local counties for supervising specified offenders released from State prison who would have previously been placed on parole with the California Department of Corrections and Rehabilitation (CDCR). Additionally, AB109 specifies that certain offenders and parole violators can no longer be housed in State prison and will instead be incarcerated in the local "County prison," also known as the County Jail. BUTTE County will assume responsibility, at full implementation, for approximately 449 offenders (268 inmates and 181 Postrelease Community Supervision (PCS) participants). These numbers represent the average daily population (ADP).

This diverse population includes offenders whose most recent criminal conviction is deemed a non-violent, non-serious, non-sexual (non-non-non) offense. No offender whose current or prior criminal history includes convictions deemed serious, violent, or sex-related offenses will be committed to the local "County Prison." Offenders who are currently in State prison will finish their period of incarceration there; they will not be sent to the County Jail. However, when those offenders are released from CDCR, they will be supervised by the BUTTE County Probation Department on PCS if they were convicted of one of the non-non-non offenses. State Parole will supervise them if they were most recently convicted of a serious or violent offense, or were classified as a High Risk Sex Offender by CDCR. If they violate parole and are reincarcerated they will go to the County Jail, no matter what type of crime they were convicted of, unless it was a crime that carried a life term.

### ***Proposed Implementation Strategies***

The following proposed departmental strategies take into consideration the multifaceted needs of the AB109 population and the resources necessary to achieve desired public safety outcomes.

#### ***BUTTE County Sheriff's Office***

##### **Impact of Realignment**

As a result of AB109, the BUTTE County Sheriff's Office anticipates an increase of approximately 188 inmates in the first fiscal year of implementation (the nine months from October 1, 2011 to June 30, 2012) and up to 268 inmates per year when AB109 is fully implemented.<sup>13</sup> The additional inmates include offenders convicted of non-violent, non-serious, non-sex-related offenses (non-non-nons) and parole violators. The impact on the County Jail and associated personnel will be considerable and will result in a shortage of bed space, increased demand on current staff, and the immediate need to hire additional staff.

During the first year, the Sheriff's Office will need to make significant programming additions, hire staff, renovate an existing facility to serve as a Day Reporting Center, and purchase additional equipment. Specifically, these changes and additions include:

- Renovating the old juvenile hall to serve as a Day Reporting Center.
- Contracting with a vendor to provide education and counseling services.

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<sup>13</sup> See actual results of implementation in Section F, "Historical and Projected AB109 Impacts."

- Hiring additional staff, including eight correctional officers, four correctional technicians, and three sheriff's clerks; providing training, uniforms, office space and equipment; and hiring and background checks for new personnel.
- Purchasing, operating, and maintaining two patrol vehicles, 50 active GPS units, and 225 RF (Radio Frequency) units.
- Making available an increased number of beds in the County Jail. The current rated capacity of the County Jail is 614 beds, with a functional capacity of 540 beds. The number of beds available at a given time is impacted by classification needs, consent decree mandate, and the daily fluctuations of the inmate population. The average daily population is 550 inmates with approximately 240 consent decree releases per year. Although not all of the 188 first- fiscal-year inmates (those arriving in the nine months from October 1, 2011 to June 30, 2012) will be housed in the County Jail, a significant number of beds will need to be freed to house those inmates requiring incarceration in the facility rather than an educational/rehabilitative, non-custodial program.

### Proposed Strategies

The Sheriff's Office proposes the following plan to accommodate the additional inmate population:

**Pre-Trial Release Program:** The Sheriff's Office proposes a pre-trial release program that employs the use of an evidence-based risk assessment protocol to determine suitability for release and enhanced supervision of released inmates. Inmates will be evaluated with a risk assessment protocol. Inmates that are determined to be a reasonable risk would be released into a supervised program (daily call in, ankle bracelet) based on their level of risk. This program is expected to free up 75 to 100 beds.

**Alternative Custody Program:** The Sheriff's Office proposes an alternative custody program that employs the use of an evidence-based risk assessment protocol to determine suitability for release, enhanced supervision of released inmates and mandatory participation in recidivism reduction programs. *This program will affect those inmates who have been convicted or pled guilty and have been sentenced by the court to serve time in the "County prison."* Inmates will serve a portion of their time in custody then will be released to an alternative program where they will serve their time on home detention and be required to participate in programming at a Day Reporting Center. This program will free up approximately 100 beds.

**Recidivism Reduction Program:** The Sheriff's Office proposes a partnership with other County Departments, Community Based Organizations and/or vendors with expertise in providing evidence-based programming designed to reduce recidivism. Programming would begin while inmates are in custody and continue while on an alternative custody program. The program would include

- GED and remedial studies
- Career and job opportunity development

- Drug and alcohol rehabilitation
  - Mental health treatment
  - Domestic violence and anger management counseling
  - Family and community networking
- Communication with Local Law Enforcement** – The BUTTE County Sheriff’s Office understands that some offenders who are placed on Pre-Trial Release or Alternative Custody Programs will come into contact with other local law enforcement agencies during non-traditional working hours. These agencies will have access to the Pre-Trial Release and Alternative Custody offenders’ terms and conditions of release through the BUTTE Justice Agencies Data Sharing (BJADS) system.

***BUTTE County Probation Department***

The Probation Department has been designated as the local agency responsible for monitoring and supervision of offenders released from CDCR to BUTTE County on Postrelease Community Supervision. This designation was voted on and approved by CCP and was adopted by the BUTTE County Board of Supervisors via resolution on July 26, 2011.

**Impact of Realignment**

The CDCR estimates that 37 offenders will be released on PCS to the Probation Department during the first month (October 2011) of AB109 implementation. Within the first fiscal year (October 1, 2011 through June 30, 2012), approximately 256 offenders will be released on PCS, and an estimated total of 484 offenders will be released on PCS by September 30, 2013. It is estimated that the average daily population of offenders discharged on PCS at full implementation will be 181.

Due to significant legal and procedural differences between formal probation and PCS, the Probation Department will create a separate unit to address the additional responsibility of supervising PCS offenders. The Probation Department estimates that, at a minimum, the following new personnel and services will be required to accommodate the increased workload and to provide adequate supervision and services:

- One Supervising Probation Officer (SPO)
- Five Probation Officers (PO) (40:1 supervision ratio)
- One Probation Technician (urine testing, data entry, file maintenance, and support services)
- One Administrative Assistant (Assist internal HR in the process of hiring and maintaining additional staff, assist Probation Fiscal Unit with tracking and claiming of funding, and assists SPO with statistical analysis required during performance and outcome measures)
- Three vehicles (field work, transportation, residence verifications, and searches)

- Six PO/SPO equipment setups (portable radio, duty belt, firearm, and ballistic vest)
- Eight desk computer packages (with evidence-based assessment software)
- Staff hiring expenses for eight new hires (background investigation, psychological evaluation, and physical exam)
- 300 drug tests monthly
- Fifteen electronic monitoring and GPS devices monthly

### **Proposed Strategies**

The Probation Department has developed a detailed plan to mitigate the impact of AB109 on the community. Approximately 30 to 60 days prior to release, the Probation Department will receive notification from the CDCR regarding which offenders are to be released on PCS. The notification from CDCR will include a Release Program Study (CDCR form 611) and a prison packet. The SPO will review the material provided by CDCR and complete an evidence-based Risk Assessment. This information will assist in the development of any special conditions that may need to be added to the PCS offender's program. Once identified, any special conditions will be forwarded to CDCR for inclusion in the offender's Terms of Release (CDCR form 1515-CS). Prior to the offender's release from custody, CDCR will review the general and special terms and conditions of PCS with the offender and the offender will sign the Terms of Release form. Each offender will be ordered to report to the Probation Department within two working days of his or her release. CDCR will forward the signed Terms of Release form to the Probation Department and the case will be assigned to the appropriate PO for supervision.

**Risk Classifications/Supervision Standards** Each offender will be assigned one of the following risk classifications:

- Low—one office visit every 45 days and field visits and testing will be conducted when suspicion or evidence of noncompliance exists.
- Moderate—one office visit per month, one field visit every three months, and random urinalysis to be conducted monthly basis.
- High Property—one office visit per month, one field visit per month, and random urinalysis to be conducted on a monthly basis.
- High Drug—one office visit per month, one field visit per month, and random urinalysis to be conducted on a monthly basis.
- High Violent—two office visits per month, two field visits per month, and random urinalysis to be conducted two times per month.
- Sex Offender—two office visits per month, two field visits per month, and random

urinalysis to be conducted two times per month. ¶Within 14 days of release, the assigned PO will conduct one home visit and one office visit with the offender.

Supervision will include searches, urine testing, and enforcement to reduce recidivism, monitor compliance, and protect the community. An evidence-based Offender Needs Guide will be completed on offenders to identify and target criminogenic needs (the dynamic factors in the offender's life that directly contribute to his or her criminal behavior). The Offender Needs Guide identifies the offender's specific risk and protective factors that will be targeted in an effort to reduce the risk of re-offending through effective case management. ¶As an element of effective case management, the PO will make referrals to appropriate County agencies based on the offender's identified needs. These services include: substance abuse treatment, mental health services, educational services, employment counseling, and physical health services. ¶Given the anticipated supervision needs of PCS offenders, the Probation Department anticipates that additional POs will be needed to provide the supervision levels outlined above. The proposed caseload ratio of PCS offenders to POs is 40:1. The proposed ratio recognizes the reality of fiscal constraints; the American Probation and Parole Association's (APPA) standards recommend a 20:1 caseload ratio given the assessed risk level of the supervised population. ¶The Probation Department recognizes the potential impact AB109 will have on the Superior Court and the County Jail. In an effort to support compliance and rehabilitation, graduated sanctions prior to long-term incarceration will be utilized when violations of the PCS program are detected. These sanctions will include: community service, mandatory residential or outpatient substance abuse treatment, GPS/Electronic monitoring (EM), and flash incarceration (up to 10 days) prior to a formal court revocation hearing being requested. ¶

**Communication with Local Law Enforcement** ¶The Probation Department understands that some offenders will come into contact with local law enforcement during non-traditional working hours while released to PCS. These agencies will have access to the PCS offenders' terms and conditions of release through the BUTTE Justice Agencies Data Sharing (BJADS) system. Additionally, upon request, each Probation Officer will be responsible for providing additional information to local law enforcement in regard to the offenders he or she supervises. The probation officers' contact information will be provided to local law enforcement so that he or she can be reached outside of normal business hours, when necessary.

CDCR will continue to enter inmate information into its statewide Parole Law Enforcement Automated Data System (LEADS) as prisoners are released. The Probation Department will work with CDCR to advocate for local data entry ability into LEADS to provide local law enforcement with access to updated information for persons placed on PCS for investigative purposes.

### **Discharge from Postrelease Community Supervision**

Pursuant to AB109, any offender who has been on PCS for a period of six consecutive months with no violations of his or her conditions may be considered for successful discharge from PCS by the SPO. Additionally, as mandated by AB109, an offender who has been on PCS continuously for 12 months with no violations of his or her conditions shall be discharged from supervision within 30 days. Upon serving a three-year term on PCS, the offender shall be discharged immediately from community supervision.

## ***BUTTE County District Attorney's Office***

### **Impact of Realignment**

Realignment will have a significant impact on the workload of the BUTTE County District Attorney's Office, as will the sentencing options available to resolve cases. The District Attorney's Office will assume a collaborative role with its criminal justice partners to ensure that public safety remains the primary goal of the realignment process. Internally, the District Attorney's Office anticipates four major impacts:

**1. Prosecuting a new category of felony offender: those who have violated the terms and conditions of their Postrelease Community Supervision.** Such felons were previously within the jurisdiction of the California Department of Corrections and Rehabilitation by way of administrative parole revocation hearings. That jurisdiction is now being transferred to the local courts, and the District Attorney's Office must now attend and prosecute all such hearings. In addition, the District Attorney's Office will have to determine whether the sanctions available for a violation of PCS (up to 180 days back in County Jail) are sufficient to protect the public or whether a new crime prosecution should be instituted. Realignment funding is available for prosecuting violations of PCS; however no funding is currently available to offset the prosecution of the inevitable new crimes committed by this population.

**2. Enhancing computer-generated complaint forms to include additional data that will be relevant to where the charged offender will be housed.** Currently, information regarding whether a charged offender is a registered sex offender or has been previously convicted of a serious/violent offense is not always included in the criminal complaint. However under the new realignment scheme, such information will determine whether the offender will serve his felony prison sentence in the County Jail or in the traditional State prison. Until such time as there is a definitive court ruling, the District Attorney's Office will have to expend additional resources to collect such "exclusionary" information and plead it in the formal complaint filed against the offender and be prepared to prove it in evidentiary court hearings.

**3. Making more court appearances and engaging with cases for longer periods.** The number of appearances on a case will likely increase before sentencing because offenders will insist on another level of plea bargaining to determine whether their housing will be either in the jail or State prison. Getting agreement on appropriate sentences may be protracted, thereby lengthening the time it takes for cases to resolve.

**4. Developing expertise in alternative sentences and working closely with criminal justice partners to ensure effective punishment and deterrence without sole reliance on incarceration.** Jail bed space will quickly become a limited resource. The District Attorney's Office will need to develop creative and effective sentencing options which will preserve jail bed space to enforce meaningful sanctions on those who resist modification of their criminal behavior.

### **Proposed Strategies**

The District Attorney's Office plans to use the realignment monies set aside for prosecutors and public defenders to increase its budget and hire one or more extra-help, part-time deputy district attorneys to assist in the prosecution of the PCS violations. BUTTE County

Superior Court's plan is to have these hearings spread throughout the Court's criminal calendars. However, a re-evaluation is planned by the Court after a few months of operation to determine the most efficient and effective calendaring system.

It will be important to marshal additional computer resources to gather information to be pled and proved in the new criminal complaints to be filed with the realignment process. Those costs are currently being explored. Additional computer and information connectivity between the criminal justice partners is also being evaluated. For example, the County Jail plans to use an aggressive pre-trial release program to conserve jail bed space. The District Attorney's Office supports this strategy and will work with the Jail and Courts in developing criteria for the safe release of arrestees pending adjudication. In addition, the District Attorney's Office will also work to devise a system that alerts the Jail when the office decides that a requested criminal complaint will not be filed. This will allow the Jail to release those resources dedicated to monitoring a pre-trial arrestee who will not have a case filed in court.

The District Attorney's Office will increase utilization of BUTTE County's acclaimed Collaborative/Problem-Solving Court programs. These courts emphasize partnerships in and outside the courts, improved community access to the justice system, greater accountability for offenders and better community outcomes, such as increased safety and improved public confidence. Problem-solving courts include specialized drug courts, domestic violence courts, community courts, family treatment courts, DUI courts, mental health courts, peer/youth courts and homeless courts. Each of these courts attempts to improve outcomes for victims, communities and defendants. BUTTE County's Collaborative / Problem Solving Court programs try to achieve tangible results such as safer streets and stronger families while maintaining the fairness and legitimacy of the court process.

The District Attorney's Office will collaborate with current partners to expand these programs to the greatest degree possible and will educate line staff on program requirements. It is hoped the success of these programs at the "front end" will reduce recidivism and save County Jail space. Reducing expected jail overcrowding while still holding offenders accountable for their actions is the goal of the District Attorney's Office.

### ***BUTTE County Public Defender Consortium***

#### **Impact of Realignment**

The Public Defender Consortium will establish a BUTTE County Public Defender Postrelease Counseling Office to assist offenders realigned through AB109. The purpose of this office will be to represent all offenders subject to a petition for revocation of Postrelease Community Supervision under Penal Code section 3451. Additionally, the office will provide an innovative blend of legal, social, and practical support to ensure appropriate outcomes for persons subject to PCS. The support of this office will be available to all "supervised persons" without requiring a court appointment or filing of a petition.

The Public Defender's Executive Director will recommend a qualified attorney who is knowledgeable in therapeutic and collaborative court representation. The selected attorney will enter into a contract with the County of BUTTE to provide the appropriate resources and representation. The contract will provide for compensation equal to the allocations provided for the Public Defender under AB109.

## **Proposed Strategies**

The attorney contracted for the Public Defender Postrelease Counseling Office will be responsible for designing alternative sentencing strategies and identifying clients who are eligible for programs under AB109. The attorney will also train other attorneys on alternative sentencing strategies and work with the District Attorney's office to explore and develop new sentencing alternatives under AB109.

The attorney will collaborate with the Probation Department's PCS unit to help identify new referrals and to discuss the progress of clients who are receiving services. It will also be the responsibility of the attorney to seek appropriate placements and programs for individuals under AB109. The attorney will counsel clients and assess their needs, refer clients to services, and act as an advocate on their behalf. Under this plan, representation will greatly exceed the usual representation of a client, and will be tailored to help persons realigned through AB109 succeed. The attorney will provide all required legal representation in the event a petition for revocation is filed; however, this plan is designed to give strong support to clients outside the court process.

The Public Defender will also assign the attorney to assist clients on certain calendars presently served by the public defender handling cases involved with driving under the influence (DUIs). In turn, the DUI attorney will provide back up representation for postrelease clients in the event of conflicts, vacations and sick leaves. The Executive Director will adjust caseloads and assignments to ensure full coverage for all clients.

## ***BUTTE County Superior Court***

### **Impact of Realignment**

The BUTTE County Superior Court's role in criminal realignment has been narrowed to the final revocation process for offenders who violate their terms or conditions of Postrelease Community Supervision. The Court will assume responsibility for PCS revocation hearings beginning October 1, 2011. The Court's role in revocation proceedings for parolees that remain under the supervision of CDCR will begin July 1, 2013. The state budget appropriated funds for the Judicial Branch to undertake this new function. BUTTE County Superior Court does not anticipate having to add additional staff at this time.

### **Proposed Strategies**

- Revocation hearings will be added to the Court's Felony Alpha Calendar Tuesdays, Wednesdays, and Thursdays at 11:00 a.m. The current judges assigned to the Felony Alpha Calendars will hear these cases.
- There will be one dedicated Public Defender for all Revocation of Community Supervision Hearings. The Deputy District Attorneys who are currently assigned to the Felony Alpha Calendars will handle these violations.
- Before violations are referred to the Court, the Probation Department will establish probable cause of the violation, determine that intermediate sanctions without court intervention are not appropriate, refer the matter to the public defender responsible for representing the supervised person, and propose a sanction in response to the alleged violation to avoid unnecessary court appearance. Once it is

determined that Court intervention is necessary, the Probation Department will file with the Court a Petition for Revocation of Community Supervision along with a Declaration for both BUTTE County cases and out-of-County cases in which the person is being supervised by the Probation Department.

- Judicial Council will adopt forms and California Rules of Court to establish uniform statewide procedures to be implemented due to the recent criminal justice realignment legislation. ☐

### ***BUTTE County Department of Behavioral Health ☐Impact of Realignment***

☐Approximately 100 of the 181 average daily population AB109 offenders released to Postrelease Community Supervision upon full implementation will require mental health and/or substance abuse treatment supervised by the BUTTE County Department of Behavioral Health (Behavioral Health). Many of these offenders will be homeless and unemployed. It is anticipated that of the 100 individuals, 75 will have substance abuse issues and/or mild to moderate mental health issues and 25 will have serious mental health issues. Of the 25 mentally ill, most will be dually diagnosed, with both mental illness and substance use issues. ☐Behavioral Health will need to provide substance abuse and/or mental health assessments to all referred individuals. Historically, many of the seriously mentally ill offenders released from prison enter Behavioral Health through the hospital emergency rooms. With the PCS population, rather than waiting for a crisis to occur, Behavioral Health will provide proactive on site assessments to individuals referred by the Probation Department, which will result in more time-effective treatment. This will reduce unnecessary visits to the emergency departments and psychiatric hospitalizations as well as reduce the impact on crisis services. ☐The offenders screened as needing County mental health services will require outpatient or inpatient mental health services, assistance with obtaining Medi-Cal, housing, and substance abuse treatment, if identified. Some may require enhanced board and care, or higher levels of service, including residential care for the elderly.

The addition to the system of offenders needing substance abuse services will require Behavioral Health to increase staffing for outpatient services and add additional resources to support contracted residential treatment, and alcohol and drug-free housing. Anticipated staffing increases will be as follows:

- Four Behavioral Health Counselors
- One Behavioral Health Clinician
- One Supervisor Behavioral Health Counselor
- One Medical Records Technician
- One Administrative Analyst
- One extra help nurse
- One contracted psychiatrist (one day/week) ☐**Proposed Strategies** ☐Strategies for managing the increased number of offenders include:

- Developing a Countywide intensive case management team that would focus specifically on the mentally ill offenders. This team would operate as an Assertive Community Treatment team and would provide “whatever it takes” services to ensure stability in the community. Services would be recovery oriented, individually tailored, and consumer driven in order to engage consumers in treatment. Housing, employment, mental health and substance abuse treatment, and referral to other services within the community will be offered.
- Increasing staffing within the existing outpatient substance abuse treatment system to ensure rapid assessment and referral to the appropriate level of care.
- Increasing available residential treatment bed days, alcohol- and drug-free housing, and emergency housing services.
- Partnering with existing County Jail mentor recovery program volunteers to assist with engaging offenders being discharged from the Jail in outpatient assessment for substance abuse treatment. **BUTTE County Department of Employment and Social Services** **Impact of Realignment.** The Department of Employment and Social Services (DESS) will provide services for all referred offenders. DESS will offer participants comprehensive employment preparation services and information regarding eligibility for public assistance programs. Services will be provided at the DESS Community Employment Centers (CECs) located in Oroville and Chico. Some of these services will also be provided at the Day Reporting Center in Oroville. DESS is recommending the addition of one full time Eligibility and Employment Specialist (EES) and one full-time Employment Case Manager (ECM), Senior to perform these duties.

### **Proposed Strategies**

DESS will take a multi-faceted approach to serving the offenders referred to the Department. The initial service that will be offered at the Day Reporting Center will be information regarding eligibility requirements for financial assistance, health care assistance programs, and employment services. This information will be provided by an EES.

DESS will provide access to the C4yourself website, which will enable participants to complete an online application for public assistance programs. In addition, the EES will provide referrals to other community entities for assistance with needs for services such as emergency food and homelessness assistance. As DESS acquires knowledge and experience regarding the needs of participants, the services offered will be evaluated and modified as necessary.

### **Employment Services**

DESS' ECMs will assess the participants' need for employment preparation services and will work with them to address personal obstacles to employment. An individualized plan will be developed that will prepare the participant for employment or assist in improving the participant's current employment situation, leading to self-sufficiency.

