

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



FROM: Supervisor Jeff Stone

SUBMITTAL DATE: July 12, 2005

SUBJECT: Project - Incarcerate More Prisoners Responsibly In Satisfying Overwhelming Need
"IMPRISON"

RECOMMENDED MOTION:

That the Board of Supervisors receive and file as informational data.

BACKGROUND:

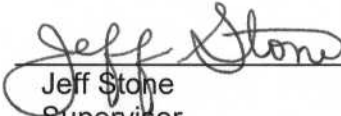
Riverside County jails are overcrowded and will become more crowded with an increasing population and crime rate. Thousand of inmates are being prematurely released and costs associated with housing inmates are well above statewide averages.

More cost effective options, including additional jail beds, are needed to address the growth in population as well as to reduce or eliminate the release of thousands of inmates currently being put on the streets after serving little or no sentence.

Our goal is to reduce the overall costs of incarceration, build more cost effective inmate facilities, and to safely and effectively maintain public safety within our correctional institutions.

In order better understand some of the courses of action available, my team has researched and reviewed the inmate housing problem. This has included site visits of existing county correctional facilities as well as a number of other correctional programs and facilities. The reviews have included Maricopa County Sheriff's Tent City in Phoenix, Arizona and the Riker's Island correctional facility in New York City.

A copy of the Project IMPRISON plan is attached.



Jeff Stone
Supervisor
Third District

JS:re

County of Riverside



Supervisor Jeff Stone
Third District

County Administrative Center · Fifth Floor · 4080 Lemon Street · Riverside, California 92501
Office: (951) 955-1030 Facsimile: (951) 955-2197

PROJECT "IMPRISON"

EXECUTIVE SUMMARY

The Issue:

Riverside County jails are overcrowded and will become even more crowded with an increasing population and increasing crime rate, thousands of inmates are being prematurely released and costs to house inmates are well above statewide averages.

More cost effective options including additional jail beds are needed to address the growth in population as well as to reduce or eliminate the release of thousands of inmates currently being put on the streets after serving little or no sentence.

It is important to note the California Board of Corrections has been researching this very issue and in their Strategic Plan make the following statements: In the Mission statements; "We strive continuously to develop knowledge on how corrections organizations can be effectively managed across systems that would otherwise be disconnected. These efforts are outcome driven, research based, and designed to inspire innovation, experimentation and cooperation while optimizing their influence toward positive change".

We need interim correctional facilities now, not in the distant future. This is the essence of "Project IMPRISON" short to immediate courses of action.

Issue Analysis:

According to the California Board of Corrections database, Riverside County's operating cost per day for the most recent year (2004) was \$74.15 compared to \$67.38 for similar size, \$69.60 for similar type and \$65.37 for similar location facilities. Riverside County prisoner costs compares even less favorably for same size weighted average cost per day statewide which was \$60.33. The total cost per inmate per year is estimated at about \$33,760.00. It is estimated that the State average for the housing of inmates is approximately \$40,000.00 per year. These are per inmate per year individual costs. It is estimated that in FY 05-06 the above listed costs per inmate cost will increase significantly.

Last year, (2004) Riverside County released 3,152 individuals prematurely into the community out of the 54,000 taken in – 5.8% of the total. As the population continues to soar and the number of beds remains constant the number of inmates released prematurely will continue to increase.

Worse yet, some of those released prematurely commit new offenses within months of their early releases. If not for overcrowding, many would still be behind bars at the time they committed the new crime. These incidences will also continue to increase with the rising numbers of inmates prematurely released.

A more detailed look is even more revealing. Statewide pretrial releases have increased almost 60% since 2000. If the individuals were incarcerated, assuming there were adequate prison beds available, the average daily prison population would be even higher.

Even if one continued premature release programs, with population growth and changing political pressures to address drunk driving and/or other offenses, overcrowding can only get worse. And, as overcrowding worsens, the Sheriff's department is placed in the uncomfortable position as a result of a court decree to be the one who decides who is to be released. This was not the intent of the legislation in the ordering inmate releases nor is it a constitutional mission of the Sheriff.