Employment preparation services will include:

- Job search workshops
- Supervised job searches
- Career counseling and planning
- Vocational assessment
- Direct referrals to employers
- Résumé writing assistance
- Job interview preparation
- Internet job search assistance
- Access to a resource library
- Access to job-search tools, including computers, fax, telephones, photocopier, internet
- Keyboard and 10-key testing and certification
- Referrals to community partners, such as Oroville Adult Education, BUTTE County Veterans Service Office, Alliance for Workforce Development, BUTTE College, Regional Occupational Program (ROP), and Vocational Rehabilitation.

### **Temporary Public Assistance Benefits**

- **CalWORKs Cash Aid:** This program provides a monthly financial benefit for up to 48 months to parents with children in the home. In order to receive this benefit, parents are required to participate in employment-related activities for at least 32 hours per week. While engaged in these activities, participants can be provided with support services such as childcare, transportation assistance, job interview clothing, and work uniforms.
- **CalFresh** (formerly Food Stamps): This nutrition assistance program provides eligible individuals or households with increased food purchasing power.
- **Medi-Cal:** This is California's health care entitlement program for low-income individuals and families who receive public assistance or lack health care coverage and who qualify for the program.
- **County Medical Services Program (CMSP):** Pays for health care for eligible low-income adults 21 through 64 years of age who meet eligibility criteria and who do not qualify for Medi-Cal.

- **General Assistance (GA):** GA is a program for individuals who do not qualify for other financial assistance programs. Individuals can receive General Assistance for up to three months in a 12-month period, unless they are exempt from these time limits due to disability. If a participant receiving benefits does not appear to be employable due to disability, participants will be provided information regarding applying for Supplemental Security Income (SSI) benefits. **Other Services**
  - Educational services such as GED preparation and testing, transcript reading and analysis, and life skills courses will be made available through Oroville Adult Education and the Chico Unified School District, on a self-pay basis, unless funding becomes available.
  - Veterans' services will be coordinated with the BUTTE County Veterans Services Office to assist veterans, their dependents and survivors in obtaining benefits from federal, state, and local agencies administering programs for veterans.

### ***Local Law Enforcement Impact of Realignment***

The potential impact from AB109 on local law enforcement agencies may be significant. Offenders who participate in the Pre-Trial Release Program and Alternative Custody Program will be released into the community and many will likely reside in one of four population centers: Chico, Gridley/Biggs, Oroville, and Paradise. Many will require some form of supervision, including electronic monitoring, reporting to a Day Reporting Center, and/or regular telephone and face-to-face visits with a probation officer. Local law enforcement agencies likely will have contact with some these individuals through their community policing activities and through responses to complaints and reports of criminal activity.

### **Proposed Strategies**

Local law enforcement will work closely with the BUTTE County Probation Department and the BUTTE County Sheriff's Office to verify the status of persons who offend in their jurisdictions so that they may take appropriate action based on history and terms of current Postrelease Community Supervision, Pre-Trial Release, or Alternative Custody Programs. Local law enforcement is currently able to obtain information on persons in custody from the BUTTE County Sheriff's Office 24 hours a day, 7 days a week. Information regarding offenders who are on PCS, Pre-Trial Release, or Alternative Custody Programs in the community will be accessed after hours through the BUTTE Justice Agencies Data Sharing (BJADS) database. Additionally, the BUTTE County Probation Department will provide each law enforcement agency's dispatch center with after-hours contact information for the officers assigned PCS caseloads.

### ***Monitoring And Evaluation***

PC 3450(b)(7) with AB109 language added states that "fiscal policy and correctional practices should align to promote a justice reinvestment strategy that fits each county." AB109 defines justice reinvestment as "a data-driven approach to reduce corrections and related criminal justice spending and reinvest savings in strategies designed to increase public safety." To this end, BUTTE County is committed to maximizing reductions in criminal justice spending, while also documenting the success of released offenders and ensuring a high level of community safety. To track and report on outcomes, several measures have been established for the Realignment Plan. They are:

1. Implementation of a streamlined and efficient system in each city and county jurisdiction to manage new responsibilities under realignment;
2. Implementation of a system that ensures public safety and uses best evidence-based practices in reducing recidivism; and
3. Implementation of a system that successfully utilizes alternatives to pre-trial and post- conviction incarceration where situations allow it.

To achieve these outcomes, BUTTE County partners will put into place measurement indicators and systems for tracking released offenders using indicators that support use of community services and compliance with requirements of probation/parole across criminal justice, behavioral health and social services systems. Inmates will be individually tracked with regard to reportable behaviors and their participation in and compliance with programs and services available to them. Examples of outcome measures likely to be employed include

- Released offender engagement in and compliance with locally available services and programs (i.e., day reporting center programs);
- Recidivism rates for non-violent, non-serious, non-sex offenders, cross-tabulated by offense, criminal history, engagement in the local treatment processes, and other measures of compliance and utilization of services;
- Recidivism rates for Postrelease Community Supervision participants currently under BUTTE County jurisdiction;
- Released offenders employed or engaged in job training or school, and living in stable housing;
- Released offenders enrolled in entitlement programs for which they qualify (i.e., Office of Veterans Affairs, Medi-Cal, SSI);
- Number and type of offenders sentenced to County Jail and State prison, cross-tabulated by descriptive information on each offender;
- Number and type of offenders sentenced to probation or alternative programs, cross- tabulated by descriptive information on each offender;
- Released offender and family member assessments of the transfer to County control and local engagement process;
- BUTTE County partner satisfaction (i.e., probation officers, deputies, behavioral health clinicians) with the effectiveness of strategies and mechanisms that have been developed to collaboratively address realignment. Detailed measures will be determined by the CCP Performance Measures Committee. The process of finalizing outcome measures will occur before the October 1, 2011 commencement of

realignment activities.

**Program Recommendations:**

1. Any new inmate housing must provide adequate program space.
2. New housing units must also provide for adequate visitation and recreation space.

## **F. Analysis of Local Trends and Characteristics**

### ***Crime Rates and Comparisons***

The following chart comes from the FBI Part 1 Crime Index and shows the crime rates in BUTTE County (including incorporated cities) for 2009 that are the most current published statistics. Part 1 Crimes are the process in which crime rates are tracked across the U.S.; however, it is important to understand that this method does not include every crime such as drug offenses, DUI, and child abuse.

The comparisons to other similar counties are important because crime rates are one factor that determine incarcerate rates. A community with a low crime rate generally incarcerates fewer people than those communities with higher crime rates. Therefore, it is important to know what the crime rate is in a particular community compared with other similar counties. The comparisons show that BUTTE County is in the upper mid-range.

<b>Comparison Crimes Rates 2009</b>		
<b>County</b>	<b>Population</b>	<b>Crime Rate Per 100,000 Population</b>
BUTTE	221,300	2077.8
Merced	257,400	2388.3
Placer	344,600	1491.8
San Luis Obispo	271,800	1398.8
Yolo	202,200	1787.1

**Table 6**

### Comparison Crimes Rates 2009

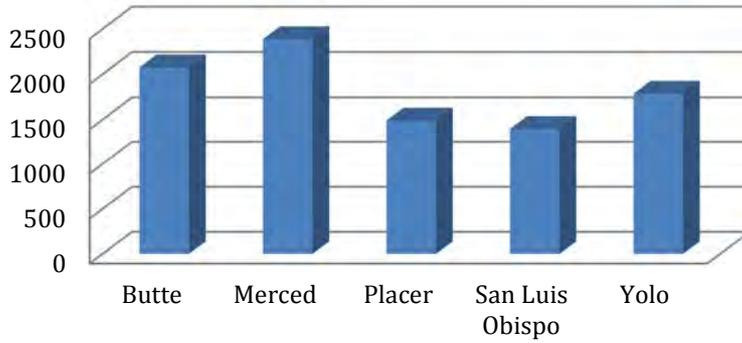
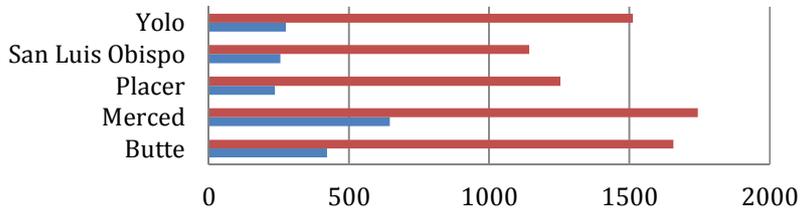


Chart 27

### Five County Crime Rate Comparison



	Butte	Merced	Placer	San Luis Obispo	Yolo
■ Property Crimes	1656.1	1743.1	1254.6	1142.8	1511.8
■ Violent Crimes	421.7	645.1	237.2	256	275.2

Chart 28

## Statewide Jail Data

### *Historical Bookings*

The chart below shows a peak in bookings in 2007 and a steady decline until 2011. The chart shows a 353 increase in bookings from 2011 to 2012.

<b><u>Bookings by Agencies</u></b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>
BCSO	2494	2297	2320	2096	1973	2244	2739
BIGGS	0	0	0	0	0	16	10
BINTF	160	164	186	165	202	149	168
BUTTE COLLEGE POLICE	0	0	0	0	0	13	5
BUTTE COUNTY COURT	2628	2906	2580	2499	2160	2072	2197
CHICO HIGHWAY PATROL	412	412	400	437	447	439	457
CHICO POLICE	3339	3964	3939	3932	3849	3630	3395
DISTRICT ATTORNEY	133	80	46	50	43	99	127
FEDERAL	0	0	0	182	157	128	50
GRIDLEY POLICE	268	272	258	242	230	231	200
NORTH COUNTY MUNI. COURT	0	1	1	1	0	0	0
OROVILLE HIGHWAY PATROL	293	358	457	435	392	352	329
OROVILLE POLICE	1592	1561	1435	1498	1732	1590	1665
OTHER	275	286	321	286	331	206	193
PARADISE POLICE	440	399	352	428	534	587	601
PAROLE	249	210	210	197	221	201	178
PROBATION	207	157	159	172	206	185	317
SOUTH COUNTY MUNI. COURT	0	1	0	0	1	1	0
UNIVERSITY POLICE	206	209	178	206	169	167	192
Sub totals:	12696	13277	12842	12826	12647	12310	12823
*Difference:	824	786	1090	872	497	528	368
Totals	<b>13520</b>	<b>14063</b>	<b>13932</b>	<b>13698</b>	<b>13144</b>	<b>12838</b>	<b>13191</b>
These are bookings where the booking agency was not listed in the system							

Table 7

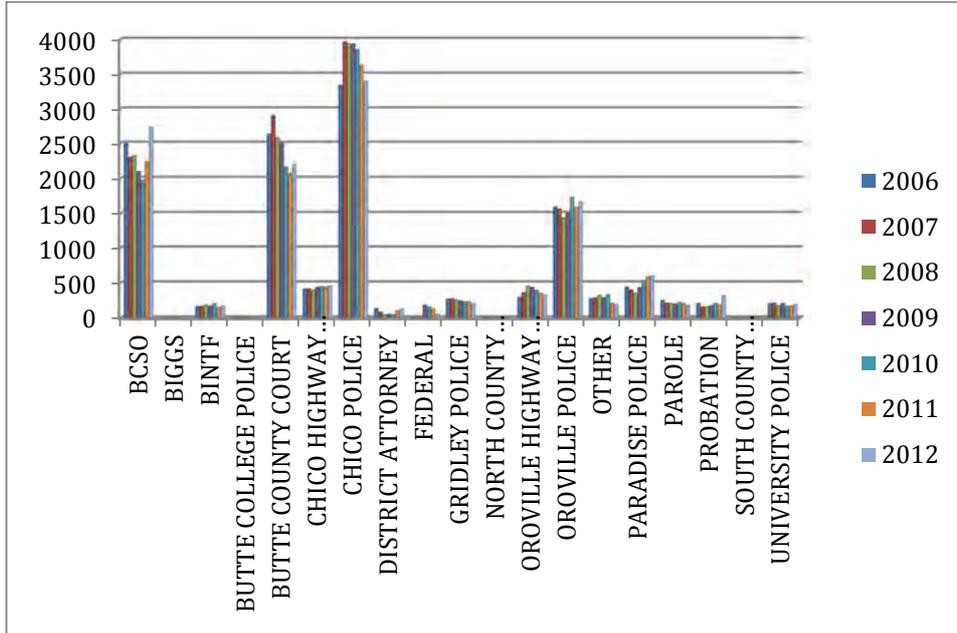


Chart 29

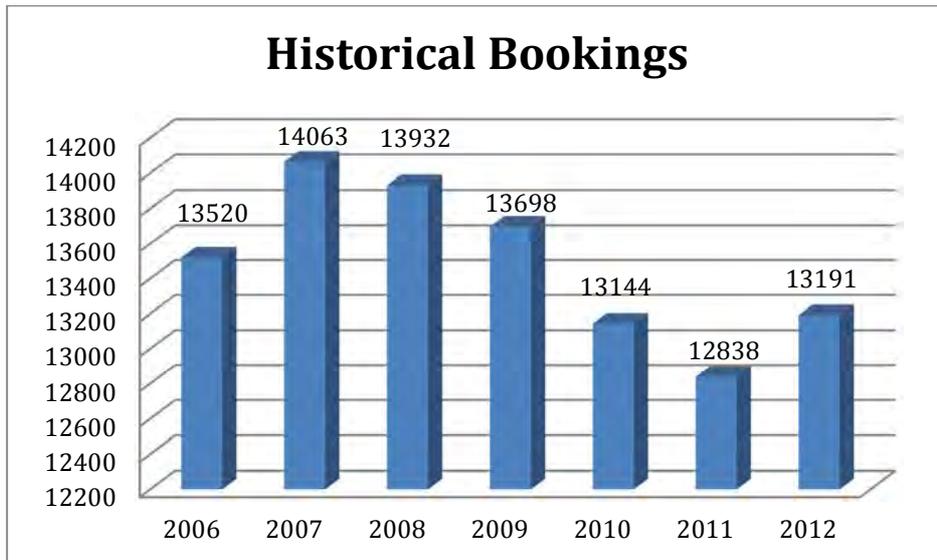


Chart 30

### ***Average Length of Stay***

The following chart shows a bump in the average length of stay in 2011 and 2012. It should be noted that in 2012 the jail released 1,747 inmates early due to overcrowding.

<b>Average Length of Stay</b>			
Year	ADP	Bookings	ALOS
2006	558	13520	15
2007	481	14063	12.4
2008	485	13932	12.7
2009	540	13698	14.3
2010	540	13144	14.9
2011	581	12838	16.5
2012	580	13191	16

**Table 8**

### ***Current County Population***

The 2010 Census showed BUTTE County population to be: 221,768

### ***Current Jail Average Daily Population (ADP)***

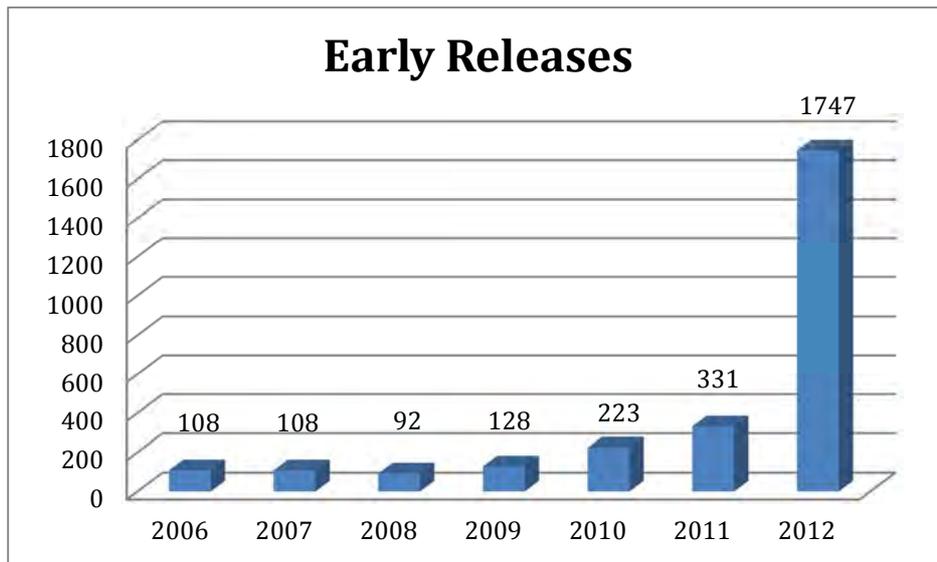
The average daily population for 2012 was 580 inmates. It should be noted that the jail's BSCC rated capacity is 614. Furthermore, "B" Pod housing has a capacity of 32; however, this is an administrative segregation pod, meaning inmates must be kept separate. The practical bed space in this pod is therefore reduced to 20 resulting in the loss of 12 beds. The jail staff has had to release 1,747 inmates early in 2012, which artificially reduces the ADP.

### ***Current Incarceration Rate***

BUTTE County incarcerates 26.2 people per 10,000 countywide residents.

**Impact of Early Releases**

BUTTE County jail has a dramatic increase in the number of inmates released early due to overcrowding from 2006 (108) to 2012 (1,747) a 1,517% increase. This could be attributed to the State Prison Realignment (AB-109) redirecting inmates from State prison to county jails. Inmates serving longer incarceration times increase the ALOS and thereby reduce the number of available beds requiring a greater number of inmates needing to be released early.



**Chart 31**

In 2012, BUTTE County released 1,747 inmates early due to overcrowding. In order to discontinue this practice, the jail would need an additional 76.5 beds to keep these inmates in custody to complete their sentences.

<b>Impact of Early Releases</b>		
Early Releases	ALOS	Beds Needed
1,747	16	76.5

**Table 9**

### ***Historical Inmate Releases***

The greatest increase in releases is the 84429 – Cite and 84429 – Time served (early releases due to overcrowding). The Swap Walkaways has a dramatic increase that is most likely due to the increase in programs to accommodate realignment inmates.

<b><u>Types of Inmate Releases</u></b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>
Released	794	963	794	822	744	796	662
825 - No Charges Filed	190	239	242	260	291	322	272
84429 <sup>14</sup> - Cite	76	63	77	80	131	219	1362
84429 - Time Served	32	45	15	48	92	112	385
849(B) 2 - NO FURTHER <sup>15</sup>	1657	1856	2011	2215	2142	1817	1768
ACS Walkaway	0	0	0	0	0	0	0
Cited To Appear	3684	4091	4335	4103	4020	4024	3819
Deported	1	8	4	11	3	5	0
Escapee	3	3	1	3	2	3	13
No Probable Cause	2	5	1	0	3	6	10
OR To Appear	1025	981	930	911	881	922	643
Prop - 36	83	73	62	61	58	64	48
Pre-Arrestment- Low	0	0	0	0	0	0	1
Pre-Arrestment- Med	0	0	0	0	0	1	1
Released On Bail	1054	985	927	733	828	875	702
Released On Probation	265	214	185	121	130	193	153
Swap Walkaway	296	170	151	173	125	96	468
Time Served	2699	2834	2791	2519	2247	1858	1932
Transferred	1700	1449	1551	1522	1610	1315	775
Inmates Released Early	108	108	92	128	223	331	1747

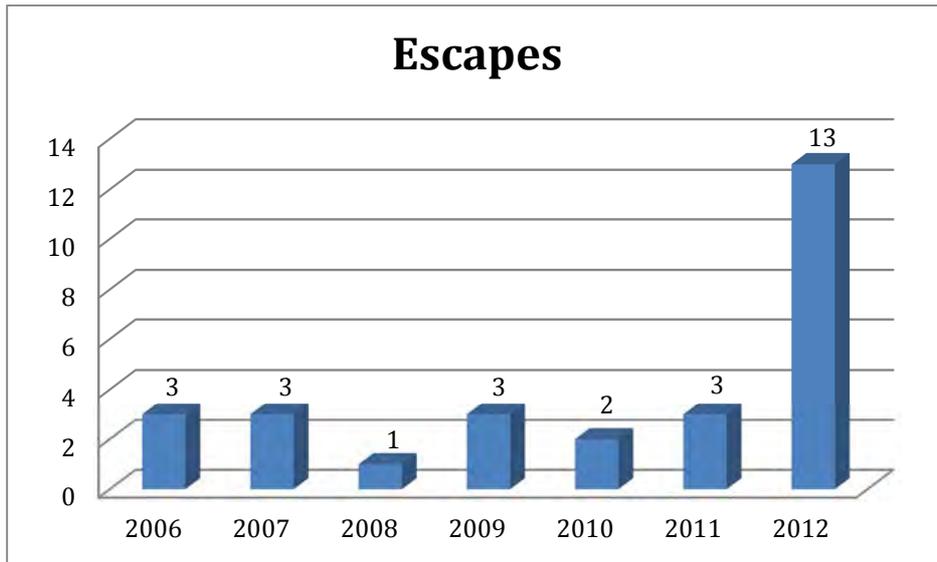
**Table 10**

<sup>14</sup> 84429 - Released due to overcrowding

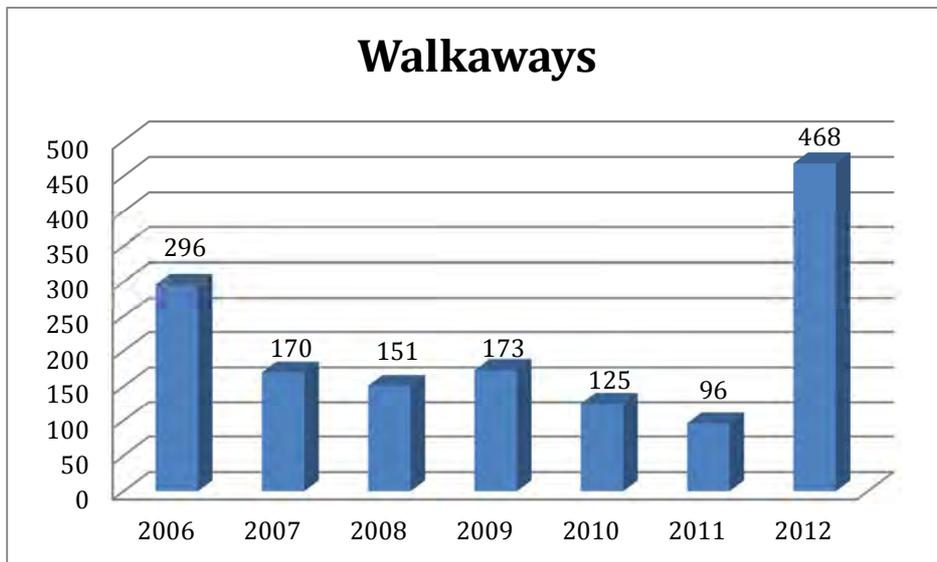
<sup>15</sup> 849(b)2 – Arrested for public intoxication, released when sober.

### ***Escapes and Walkaways***

There has been one escape from the secured main jail facility in 2012. The escapes identified in the following chart represent inmates who left program assignments with time remaining on their sentences. Walkaways are inmates who failed to complete alternative to incarceration programs. Due to AB 109 - Prison Realignment, BUTTE County has dramatically increased its programs and as a result has had more inmates fail to complete them.



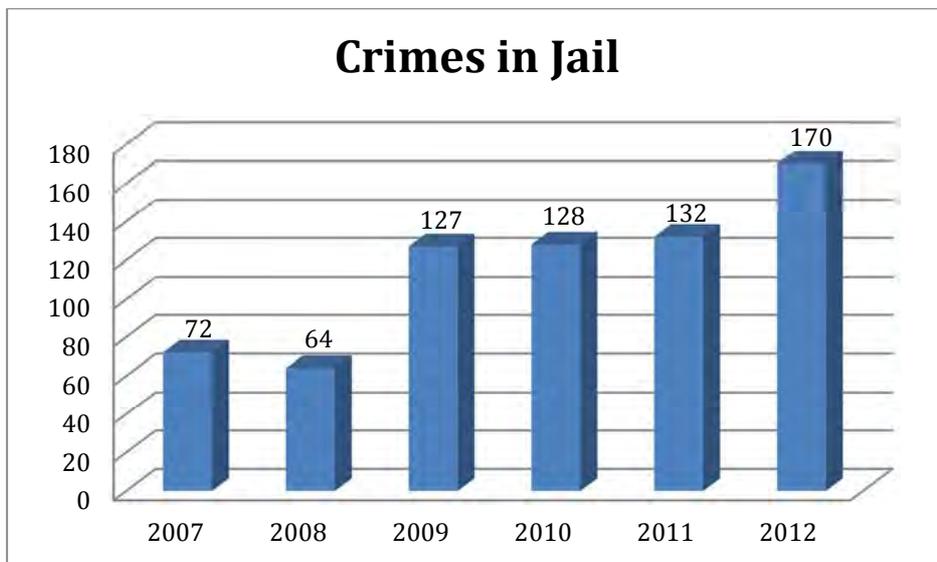
**Chart 32**



**Chart 33**

### ***Crimes in Jail***

There has been a steady increase in crimes committed by inmates in the jail for the past several years. The jail administration should consider conducting a separate study to determine if there is an identifiable causation for this. For example, are the perpetrators those with new county felonies, making this attributable to AB109 realignment?

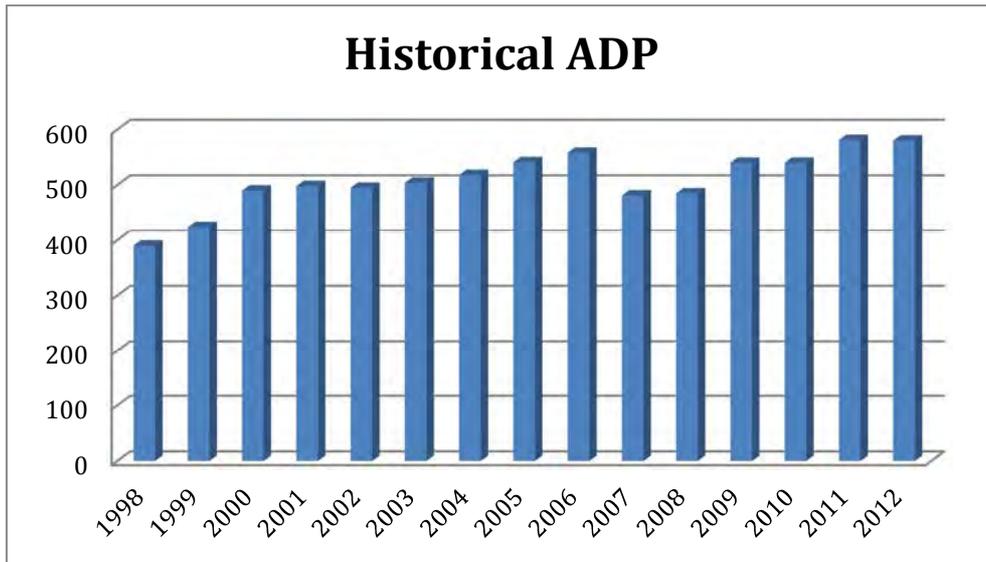


**Chart 34**

**Historical Jail Average Daily Population (ADP)**

BUTTE County Historical ADP														
1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
390	424	490	498	495	504	518	541	558	481	485	540	540	581	580

**Table 11**



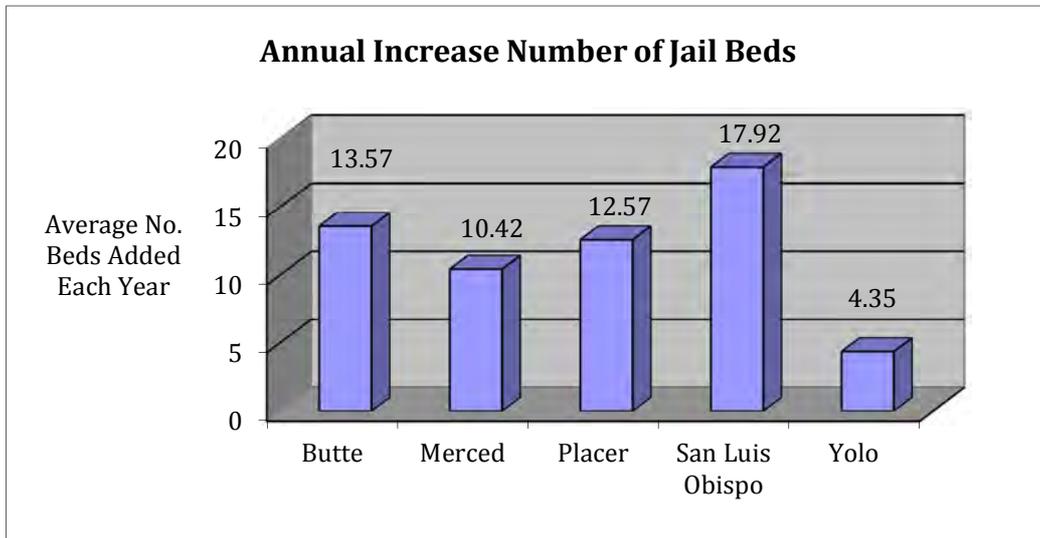
**Chart 35**

**Historical Five County Comparison of ADP & Annual Increase of Jail Beds**

Annual ADP Increases from 1998 - 2012				
Butte	Merced	Placer	San Luis Obispo	Yolo
13.57	10.42	12.57	17.92	4.35

**Table 12**

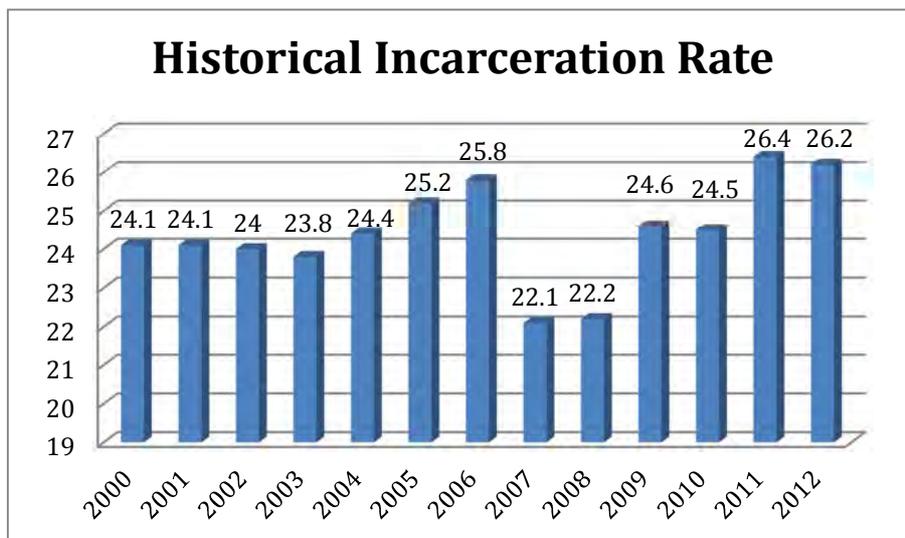
The following chart shows the average annual increase of jail beds as reflected in the annual increase in ADP over a period from 1998 through 2012.



**Chart 36**

It should be noted that ADP is not the best predictor for future beds needs as the jail's BSCC rated capacity limits the number of inmates that can be housed in the facility.

***Historical Incarceration Rate***

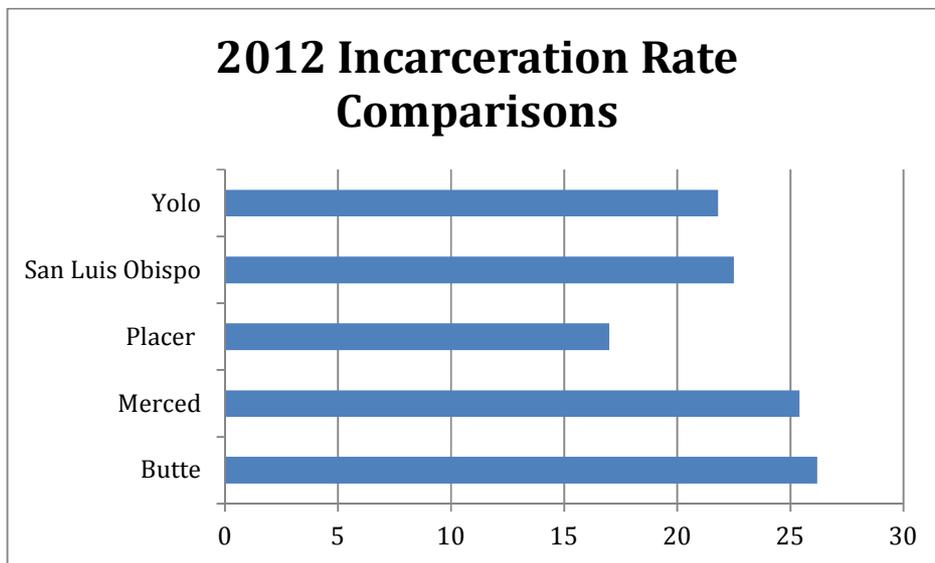


**Chart 37**

***Incarceration Rate Comparisons - 2012***

<b>2012 Incarceration Rates Comparisons</b>			
County	ADP	Population	Incarceration Rate
BUTTE	580	221.2	26.2
Merced	657	258.7	25.4
Placer	604	355.3	17
San Luis Obispo	611	271.4	22.5
Yolo	441	202.1	21.8

**Table 13**



**Chart 38**

***Historical County Population***

The following chart shows the actual population of BUTTE County from 1960 to 2010 using the US Census reports.

<b>Population Trends</b>		
Year	Population	Annual Increase
1960	82,030	
1970	101,969	2.40%
1980	143,851	4.10%
1990	182,120	2.60%
2000	203,171	1.20%
2010	221,768	0.83%

**Table 14**

**Projected County Population**

The following chart shows the actual population of BUTTE County from 1960 to 2010 using the US Census reports. The lower portion of the chart shows the medium population projections, sourced from the BUTTE County Association of Governments 2011 report.

<b>Population Trend Projections</b>		
Year	Population	Annual Increase
1960	82,030	
1970	101,969	2.40%
1980	143,851	4.10%
1990	182,120	2.60%
2000	203,171	1.20%
2010	221,768	0.83%
2015	236,800	1.27%
2020	257,266	1.59%
2025	281,558	1.72%
2030	306,047	1.60%
2035	332,459	1.63%
Projections based on medium model		

**Table 15**

The following chart shows population projections represented in low, medium, and high.

<b>BUTTE County Population Projections</b>						
	2010	2015	2020	2025	2030	2035
Low	221,768	234,524	251,890	272,504	293,285	315,698
Medium	221,768	236,800	257,266	281,558	306,047	332,459
High	221,768	239,018	262,503	290,379	318,481	348,790
Source: BUTTE County Association of Governments 2011						

**Table 16**

**Projected Jail Average Daily Population (ADP) less AB-109 Realignment**

Using the ADP trends over the past 10 years and the projected population growth, the following chart shows the number of jail beds needed. Typically, jails require an additional 10% beds to allow for peak times. The 10% is included in the chart below. This calculation does NOT show the early release factor or what impact the AB-109 realignment will have which will be illustrated later.

BUTTE County Jail’s current incarceration rate is 26.2 per 10,000 citizens. The following chart uses the current incarceration rate and the projected population projections. The chart shows what the jail inmate bed need would be if the current trend remains the same or similar. Note: AB 109 – Prison Realignment - went into effect in October 2011. Consequently, there is only one year to evaluate or analyze the results. The number of future jail beds will be difficult to predict without more long-term data. The effectiveness of out-of-custody programs will impact the need for beds. If new inmates remain in custody for longer sentences, the average length of stay will necessarily increase resulting in the need for more beds.

<b>Bed Need Projection (Population/Incarceration Rate)</b>					
	<b>2015</b>	<b>2020</b>	<b>2025</b>	<b>2030</b>	<b>2035</b>
Low	621.1	666.6	721.1	775.6	825.1
Medium	626.2	680.7	745.3	810	879.7
High	632.2	694.8	768.6	842.3	923.1

**Table 17**

The following chart shows projected bed needs by utilizing the historical Average Daily Population of the jail from 1998 to 2012. During this period, the jail increased the annual number of beds, on average, of 13.5 beds per year. If this trend remains the same or similar, the county could expect increase jail beds needs as illustrated below. Interestingly, these beds needs are very similar to the projected beds needs shown in the incarceration rate medium to high population projections.

<b>Additional Bed Needs Based on ADP Trends</b>						
	<b>2014</b>	<b>2015</b>	<b>2020</b>	<b>2025</b>	<b>2030</b>	<b>2035</b>
Additional Needed Beds	14.8	29.7	89.5	164.1	238.8	313.3
Total Needed Jail Beds	628.8	643.7	703.5	778.1	852.8	927.3
Trends from 1998 - 2012 BSCC Jail Profile Surveys						

**Table 18**

### ***Historical and Projected AB109 Impacts***

The following narrative, tables, and charts show the estimated, historical, and projected impacts of AB109 Inmate Realignment and the subsequent projected jail bed space. These figures include the State’s estimates that were projected prior to any AB109 implementation and the actual numbers that BUTTE County experienced once they began to receive these new classifications of inmates. As the data will reflect, the State’s projections were grossly underestimated in total numbers and monthly averages.

The following table depicts the monthly average and **2-year totals** of persons that the State estimated would migrate into the BUTTE County jail system due to AB109 impacts. These estimates are irrespective of Postrelease Community Supervision (PRCS) inmates returned to custody (RTC).

State's <b>Estimated</b> Impact of AB 109: Number of Persons Not Sent to State Prison as New Admissions or Parole Violators with New Term			
BUTTE			
Month	New Admission <sup>16</sup>	Parole Violator with New Term	Total
11-Oct			
11-Nov	11	5	16
11-Dec	18	0	18
12-Jan	12	2	14
12-Feb	21	2	23
12-Mar	21	4	25
12-Apr	24	1	25
12-May	11	6	17
12-Jun	25	4	29
12-Jul	13	7	20
12-Aug	14	5	19
12-Sep	19	2	21
12-Oct	24	3	27
12-Nov	23	3	26
12-Dec	18	3	21
13-Jan	20	6	26
13-Feb	10	12	22
13-Mar	8	3	11
13-Apr	13	8	21
13-May	18	8	26
13-Jun	20	8	28
13-Jul	21	4	25
13-Aug	12	4	16
13-Sep	16	5	21
<b>Total</b>	<b>392</b>	<b>105</b>	<b>497</b>
<b>Average</b>	<b>17</b>	<b>5</b>	<b>22</b>

**Table 19**

<sup>16</sup> New county felonies per 1170(h) PC

The following table depicts the actual number of persons (new county felonies) as new admissions and parole violators with new charges.

<b>Actual</b> Impact of AB 109: Number of Persons Not Sent to State Prison as New Admissions or Parole Violators with New Term			
BUTTE			
Month	New Admission <sup>17</sup>	Parole Violator with New Term <sup>18</sup>	Total
11-Oct	29	59	88
11-Nov	19	58	77
11-Dec	21	64	85
12-Jan	24	62	86
12-Feb	26	40	66
12-Mar	28	57	85
12-Apr	26	58	84
12-May	31	45	76
12-Jun	26	63	89
12-Jul	22	50	72
12-Aug	21	47	68
12-Sep	9	49	58
12-Oct	25	59	84
12-Nov	18	40	58
12-Dec	16	40	56
13-Jan			0
13-Feb			0
13-Mar			0
13-Apr			0
13-May			0
13-Jun			0
13-Jul			0
13-Aug			0
13-Sep			0
<b>Total</b>	<b>341</b>	<b>791</b>	<b>1132</b>
<b>Average</b>	<b>22.7</b>	<b>52.7</b>	<b>75.5</b>

**Table 20**

<sup>17</sup> New county felonies per 1170(h) PC

<sup>18</sup> These include all parole violators without new charges and parole violators with new charges.

**Note:**

A side-by-side comparison of State estimates and the actual results indicates that monthly new admission averages are **343% higher** than the estimated projections by the State. While the total number of new county felonies were projected 9% higher by the State than the actual number, the total number of AB109 inmates is **228% higher** than projected by the State through December 2012 due to a **753% increase** of Parole violators with new charges. The actual average length of stay (ALOS) for the new county felonies is **213** days. Their average daily population (ADP) is **165**.

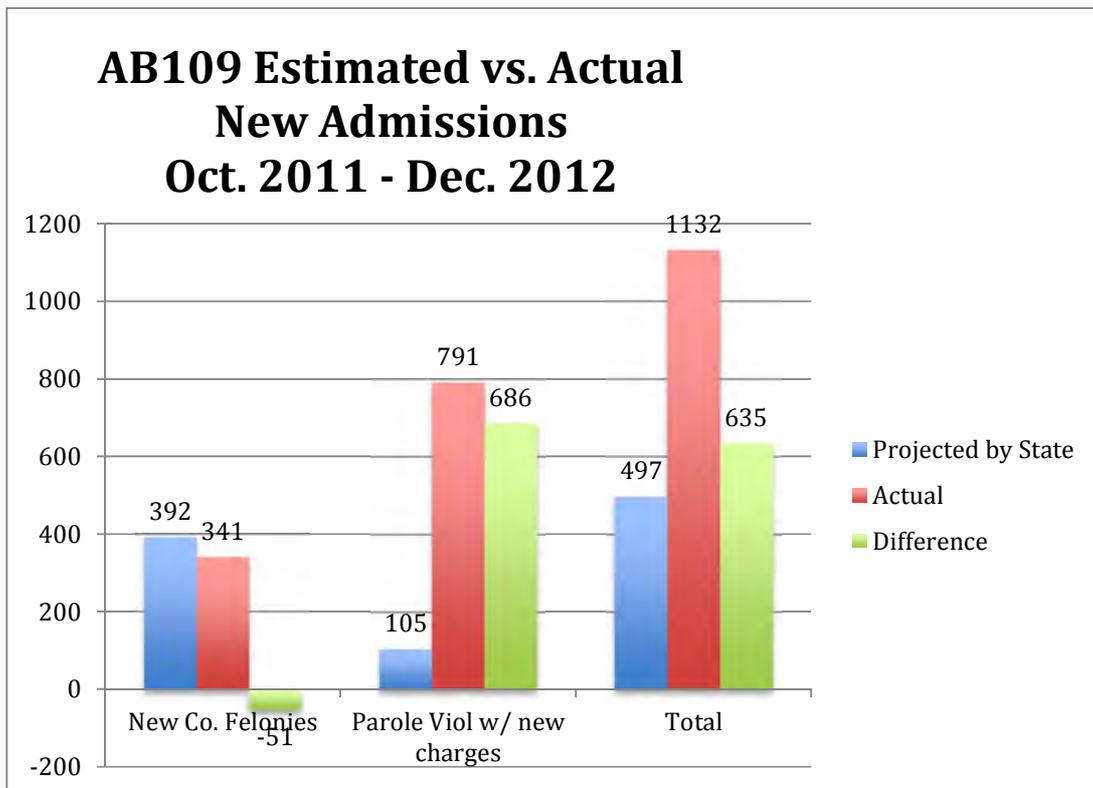


Chart 39

The following table depicts the PRCS inmates that were returned to custody.

<b>Number of PRCS subjects that were RTC</b>			
BUTTE			
Month	3454 PC <sup>19</sup> & 3455 PC <sup>20</sup>	3455 PC + Local Charges	Total
11-Oct	0	0	0
11-Nov	2	0	2
11-Dec	4	0	4
12-Jan	8	7	15
12-Feb	21	9	30
12-Mar	18	13	31
12-Apr	17	10	27
12-May	16	12	28
12-Jun	16	21	37
12-Jul	12	17	29
12-Aug	24	12	36
12-Sep	15	16	31
12-Oct	24	11	35
12-Nov	20	13	33
12-Dec	20	16	36
<b>Total</b>	<b>217</b>	<b>157</b>	<b>374</b>
<b>Average</b>	<b>14.5</b>	<b>10.5</b>	<b>24.9</b>

**Table 21**

There have been a **total of 505 PRCS subjects** in BUTTE County since October 2011 with a return to custody of **374**.<sup>21</sup> For BUTTE County, **74%** of the PRCS participants are returned to custody for term violations.

The combined total of the AB109 new county felonies, parole violator (with and without new charges) and the PRCS subjects was a total of **1,506** new inmates into the BUTTE County corrections system.

Calculating the **ALOS (213 days)** and **ADP (165)** of this segment of inmates results in an estimated need for **96.2** additional beds. It's important to note that the successful implementation of community corrections can offset this number based on how many of these inmates (or other inmates supplanting this group) can successfully complete a community corrections program/supervision without requiring re-incarceration. However, as depicted in the "Programs" section of this document, BUTTE County experiences a program failure of 32%. This emphasizes the need to have bed space available for holding these program failure participants accountable.

<sup>19</sup> Violation of a term or condition of PRCS

<sup>20</sup> Revocation/Remanded for violation of terms of PRCS

<sup>21</sup> This represents PRCS participants that violated their terms and were returned to custody.

### **Projected Bed Needs including AB-109 Realignment**

The following chart shows the projected bed needs, including AB 109, in Low, Medium, and High.