In addition, overcrowding and premature releases compromise the integrity of the criminal justice system by influencing both court decisions on who gets sent to jail as well as decisions regarding who gets arrested.

RIVERSIDE COUNTY SHERIFF RESPONSE

We all agree that Riverside County has an immediate need for additional county jail inmate beds. Sheriff Doyle in his budget presentation to the Board of Supervisors on June 6, 2005, stated:

- “Our Corrections system is at maximum capacity.”

- “By comparison, a survey of similar sized counties indicates that we are severely lacking jail beds. Neighboring San Bernardino County has 5,835 jail beds, 2,477 more than we have in Riverside County. And yet, the difference in the unincorporated area population between the two counties is only 69,000 residents.”
- “Our average head count over the first three months of this year has been nearly 3,200 inmates per day, which is more than 97% of our classifiable capacity. A 1993 permanent federal court injunction limits our population based upon available beds. We manage our inmate population by releasing sentenced inmates prior to the completion of their entire sentence.” (Emphasis Supplied).
- “I cannot emphasize enough to your Board the importance of adequate jail space. Currently, our lack of jail space is impacting every other component of the criminal justice system including the District Attorney’s Office, the Probation Department and the Public Defender’s Office.”
- “We are faced with some very tough choices. Our Average Daily Population remains constant because we do not have enough beds available. Simply put, we are being forced to prematurely release sentenced inmates prior to the completion of their full sentence. (Emphasis Supplied)... [A]ccording to state average we could fill 4,136 right now. By 2010, we should have 4,785, and by 2015 we will require as many as 5,750 jail beds. “

Riverside County currently has about 3,358 permanent custody beds and that number will only increase by 120 beds at the end of next year with the completion of the Smith Correctional Facility expansion. There is no question that there is a need for more prison beds. But we must also ask what kind of beds, when, where and how much are willing to pay to get them?

There are short, immediate, and long term correctional goals that must be addressed. The difficult question is how we address the needs in a manner that is cost effective and best serves all Riverside County residents.

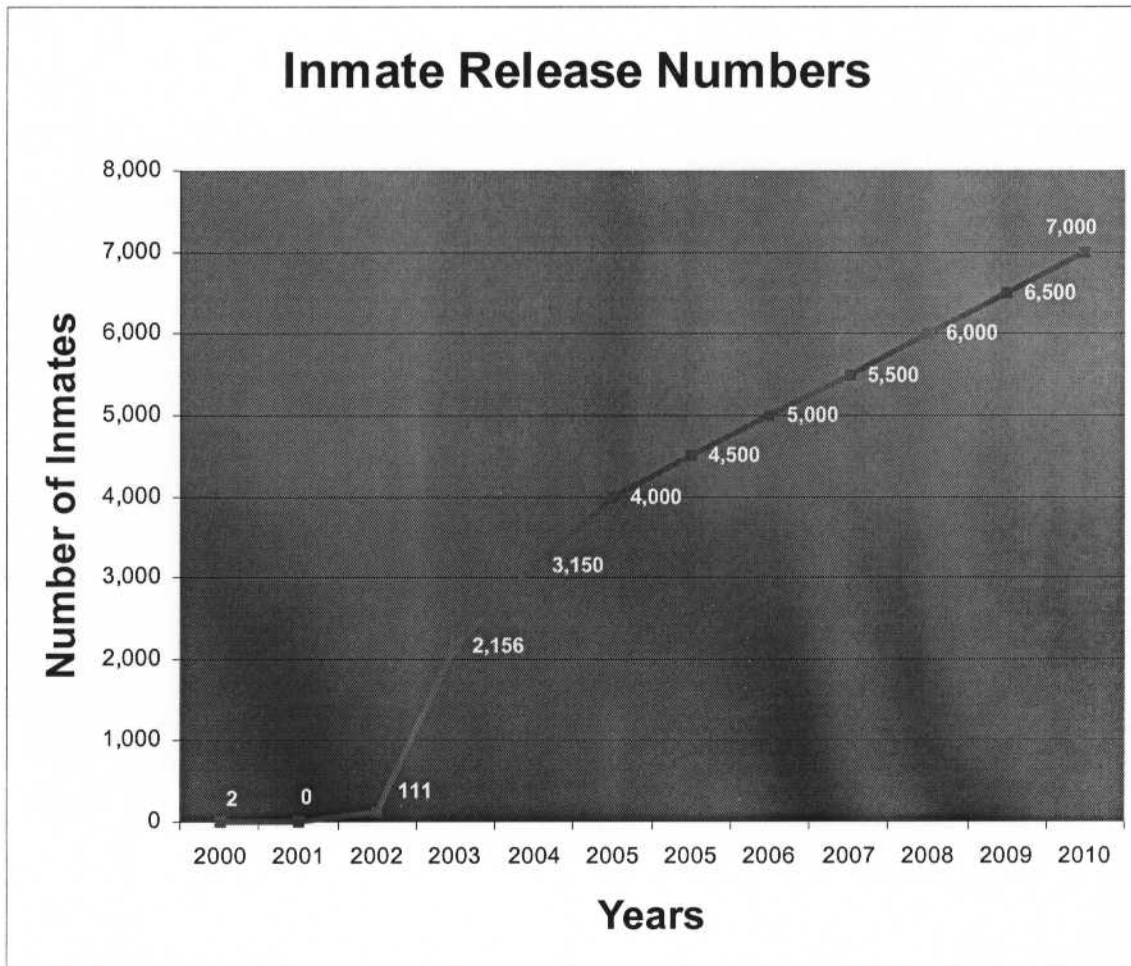
The Premature Release of Inmates

It is clear that several thousand inmates have been prematurely released since the mid 1990’s, back on the streets long before the courts deemed proper.

According to Sheriff Doyle, in 2004 a total of 4,037 sentenced inmates participated in the Secure Electronic Confinement Program. However, a majority of these inmates would have served their time incarcerated if jail beds were available.

Do we know where all of the inmates freed prematurely, including thieves, burglars, drug sellers and other more serious offenders are at any given time? With jail time a diminishing part of the consequence of crime for more and more individuals convicted, how many plea bargains now feature community service or other non-jail time because they know offenders would just be released if jail time were part of the bargain? Of course, for sentenced criminals we may already be seeing savvy defendants rejecting community service and asking for jail time knowing they'll actually serve little or none. Consider the following:

- The premature release of inmates undermines the morale of law enforcement and criminal justice agencies. The investigation, arrest, prosecution and conviction of an offender involve a great deal of time, effort and money. The premature release of inmates logically raises questions in the minds of such officials as to what is the purpose of the work.
- The premature release of inmates tends to undermine the consequences of committing the crime. Given the fact that punishment, including possible imprisonment, is a deterrent to crime, the premature release of inmates sends a very wrong message.
- Without the threat of stiff jail terms, alternative sentencing measures also have less impact overall.
- Perhaps most importantly, these purported 'savings' do not reflect the pain, fear and grief inflicted by the prematurely released prisoner on his or her new victim, the costs of the new investigation, re-arrest and prosecution that the law enforcement system incurs and the cost of finally imprisoning these repeat criminals for even longer prison sentences.
- Remember, the purpose of imprisonment is punishment for criminal acts
- The 1993 Federal Court order prohibited the Sheriff from housing inmates on the floor that a bed must be provided for every inmate. Our plan shows how beds can be provided in a very economic and feasible manner.



The above listed scale is based on the last 5-years and the Sheriff's release figures

PROJECT "IMPRISON"

Incarcerate More Prisoners Responsibly In Satisfying Overwhelming Need

Sheriff Doyle has publicly acknowledged the need for more inmate beds. His recommendation is to build a new and expensive maximum security concrete jail in downtown Riverside. His desire and rationale has some merit, but there are other options that should be researched and seriously considered.

In addition, we believe it would be short-sighted to automatically assume that the only viable solution to Riverside's County's need for more prison beds is a new and expensive maximum security concrete facility. There is also a need for a less expensive type of bed to house minimum and medium security level inmates, i.e. sentenced inmates who are not headed for the State Prisons.