<b>Bed Need Projection (Pop/Incarceration Rate) Plus AB 109</b>					
	<b>2015</b>	<b>2020</b>	<b>2025</b>	<b>2030</b>	<b>2035</b>
Low	717.3	762.8	817.3	871.8	921.3
Medium	722.4	776.9	841.5	906.2	975.9
High	728.4	791	864.8	938.5	1019.3
Includes peak and AB 109					

**Table 22**

The projected bed needs identified in the 2006 Needs Assessment Study (up to Phase One of Scenario Two) show 892 total beds. This would exceed the current projections out to the year 2025 in the High projections. The bed needs on the High projections out to 2035 are 1019. The additional 127 beds would be provided in the subsequent phases identified in Scenario Two. The need for increases in jail beds would drive the timing of the phase implementation.

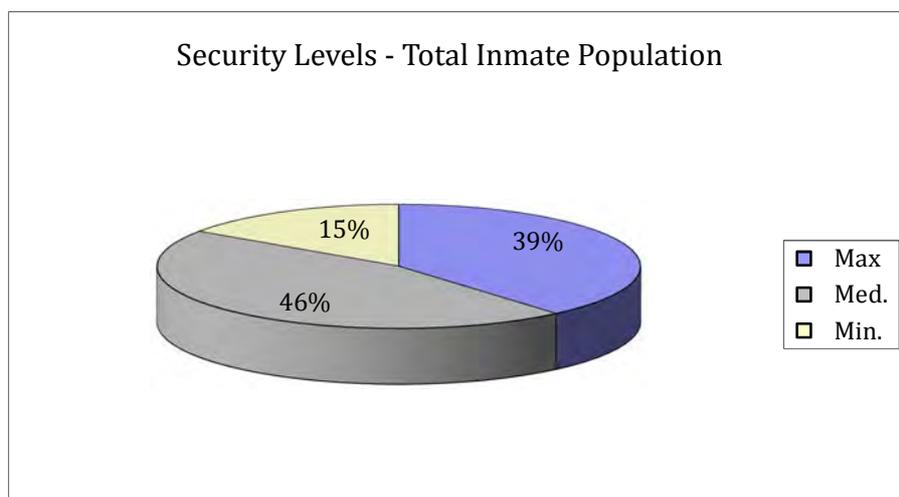
### **Security Levels**

BUTTE County Jail’s current ratios for the security levels are:

<b>Security Level Percentages</b>			
	<b>Male</b>	<b>Female</b>	<b>Total Jail</b>
<b>Minimum</b>	17%	0%	15%
<b>Medium</b>	43%	68%	46%
<b>Maximum</b>	40%	32%	39%

**Table 23**

The following chart shows the existing security levels in the BUTTE County Jail:



**Chart 40**

### ***Separate and Distinct Classifications***

Modern correctional facilities include all the appropriate separate and distinct housing units for specific classifications. Any new jail or remodel should include at least seven separate classifications for male inmates and four for female inmates. The following classifications should be included in the facility:

1. **Mental Health (Psych) Unit**  
This is a separate housing unit specifically for those inmates who have mental health or emotional problems that cannot be housed in a general population setting.
2. **Protective Custody Unit**  
This housing unit is for inmates who have a potential to be harmed by other inmates such as child molesters, those with enemies in the facility, public officials etc. There needs to be separate cells in this housing unit to separate these people from each other as well as the general population.
3. **Disciplinary Isolation Unit**  
This housing unit is specifically for those inmates who violate jail rules. This housing should not have television or other privileges and have single cells. Its purpose is to remove disruptive inmates from the general population and serve as a punishment for their disruptive behavior.
4. **Administrative Segregation Unit**  
This housing is intended for those inmates who fit the criteria set forth in Section 1053 of Title 15 who may not be criminally sophisticated but pose a threat to other inmates, staff, or are an escape risk. This housing unit should have single and double cells and afford most of the amenities as other general population but be separate from the jail's general population inmates.
5. **Male Maximum Security Unit(s)**  
This housing is intended for the most dangerous inmates who have a history of violence and pose a threat to other inmates, staff, or the public. This should be primarily single-cells in the most secure part of the facility.
6. **Male Medium Security unit(s)**  
This housing is generally a combination of cells and dormitories and houses general population inmates.
7. **Male Minimum Security Unit(s)**  
This housing holds the lowest risk inmates that are eligible for inmate worker status in a dormitory setting. In larger systems, it is often a separate or attached structure built with less expensive construction material with access for outside county crews to pick up inmate workers.

Counties with significant criminal gang problems need to separate gang rivals in their correctional facilities. BUTTE does not reveal a significant gang problem requiring separate housing areas in the jail for this purpose.

### ***Minimum Number of Female Housing Classifications***

1. Female ADSEG and or special needs unit i.e.: Psych, PC, DI, (Same as male)
2. Female Maximum Security unit (Same as male)
3. Female Medium Security unit (Same as male)
4. Female Minimum Security unit (Same as male)

**Note:** In jails with a larger female inmate population, meeting needs for a classification; mental health and protective custody are the same as for the male units. However, in smaller to medium size jails like BUTTE, separation must be accomplished in specialized mixed units or by providing small separate cell areas. Another example is there may be only one protective custody inmate, therefore, when building new housing management may consider building a few separate and distinct holding areas for these special classifications or using single lockdown cells in the standard housing units.

BUTTE County Jail is so poorly designed that using existing security level ratios to predict future security levels is futile. Therefore, it seems to be more appropriate to reverse engineer the process by first examining what BUTTE does not include in their system (but should) and work back to what does exist.

### ***Assumptions***

#### ***Projected Jail Beds and Classifications***

The following chart shows the projected jail beds by classification. Since the current jail system does not have separate and distinct housing for special needs inmates (Psych., ADSEG, DI, PC, etc.) these beds were added in as well. The current security level ratios were then used for the remainder of the needed beds. This process was repeated for the female inmate beds with the exception of minimum security, since the jail does not have specific housing for minimum-security females at this time.

<b>Example of New Construction Configuration</b>							
Male Classifications & Beds				Female Classifications & Beds			
<b>North Building D</b>	<b>Type</b>	<b>No. Beds</b>	<b>Class.</b>	<b>New Housing Unit</b>	<b>Type</b>	<b>No. Beds</b>	<b>Class.</b>
A	16 Single	16	ADSEG	S	40 Dorm	40	MIN
B	16 Double	32	ADSEG	T	40 Dorm	40	MED
C	16 Double	32	DI	U	20 Double	40	MAX
D	16 Double	32	PC	V	20 Single	20	ADSEG
E	16 Double	32	PC	W	20 Single	20	DI/SHU <sup>22</sup>
F	16 Double	32	MAX			<b>160</b>	
		<b>176</b>					
<b>South Building C</b>				<b>Male Classifications</b>	<b>BEDS</b>		
G	40 Dorm	40	PSYCH	ADSEG	48		
H	40 Dorm	40	GANG 1	DI	32		
J	40 Dorm	40	MED GP	PC	64		
K	40 Dorm	40	MED GP	MAX	32		
L	40 Dorm	40	MED GP	SHU	20		
M	40 Dorm	40	GANG 2	MAX/MAX	20		
		<b>240</b>		GANG 1	40		
<b>New Housing Unit</b>							
N	60 Dorm	60	CLASS	GANG 2	40		
O	20 Single	20	SHU	PSYCH	40		
P	20 Double	40	MED GP	CLASSIFICATION	60		
Q	20 Double	40	MED GP	MED DORMS	120		
R	20 Double	40	MED GP	MED CELLS	80		
R	20 Single	20	MAX/MAX	MIN	160		
		<b>180</b>		<b>TOT. MALE BEDS</b>	<b>756</b>		
<b>New Male Min. Sec. Housing Unit</b>							
				<b>Female Classifications</b>	<b>BEDS</b>		
S	40 Dorm	40	MIN	ADSEG	20		
T	40 Dorm	40	MIN	DI/SHU	20		
U	40 Dorm	40	MIN	MAX	40		
V	40 Dorm	40	MIN	MED	40		
		<b>160</b>		MIN	40		
				<b>TOTAL FEMALE BEDS</b>	<b>160</b>		
				<b>TOT. MALE BEDS</b>	<b>756</b>		
				<b>TOTAL JAIL BEDS</b>	<b>916</b>		

<sup>22</sup> SHU – “Special Housing Unit” allows for ADSEG overflow, psych beds, or other special needs

## G. Adequacy of Staffing

### *Current Staffing Levels*

LOC./CLASSIFICATION	SWORN	NON SWORN	VACANCIES
<b>3603 - JAIL</b>			
Sheriff's Captain	1		
Corrections Lt.		2	
Corrections Sgt.		6	
Correctional Deputy		62	3
Correctional Technician		23	1
Pre-Trial Rel Sup		1	
Sheriff Clerk III/II		4	
<b>Subtotal</b>	<b>1</b>	<b>98</b>	<b>4</b>
<b>36031 - SWAP</b>			
Corrections Sgt.		1	1
Correctional Deputy		2	
Correctional Technician		2	
<b>Subtotal</b>		<b>5</b>	<b>1</b>
<b>36032 - ACS</b>			
Correctional Lt.		1	
Correctional Sgt.		1	
Correctional Deputy		10	3
Deputy Sheriff	2		
Sheriff Clerks		3	1
Sheriff Security Officer		1	
<b>Subtotal</b>	<b>2</b>	<b>16</b>	<b>4</b>
<b>36033 - Road Crew</b>			
Correctional Deputy		1	
<b>36034-Transportation</b>			
Corrections Sgt.		1	
Correctional Deputy		4	
<b>Subtotal</b>		<b>5</b>	
<b>36035 - KITCHEN</b>			
Supervisor Food Systems		1	
Senior Cook		2	
Cook		3	
<b>Subtotal</b>		<b>6</b>	
<b>36036-Medical</b>			
Correctional Deputy		2	
<b>Total by Class</b>	<b>3</b>	<b>133</b>	
<b>TOTAL</b>		<b>136</b>	<b>9</b>

Table 24

BUTTE County has a total of nine vacancies in the jail. These vacancies are not “swept” allocations, but rather vacancies they are in the process of filling.

### ***Shift Schedule***

BUTTE County uses primarily (7) 12-hours shifts (for Operations teams and Classification). Almost all other jail employee are on (4) 10-hour shift plans with a small number on modified 9/80 plan and a few staff members on (5) 8-hour days.

### ***Per Fixed Post Staffing Requirements***

The below table depicts a typical mandatory staffing plan for their operational jail staff. It does not include support staff, administration, or program staff. Some positions are optional (but preferred) depending on their ability to staff the position. The desired staffing levels should allow them to staff all of the fixed posts positions including those that are “optional.”

<b>BUTTE County Typical and Mandatory Staffing for <u>OPERATIONAL</u> Teams</b>			
<b>FIXED POSTS</b>	<b>REQUIREMENT</b>	<b>DAY</b>	<b>NIGHT</b>
<b>Sergeant Post</b>	Mandatory	1	1
	<b>Subtotal Sergeant</b>	<b>1</b>	<b>1</b>
<b>Correctional Technician Posts</b>			
Central Control	Mandatory	1	1
Window	Mandatory	1	1
Booking	Mandatory	2	1
	<b>Subtotal Correctional Technician</b>	<b>4</b>	<b>3</b>
<b>Correctional Officer Posts</b>			
Post 14 Intake	Mandatory	1	1
Post 15 Female Housing	Mandatory	1	1
Post 16 Search and Escort	Mandatory	1	1
Post 17 Female Escort	Mandatory	1	1
Post 18 Charlie Housing	Mandatory	2	1
Post 19 Delta Housing	Mandatory	2	1
Post 20 Charlie Control	Mandatory	1	1
Post 21 West Facility Rover	Mandatory on nights, *optional on days	1	1
Post 22 Delta Control	Mandatory	1	1
Post 23 Main Facility Rover	*Optional	1	1
	<b>Subtotal Correctional Officer</b>	<b>12</b>	<b>10</b>
	<b>TOTAL</b>	<b>17</b>	<b>14</b>

**Table 25**

The jail is a 24-hour a day, 365 days a year operation that requires minimum staffing levels. Depending on many factors, including time off for vacations, sick leave, injuries and training, as well as the type of schedule, the number of officers required to staff the facility can vary.

A fixed post is a position in the jail that must be staffed 24 hours per day, 7 days per week, and 365 days per year. The types of staffing plans require a different number of officers to staff the position 24-7-365. Eight and twelve hour schedules require fewer officers to staff a fixed post than a nine or

ten hour schedule. While a complete staffing analysis would be required to determine exact staffing requirements, experience from other studies and experience of other agencies provide for close estimation and recommendations.

Generally 5.1 to 5.3 officers are required to staff a fixed post on an eight or twelve-hour plan and 5.8 to 6.2 officers on a ten-hour schedule.

The below tables are hypothetical staffing requirements based on a 12-hour plan and a 10-hour plan. There are several other variables that can affect the outcome. The more senior staff accrue more vacation and sick time, and will typically use more of that time as they proceed through their careers. This requires a higher level of relief staffing and therefore a higher ratio would be applied. Using the above variance for the 10-hour schedule, junior staff may only require the low end of 5.8 per fixed post position and a more senior staff may require a ratio of 6.2 per fixed post position. A middle ground can be applied if there is a mix of staffing seniority, which is usually the case.

<b>Current Fixed Post Assignments (Hypothetical Twelve Hour Schedule)</b>					
	<b>Ratio</b>	<b>Staff Posts</b>	<b>Needed</b>	<b>Current Allocations</b>	<b>Additional Officers</b>
Sergeants	5.3	1	5.3	6	-0.7
Correctional Technician	5.3	4	21.2	22	-0.8
Correctional Officer	5.3	12	63.6	64	-0.4
<b>TOTAL</b>		<b>17</b>	<b>90.1</b>	<b>92</b>	<b>-1.9</b>

Table 26

<b>Current Fixed Post Assignments (Hypothetical Ten Hour Schedule)</b>					
	<b>Ratio</b>	<b>Staff Posts</b>	<b>Needed</b>	<b>Current Allocations</b>	<b>Additional Officers</b>
Sergeants	6	1	6	6	0
Correctional Technician	6	4	24	22	2
Correctional Officer	6	12	72	64	8
<b>TOTAL</b>		<b>17</b>	<b>102</b>	<b>92</b>	<b>10</b>

Table 27

***Classification Staff***

BUTTE County jail has four fulltime Classification officers, plus one sergeant who provides oversight as a collateral duty. The Classification officers work seven days per week from 6:00 am to 2:00 am. This leaves a four-hour period with no coverage but this is a slow period and short in duration.

***Transportation Staff***

BUTTE County has four Correctional Deputies with one Corrections Sergeant as their supervisor.

## ***Staffing Estimates - New Housing Units***

### ***Recommended Staffing Study***

Since the construction of any new housing will be completed at an unknown future date, it is recommended a new staffing study be completed after the architectural Feasibility/Program study is completed to confirm staffing needs based on a thorough program and construction schematics.

### **Phase One Staffing for New Housing Units**

Phase One recommendations in both scenarios is two new housing units, a replacement female housing unit and an additional male housing unit. Sheriff's Management has expressed a concern related to the cost of providing new staff to supervise the inmates in these housing units. Therefore, while direct supervision style may be preferable, the economic reality appears to dictate the less staff demanding combination of indirect supervision with direct visual supervision through glass and direct supervision in the dorm units.

### **Staffing the Female Housing Unit**

Currently one female officer with help from the female intake/movement/dress out-search officer supervises the older linear female housing unit. The level of supervision is very inadequate and the frequency of actual direct visual supervision of the inmates is more infrequent than is desired by management. The new female housing unit can house 160 inmates or 67% more than currently and is recommended to have three fixed posts, a housing officer and a rove/floor officer, and a direct supervision officer in the dorms. The direct supervision station would be centrally located between the two dorms with one post supervising both. Because of the flexibility and requirements and housing supervision configuration of the unit, "correctional technicians" are not recommended to fill any of the posts. Additionally, it is not practical to move the female intake/movement/dress out-search officer away from the booking area, thus additional officers must be added.

Staffing for the new female housing unit is recommended to be the combination of direct and indirect supervision with the following fixed posts:

- 1. Housing Control Officer, Correctional Officers.*
- 2. Rove/Floor Officer, Correctional Officers*
- 3. Direct Supervision Officer (in dorms), Correctional Officers*

### **Staffing the New Male Housing Unit**

Discussions were conducted regarding the supervision of the male housing unit and again while direct supervision might be preferable, there does not appear to be funding for the number of officers it would require to provide all direct supervision. Therefore, primary supervision is recommended to be a combination of indirect supervision with direct visual supervision through glass and direct supervision of the dorms.

The preference of management would be to supervise the new male classification unit and other dorm with Direct Supervision. Most new arrestees will be housed in these units. Because there are many concerns about the safety and security of new inmates including depression, suicidal tendencies and assault, direct supervision would better meet the need of safety and evaluation during the first 72 hours of custody. The direct supervision station would actually be centrally located between the two dorms with one post supervising both the classification unit and medium security dorm.

Staffing for the new male housing unit is recommended to be the combination of direct and indirect supervision with the following fixed posts:

1. *Housing Control Officer, Correctional Officers.*
2. *Rove/Floor Officer, Correctional Officers*
3. *Direct Supervision Officer for Classification and Other Dorm, Correctional Officers*

***Number of Additional Officers Needed for New Housing Units***

The below table depicts the staffing requirements for the hypothetical housing recommendations for **both** female and male housing. It assumes that female officers will be needed for female supervision.

<b>Staffing for New Housing Units</b>					
<b>Number of Officers</b>	<b>Ratio</b>	<b>Staff Posts</b>	<b>Needed</b>	<b>Current Allocations</b>	<b>Additional Officers</b>
New Fem Hsg Unit	5.3	3	16	5	11
New Male Hsg Unit	5.3	3	16	0	16
<b>TOTAL</b>			<b>32</b>	<b>5</b>	<b>27</b>

**Table 28**

### ***Cost of Additional Officers for New Housing Units***

***(Including Benefits - Excluding Overtime)*** Cost estimates derived from figures provided by Sheriff's payroll staff -2012.

<b>Cost of Additional Officers</b>			
<b>New Housing Units</b>	<b>Number of New Officers</b>	<b>Annual Avg. Cost</b>	<b>Total for Hsg Unit</b>
New Female Housing Unit			
Fem. Corr. Officers	11	\$92,768	\$1,020,448
New Male Housing Unit			
Male Corr. Officers	16	\$92,768	\$1,484,288
<b>TOTAL ANNUAL COST</b>	<b>27</b>		<b>\$2,504,736</b>

**Table 29**

## **H. The Ability to Provide Visual Supervision**

The ability to visually supervise the inmates is effective in the podular 1994 section, however, is very difficult in the 1963 linear section of the jail. Dorms are also difficult for supervision if configured without an officers' station.

This information is discussed in Jail Operational and Inmate Supervision Philosophy and under Staffing Requirements for New Housing Units.

## **I. The Adequacy of Records Keeping**

### ***Records Keeping***

The records management system currently in use by BUTTE County is the Offendertrak™ by Motorola, version 6.3.6. It was originally implemented in 1999 with the current version installed on 2009. There are several modules not being utilized, such as:

- Bail Amounts
- Classification System
- Accounting
- Gang Module

The system has been stable and was relatively inexpensive (as far as RMS systems go), however, mining data for report generation is very difficult and system support from Motorola is “mostly non-existent.”

The RMS does integrate with their VINE™ program, Keefe™ Commissary system, Live Scan, and some of their locally derived systems used for statistical record keeping.

The reporting process is “terrible” which is compounded by a lack of staffing for data mining. The Sheriff’s IT manager is not a DBA<sup>23</sup>, but does his best to provide those services. There is a lot of data that is input into the system that they are unable to mine back out into report form.

BUTTE County is planning to migrate to a new jail management system, XJail™ by Archonix. They are planning to implement it by mid-year 2013. This system is reported to be more user-friendly and has enhanced data mining, including SQL Server Analytic tools making it very customizable by the end user. It has good auditing tools and is capable of creating a “workflow” that will require the users to complete certain tasks that will enhance overall data mining capability.

Once this system is fully in place, their capabilities to track offenders, manage data, and generate reports will be much improved. This will in turn help them to meet the IT demands of any new facilities.

## **J. History of the System’s Compliance with Standards**

### ***History of System’s Compliance with Standards***

The Needs assessment Update Team reviewed numerous inspections related to the BUTTE County Jail. There are repeated concerns raised about the age, design, ability to properly staff and deterioration of the physical jail building. The 2006 Needs Assessments alludes to the difficulties in meeting regulatory requirements within this facility. The Update team found the issues and shortcomings documented in that report still exist including:

- Poor facility design

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<sup>23</sup> Database Analyst

- Staffing concerns
- Classification concerns

### **Current BSCC Biennial Inspection**

On June 21, 2012, The Board of State and Community Corrections conducted the 2010 – 2012 biennial inspection of the BUTTE County Jail and the holding cells of the Superior Court.

In addition to the biennial inspection, the **State Fire Marshal conducted an inspection** on the jail on January 28, 2010 and the holding cells several times with a fire clearance being issued on December 28, 2011.

The **BUTTE County Health Department conducted health inspections** for the jail on September 15 and November 29, 2011 and the on court February 18, 2011.

### **Title 15 - Regulations**

The first **Title 15 non-compliance** issue was related the policies and practices regarding the inmate grievance procedure. Certain inmate confinement policies prohibited inmates from filing a grievance, however, there was no pervasive non-compliance with minimum services. The practices and policies were inconsistent.

The next area of **Title 15 non-compliance** was regarding discipline. The withholding of visitation was being used as a sanction for minor violations. Visitation is a regulated mandatory privilege, withholding that privilege is specifically associated major rule violations and requires additional due process.

### **Title 24 - Physical Plant**

BUTTE County Jail does not have a “safety cell.” They do however; use restraint devices in accordance with regulations.<sup>24</sup>

The Jail administration advised the project team that the corrective action plan had not yet been implemented. It is due to BCSS on March 1, 2013.

### **Previous Biennial Inspection**

On April 23-24, 2009, BSCC (then California Standards Authority [CSA]) conducted the Biennial Inspection. BUTTE County Jail was found to be in substantive compliance, except that their fire and health inspections were not up to date. Those inspections were later conducted and conditions were met.

There was a note referencing a previous inspection in regards to staffing. The jail staffing had met minimum levels, but not including the necessary relief factor.

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<sup>24</sup> Dept. Order 2018 (Jail Policy)

## **Institute of Medical Quality (IMQ)**

On October 17, 2012, the IMQ awarded the BUTTE County Jail a two-year compliance from August 2, 2012 through August 2, 2014 for their medical services.

## **Grand Jury Reports**

The 2011-2012 BUTTE County Grand Jury had three primary findings relative to the physical plant and operations of the jail.