The relative proportion of inmates in maximum, medium and minimum security housing is important to future planning. Pre-sentenced inmates, sentenced inmates and parole violators are examples of prisoner types. All inmates do not require the same level of housing or security nor is it cost effective to do so. We need to be cautious about the broad brush approach to housing inmates and explore all possible courses of action.

Our goal is to reduce the overall costs of incarceration, build more cost effective inmate facilities, and to safely and effectively maintain public safety within our correctional institutions. We need to ensure our community's safety by keeping those criminals that are legally sanctioned for criminal behavior incarcerated and to minimize early release programs. The fewer convicted criminals allowed to walk freely on our streets minimizes the threat of harm to our law abiding citizens.

In order to better understand some of the courses of action available, my office has researched and reviewed the inmate housing problem. This has included sites visits of existing Sheriff correctional facilities as well as a number of other correctional programs and facilities. These reviews include; Maricopa County Sheriff's Office in Phoenix, Arizona and the Riker's Island correctional facility in New York City.

Our research led to the conclusion that there are concepts utilized at these and other locations that might be adapted to help meet our critical need for inmate beds in Riverside County. The research has included the use of military style tents, Sprung hard plastic structures, and modular designed buildings.

It is clearly understood that additional review and research will be required prior to embracing any or all of the courses of actions presented in this report. For example, an internal audit of all land currently owned by Riverside County that would be suitable demographically, socially, and politically for potential jail/correctional sites will need to be conducted. Criteria for consideration would include land that is not close to residential areas and land with natural barriers that through basic topography makes escape impractical.

A careful review of options for housing inmates will include study of the most cost effective building materials for construction of new or rehabilitated correctional facilities in accordance with State laws governing the housing of inmates. In other words, we should evaluate if we need or want a "Concrete Steel" facility.

Inmate housing and classification issues are also key planning points. Non-concrete and steel facilities can safely house minimum to medium security risk inmates. Hard facilities, concrete and steel, are required for the high risk inmates. The determination of which type of facility is needed and for which population will be based on projections for the type and number of inmates, short and long term resource availability, regulatory requirements, staffing issues and policy direction.

There may also be cost efficiencies gained by utilizing inmate labor, under regulatory guidelines, for laundry services, education, food distribution, basic cleanup or other California service such as manufacturing license plates for a fee to the County or any other tasks that can effectively reduce the costs of supporting and maintaining the County's prison population. The County might also benefit from using facilities where ancillary buildings can be utilized for inmates to perform requested County clerical, road, basic maintenance, or cooking for prisoner populations. In addition, the County could require that anyone convicted as a first time DUI offender be required to work within our county correctional facilities for a specified time (not to exceed 8 hours a day).

PURPOSE AND MISSION OF PROJECT **"IMPRISON"**

The purpose of "Project IMPRISON" is to provide realistic economic alternatives to the over crowded county jail system.

It is important to remember, "Public safety is the first responsibility of government". The Legislature has made it clear, that the purpose of imprisonment for crime is Rehabilitation and Punishment". Our District Attorney and Sheriff both concur and agree on this premise. "California has the largest and most complex correctional system in the country. Without changes in correctional practices, prison overcrowding will be a major state and local government issue into the next century".

In order to meet the challenge of county jail overpopulation now and in the future, this plan discusses five courses of action the county should review and adopt the most logical, practical, and economically feasible option. The scope of the operation includes Riverside County as a whole and not any district specifically.

One of the primary concerns is making sure we comply with the BOC requirements and specifically the State Fire Marshal concerns. The State Fire Code requires correctional facilities to be at a level 3, which is a two hour burn resistance requirement. Title 19 of the BOC outlines the fire code requirements. In addition, the 15 member Board of Corrections (BOC) meet bi-monthly and reviews all pilot programs to include construction.

The California Board of Corrections is a regulatory agency that sets forth guidelines by which all California correctional facilities follow. Title 15 and Title 24 of the BOC regulate construction, staffing, and training of all California correctional facilities.