1. *“The Grand Jury believes that the construction of a “Safety Cell” similar to the one in Juvenile Hall would lessen the need for use of the high-risk restraint chair and provide an interim level of restraint for safely housing inmates who pose a significant level of danger to themselves, staff or other inmates.”<sup>25</sup>*
2. *“Another area of concern was the cinder block “privacy wall” in a sobering cell in the reception area. This privacy wall was instrumental in the death of an intoxicated inmate in 2011. Privacy is a major concern for Americans in all elements of life, however, in a custody setting even the basic concept of privacy requires modification. There is little right to privacy when one is incarcerated. Removal of the privacy wall and installation of an alternative means of privacy would facilitate both privacy and safety issues.”<sup>26</sup>*
3. *“The jail utilizes an objective inmate classification system. The frequency of overrides by classification officers may be an indication that the criteria being utilized are not serving the best interests of jail operations.”<sup>27</sup>*

The 2010-2011 Grand Jury report had a finding regarding the physical plant, which supports the recommendation of this the 2006 Needs Assessment and this current Needs Assessment Update.

4. *“The women’s facility is in need of maintenance and eventual replacement or remodeling when funds become available.”<sup>28</sup>*

## **K. Unresolved Issues**

At some point in the future, the County must take the next step in the process by conducting a Feasibility Study which would further develop and define facility and site options, as well as construction and operating costs. This Feasibility Study would also assist in determining funding sources and strategies.

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<sup>25</sup> Grand Jury Report 2011-2012, pg. 5

<sup>26</sup> Grand Jury Report 2011-2012, pg. 6

<sup>27</sup> Grand Jury Report 2011-2012, pg. 8

<sup>28</sup> Grand Jury Report 2010-2011, pg. 7

## ***Booking and Intake***

While the booking and intake area was remodeled in 1998, the needs identified by corrections staff at that time could not be met because of funding shortages. The result was operational deficiencies the day the new area opened. The inefficiencies and space shortcomings have increased over the past eight years. Some areas identified, such as the vehicle sally port, were not remodeled at all due to funding issues.

### ***Vehicle Sally Ports***

Currently there are two vehicle sally ports located at the jail:

**Intake-booking sally port:** Jail staff has identified this as one of the key areas needing renovation and expansion. The small size with lack of parking stalls makes it not only inefficient for loading and unloading inmates and arrestees, but also causes delays in getting patrol officers back on the street which impacts response times and public safety throughout the County. The current drive-through configuration enclosed with chain link fence is only two vehicles wide and does not have adequate space for larger transport buses utilized by CDC and larger counties. Additionally, there is no covering over the area for loading and unloading during inclement weather.

**Recommendation:** While the drive-through design is desirable, the area within the intake sally port should be increased to provide for ten oversized vertical parking stalls for arresting and transporting officer vehicles, with enough height and width to allow for ease of exiting and for a large "Greyhound" type bus sized transport vehicle.

**Transportation Sally Port:** The current vehicle sally port used for transporting prisoners to court, prison, etc. is located in such a manner to provide proximity to the inmate housing units. The location is beneficial now; however, will likely become problematic when new inmate housing are added because it is located at a likely site for housing expansion. A new transportation sally port would be part of a transport staging and holding area. The current sally port gate is too small and the interior areas too narrow to accommodate larger transport vehicles and will require modification in the near future.

**Recommendation:** In the short term, increase the size of the gate to accommodate larger vehicles. It is likely the current transportation sally port location conflicts with future additions to the jail and it will likely have to be moved; therefore expenditure of remodel funds in this area should be limited to meet the short-term need. Long term the transportation sally port and holding area is part of Phase 1 construction.

### ***Intake-arresting officer area***

When the intake area was remodeled in 1998 there was little room provided for the arresting officer area. The space is inadequate for the number of arrestees received during a day, which causes a delay for arresting officers, and this cramped area is inherently not as safe as it could be.

**Recommendation:** The intake area should be enlarged or remodeled to accommodate six arresting officer stations and more room for staging. A new security door should be added to replace the barred door.

### ***Booking Room***

The booking room is fairly roomy and efficient; however, the lack of holding cells makes it difficult and inefficient at times to manage. The booking area has two holding cells and a docile waiting area for the majority of the arrestees brought in. While the docile holding area is sufficiently sized and adequately supervised, the two holding cells do not provide sufficient locked housing or separation of difficult intakes.

The booking room is the most volatile and dangerous area of the jail due to the often-unstable nature of the new arrestees, including intoxication, drug influence, and mental instability, anger, and gang affiliation. There is often the need to lock these individuals down and many times the need to separate them from each other for reasons of gender, gang affiliation and protective custody. Two holding cells are not adequate, forcing staff to utilize areas such as booking cubicles that were not designed for that purpose.

Additionally, the two sobering cells are not adequate for the number of intoxicated individuals brought in. There are no safety cells for those individuals attempting to hurt themselves.

There are other inadequacies associated with the booking room that have been discussed with jail management.

**Recommendation:** Spaces adjacent to the booking room should be vacated and remodeled into various holding cells to provide adequate separation and management of new arrestees. Consideration should be given to moving the showers and clothing exchange area. (See Releasing)

### ***Inmate Personal Property Storage***

The inmate personal property storage is currently adequate; however, is close to capacity. Any increase in inmate housing numbers will necessitate finding adequate space for inmate personal property.

**Recommendation:** Should additional inmate housing be provided, the property room will need to be expanded or possibly be made more efficient by use of a motorized conveyor property system. Another location for consideration is where medical is currently located. The medical space is inadequate and may be moved. This would free up space for inmate property adjacent to releasing along with clothing exchange and showers.

### ***Releasing***

Currently there is discussion of moving the releasing function; however, it would still utilize the same exiting point, which is a positive because it is separate from the intake point. The negative is it empties into the intake vehicle sally port, which is problematic given the shortcomings of that sally port.

**Recommendation:** When designing the additional space in booking and the vehicle sally port designers should also ensure releasing efficiency is studied.

## ***Transportation***

The current transportation office and area appears to be housed in an area not originally planned for that purpose. The office is located off the main hallway in the 1994 housing structure (Units C & D). The office is small and currently accommodates three workstations in cramped quarters. Any increase in staff will be very difficult to absorb.

The transportation unit currently uses vans to transport up to 45 inmates each morning including up to 30 for arraignment. There are no staging cells for proper housing and processing of inmates prior to transport. Staff utilizes hallways and space intended for other purposes for this function.

It was lamented by jail staff the fact the court holding cells are only about one hundred yards away and yet up to three transportation officers must be used every day to load the inmates in vans to transport them that one hundred yards. This is both inefficient and a security concern.

**Recommendation:** As part of any plan for new housing the transportation and inmate staging area must be considered for replacement. The inadequacies of the location, sally port, holding and office are all an issue. Most significantly, any new housing additions should explore a secure hallway/tunnel to allow the inmates to walk unescorted to the court holding. Inmate staging and transportation should be in proximity to the tunnel at the jail side. This recommendation is included in Phase 1 of the theoretical master plan.

## ***Court Arraignment Process***

Sheriff's court security staff feels the court arraignment process is fairly efficient, yet staff intensive. The biggest issue is the vehicular transportation of the inmate to court holding. Video arraignment has been explored and according to criminal justice officials seems to be too cumbersome to make-work; therefore in-court arraignment will continue.

**Recommendation:** It appears a secure tunnel would resolve this concern.

## ***Medical and Mental Health Housing and Space Needs***

**Medical – Infirmary** (For purposes of this report all medical and mental health watch beds are in the infirmary.)

In 1998 a portion of the jail gymnasium was remodeled as an infirmary. While the County is lauded for this effort, the medical and mental health space in the jail is a concern. It was pointed out by long term medical employees the 1998 improvements provided significantly better space than previously existed; however, medical staff feels the current medical space does not meet their needs and the issues will be exacerbated if additional inmate housing is built. It appears medical space, support space and beds for significantly ill or severely mentally disabled inmates are a need that must be addressed.

### ***Medical Housing and Space Needs***

Medical and mental health management, jail management and County Health officials identified areas of concern.

The following concerns of the current medical space were voiced:

- The three medical cells with anteroom (negative pressure) are located in a space not easily supervised or utilized by medical staff and because of this are a concern for housing ill or injured inmates and are often used for non medical segregation.
- There is no true secure waiting area for inmates; they must wait in an open area between the main hallway and the medical receptionist/nurses station where they can hear staff conversations and have access to non-secured items. This is a security and privacy concern.
- The nurses' station is not located in such a manner as to provide for efficient work production or infirmary supervision.
- There is no centralized medical correctional officer station for observing the safety of the staff and the movement of inmates.
- With the exception of the Medical Program Manager, offices for professional staff are lacking.
- There is lack of space for medical supplies storage.
- There is no inmate shower or inmate waiting toilet.
- Space for dirty and clean clothing is lacking (disease control).
- Medical records storage is inadequate for both current and archived files.
- There is no office or quiet room for visiting medical or mental health officials to confidentially dictate medical information.
- The narrow hallway in the infirmary must also serve as a work/copier location.
- There is no room for the medical carts and they are also located in the hallway.

### ***Mental Health Housing and Drug Treatment Space Needs***

At any given time there are several inmates in custody who are severely mentally unstable or with drug dependence issues and appropriate housing is an issue.

The lack of mental health observation beds and a classification for those with mental health and drug dependence issues makes it very difficult to give proper programs and treatment.

While there is a psychiatric facility in Chico for the severely mentally ill, limitation of the facility result in the jail housing some of these inmates. Also of concern is the lack of suicide watch cells near medical/mental health staff.

Funding was lost for Mental Health Court. This has likely been detrimental in effectively managing this group of offenders that has a much higher recidivism rate and greater needs.

Jail or medical staff voiced the following concerns about the current jail infirmary, mental health, and drug treatment space:

- Lack of mental health, suicide prevention cells in the infirmary
- No safety cell in booking and possibly the infirmary
- Pharmacy storage room (meds)
- More interview rooms for medical and mental health
- Program space at the housing units for health education programs.

**Recommendations:**

The jails medical and mental health facilities have shortcomings that should be given a high priority for attention. Strong consideration should be given to remodeling the current infirmary (See theoretical master plan scenarios).

1. New medical, mental health and suicide watch beds should be constructed to provide ease of access and supervision. Security windows are strongly recommended for ease of visual supervision.
2. Provide a secure waiting area for inmates.
3. Provide a medical officer supervision station and nurses' station located in such a manner as to provide ease of supervision and access.
4. Provide more office, dictation and interview space for medical and mental health staff in the infirmary and at any new housing units.
5. Provide storage and work space including file storage, clean and dirty laundry storage, medical carts and copier work area.
6. Consider providing an inmate shower or inmate waiting area toilet.
7. Explore the legality of a safety cell in booking and possibly the infirmary.
8. Provide program space at the housing units for health education programs.
9. While funding was lost for Mental Health Court, the judiciary should consider reinstating this therapeutic court for providing enhanced efforts with this group of offenders that has a much higher recidivism rate and greater needs.

## ***Administration Space***

The Jail's administration space is extremely disjointed and inefficient. Through the years space for the various administrative and support personnel has been planned and allocated by "any space available" and at times to meet the desires of employees based on personal preference. Clearly there has been no master plan for administrative space.

Administrative space is spread all over the complex, with the Commander's office and the Compliance and Programs Sergeants in the East Facility, Administrative Lieutenant and Sergeant in the Classification unit, Operations Lieutenant and Sergeants off of docile waiting area and the Programs Lieutenant and ACS Sergeant at the Day reporting Center. Most of the spaces are small and inappropriate for the management function. Because of location, some of the managers are difficult to access and meet with. The separation of managers makes communication more difficult and unified clerical assistance impossible.

There is lack of quality meeting space at the Jail forcing staff to have to leave the facility and use the East Facility for this purpose.

The 2003 ***BUTTE County Facilities Master Plan*** produced by the team of *KMD Architects, Carter Goble Associates and Kitchell CEM* recommended providing space currently utilized by other Sheriff's Office functions (8,400 square feet) for jail administration and support functions when much of the department is moved to a new building and the East Facility. The reality is this could be several years away. In the short term, management should carefully consider alternatives.

**Recommendations:** Currently there is discussion of moving some of the administrative functions into other areas of the jail. A cursory review of the proposal indicates the moves continue a pattern of space allocation without a master plan. Jail management should carefully consider the overall efficiency of the moves before moving forward.

While the space currently occupied by other Sheriff's Office functions may eventually be the best space available, the ***question must be asked, "what is the useful life of the 1963 building and at what point does the County stop putting more remodel money into it and start replacing with new structures?"***

If the current female housing area is replaced, what important functions can go into that area? If new administration space is too far out, consider some consolidation of administration space in this area.

## ***Staff Support Space***

A significant concern is the lack of staff support space such as locker rooms, staff dining, briefing, training, etc. Modern jails have all of these and more. With a shrinking work force and departments competing for trained personnel, added incentives such as these can make the difference in hiring and retention. Additionally, the corrections environment with the built in negativity and difficult clients can be off set and morale raised with professional and adequate staff areas.

### ***Locker rooms***

Currently the jail has no staff locker rooms that would include shower capability. This forces staff to wear their uniforms to work, and this presents some liability and concern for the County. There is no place for staff to store extra uniforms, required safety equipment and issued equipment.

### ***Workout room***

While there is concern about disability claims for providing workout rooms, this concern is shared by other counties who have to their satisfaction overcome the issue. Workout rooms are common to law enforcement and corrections and offer an avenue for strength and fitness as well as morale and retention. Given the nature of the business, providing officers the ability to stay strong and fit makes sense. County Risk Management should explore how other counties have overcome this concern.

### ***Staff Dining***

A staff dining and break room is an essential component of a modern jail. Since the staff is required to stay at the jail, they are unlike any other employee other than juvenile hall staff in that they cannot go to a restaurant or home for meals. The current staff dining is small but meets the needs. As staff is added to manage new housing units, staff dining will need to be expanded or replaced. If replaced, the staff dining should be located in proximity to primary jail hallways to allow for quick response. A staff dining and break room is essential to morale given the nature of correctional work. The officers must be afforded a setting where they can get away from the inmates and have a few minutes to relax and “decompress.”

### ***Briefing and Conference***

Currently there is not an appropriate space for this function at the main jail and space at the East Facility is a bit too far away for efficiency. When planning new spaces, a briefing area should be considered.

**Recommendations:** Currently adequate staff support space is practically nonexistent. Sheriff's management is concerned about the negative impact on morale and retention. This is a valid concern given the fact most law enforcement and correctional departments in Northern California offer these spaces and functions. The current inadequacy of this space is significant and should be addressed. This is another space need that may be rectified if the females vacate to a new housing unit.

### ***Kitchen – Food Services***

The Sheriff has a staff of 6 employees that supervise the jail kitchen meal production with 14 assigned inmate workers. All inmate meals are delivered to the housing units on carts and distributed by Correctional Deputies. In addition, all Correctional staff required to stay onsite are provided one hot lunch meal for the day team and the same meal available for reheating for the night team. Daily scheduling allows for one cook to supervise the inmate meal production, one cook dedicated to the staff meal production, and one cook manager to supervise these and any orders,

deliveries, or Sheriff and public contacts that may need to be addressed. Currently, one Food Service Supervisor and two Senior Cooks share these management responsibilities.

They serve the inmates a hot lunch and two cold meals daily. Breakfast items are bagged, stored in the original cereal boxes, and loaded on 3 carts with milks & juices that are rolled in one refrigerator unit at the end of the day. Similarly, already prepared box meals are loaded on 3 carts and rolled in the other refrigerator for the night meal service.

The hot meal is served midday, which requires inmate workers to be available from 0730 – 1530. Hot and cold items prepared in the prep and cook stations are panned up and placed in the bank of 2-sided reach-in warmers & coolers for service. Front workers tray all other items in advance and trays are run down gravity feed assembly line and loaded on carts to the daily population count for service.

The Food Manager just completed their fiscal 2012-13 figures through January 2013 that reveal an Average Daily Population (ADP) of 603. However, January itself averaged 610 as did September 2012, and all 5 months since then to date have been over 600, which is unprecedented. Previous high was 599 in January 2012.

Their main limiting factor is their 80-gallon steam kettle. They can provide 650 one dish, 12-ounce meals at best. However, equipment and storage limitations would preclude this as noted below.

Aside from the above-mentioned equipment and storage limitations, they state that the availability of inmate kitchen workers is now their greatest challenge. Due to the near full capacity of the jail and the AB 109 mandate, the kitchen worker's classification of inmates are generally the 1st to be released or approved for programs. It has been increasingly difficult to keep a trained work crew, much less replacements readily trained and available to fill in, when there is no notice prior to releases.

This impact can only be resolved with a larger jail that is not forced to make those choices due to bed space limitations.

All of the deficiencies of the kitchen and needs related to growth listed in the report from 2006 have only been exaggerated since, back then they were budgeted for an ADP of 545.

As mentioned above, although the kettle can accommodate 650 meals, the reach-in warmers only have the capacity for 18 hotel pans (the yield of a full kettle), in which case pans of vegetables and other side dishes are stacked on the bottoms and even held back in the ovens on some meals.

Another limiting factor is their box meal storage. Back when the ADP was 545, they could store the entire week's supply of 126 cases in the one refrigerator dedicated to these. At 603 ADP, they are purchasing 150 cases weekly and the extra 24 cases have to be stored in the dairy / produce refrigerator.

Again, all of the deficiencies noted in the report of 2006 are just as valid today, the primary one being the **very** inadequate receiving and loading area that will need to be addressed in a new facility. The equipment and storage limitations can be resolved with a new facility as well.

The improvements above and beyond these that they recommend are to have pallet storage available such that they can be moved into the storage area as is without disassembling and shelving. This will enable large purchases and consequent savings.

Many other facilities have moved towards an in-house bakery. There is no doubt in these times that great savings would result.

### ***Current Deficiencies of the Kitchen and Needs Related to Inmate Growth***

- There is no loading/unloading dock for trucks and unloading area is relatively small and inefficient.
- In the same area the waste management capabilities are lacking with only cardboard properly recycled.
- The receiving sally port to the kitchen is so narrow and small; bringing food and other supplies into the jail is inefficient and time consuming.
- The dry good storage area is at its maximum capacity. This problem is exacerbated because of lack of storage for large cooking apparatus such as pots, pans and trays that are stored on some of the dry goods storage racks.
- The walk-in refrigerators are at their maximum capacity and while staff gets by for now, it will not be adequate should the inmate population grow much more.
- Food preparation space is close to its maximum capacity with a potential problem being lack of room to add critical food preparation cooking equipment.
- Cart storage is becoming a problem; various carts are stored in the kitchen and if inmates are added, space for such carts as the food tray carts is an issue.
- Trained kitchen workers are quickly released into programs due to classification impacts from AB109 inmate realignment.

**Recommendations:** Any substantial increase in inmates will require additional capacity being added to the kitchen. The issue is how can this best be accomplished.

1. Before adding on to or remodeling the kitchen, the County should consider hiring a food services expert to evaluate the current operation for possible remodeling and most importantly study the cost-benefit of building a new kitchen to replace the 1963 kitchen.
2. Any remodel must be well master planned to compliment not hinder future additions to the jail.
3. When planning additional space for the kitchen inmate worker access, needs and housing location along with a potential new laundry should be studied.

### ***Laundry and Clothing Processing***

The laundry located at the East Facility meets their current and projected needs. The number, quality and size of the washers and dryers are more than adequate. The only issue with the laundry as raised by Sheriff's management is its location.

Currently inmate dirty clothing is laundered by SWAP participants and can be completed usually in four to five hours a day. The laundry is then transported to the main jail and stored in what used to be one of the jail visiting areas.

Management's concerns are related to the potential of contraband coming into the main jail and lack of space at the old visitor center to properly store and process the clean laundry.

Another issue noted is the 2003 **BUTTE County Facilities Master Plan** produced by the team of *KMD Architects, Carter Goble Associates and Kitchell CEM*, recommended use of the East Facility for Sheriff's functions other than jail related. If more Administration and Operations functions are moved to the East Facility there will be a compatibility issue.

**Recommendations:** Based on the assumption that the East Facility will not be used for housing minimum-security inmates again and for security purposes, the laundry function should be moved to the main jail.

1. If a new female housing unit is built and the current female housing area vacated the likelihood of remodeling the vacated area for storage and other purposes is probable.
2. If a new female housing unit is built it is suggested that collocating a new laundry adjacent to a female minimum-security unit would be beneficial. It would provide work for the females and sewing and clothing making could be offered as a class along with a silk screening operation and class to silk screen all new inmate clothing saving that cost and offering work and training for the inmates

### ***New Institutional Clothing and Supplies Storage***

Currently, two of the former inmate housing dorms at the East Facility is used to store new inmate clothing and supplies. This space is adequate; however, a conflict for use could arise if more space is needed for Sheriff's Administration or Operations space.

Main jail general storage is limited and if the East Facility were lost for storage it would be a significant problem.

**Recommendations:** It appears future years likely will see the East Facility used for non jail related Sheriff's functions. The **2003 BUTTE County Facilities Master Plan** recommends this coupled with building a 30,000 square foot two story structure adjacent to the East Facility to meet Sheriff's Administration needs. Therefore, Sheriff's management must consider a new storage facility in the future, possibly in concert with a new evidence building, while using the old evidence building for jail storage. Prefabricated metal buildings could be built relatively inexpensively for evidence purposes.

### ***Recreation Yards***

The two existing recreation yards in the West Facility are strained to meet the minimum Title 15 requirements for the inmates housed there. The recreation yards adjacent to North and South Dorm are difficult to supervise. A calculation of the size of the West Facility recreation yards indicate they contain sufficient square footage to split the two yards into four.

**Recommendation:** Explore further splitting the West Facility recreation yards. This will require architectural design and collaboration with the Board of State Community Corrections. Because the additional recreation yards will benefit the inmates, Inmate Welfare Funds should be considered to finance the project. (See illustration E-1)

## ***Prison Rape Elimination Act (PREA)***

### **PREA Requirements May Impact Butte County Jail Budget and Operational Planning**

The Prison Rape Elimination Act (PREA-Federal Legislation) of 2003 requires agencies (correctional and law enforcement authorities with responsibility for the operation of confinement facilities) to take a zero-tolerance stance toward the sexual abuse of people in confinement and comply with the national standards that follow in order to eliminate it. The final jail standards were adopted on May 17, 2012. This body of standards establishes policies and practices that, if implemented properly, will enable agencies to improve safety and eliminate sexual abuse.<sup>29</sup>

Fundamental to an agency's success will be its commitment to zero tolerance and its willingness to treat sexual abuse as an intolerable, critical event, as dangerous to the safety of the institution as an escape or homicide. Agencies must demonstrate zero tolerance not merely by words and written policy, but through actions, the setting of clear priorities, and the achievement of objective, measurable outcomes.

The standards and accompanying compliance checklists are mandatory. The compliance checklists are to be completed by facility and agency heads. The compliance checklists provide agencies with detailed guidance and will ultimately be reviewed by an independent auditor who is employed by the chief executive in the agency's jurisdiction to determine whether the agency has met the standards. Auditors will be charged with assessing compliance not only by reviewing the compliance checklists, but also through written documentation and interviews with staff and inmates.

The standards and checklists should be supported by written policies. When drafting or reviewing policies, agencies should review all relevant federal, state, and local laws to ensure that existing or proposed policies do not conflict with any existing laws. Agencies should also review other relevant professional standards and best practices to assist their development and implementation of policies.

Where applicable, agencies should also consult collective bargaining agreements and law enforcement officer bills of rights. To the extent that bargaining agreements are inconsistent with the spirit and goals of these standards, agencies should take steps to change them. While complying with these standards will likely prove cost-saving over time, some agencies face budgetary constraints that may make immediate implementation and adherence to these standards a challenge. They are, nonetheless, obligated by these standards and the mandate of the statute to adopt the policies and take the actions that they can and to account publicly for the steps they have taken. Agency heads must make every effort to inform legislators, executives, and the public at the county, state, and federal level when budgetary constraints, lack of human or other resources, or overcrowding jeopardizes the agency's ability to comply with these standards and keep inmates safe from sexual abuse.

Highlights of the standards are listed below as delineated by the Attorney General of the United States. "The standards we establish today reflect the fact that sexual assault crimes committed within our correctional facilities can have devastating consequences – for individual victims and for communities far beyond our jails and prisons," said Attorney General Eric Holder. "These standards

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<sup>29</sup> National PREA Resource Center

are the result of a thoughtful and deliberative process – and represent a critical step forward in protecting the rights and safety of all Americans.”

The standards have three clear goals: to prevent, detect and respond to sexual abuse.

Prevent: To prevent sexual abuse, the standards require, among other things, that facilities:

- Develop and maintain a zero-tolerance policy regarding sexual abuse;
- Designate a PREA point person to coordinate compliance efforts;
- Screen inmates for risk of being sexually abused or sexually abusive, and use screening information to inform housing, bed, work, education and program assignments;
- Develop and document a staffing plan that provides for adequate levels of staffing and, where applicable, video monitoring;
- Train employees on their responsibilities in preventing, recognizing and responding to sexual abuse;
- Perform background checks on prospective employees and not hire abusers;
- Prevent juveniles from being housed with adult inmates or having unsupervised contact with adult inmates in common spaces;
- Ban cross-gender pat-down searches of female inmates in prisons and jails and of both male and female residents of juvenile facilities;
- Incorporate unique vulnerabilities of lesbian, gay, bisexual, transgender, intersex and gender nonconforming inmates into training and screening protocols;
- Enable inmates to shower, perform bodily functions and change clothing without improper viewing by staff of the opposite gender;
- Restrict the use of solitary confinement as a means of protecting vulnerable inmates; and
- Enter into or renew contracts only with outside entities that agree to comply with the standards.

Detect: To detect sexual abuse, the standards require, among other things, that facilities:

- Make inmates aware of facility policies and inform them of how to report sexual abuse;
- Provide multiple channels for inmates to report sexual abuse, including by contacting an outside entity, and allow inmates to report abuse anonymously upon request;
- Provide a method for staff and other third parties to report abuse on behalf of an inmate;
- Develop policies to prevent and detect any retaliation against those who report sexual abuse or cooperate with investigations; and
- Ensure effective communication about facility policies and how to report sexual abuse with inmates with disabilities and inmates who are limited English proficient;

Respond: To respond to sexual abuse, the standards require, among other things, that facilities:

- Provide timely and appropriate medical and mental health care to victims of sexual abuse;
- Where available, provide access to victim advocates from rape crisis centers for emotional support services related to sexual abuse;
- Establish an evidence protocol to preserve evidence following an incident and offer victims no-cost access to forensic medical examinations;

- Investigate all allegations of sexual abuse promptly and thoroughly, and deem allegations substantiated if supported by a preponderance of the evidence;
- Discipline staff and inmate assailants appropriately, with termination as the presumptive disciplinary sanction for staff who commit sexual abuse;
- Allow inmates a full and fair opportunity to file grievances regarding sexual abuse so as to preserve their ability to seek judicial redress after exhausting administrative remedies; and
- Maintain records of incidents of abuse and use those records to inform future prevention planning.

In addition, the standards require that each facility be audited every three years to assess compliance.

The standards set forth in the final rule are binding on the Federal Bureau of Prisons. With regard to states, those that do not comply with the standards are subject to a five percent reduction in funds they would otherwise receive for prison purposes from the department unless the governor certifies that five percent of such funds will be used to enable compliance in future years. No organization responsible for the accreditation of correctional facilities may receive any federal grants unless it adopts accreditation standards consistent with the standards set forth in the final rule.

### **Impact on Butte County and Implementation Issues**

A recent telephone call to the Board of State and Community Corrections Department indicated some confusion on the implementation date for PREA in California. A representative advised the Governors' office has this under review. While many agencies are reluctant to implement PREA or lack the funds to do so, failure to implement the PREA Standards could have a financial impact on counties.

There are several areas in which it appears Butte County may not be compliant with the PREA Standards. The consultants noted a few issues that may be of concern:

- Older housing areas such as the 1964 housing and dorm housing likely will cause PREA inspectors concerns for inmate supervision and separation.
- Limited housing options may make protection of the vulnerable and housing for predators difficult, especially since solitary confinement is frowned on as a separation alternative.
- Officer sight line and video camera locations will likely require enhancement.
- Inmate supervision and classification staffing may cause compliance concerns.
- Mental Health and Mental Health enhancements will likely be required.
- Additional training time may be required initially.
- Gender specific hiring may be required to meet female staffing needs.
- Contracting for State or Federal inmates will not be allowed unless Butte is PREA compliant.
- Availability of staff to develop or provide required inmate PREA education and notification.
- Concern the Corrections Management System (corrections computer system) may lack the complexity to capture and track required PREA data.

Appendix D.

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Jail Bookings, Pretrial/Sentenced and Peak Inmate ADP by Month  
*Butte County Jail Needs Assessment Update*

<b>Butte County Jail Facility</b>										
<b>Changes in Jail Pretrial / Sentenced and Peak Jail Inmate ADP</b>										
<b>2007 - 2008</b>										
Months / Year	<b>Calendar Year 2007</b>					<b>Calendar Year 2008</b>				
	Total Bookings	Pretrial ADP	Sentenced ADP	Total Jail ADP	<b>High (Peak) ADP</b>	Total Bookings	Pretrial ADP	Sentenced ADP	Total Jail ADP	<b>High (Peak) ADP</b>
January	1,034	273	208	481	<b>510</b>	996	312	173	485	<b>504</b>
February	968	248	211	459	<b>473</b>	912	303	183	486	<b>502</b>
March	1,188	246	207	453	<b>468</b>	1,108	291	176	467	<b>498</b>
April	1,022	266	198	464	<b>479</b>	986	286	165	451	<b>468</b>
May	1,115	281	198	479	<b>507</b>	1,176	294	190	484	<b>509</b>
June	1,027	292	210	502	<b>519</b>	1,051	309	170	479	<b>504</b>
July	1,105	318	205	523	<b>553</b>	1,094	323	167	490	<b>509</b>
August	1,203	337	203	540	<b>570</b>	1,193	314	177	491	<b>517</b>
September	1,089	341	198	539	<b>551</b>	1,151	313	186	499	<b>532</b>
October	1,068	329	193	522	<b>540</b>	1,022	312	178	490	<b>519</b>
November	1,029	324	176	500	<b>537</b>	1,069	288	193	481	<b>510</b>
December	970	309	182	491	<b>516</b>	846	280	175	455	<b>490</b>
<b>Yearly Bookings &amp; Average Inmate ADP</b>	<b>1,068</b>	<b>297</b>	<b>199</b>	<b>496</b>		<b>1,050</b>	<b>302</b>	<b>178</b>	<b>480</b>	

ButteNA1/Tables&Chts/Table21

<b>Butte County Jail Facility</b>										
<b>Changes in Jail Pretrial / Sentenced and Peak Jail Inmate ADP</b>										
<b>2009 - 2010</b>										
Months / Year	<b>Calendar Year 2009</b>					<b>Calendar Year 2010</b>				
	Total Bookings	Pretrial ADP	Sentenced ADP	Total Jail ADP	<b>High (Peak) ADP</b>	Total Bookings	Pretrial ADP	Sentenced ADP	Total Jail ADP	<b>High (Peak) ADP</b>
January	945	259	191	450	<b>466</b>	1,002	405	141	546	<b>567</b>
February	943	256	187	443	<b>473</b>	935	421	129	550	<b>570</b>
March	1,145	265	185	450	<b>476</b>	1,010	410	137	547	<b>563</b>
April	1,094	270	187	457	<b>478</b>	978	403	149	552	<b>586</b>
May	1,209	351	165	516	<b>560</b>	1,077	406	136	542	<b>562</b>
June	1,077	413	147	560	<b>585</b>	991	421	132	553	<b>569</b>
July	1,098	412	141	553	<b>572</b>	1,006	414	133	547	<b>565</b>
August	1,122	391	148	539	<b>559</b>	1,110	428	135	563	<b>586</b>
September	1,118	407	139	546	<b>569</b>	1,083	421	130	551	<b>579</b>
October	905	388	158	546	<b>557</b>	992	414	133	547	<b>570</b>
November	905	388	158	546	<b>557</b>	904	395	144	539	<b>559</b>
December	851	379	150	529	<b>554</b>	854	401	134	535	<b>568</b>
<b>Yearly Bookings &amp; Average Inmate ADP</b>	<b>1,034</b>	<b>348</b>	<b>163</b>	<b>511</b>		<b>995</b>	<b>412</b>	<b>136</b>	<b>548</b>	

ButteNA1/Tables&Chts/Table22

Butte County Jail Facility										
Changes in Jail Pretrial / Sentenced and Peak Jail Inmate ADP										
2011 - 2012										
Months / Year	Calendar Year 2011					Calendar Year 2012				
	Total Bookings	Pretrial ADP	Sentenced ADP	Total Jail ADP	High (Peak) ADP	Total Bookings	Pretrial ADP	Sentenced ADP	Total Jail ADP	High (Peak) ADP
January	907	406	137	543	564	1,034	431	158	589	598
February	850	400	146	546	568	876	440	146	586	598
March	1,005	403	141	544	563	1,057	434	152	586	595
April	942	421	141	562	578	944	428	149	577	595
May	1,040	432	139	571	584	1,091	426	155	581	596
June	931	403	148	551	575	1,173	430	153	583	590
July	1,056	430	138	568	584	1,095	451	133	584	597
August	1,121	445	133	578	591	1,170	453	137	590	599
September	1,094	445	128	573	590	1,146	456	141	597	605
October	1,104	443	130	573	586	1,040	451	142	593	602
November	914	438	143	581	598	902	444	146	590	601
December	978	431	157	588	599	890	447	146	593	602
<b>Yearly Bookings &amp; Average Inmate ADP</b>	<b>995</b>	<b>425</b>	<b>140</b>	<b>565</b>		<b>1,035</b>	<b>441</b>	<b>147</b>	<b>588</b>	

ButteNA1/Tables&Chs/Table23

Butte County Jail Facility										
Changes in Jail Pretrial / Sentenced and Peak Jail Inmate ADP										
2013 - 2014										
Months / Year	Calendar Year 2013					Calendar Year 2014				
	Total Bookings	Pretrial ADP	Sentenced ADP	Total Jail ADP	High (Peak) ADP	Total Bookings	Pretrial ADP	Sentenced ADP	Total Jail ADP	High (Peak) ADP
January	1,098	444	153	597	603	1,041	381	206	587	605
February	959	438	158	596	608	929	371	214	585	601
March	1,074	439	152	591	604	1,042	368	221	589	603
April	1,014	414	181	595	608	983	363	225	588	605
May	1,053	398	201	599	611	1,067	372	219	591	605
June	1,156	401	196	597	610	995	365	228	593	606
July	1,070	406	184	590	602	1,022	363	226	589	602
August	1,192	409	185	594	605	1,140	355	235	590	604
September	1,002	391	204	595	608	973	353	244	597	608
October	1,113	379	213	592	609	1,099	343	249	592	617
November	931	380	215	595	609	892	326	254	580	592
December	982	369	220	589	609	808	282	275	557	588
<b>Yearly Bookings &amp; Average Inmate ADP</b>	<b>1,054</b>	<b>406</b>	<b>188</b>	<b>594</b>		<b>999</b>	<b>354</b>	<b>233</b>	<b>587</b>	

ButteNA1/Tables&Chs/Table24

Appendix E.

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Jail Pretrial and Sentenced Male/Female Population by Month  
*Butte County Jail Needs Assessment Update*

Butte County Jail Facility									
Changes in Pretrial and Sentenced Male / Female Jail Inmate Population									
Average Daily Jail Inmate Population (ADP) 2007									
Month	Pretrial ADP		Total Pretrial ADP	Sentenced ADP		Total Sentenced ADP	Total Male ADP	Total Female ADP	Total Jail System ADP
	Male ADP	Female ADP		Male ADP	Female ADP				
January	237	36	273	166	42	208	403	78	481
February	213	35	248	172	39	211	385	74	459
March	206	40	246	168	39	207	374	79	453
April	219	47	266	157	41	198	376	88	464
May	239	42	281	154	44	198	393	86	479
June	257	35	292	162	48	210	419	83	502
July	284	34	318	165	40	205	449	74	523
August	298	39	337	161	42	203	459	81	540
September	297	44	341	155	43	198	452	87	539
October	285	44	329	152	41	193	437	85	522
November	277	47	324	136	40	176	413	87	500
December	263	46	309	141	41	182	404	87	491
<b>Average Yearly Inmate Pop.(ADP)</b>	<b>256</b>	<b>41</b>	<b>297</b>	<b>157</b>	<b>42</b>	<b>199</b>	<b>413</b>	<b>83</b>	<b>496</b>

ButteNA1/Tables&Chits/Table13

Butte County Jail Facility									
Changes in Pretrial and Sentenced Male / Female Jail Inmate Population									
Average Daily Jail Inmate Population (ADP) 2008									
Month	Pretrial ADP		Total Pretrial ADP	Sentenced ADP		Total Sentenced ADP	Total Male ADP	Total Female ADP	Total Jail System ADP
	Male ADP	Female ADP		Male ADP	Female ADP				
January	263	49	312	136	37	173	399	86	485
February	259	44	303	145	38	183	404	82	486
March	254	37	291	138	38	176	392	75	467
April	245	41	286	124	41	165	369	82	451
May	248	46	294	147	43	190	395	89	484
June	267	42	309	131	39	170	398	81	479
July	269	54	323	135	32	167	404	86	490
August	266	48	314	139	38	177	405	86	491
September	268	45	313	144	42	186	412	87	499
October	264	48	312	139	39	178	403	87	490
November	249	39	288	156	37	193	405	76	481
December	237	43	280	145	30	175	382	73	455
<b>Average Yearly Inmate Pop.(ADP)</b>	<b>257</b>	<b>45</b>	<b>302</b>	<b>140</b>	<b>38</b>	<b>178</b>	<b>397</b>	<b>83</b>	<b>480</b>

ButteNA1/Tables&Chits/Table14

Butte County Jail Facility									
Changes in Pretrial and Sentenced Male / Female Jail Inmate Population									
Average Daily Jail Inmate Population (ADP) 2009									
Month	Pretrial ADP		Total Pretrial ADP	Sentenced ADP		Total Sentenced ADP	Total Male ADP	Total Female ADP	Total Jail System ADP
	Male ADP	Female ADP		Male ADP	Female ADP				
January	219	40	259	150	41	191	369	81	450
February	225	31	256	139	48	187	364	79	443
March	230	35	265	141	44	185	371	79	450
April	233	37	270	141	46	187	374	83	457
May	304	47	351	127	38	165	431	85	516
June	366	47	413	118	29	147	484	76	560
July	369	43	412	112	29	141	481	72	553
August	352	39	391	119	29	148	471	68	539
September	360	47	407	113	26	139	473	73	546
October	337	51	388	132	26	158	469	77	546
November	337	51	388	132	26	158	469	77	546
December	339	40	379	114	36	150	453	76	529
<b>Average Yearly Inmate Pop.(ADP)</b>	<b>306</b>	<b>42</b>	<b>348</b>	<b>128</b>	<b>35</b>	<b>163</b>	<b>434</b>	<b>77</b>	<b>511</b>

ButteNA1/Tables&Chits/Table15

Butte County Jail Facility									
Changes in Pretrial and Sentenced Male / Female Jail Inmate Population									
Average Daily Jail Inmate Population (ADP) 2010									
Month	Pretrial ADP		Total Pretrial ADP	Sentenced ADP		Total Sentenced ADP	Total Male ADP	Total Female ADP	Total Jail System ADP
	Male ADP	Female ADP		Male ADP	Female ADP				
January	366	39	405	106	35	141	472	74	546
February	378	43	421	103	26	129	481	69	550
March	360	50	410	111	26	137	471	76	547
April	355	48	403	125	24	149	480	72	552
May	357	49	406	110	26	136	467	75	542
June	365	56	421	113	19	132	478	75	553
July	360	54	414	111	22	133	471	76	547
August	371	57	428	116	19	135	487	76	563
September	373	48	421	104	26	130	477	74	551
October	367	47	414	104	29	133	471	76	547
November	350	45	395	120	24	144	470	69	539
December	362	39	401	110	24	134	472	63	535
<b>Average Yearly Inmate Pop.(ADP)</b>	<b>364</b>	<b>48</b>	<b>412</b>	<b>111</b>	<b>25</b>	<b>136</b>	<b>475</b>	<b>73</b>	<b>548</b>

ButteNA1/Tables&Charts/Table16

Butte County Jail Facility									
Changes in Pretrial and Sentenced Male / Female Jail Inmate Population									
Average Daily Jail Inmate Population (ADP) 2011									
Month	Pretrial ADP		Total Pretrial ADP	Sentenced ADP		Total Sentenced ADP	Total Male ADP	Total Female ADP	Total Jail System ADP
	Male ADP	Female ADP		Male ADP	Female ADP				
January	369	37	406	116	21	137	485	58	543
February	362	38	400	123	23	146	485	61	546
March	365	38	403	118	23	141	483	61	544
April	373	48	421	117	24	141	490	72	562
May	382	50	432	114	25	139	496	75	571
June	355	48	403	122	26	148	477	74	551
July	377	53	430	116	22	138	493	75	568
August	390	55	445	112	21	133	502	76	578
September	394	51	445	105	23	128	499	74	573
October	401	42	443	103	27	130	504	69	573
November	401	37	438	115	28	143	516	65	581
December	399	32	431	128	29	157	527	61	588
<b>Average Yearly Inmate Pop.(ADP)</b>	<b>381</b>	<b>44</b>	<b>425</b>	<b>116</b>	<b>24</b>	<b>140</b>	<b>497</b>	<b>68</b>	<b>565</b>

ButteNA1/Tables&Charts/Table17

Butte County Jail Facility									
Changes in Pretrial and Sentenced Male / Female Jail Inmate Population									
Average Daily Jail Inmate Population (ADP) 2012									
Month	Pretrial ADP		Total Pretrial ADP	Sentenced ADP		Total Sentenced ADP	Total Male ADP	Total Female ADP	Total Jail System ADP
	Male ADP	Female ADP		Male ADP	Female ADP				
January	394	37	431	133	25	158	527	62	589
February	400	40	440	125	21	146	525	61	586
March	387	47	434	137	15	152	524	62	586
April	384	44	428	130	19	149	514	63	577
May	382	44	426	135	20	155	517	64	581
June	390	40	430	130	23	153	520	63	583
July	407	44	451	115	18	133	522	62	584
August	407	46	453	120	17	137	527	63	590
September	416	40	456	118	23	141	534	63	597
October	410	41	451	120	22	142	530	63	593
November	398	46	444	127	19	146	525	65	590
December	400	47	447	130	16	146	530	63	593
<b>Average Yearly Inmate Pop.(ADP)</b>	<b>398</b>	<b>43</b>	<b>441</b>	<b>127</b>	<b>20</b>	<b>147</b>	<b>525</b>	<b>63</b>	<b>588</b>

ButteNA1/Tables&Charts/Table18

Butte County Jail Facility									
Changes in Pretrial and Sentenced Male / Female Jail Inmate Population									
Average Daily Jail Inmate Population (ADP) 2013									
Month	Pretrial ADP		Total Pretrial ADP	Sentenced ADP		Total Sentenced ADP	Total Male ADP	Total Female ADP	Total Jail System ADP
	Male ADP	Female ADP		Male ADP	Female ADP				
January	397	47	444	136	17	153	533	64	597
February	387	51	438	139	19	158	526	70	596
March	382	57	439	130	22	152	512	79	591
April	359	55	414	156	25	181	515	80	595
May	342	56	398	176	25	201	518	81	599
June	351	50	401	166	30	196	517	80	597
July	358	48	406	152	32	184	510	80	590
August	363	46	409	152	33	185	515	79	594
September	346	45	391	171	33	204	517	78	595
October	329	50	379	184	29	213	513	79	592
November	332	48	380	185	30	215	517	78	595
December	325	44	369	187	33	220	512	77	589
<b>Average Yearly Inmate Pop.(ADP)</b>	<b>356</b>	<b>50</b>	<b>406</b>	<b>161</b>	<b>27</b>	<b>188</b>	<b>517</b>	<b>77</b>	<b>594</b>

ButteNA1/Tables&Chts/Table19

Butte County Jail Facility									
Changes in Pretrial and Sentenced Male / Female Jail Inmate Population									
Average Daily Jail Inmate Population (ADP) 2014									
Month	Pretrial ADP		Total Pretrial ADP	Sentenced ADP		Total Sentenced ADP	Total Male ADP	Total Female ADP	Total Jail System ADP
	Male ADP	Female ADP		Male ADP	Female ADP				
January	332	49	381	175	31	206	507	80	587
February	315	56	371	177	37	214	492	93	585
March	304	64	368	190	31	221	494	95	589
April	300	63	363	194	31	225	494	94	588
May	312	60	372	185	34	219	497	94	591
June	307	58	365	192	36	228	499	94	593
July	306	57	363	188	38	226	494	95	589
August	297	58	355	196	39	235	493	97	590
September	298	56	354	205	38	243	503	94	597
October	286	57	343	211	38	249	497	95	592
November	271	55	326	214	40	254	485	95	580
December	237	45	282	232	43	275	469	88	557
<b>Average Yearly Inmate Pop.(ADP)</b>	<b>297</b>	<b>57</b>	<b>354</b>	<b>197</b>	<b>36</b>	<b>233</b>	<b>494</b>	<b>93</b>	<b>587</b>

ButteNA1/Tables&Chts/Table20

Appendix F.