Cost effective inmate housing should include juveniles where the law permits. Furthermore, review of juvenile legal proceedings will determine if juveniles can be housed in separate low risk correctional facilities. In addition, it would be reasonable to determine if school disciplinary students can be temporarily housed in low risk correctional facilities as a deterrent and if high school seniors can visit a correctional facility before graduation as a vocational learning point.

A key element in this plan is site location and infrastructure costs. Research data will be required to determine the most cost effective site and material. The County Facilities Department and their role in supporting a location and in determining adequate infrastructure are important. Whether or not concrete and steel designs are cost effective will also factor into the process. EDA and the County Executive Office are valuable partners and stakeholder in the planning process. The completion of their Correctional Assessment study will enhance Project "IMPRISON".

The Funding approval authority rests with the Riverside County Board of Supervisors. Clearly as the constitutionally elected official, The Sheriff is responsible for all decisions pertaining to the Sheriff Department. As such he would be the lead agency in the planning, staffing, and operating of any correctional facility within Riverside County. It is further understood that the California Board of Corrections (BOC) will have substantial advisory oversight to ensure compliance with state regulations governing the construction, building, and training of correctional facilities and personnel.

Long range planning should include a concrete facility to house un-sentenced high risk inmates. Short to immediate range plans may include facilities that are not concrete but are constructed with materials that meet the Board of Corrections (BOC) standards, State Fire Marshal requirements, and the Sheriff Department's operational requirements. Non-concrete facilities can be acquired or constructed immediately at minimum cost to house sentenced inmates. This plan will briefly evaluate the facts presented and allow the development of future strategic correctional facility planning.

The BOC Strategic Plan enumerates our intent and purpose in the Quality statement of the BOC's Mission Statement;" We value the opinions of our internal and external stakeholders, and strive to provide premier service. Project "IMPRISON" embodies this quality value statement of the BOC. The safety and protection of our community and the Sheriff Department personnel, is our prime concern and our responsibility to ensure the highest quality of life for the residents of Riverside County, California.

Jeff Stone
Third District Supervisor

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RIVERSIDE SHERIFF CORRECTIONAL OVERVIEW

Introduction:

Riverside Sheriff Department operates Five Adult Correctional Facilities in the County. All facilities are housing inmates at maximum capacity.

1. Robert Presley Detention Center- Downtown Riverside:
Average Inmate population: **1038**
2. Southwest Detention Center- Temecula:
Average Inmate Population: **1088**
3. Smith Correctional Facility: Banning
Average Inmate Population: **625**
4. Indio Jail: Indio
Average Inmate Population: **330**
5. Blythe Jail: Blythe
Average Inmate Population: **120**

Total County Inmate Daily Population: **3201 (daily numbers fluctuate)**

Budgetary Analysis:

- (2005 Figures) Daily Inmate cost: \$80.00 per inmate x 30 days per mo. x 12 months = **\$29,800.00** total baseline per year cost plus \$3,960.00 medical = **\$33,760.00** total cost per inmate per year.
- Medical costs are \$10.85 per inmate x 12 = average yearly medical cost of \$3,960.00 x number of inmates (at 3201) = **\$12,675,960.00**
- Meal costs per inmate is estimated to be, \$2.40 per day per inmate (at 3201) x 365 = **\$76,824.40**
- Forensic Health Services and Counseling fees have not been factored into the inmate basic costs due to uncertainty of the application of the fees to inmates. Some receive the services others do not; it varies from year to year. It is difficult to calculate these figures.
- The following salaries were listed: Correctional Officers, \$14.40 to \$19.33 per hour and Deputy Sheriffs, \$22.83 to \$30.63 per hour.
- The **Southwest Detention Center** was completed in February 2002 at a cumulative cost of about **\$46.6 million dollars, increasing the number of beds from (535) the 1998 figure, to present total bed figure of about (1111)(about \$110,000.00 per bed cost) . Smith Correctional Facility**

expansion has been approved and is under current implementation at a cost of about **\$15 million** for **240 beds**. The expansion planned completion date is fall of 2006.

Type of Inmates:

Sentenced: Those inmates who have received their sentencing or punishment from the courts, whether it be fine, incarceration, probation (formal or informal), and modified incarceration through a work furlough or other monitoring methods. This inmate population makes up about 35% of the county jail inmates.

Un-sentenced: Those inmates who are awaiting disposition or sentencing from the courts. This includes; awaiting trial, going through the trial process, awaiting sentencing, and being temporarily housed awaiting transportation to a permanent facility which could be state prison or one of the five county facilities. This inmate population makes up about 65% of the county jail inmates.

The housing of un-sentenced inmates involves high and medium security risk inmates who generally require housing in hardened facilities like RPDC or SWDC. These types of inmates comprise about 65 % of county inmates. The housing of sentenced inmates generally does not involve the same level of risk. Sentenced inmates include those convicted of driving under the influence, violation of probation for low level misdemeanor crimes like theft, embezzlement, or driving on suspended license. Sentenced inmates comprise about 35 % of county inmates and can be housed in less secure facilities than un-sentenced inmates.

Future Plans:

All of the available trends, charts, and reports clearly indicate that Riverside County must construct new correctional facilities in order to house the ever increasing inmate population. There are many estimates regarding the forecasted inmate population increase over the next several years. One indicates that the potential inmate population will increase to about 7000 by the year 2010. Therefore, correctional facility planning should include these figures and the type of facility that is required.

The County's Executive Office is drafting a correctional plan that will address the need for a state of the art correctional facility that will house at least 1000 inmates over a 30-year period. Thus, clearly the need and requirement has been identified and it is our intent and objective to assist in this mission through "Project Imprison".

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B

EAGLE MOUNTAIN

Renovating and upgrading an existing correctional facility is one course of action that has been reviewed. The Eagle Mountain correctional facility was abandoned in December 2003 by the State of California which had contracted with a private company to operate the medium security facility.

The facility perimeter fence had razor wire on top of the chain link fence that surrounds the facility. Several older dormitory style housing units comprising about 75,000 sq. ft. were located throughout the complex. The facility includes such costly amenities like; large kitchen, freezers, laundry facilities and administrative offices. There are medical and dental offices on the premises. The current facility managers of the property, Jan Roberts and Kay Hazen advised that the buildings were within the Board of Corrections standards including fire code regulations during the operation of the prison. No security cameras or fire sprinklers were observed, but could be strategically placed within the facility.

In comparison with the tent facility complex we visited in Maricopa County, the Eagle Mountain facility appeared to be uniquely situated for the housing of "*sentenced*" county inmates. The facility is rated as a "medium security" facility which had housed parolees during the occupation of tenancy by Management Training Corps (MTC) a private company contracted by the State of California. The facility sits on about 13 acres of land. Kaiser has offered an additional 10 acres for \$1.00 if purchase terms are met.

Jan Roberts estimated that the cost to be \$38.00 per inmate per month during the tenancy of MTC (until Dec. 2003). She also believed the total capacity of the facility was 1600. There are about 320 abandoned residential homes in the area outside of the facility but only about 120 homes are considered habitable. (At the time the facility was being operated the homes were rented at \$500.00 per month.

The land is owned by Kaiser Steel who leased the facility to MTC. MTC a private company operated the prison under contract with the State of California. The state eliminated funding for the private prison in December 2003. The facility is not currently under any lease agreement. Kaiser was not involved in the contract between MTC and the State or in the operation of the facility.

If the County of Riverside purchased the facility from Kaiser the facility would be brought to BOC rated standards by Kaiser. Thus all of the deficiencies pointed out in the Board of Corrections May 2005 report would be corrected. The facility would be ready for occupancy within a very short and reasonable period of time thereafter. The estimate is about 4-6 months. The County could feasibly house 1,000 inmates at a substantial cost savings in a most expeditious manner.

It is clear several logistical, and personnel issues must be resolved in order to make this facility operational. These issues have been outlined and discussed in the Riverside Sheriff's Department Eagle Mountain proposal dated August 20, 2004 and the Eagle Mountain site visit report dated May 12, 2004, and the Board of Corrections report dated May 16, 2005.