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Summary Analysis of Proposition 47 Penal Code Offense Modifications  
*Butte County Jail Needs Assessment Update*



## ANALYSIS OF PROPOSITION 47: THE SAFE NEIGHBORHOOD AND SCHOOLS ACT

On June 30, 2014, the Secretary of State announced that “The Safe Neighborhood and Schools Act” will come before the voters as Proposition 47 at the November 4, 2014 election.

This analysis attempts to summarize, in question-and-answer form, the primary changes to California law that will occur if the initiative passes. If any errors are noted, or you believe other aspects of the initiative should be addressed here, please contact me at [Brian@gurwitzlaw.com](mailto:Brian@gurwitzlaw.com).

### *What would the initiative do if it passes?*

As described below in greater detail, the initiative would: (1) reduce felony and wobbler offenses for simple drug possession to straight misdemeanors for most people, (2) reduce a number of theft-related wobblers to straight misdemeanors for most people, and (3) retroactively allow most people convicted of felonies under prior law to reduce their convictions to misdemeanors if their crimes would not have been felonies if committed after the initiative’s effective date.

### *Why is this initiative called the “Safe Neighborhoods and Schools Act”?*

Aside from the fact that an initiative called the “Soft on Crime Act” is unlikely to win on election day, the initiative backers claim that it will decrease state spending by \$150-\$250 million per year. The annual savings, as determined by the Department of Finance, would be directed to mental health and substance abuse treatment programs (65 percent), K-12 education (25 percent), and trauma recovery services for crime victims (10 percent).

*When would it go into effect?*

Like all initiatives that do not specify an effective date, it would become law the day after the election – i.e., November 5, 2014. (See Cal. Const., art. II, § 10, subd. (a).)

*How would the initiative change drug possession statutes?*

All felony and wobbler simple possession offenses under Health and Safety Code sections 11350, 11357, and 11377 would become one-year misdemeanors unless the defendant was previously convicted of a registerable sex offense or an offense specified in Penal Code section 667(e)(2)(C)(iv).<sup>1</sup>

For the small category of defendants with one of these qualifying prior convictions, a Health and Safety Code section 11350(a) possession offense would remain a straight felony, while a possession offense under Health and Safety Code section 11357(a) or 11377(a) would likely remain a wobbler.<sup>2</sup>

*How would the initiative change theft-related statutes?*

The initiative would foreclose prosecutors from charging most low-level theft crimes as felonies. As described in detail below, it would do so by amending

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<sup>1</sup> Penal Code section 667(e)(2)(C)(iv) offenses include: (1) crimes designated as “sexually violent offenses” under Welfare and Institutions Code section 6600(b); (2) oral copulation, sodomy, or sexual penetration of a child under 14 who is also more than 10 years younger than the defendant, as specified in Penal Code sections 288a, 286, and 289, respectively; (3) molestation of a child under 14, as specified in Penal Code section 288; (4) any homicide or attempted-homicide offense as defined by Penal Code section 187 to

<sup>2</sup>The modifier “likely” is used here because the statutory language in sections 11357(a) and 11377(a) indicates that the offense is only a misdemeanor for a person without a qualifying conviction, but “may instead be” punished pursuant to Penal Code section 1170(h) for a person with such a conviction. The “may instead be” language does not expressly permit misdemeanor punishment for these defendants, but its non-mandatory nature suggests that misdemeanor punishment is still available. This argument is strengthened by the fact that the initiative drafters used the word “shall instead be” rather than “may instead be” in Health and Safety Code section 11350(a), which is currently a straight felony. Taken together, it seems likely that the drafters intended to have sentencing options remain the same for defendants with a qualifying prior conviction, as opposed to transforming all existing wobblers into straight felonies.

existing laws defining burglary, grand theft, receiving stolen property, petty theft with a prior, forgery, and check fraud.

a. Burglary/Shoplifting

The initiative changes existing burglary law by creating the misdemeanor crime of shoplifting in Penal Code section 459a. The new statute provides that notwithstanding the burglary statute (which punishes commercial burglary as a wobbler) it is only a misdemeanor for most people to enter a commercial establishment with intent to commit larceny, while it is open during regular business hours, if the value of property taken, or intended to be taken, does not exceed \$950 in value.

If the defendant has a prior conviction for a registerable sex offense or a crime specified in Penal Code section 667(e)(2)(C)(iv) (see footnote 1, *supra*), the crime of shoplifting would be punishable as a felony, likely as a wobbler.<sup>3</sup> For all other defendants, the maximum punishment would be six months.<sup>4</sup>

Significantly, the initiative precludes prosecutors from charging both the crime of shoplifting *and* the crime of burglary or theft of the same property. An election needs to be made at the time of filing. It therefore seems likely that in the vast majority of shoplifting cases, only the crime of petty theft would be charged, even if there is evidence of intent to steal prior to entry. That is because a prosecutor who charges shoplifting alone risks a complete acquittal if the jury concludes that the defendant stole property, but has a reasonable doubt as to when the defendant formed the intent to steal.

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<sup>3</sup> Here again, the word “likely” is used because even though statute does not expressly permit misdemeanor punishment for a defendant with a qualifying conviction, the non-mandatory nature of the phrase “may instead be punished [as a felony]” suggests that misdemeanor punishment is still available. This is particularly true given that the words “shall be punishable” is used by the drafters elsewhere in the initiative where it seems that straight felony punishment was intended. (See footnote 2, *supra*.)

<sup>4</sup> While the initiative does not expressly define the maximum term of misdemeanor imprisonment, the default is six months when a law does not specify one. (Pen. Code, § 19.)

b. Grand Theft

Existing law allows prosecutors to charge grand theft – as opposed to petty theft – in any case when the value of property stolen exceeds \$950. But grand theft may be charged for lesser amounts under numerous specified circumstances, regardless of the property’s value. Common examples included theft from the person (Pen. Code, § 487, subd. (c)), grand theft of a firearm (Pen. Code, § 487, subd. (d)(2)), and grand theft auto (Pen. Code, § 487, subd. (d)(1)). The grand theft cut-off is \$250 in numerous esoteric cases – including grand theft of avocado, shellfish, and mules.

The initiative would require a \$950 value to prove *any* grand theft offense, unless the defendant has a prior conviction for a registerable sex offense or a crime specified in Penal Code section 667(e)(2)(C)(iv) (see footnote 1, *supra*). For that class of defendants, the status of grand theft laws will be open to interpretation.<sup>5</sup>

c. Receiving Stolen Property

The initiative would make the crime of receiving stolen property (Pen. Code, § 496) a straight one-year misdemeanor for most defendants, when the value of property at issue does not exceed \$950. It would remain a wobbler when the property is of higher value.

If the defendant has a prior conviction for a registerable sex offense or a crime specified in Penal Code section 667(e)(2)(C)(iv) (see footnote 1, *supra*), the crime would remain a wobbler, regardless of the property’s value.

d. Petty Theft with a Prior

Current law allows prosecutors to elevate petty theft misdemeanors to felony status if the defendant has three or more specified theft-related prior convictions, or even a single prior specified theft conviction if he also is a registered sex offender and/or has been previously convicted of a serious or violent felony. (Pen. Code, § 666.)

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<sup>5</sup> The status of grand theft laws as applied to individuals with prior conviction for a registerable sex offense or a crime specified in Penal Code section 667(e)(2)(C)(iv) is somewhat murky based on the unclear language set forth in proposed Penal Code section 490.2. It is unclear whether the new \$950 global cut-off would apply to these defendants before grand theft can be charged, or whether the existing cut-offs would apply to them.

The initiative would change this rubric, allowing Penal Code section 666 to be charged when the defendant has a single prior specified theft conviction, but only if the defendant also has a prior conviction for a registerable sex offense or a crime specified in Penal Code section 667(e)(2)(C)(iv). It would no longer apply to other defendants without these types of convictions, no matter how many prior theft convictions they have.

e. Forgery

The initiative amends Penal Code section 473 to provide that forgery is only a misdemeanor, punishable by a maximum term of one year, for most people when the value of the check, bond, bank bill, note, cashier's check, traveler's check, or money order at issue does not exceed \$950 in value.

If the defendant has a prior conviction for a registerable sex offense or a crime specified in Penal Code section 667(e)(2)(C)(iv) (see footnote 1, *supra*), the crime of forgery would be punishable as a felony, likely as a wobbler.<sup>6</sup>

The new punishment reductions do not apply to those convicted of both forgery and identity theft (Pen. Code, § 530.5).

f. Check Fraud

The initiative amends the check fraud statute (Pen. Code, § 476a) to require misdemeanor punishment, with a maximum punishment of one year in jail, for most people who commit the offense when the total amount of checks, drafts, or orders at issue does not exceed \$950 in value. (The current misdemeanor cut-off is \$400.)

If the defendant has a prior conviction for a registerable sex offense or a crime specified in Penal Code section 667(e)(2)(C)(iv) (see footnote 1, *supra*), the crime of check fraud would be punishable as a felony, likely as a wobbler, regardless of the value of the checks, drafts or orders.<sup>7</sup>

Under existing law, any check fraud offense may be charged as a felony, irrespective of the value of checks at issue, if the defendant has one or more prior convictions for specified forgery- or fraud-related offenses. The initiative changes

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<sup>6</sup> See footnote 3, *supra*.

<sup>7</sup> See footnote 3, *supra*.

that to require three or more prior convictions before felony prosecution is permissible irrespective of the value of the check(s).

*Is the initiative retroactive?*

Any defendant who committed a crime before the effective date of the initiative, but is convicted on or after November 5, 2014, will likely be entitled to all of the law's benefits, just as if the crime had been committed after the initiative's approval. (See *In re Estrada* (1965) 63 Cal.2d 740, 742-748 [holding that absent contrary legislative intent, legislation mitigating the punishment for an offense is presumed to apply to defendants not yet convicted before the statute's operative date]; accord, *People v. Brown* (2012) 54 Cal.4th 314, 323-328 [discussing the continued viability of the *Estrada* rule].)

In addition, the initiative provides broad retroactivity provisions - discussed in detail below - that allow for resentencing and/or reduction of pre-November 5, 2014 felony convictions to misdemeanors for those who would not have been convicted of felonies had they committed their offenses after the initiative's effective date. The retroactivity provisions would be codified in Penal Code section 1170.18.<sup>8</sup>

*What is the process for reducing a prior felony conviction to a misdemeanor?*

The retroactivity provisions differ depending on whether the person has completed his sentence (and is simply applying to have a prior felony conviction designated as a misdemeanor conviction), or is still serving his sentence (and is petitioning the court for resentencing).

In either situation, the application or petition must be filed within three years of the initiative's effective date (i.e., no later than November 5, 2017), unless good cause is shown for not filing within that time.

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<sup>8</sup> It is beyond the scope of this analysis to determine precisely how the courts will treat those convicted before November 5, 2014 but whose judgments of conviction were not yet final as of that date (i.e., because their appeals were still pending or their appellate rights had not lapsed). There will undoubtedly be litigation to determine whether they should be entitled to all the benefits of the initiative, or only the more limited ones granted by Penal Code section 1170.18.

Those who have completed their sentence are entitled to have their felony convictions redesignated as misdemeanors, irrespective of whether they are a risk to public safety. These post-sentence individuals are entitled to the reduction as a matter of right, provided only that they apply to the court within the specified period, and that their crimes would only have been punishable as misdemeanors if committed after the initiative became law.

In contrast, those still serving their sentences may petition the court for resentencing, but it may be denied if the court finds that the defendant poses an “unreasonable risk of danger to public safety,” which is defined as an “unreasonable risk that the petitioner will commit a new violent felony within the meaning of clause (iv) of subparagraph (C) of paragraph (2) of subdivision (e) of Section 667.”

A public safety risk will seemingly be an exceptional finding for courts to make during resentencing proceedings, since the crimes set forth in the provision quoted above are so egregious. (See footnote 1.) In other words, a petitioner cannot be denied resentencing simply because he is likely to commit felonies in the future, even serious ones.

Significantly, though, it appears that even if a defendant is denied resentencing, he may have the felony conviction redesignated a misdemeanor after completing the original sentence.

*Does a post-conviction redesignation of a felony to a misdemeanor mean that it becomes a misdemeanor for all purposes?*

A post-conviction redesignation of a felony to a misdemeanor means that the conviction is to be treated as a misdemeanor for all purposes, except when it comes to felon-in-possession firearm statutes. (See Pen. Code sections 29800 et seq.)

Accordingly, if a defendant convicted of a felony wishes to possess firearms in the future, a post-conviction reduction pursuant to Penal Code section 17(b), if available, would be the better option. (See *People v. Gilbreth* (2007) 156 Cal.App.4th 53 [a reduction of a felony offense to a misdemeanor precludes its use as a predicate offense under the felon-in-possession statutes].)

Appendix G.

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Preliminary Jail Programming and Space Allocations for the SB 863 Project  
*Butte County Jail Needs Assessment Update*

Department	Departmental Area (GSF)
Medical and Mental Health Housing	8,627
Clinic	1,303
Programs and Services	2,529
Housing	15,152
Intake, Release, Classification	11,368
Support	868
<b>TOTAL NET DEPARTMENTAL AREAS</b>	<b>39,847</b>
Facility Grossing Factor (15%)	3,985
<b>TOTAL GROSS BUILDING AREA</b>	<b>43,831</b>

## Medical and Mental Health Housing

Space Name	# of Areas	Net Area	# of Persons	Total Area	Comments
<b>Med/M.H. Housing Unit 1</b>					
Single Cells	10	70	10	700	3 are observation cells
Double Cells	3	70	6	210	3 are observation cells
Single ADA Cell	1	90	1	90	
Respiratory Isolation (ADA)	1	140	1	140	Includes shower
Dayroom (per person)	1	35		35	35 sf per inmate (exclusive of 3' in front of cell doors)
Shower- ADA	1	40		40	One per pod
Yard	1	350		350	Larger yards (over 600sf) located elsewhere
<b>Med/M.H. Housing Unit 1</b>					
Nurse station	10	70	10	700	3 are observation cells
Custody Station	3	70	6	210	3 are observation cells
Interview Rooms	1	90	1	90	
Shared Group Room	1	140	1	140	Includes shower
Clean Utility	1	35		35	35 sf per inmate (exclusive of 3' in front of cell doors)
Soilet Utility	1	40		40	One per pod
Safety Cells	1	350		350	Larger yards (over 600sf) located elsewhere
<b>Shared Support</b>					
Nurse station	2	100		200	3 are observation cells
Custody Station	2	50		100	3 are observation cells
Interview Rooms	2	100		200	
Shared Group Room	1	200		200	Includes shower
Clean Utility	1	70		70	35 sf per inmate (exclusive of 3' in front of cell doors)
Soilet Utility	1	70		70	One per pod
Safety Cells	2	48		96	Larger yards (over 600sf) located elsewhere
Shared Ante Room	1	100		100	
<b>Exercise Yard</b>					
Jan/Storage	1	150		150	
Storage	1	40		40	
<b>Mics. Support</b>					
Exam	1	120		120	One can double as Exam Room
Group Treatment	1	600		600	16 inmates per group shared. Includes are for storage
Non-contact visitng/Counseling	1	100		100	
Nursing Station	1	120		120	
Safety Cell	2	48		96	
<b>Subtotal (NSF)</b>				<b>5,392</b>	
Building Grossing Factor				<b>0.60</b>	<b>3,235</b>
<b>Subtotal DGSF</b>				<b>8,627</b>	

## Clinic

Space Name	# of Areas	Net Area	# of Persons	Total Area	Comments
<b>Treatment Space</b>					
Exam Room	1	140	-	140	
Dental Exam	1	140	-	140	
Inmate Holding	2	55		110	
<b>Staff Areas</b>					
Supervisor Office	1	120	1	120	
Workstation	4	50	4	200	
Work Area	1	80	-	80	
Pharmacy Storage	1	175	-	175	
<b>Subtotal (NSF)</b>				<b>965</b>	
Building Grossing Factor				<b>0.35</b>	<b>338</b>
<b>Subtotal DGSF</b>					<b>1,303</b>

## Programs and Services

Space Name	# of Areas	Net Area	# of Persons	Total Area	Comments
<b>Offices</b>					
Classroom Program and Treatment	2	650		1,300	Shared between pairs of housing units
Small Program and Treatment	4	130		520	One located within each housing unit
Office- Small	1	125		125	For program staff
<b>Subtotal (NSF)</b>				<b>1,945</b>	
Building Grossing Factor				<b>0.30</b>	<b>584</b>
<b>Subtotal DGSF</b>					<b>2,529</b>

## Housing

Space Name	# of Areas	Net Area	# of Persons	Total Area	Comments
<b>Housing Pods #1</b>					
Double Cells	11	70	22	770	
ADA Double Cells	1	90	2	90	
Dayroom (per person)	1	840		840	35 sf per inmate (exclusive of circulation in front of cells)
Janitor	1	42		42	
Shower- ADA	1	50		50	
Shower	3	35		105	
Sink	3	15		45	
Video Visitation Kiosk	2	12		24	
Dedicated Program/Treatment	1	130		0	area tabulated on Programs and Services tab
Recreation Yard	1	840		840	includes toilet
<b>Housing Pods #2</b>					
Double Cells	11	70	22	770	
ADA Double Cells	1	90	2	90	
Dayroom (per person)	1	840		840	35 sf per inmate (exclusive of circulation in front of cells)
Janitor	1	42		42	
Shower- ADA	1	50		50	
Shower	3	35		105	
Sink	3	15		45	
Video Visitation Kiosk	2	12		24	
Dedicated Program/Treatment	1	130		0	area tabulated on Programs and Services tab
Recreation Yard	1	840		840	includes toilet
<b>Housing Pods #3</b>					
Double Cells	11	70	22	770	
ADA Double Cells	1	90	2	90	
Dayroom (per person)	1	840		840	35 sf per inmate (exclusive of circulation in front of cells)
Janitor	1	42		42	
Shower- ADA	1	50		50	
Shower	3	35		105	
Sink	3	15		45	
Video Visitation Kiosk	2	12		24	
Dedicated Program/Treatment	1	130		0	area tabulated on Programs and Services tab
Recreation Yard	1	840		840	includes toilet
<b>Housing Pods #4</b>					
Double Cells	11	70	22	770	
ADA Double Cells	1	90	2	90	
Dayroom (per person)	1	840		840	35 sf per inmate (exclusive of circulation in front of cells)
Janitor	1	42		42	
Shower- ADA	1	50		50	
Shower	3	35		105	
Sink	3	15		45	
Video Visitation Kiosk	2	12		24	
Dedicated Program/Treatment	1	130		0	area tabulated on Programs and Services tab
Recreation Yard	1	840		840	includes toilet
<b>Subtotal (NSF)</b>				<b>11,224</b>	
Building Grossing Factor				<b>0.35</b>	<b>3,928</b>
<b>Subtotal DGSF</b>				<b>15,152</b>	

## Intake, Release, Classification

Space Name	# of Areas	Net Area	# of Persons	Total Area	Comments
<b>Vehicle Sallyport</b>					
Vehicle Sallyport (Exterior)	1	5,000		5,000	pull through straight 1 bus/5 cars, trash area
<b>Pre-Book Vestibule</b>					
Vestibule	1	120		120	
Report Station	4	40		160	4 stations, need cuffport. Holding cages?
Staff Toilet	1	60		60	
Packaging Alcove	1	60		60	
Emergency Shower	1	30		30	
Exam Room	1	70		70	
Cash Machine	1	20		20	
Search	1	20		20	
Staging	1	80		80	Between pre-book and cells
<b>Booking</b>					
Officer Stations	4	50		200	
Inmate booths	4	36		144	Non-contact, Private
Pre-Trial workstations	4	50		200	
Storage	1	65		65	
<b>Attorney Visitation</b>					
Interview Booth- ADA	1	90		90	
Interview Booth- ADA	2	35		70	
Public Lobby	1	80		80	
Public Toilet	1	60		60	
<b>Offices</b>					
Booking Officers	4	64		256	8x8 workstations
Post 10	4	64		256	8x8 workstations
Pre-trial Unit	4	64		256	8x8 workstations
Warrant Officers	4	64		256	8x8 workstations
Misc	0	0		0	
Break Room	1	100		100	
Toilet-Staff	2	70		140	
Storage	1	80		80	
Storage	0	80		0	
misc	0	0		0	
misc	0	0		0	
<b>Holding</b>					
Cell- Single ADA	1	50	1	50	
Cell- Single ADA	4	40	4	160	
Cell- 5 person ADA	4	65	5	260	
Cell- 3 person Sobering	4	65	4	260	
Safety Cell	2	48	2	96	
Docile Waiting	24	8	24	192	
Inmate Toilet	2	60		120	separate male & female
Janitor	1	50		50	
<b>Change In/Out Storage</b>					
Supply/Short term storage	1	410		410	
Staging	1	80		80	
Shower- ADA	1	30		30	
Shower	1	24		24	Existing
Sterile Waiting	1	100		100	Includes 2 holding cages
Change Out	1	120		120	
Release Sally Port	1	60		60	
<b>Subtotal (NSF)</b>				<b>9,885</b>	
Building Grossing Factor				<b>0.15</b>	<b>1,483</b>
<b>Subtotal DGSF</b>				<b>11,368</b>	

Support

Space Name	# of Areas	Net Area	# of Persons	Total Area	Comments
<b>Over Watch Control</b>					
Central Control	1	130		130	upper level looking into dayrooms
Security Electronics	1	120		120	
Staff Toilet	1	50		50	
<b>Break Area</b>					
Break Room	1	200		200	
Toilet Rooms	2	60		120	
<b>Subtotal (NSF)</b>				<b>620</b>	
Building Grossing Factor				<b>0.40</b>	
<b>Subtotal DGSF</b>				<b>868</b>	

**NOTICE OF DETERMINATION**

**TO:**     Butte County Clerk  
           Office of Planning and Research  
                  1400 Tenth Street  
                  P.O. Box 3044  
                  Sacramento, CA 95812-3044

**FILING NO.** \_\_\_\_\_

**FROM:** Butte County Department of Development Services, Planning  
          7 County Center Drive, Oroville, CA 95965

**SUBJECT:** Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

**AP Number:** 031-040-020 (portion)

**Project Title:** CEQA15-0004 Addendum for the Supplemental Jail Facility

**Applicant:** Butte County General Services, 2081 2<sup>nd</sup> St., Oroville, CA 95965

**Contact Person:** Stacey Jolliffe    **Telephone Number:** 538-6573

**Project Description:** The Revised Supplemental Jail Facility would consist of the construction and operation of a two-story 63,000 square foot structure to house inmates and provide space for programs, on an approximately 0.9-acre footprint of land north of the existing jail, in closer proximity to the existing jail and related improvements. The Facility would result in a net increase of 52 beds or inmates over the existing County Jail population and up to eight additional staff. The project would also require the demolition of an older Evidence Building approximately 2,500 sq. ft. in area.