Here are the primary issues of concern:

- **Distance to Eagle Mountain**, 130 miles from Riverside and 60 miles from Indio, nearest major city, or the city of Blythe 35 miles away
- **Shortage of potable water**, requiring private water contracting for drinking
- **Certification** by the State BOC IAW title 24 specifications
- **Limited correctional budget** for facility expansion
- **Isolation**, the potential of dangerous incidents and delayed responses are a concern. On October 25, 2003, two inmates were killed during a major riot which required law enforcement response from several agencies as far away as Palm Desert. The Sheriff billed the State of California \$150,000.00 for the response and investigation.
- **Isolation**, Inmate visitation, medical support, and court transportation operations would be substantially impacted
- **Isolation**, difficulty in staffing and having potable drinking water
- **Eagle Mountain does not meet title 24 requirements of the BOC**, county jail systems are held to different standards than State California Department of Corrections (CDC). (The private company MTC, that ran the prison was contracted by CDC)
- **Housing of "un-sentenced" inmates** is a security risk because of they are often control or escape risks. About 65% of Riverside County inmates are un-sentenced and require frequent movement to court.

All of these concerns are easy to remedy they are not "show stoppers". It merely requires a regional partnership approach with all stakeholders providing positive and valuable resolution efforts.

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SPRUNG INSTANT STRUCTURES

The Sprung structures are a hard durable plastic that has been used throughout the country where a requirement for instant buildings was established. They have been used by the Orange County Sheriff Department in the establishment of the James A. Musick Correctional Facility, Rikers Island in New York, and by the Washoe County Sheriff Department in Reno, Nevada.

Of course there are issues with the Sprung structures like any other building structure. For instance, the Sprung structures in Orange County were built in the 1980's. Since that time the design and structural component quality has substantially improved. The Washoe County Sheriff Department found the structures to be very economic and meet their correctional housing requirements.

The Sprung structures are a hard durable plastic that have been tested in hurricane force weather and meets the level three burn requirement of the California BOC. The structures are easily configured for correctional facility needs. Features such as security cameras, clear line of sight configuration, and maintenance free are typical Sprung structure attributes.

Sprung structures can be leased or purchased. I have attached a cost sheet to this memorandum for your review. In summary it appears as though the cost ranges from \$31.70 to \$34.93 a square foot. With a host of service fees that include, purchase price, erection price, freight, and tech support expenses. The total price will depend on the size of the structure requested but range from \$511,406 per to 1.119,456.

The Sprung structures can be set up and ready for occupation within a few months, from 2-4 months depending on the number of beds requested. A typical Sprung encampment has clear unobstructed lines of sight adding to facility security. This type of structure does not introduce dangerous contraband such as ceiling hanging support rods, construction hardware, moldings, or other items that can be used as weapons. The structures are maintenance free and do not require regular painting to preserve the structure.

The budgetary impact is substantial the County could elect to build Spring Structures on existing county property or reasonably acquired property, e.g. Eagle Mountain, resulting in the saving the taxpayers millions of dollars to house county inmates. They are portable structures with a life span of about 20 years.

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D

MODULAR STRUCTURES INTERNATIONAL

Another course of action is to utilize a modular type of building to house inmates. Like the Sprung structures the cost and speed of installing modular buildings provides a viable option to inmate overcrowding.

One of the concerns in non-concrete building is the stringent building and fire code requirements as outlined by the California Board of Corrections and State Fire Marshal. Specifically, the fire code requires a material to be at a level three, two-hour burn resistant material. Modular structures materials meet this requirement by being made of; concrete stem wall, steel floor, concrete deck, steel columns, steel roof truss, steel roof deck, steel wall framing, 5/8 type exterior finish, and stucco exterior finish. In addition Sprinkler systems are designed and placed within the structures.

Santa Clara County Sheriff purchased one of their structures that were designed into a 51' x 60' 12 cell configuration with 24 beds. The building was designed specifically for the Santa Clara County Sheriff Department's correctional requirements. Modular Structures could draft conceptual designs if they knew exactly what the requirements were from the Sheriff's Department. The design drawing concept would be from one to four 500 bed facilities.