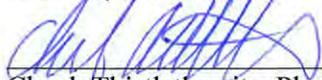
**Project Location:** The Revised Supplemental Jail Facility would be located immediately north of the existing jail on land currently developed with parking improvements and a roughly 2,500 sq. ft. evidence building.

**State Clearinghouse Number** (If submitted to clearinghouse):

This is to advise that the Butte County Zoning Administrator has approved the above-described project on June 23, 2015 and has made the following determinations regarding the above-described project:

1. The project  will, X will not, have a significant effect on the environment.
2.  An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
3. X A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
4. Mitigation measures X were,  were not, made a condition of the approval of the project.
5. A statement of overriding considerations  was, X was not, adopted for this project.

Butte County Department of Development Services  
7 County Center Drive  
Oroville, CA 95965

  
\_\_\_\_\_  
Chuck Thistlethwaite, Planning Manager

## **MITIGATION MEASURES:**

### **Mitigation Measure #1: Minimize Off-Site Glare from Exterior Lighting.**

**Plan Requirements:** Place a note on (or on an additional page to) building and site development plans that states:

“All exterior lighting for the proposed supplemental jail facility shall be designed and directed to minimize nighttime off-site glare. To the extent feasible in consideration of security needs, exterior lighting shall be downcast so that only the intended area is illuminated and off-site glare is contained, consistent with the requirements of Title 19, Chapter 19.31 (Development Lighting) of Butte County Code.”

**Timing:** Exterior lighting shall be included on final building plans subject to approval by the County. Butte County General Services shall insure that lighting has been installed as specified in the building plans and consistent with this mitigation measure’s intent to minimize glare to the extent feasible prior to building occupancy.

**Monitoring:** Butte County General Services shall insure that this Mitigation Measure #1 note is included with (or on an additional page to) building and site development plans, and shall respond to any complaints regarding off-site glare that may arise.

### **Mitigation Measure #2: Ensure Adequate Dust Control**

**Plan Requirements:** The following Mitigation Measure #2 note shall be included on (or on an additional page to) building and site development plans:

“The applicant shall implement the following specific mitigation measures to ensure adequate dust control:

- Water shall be applied by means of truck(s), hoses and/or sprinklers as needed prior to any land clearing or earth movement to minimize dust emission.
- Haul vehicles transporting soil into or out of the property shall be covered.
- Water trucks or sprinkler systems shall be used to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this would include wetting down such areas in the later morning and after work is completed for the day and whenever wind exceeds 15 miles per hour.
- On-site vehicles shall be limited to a speed which minimizes dust emissions on unpaved roads. Unpaved roads may be graveled to reduce dust emissions.
- Haul roads shall be sprayed down at the end of the work shift to form a thin crust. This application of water shall be in addition to the minimum rate of application.
- Soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation.
- Existing roads and streets adjacent to the project shall be cleaned at least once per day if dirt or mud from the project site has been tracked onto these roadways, unless conditions warrant a greater frequency.
- Construction workers shall park in designated parking area(s) to help reduce dust emissions.
- Other measures that may be required as determined appropriate by the BCAQMD or Department of Public Works in order to control dust.
- Post a publicly visible sign with the telephone number and person to contact regarding dust complaints. This person shall respond and take corrective action within 24 hours. The telephone number of the Butte County Air Quality Management District (855-332-9400) shall be visible to ensure compliance with BCAQMD Rule 200 & 205 (Nuisance and Fugitive Dust Emissions).

•  
**Timing:** Requirements of the condition shall be adhered to throughout all construction phases of the project (clearance, grading, compaction, paving, construction).

**Monitoring:** Butte County General Services shall ensure that this Mitigation Measure #2 note is included on (or on an additional page to) building and site development plans. General Services inspectors shall spot check and shall ensure compliance on-site. General Services and Butte County Air Quality Management District inspectors shall respond to nuisance complaints.

### **Mitigation Measure #3: Minimize Combustion Emissions from Heavy-Duty Construction Equipment**

**Plan Requirements:** The following note shall be included on (or on an additional page to) building and site development plans:

“The applicant shall implement the following mitigation measures to mitigate combustion emissions from heavy-duty construction equipment:

- Diesel-powered equipment shall be compliant with all applicable State of California air quality regulations for on and off-road vehicles.
- Maintain all off-road equipment in proper tune and regularly serviced according to manufacturer’s specification.
- Electrify equipment where feasible.
- Substitute gasoline-powered for diesel-powered, where feasible.
- Use alternative fueled construction equipment on site where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane, or biodiesel.

**Timing:** Requirements of the condition shall be adhered to throughout all construction phases of the project (clearance, grading, compaction, paving, construction).

**Monitoring:** Butte County General Services shall ensure that this Mitigation Measure #3 note is included on (or on an additional page to) building and site development plans. General Services shall insure that contractor(s) have the requisite California Air Resources Board compliance certificates for on- and off-road vehicles. General Services and Butte County Air Quality Management District inspectors shall respond to nuisance complaints.

### **Mitigation Measure #4. Protection of Cultural Resources Found During Work**

**Plan Requirements:** The following Mitigation Measure #4 note shall be included on (or on an additional page to) building and site development plans:

“Should grading activities reveal the presence of cultural resources (i.e., artifact concentrations, including arrowheads and other stone tools or chipping debris, cans, glass, etc.; structural remains; human skeletal remains), work within 150 feet of the find shall cease immediately until a qualified professional archaeologist can be consulted to evaluate the resources and implement appropriate mitigation procedures. Should human skeletal remains be encountered, State law requires immediate notification of the County Coroner. Should the County Coroner determine that such remains are in an archaeological context, the Native American Heritage Commission in Sacramento shall be notified immediately, pursuant to State law, to arrange for Native American participation in determining the disposition of such remains.”

**Timing:** Requirements of the Mitigation Measure #9 shall be adhered to throughout all phases of the grading project (clearance, grading, compaction, paving).

**Monitoring:** Butte County General Services shall ensure that this Mitigation Measure #9 note is included on (or on an additional page to) building and site development plans. The contractor and the on-site supervisor shall be responsible for ensuring compliance with this mitigation measure and shall

immediately notify the Butte County General Services should any cultural resources be revealed during project activities.

**Mitigation Measure #5. Prepare Low Impact Development Plan to Manage Post-Construction Stormwater Runoff.**

**Plan Requirements:** Place a note on (or on an additional page to) building and site development plans that states:

“In order to minimize the polluting and hydromodification effects of post-construction stormwater runoff from the Supplemental Jail site (structure, building pad, parking lot, road and any other impermeable surface), and consistent with General Plan Goal W-4 and Policy W-P1.4, a Low Impact Development (LID) plan shall be prepared by a licensed and qualified landscape architect or civil engineer that reduces the volume and rate of stormwater runoff from the site to no more than the estimated runoff of the currently undeveloped site. LID stormwater features may include, but are not limited to, pervious pavers, vegetated swales, detention/retention ponds, locally appropriate tree and shrub plantings, and a green roof. The Plan shall include calculations regarding the surface runoff to be attenuated, site and construction plans showing the location and details LID features (including, as may be necessary, irrigation), and a maintenance plan to insure that the features function as designed over time.

**Timing:** The Low Impact Development Plan shall be prepared in consultation with building and site plans and, if it is necessary, Mitigation Measure #6 for the redesign of the existing stormwater drainage conveyance. Construction of the Supplemental Jail Facility shall not begin until the stamped Low Impact Development Plan has been approved by Butte County General Services and the Department of Public Works.

**Monitoring:** Butte County General Services shall insure that this Mitigation Measure #5 note is included with (or on an additional page to) building and site development plans. Butte County General Services shall insure that the provisions of the LID Plan, including maintenance, are implemented as specified and approved.

**Mitigation Measure #7: Limit Work to Daytime Hours and Provide Best Available Noise Suppression.**

**Plan Requirements:** Place a note on (or on an additional page to) building and site development plans that states:

“In order to minimize evening and nighttime noise impacts to surrounding users, the contractor shall implement the following measures to mitigate noise during construction of the facility:

1. Limit all project activity to daytime hours to the maximum extent feasible (7:00 a.m. to 6:00 p.m.), Monday through Saturday, with no project activity allowed on Sundays or holidays.
2. Use best available noise suppression devices and properly maintain and muffle diesel engine-driven construction equipment:
  - a. Equip all internal combustion engine driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
  - b. Locate stationary noise-generating equipment as far as possible from sensitive receptors when sensitive receptors adjoin or are near a construction project area.
  - c. Utilize quiet air compressors and other stationary noise-generating equipment where appropriate technology exists and is feasible.
3. Construction equipment shall not be idled for longer than 15 minutes.
4. Locate stationary equipment as far as possible from sensitive receptors.
5. The name and phone number of Butte County General Services shall be posted conspicuously at the entrance(s) to the project site.

**Timing:** The limitation on work hours, equipment maintenance and use of best available noise suppression devices shall be adhered to throughout all phases of construction.

**Monitoring:** General Services shall ensure that Mitigation Measure #7 is placed on (or on an additional page to) building and site development plans. General Services shall take necessary action to resolve any noise-related complaints.

**DECLARATION OF FEES DUE**  
(California Fish and Game Code Section 711.4)

Name and address of applicant:

Butte County General Services  
2081 2<sup>nd</sup> St.  
Oroville, CA 95965

**Project Title/File Number: Addendum for Supplemental Jail Facility / CEQA15-0004**

CLASSIFICATION OF ENVIRONMENTAL DOCUMENT:

1.  NOTICE OF EXEMPTION / STATEMENT OF EXEMPTION
  - A.  Statutorily or Categorically Exempt  
\$50.00 Clerk's Documentary Handling Fee
  - B.  De Minimis Impact - Certificate of Fee Exemption  
\$50.00 Clerk's Documentary Handling Fee
  
2.  NOTICE OF DETERMINATION - FEE REQUIRED
  - A.  Negative Declaration  
\$ 2,210.00 State Filing Fee  
\$50.00 Clerk's Documentary Handling Fee
  - B.  Environmental Impact Report  
\$850 State Filing Fee  
\$50.00 Clerk's Documentary Handling Fee
  
3.  OTHER (Specify): ADDENDUM TO ADOPTED MITIGATED  
NEGATIVE DECLARATION  
\$50.00 Clerk's Documentary Handling Fee

PAYMENT / NON-PAYMENT OF FEES:

1.  PAYMENT: The above fees have been paid.  
See attached receipt(s):
  
2.  NON-PAYMENT: The above fees are required. Not paid.

**Chief Planning Official**

By: Tim Snellings, Development Services  
Title: Director  
Lead Agency: Butte County Department of  
Development Services  
Date: June 23, 2015

TWO COPIES OF THIS FORM MUST BE COMPLETED AND SUBMITTED WITH ALL ENVIRONMENTAL DOCUMENTS FILED WITH THE BUTTE COUNTY CLERK'S OFFICE.

THREE COPIES OF ALL NECESSARY DOCUMENTATION ARE REQUIRED FOR FILING.

ALL APPLICABLE FEES ARE DUE AND PAYABLE PRIOR TO THE FILING OF ANY ENVIRONMENTAL DOCUMENT WITH THE BUTTE COUNTY CLERK'S OFFICE. MAKE CHECKS PAYABLE TO THE COUNTY OF BUTTE

CC: Rob Freitas  
 Deborah DeBrunner  
 Barbara Norman  
 Diane Leellen  
 Annie Liu

COUNTY OF BUTTE  
 AUDITOR - CONTROLLER  
 ACCOUNTING TRANSACTION JOURNAL

TRANSACTION CODE:  
 X - EXPENDITURE    GL - GEN. LEDG.  
 R - REVENUE        C - CASH

ACCOUNT TITLE	FUND # or BUDGET UNIT	ACCOUNT NUMBER	PROJECT TASK NUMBER	T/C	AMOUNT	
					DEBIT	CREDIT
I/F from Var to Recorder Treasury Cash	170063 0041	554470 101001		X C	50.00	50.00
Treasury Cash I/F F&G Envir	0010 470001	1010001 4611319		C R	50.00	50.00
<b>Description: CEQA fees for addendum</b>				X		
				R		
<b>County Clerk Processing fees - \$50.00</b>				GL		
				C		
				S Tot		
<b>TOT</b>					<b>100.00</b>	<b>100.00</b>
Prepared by: MFiori <i>M Fiori</i>				APPROVED BY:		<b>J-</b>
Reviewed by:						

Clerk-Recorder's Department  
County of  
Butte

**CANDACE J. GRUBBS**  
County Clerk-Recorder

1 FISH AND GAME CLERKS FEE	50.00
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<b>TOTAL</b>	<b>50.00</b>
JOURNAL	50.00
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CHANGE	0.00
06/23/2015 2:33PM	2015062300122
SA	ECR-REC-10

Thank You  
Have a Nice Day!

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Requested By:  
B.C. Development Services

**COUNTY COUNSEL**  
BRUCE S. ALPERT

**ASSISTANT COUNTY COUNSEL**  
BRAD J. STEPHENS



**CHIEF DEPUTY COUNTY COUNSEL**  
FELIX WANNENMACHER  
KATHLEEN KEHOE GREESON

**DEPUTY COUNTY COUNSEL**  
ROGER S. WILSON  
VIRGINIA L. GINGERY

**OFFICE OF THE COUNTY COUNSEL**  
**COUNTY OF BUTTE**  
25 COUNTY CENTER DRIVE, SUITE 210  
OROVILLE, CALIFORNIA 95965  
PHONE: (530) 538-7621 FAX: (530) 538-6891

July 24, 2015

Board of State and Community Corrections  
2590 Venture Oaks Way, Suite 200  
Sacramento, CA 95833

Re: SB 863 – Butte County Project Proposal - CEQA Compliance Certification letter

Dear Sirs:

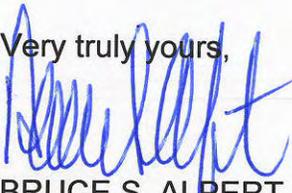
The Butte County Board of Supervisors considered and adopted an Initial Study and Mitigated Negative Declaration (IS/MND) in accordance with the California Environmental Quality Act (CEQA) for the Butte County Supplemental Jail Facility Project on July 29, 2014, State Clearinghouse No. 2014052090.

To address modifications to the proposed new building location, an Addendum to the 2014 IS/MND was prepared and, on June 23, 2015, a duly noticed public hearing was held in the Butte County Board of Supervisors' chambers for CEQA Addendum 15-0004. No public comments were received, and the Butte County Board of Supervisors adopted CEQA Addendum 15-0004 on June 23, 2015, Resolution No. 15-090.

The Notice of Determination for CEQA Addendum 15-0004 was filed with the Butte County Clerk on June 23, 2015, and was submitted to the State Clearinghouse for review by state agencies, initiating the start of the 30 day public review period.

This letter is to certify that on July 23, 2015, per Title 14. California Code of Regulations. Chapter 3: Guidelines for Implementation of the California Environmental Quality Act. Article 6. Negative Declaration Process. Section 15073. Public Review of a Proposed

Negative Declaration or Mitigated Negative Declaration (a), the 30 day public review period for CEQA Addendum 15-0004 has expired, and no challenges were filed.

Very truly yours,  
  
BRUCE S. ALPERT  
Butte County Counsel

G:\BRUCE\BoardofStateandCommunityCorrections7-24-15.docx



May 19, 2015

Mary L. Redding  
Butte County General Services  
Real Estate Division  
2081 2<sup>nd</sup> Street  
Oroville, CA 95965

Re: Appraisal of the two proposed project sites located on the east side of Highway 70 to the south of Table Mountain Blvd. and northwest of Court Street in Oroville, CA. Appraisal Report Number 2015-1123.

Pursuant to your appraisal request received May 1, 2015, I have personally inspected the subject property on May 14, 2015, for the purpose of estimating the fair market value of the fee simple interest, as defined in this report. The appraisal presents my opinion of the properties' fair market value subject to the assumptions and limiting conditions set forth in this report.

The following report contains a variety of information necessary to form an opinion of value on the properties being appraised. As a result of the analyses and conclusions rendered, the fair market, land-only, values concluded for the proposed subject sites as of the effective date of the appraisal are as follows:

SUMMARY OF VALUES			
PROPERTY	VALUATION PREMISE	DATE OF VALUE	OPINION OF VALUE
Project Site # 3 - 3.35 Net Acres	Land-Only Value	May 14, 2015	\$500,000
Project Site #4 - 1.63 Net Acres	Land-Only Value	May 14, 2015	\$400,000

*The above values reflect extraordinary assumptions premised on legal parcels being created for each site as proposed, along with the creation of any necessary easements where needed for utilities and access for each site.*

This is an appraisal report prepared in a narrative format, which is intended to comply with the reporting requirements set forth in Standards Rule 2-2(a) of the Uniform Standards of Appraisal Practice. The reported market value estimates are in terms of cash or cash equivalent, and are consistent with the definition of market value included in this report. The exposure time is estimated at one year for

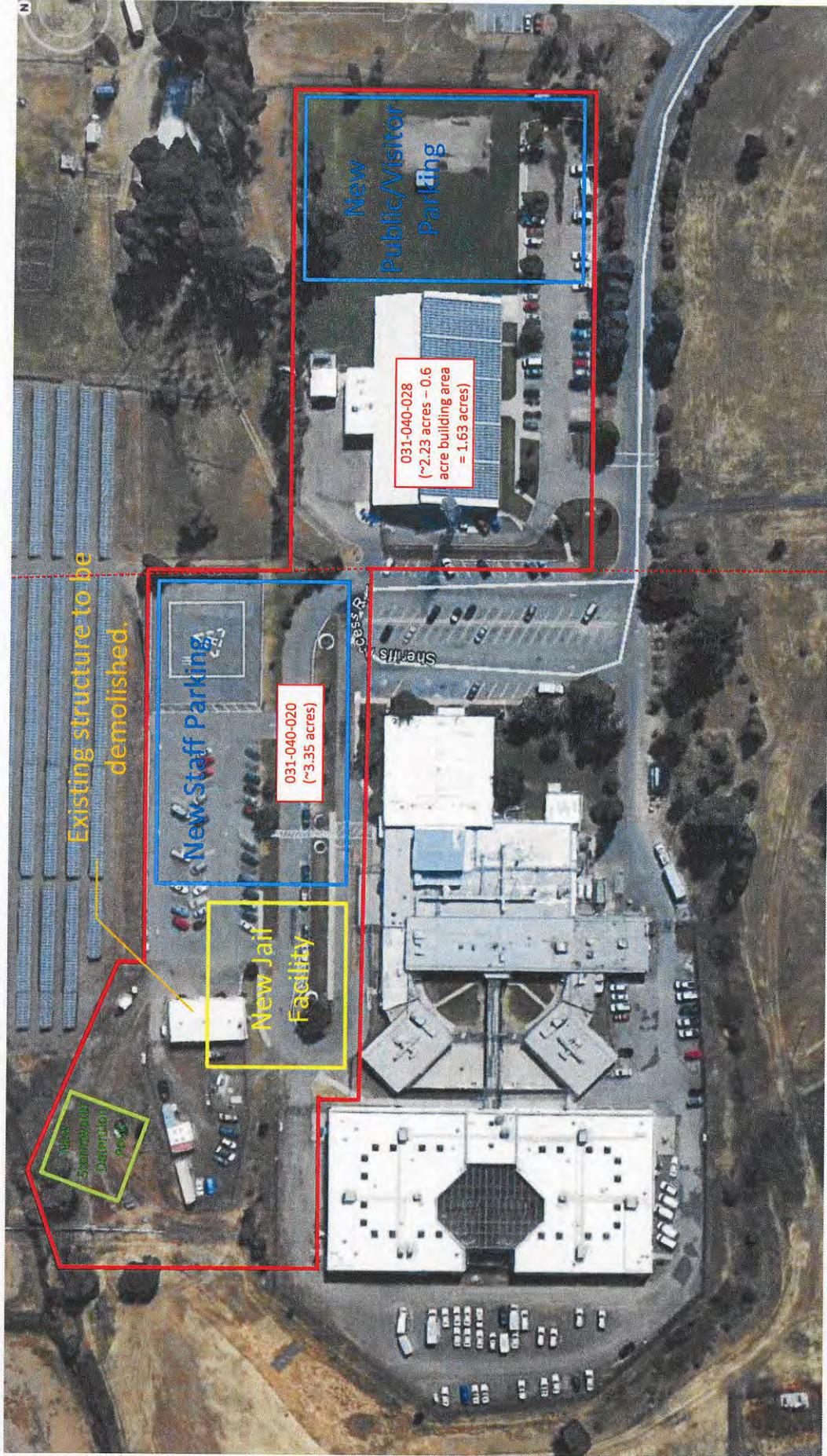
**LETTER OF TRANSMITTAL (CONT'D)**

the subject properties. It is the intent of this appraiser that this report is in conformance with the guidelines of Butte County and the Department of General Services Appraisal Specifications dated January 1, 2008, as well as the appraisal standards required by 12 CFR Part 34 and 225 dated June 7, 1994 and OCC 94-55 dated October 28, 1994 and the Interagency Appraisal and Evaluation Guidelines effective December 10, 2010.

Respectfully submitted,

A handwritten signature in green ink that reads "Scott S. Hamm".

Scott S. Hamm, MAI  
CA Lic. No. AG004153  
Expiration Date: 10/14/2016



LEGEND -

- APPRaisal PROPERTY LINE
- NEW PARKING - APPROX. LOC.
- NEW JAIL FACILITY - APPROX. LOC.
- NEW STORMWATER DETENTION - APPROX. LOC.
- DEMOLITION

Appraisal to confirm value of on-site land value for construction of new jail facility and site improvements, as required by SB 863 for consideration of in-kind matching funds for grant application. Land value cannot be claimed for land that is under an existing operational local jail facility.

Butte County  
 SB 863 Site Map - Real Estate Appraisal  
 4/14/2015