Modular Structures does not have a conceptual design from the Riverside County Sheriff Department so it is difficult to estimate costs, however, one conceptual cost formula: A 3312 square foot building at a cost of \$230.00 per square feet, at \$27,205.00 per bed, a (28) bed facility would cost about \$762,000.00. If (18) of these facilities were placed on land the total beds would be 504 beds at a total cost of about 13.6 million dollars. In contrast a typical BOC rated facility would require approximately \$90,000 a bed and for 504 beds the estimated cost is about 45 million dollars.

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E

TENT CITY

Another course of action is the building and placing of military style tents in Riverside County to house sentenced inmates. In order to properly evaluate this option, a team of Riverside County Department Heads accompanied Supervisor Stone to Maricopa County, Arizona to visit Sheriff Joe Arpaio's tent city.

The tent city houses only *sentenced* inmates, low risk types like violation of probation, drunk drivers, etc. In our discussions the inmates expressed the view that the tents were a deterrent that they did not wish to return. However, they would rather be in tents than in a hard facility jail pod. The females expressed feeling a little cold and hungry but felt better in the tents than inside the traditional jail cells.

The tents are the traditional military (GP-Large and Mediums) style provided free by the military with concrete foundations and metal frames. The inmates wear the old southern style stripped inmate uniforms with bright pink undergarments, t-shirts and underwear. Inmates are issued thermal clothing and issued extra bedding during inclement cold seasons. Inmates are allowed as many blankets as they need. The average per inmate is usually around five.

Large fans are generally used during hot summer months. On occasion, portable swamp coolers are used during extreme hot summer months. The problem with these creature comforts is that inmates cannibalize the equipment and make weapons out of various parts.

Here is additional data from Vincent Campanaro- Commander of the Maricopa County Sheriff Corrections Division:

1. Heaters are no longer utilized, inmates are issued Thermals and extra bedding.
2. Inmates are not allowed to move around the yard freely. They are only allowed to go from their tent to the dayroom and back. Inmates are not allowed to visit other tents or walk around the Tents yard. Restrictions can be imposed for violation of these rules.
3. Tents are surrounded by two fences. The inner fences is a regular non- electrified fence, beyond that fence is a dog run that is approximately ten feet wide which is designed for k-9 patrol. After the dog run is and exterior perimeter fence, which is electrified.
4. Currently, there are three yards: O- YARD is my female yard and houses fully sentenced female inmates. The capacity of the female yard

is 224 inmates. N-YARD houses sentenced male inmates. The total capacity is 792 inmates. C-YARD houses both male and female inmates who are sentenced to work releases and work furlough and is capable of housing an additional 660 inmates.

5. All of the yards are supervised primarily by Officers walking foot patrol on the yard. Tents currently have Two Sky Watch towers and we have recently requested a third Tower.

6. Tents staffing (Officer Only) currently is at 88. My authorized T/O is 134 Detention Officers.

7. The Hart v. Hill case only affected the un-sentenced inmates and not housed in Tents.

Tent City daily total estimate population: **1476**

Sheriff Department personnel generally volunteer for tent city duty and can transfer out upon request. The inmates provide labor for cooking, laundry, and chain gang type of work.

The Maricopa County Sheriff correctional facilities houses approximately 9,500 total inmates.

The Estrella correctional facility which supports the tent city operation estimated a cost of 3 million dollars to update the housing facilities for the 1476 inmates. The cost to construct and house the 1476 inmates was estimated to be (\$19,700 per year x 1476 = tent city costs) (\$19,700 x 9500 = xxx county inmate yearly housing costs.)

The following salaries were listed:

Correctional Officers: \$14.99 per hour

Deputy Sheriffs: \$19.19 per hour

Budgetary Data:

Maricopa Sheriff Officials advised that the cost is about \$50.00 per day per inmate per year. This brings the cost to house inmates in Maricopa County Sheriff facilities to about **\$19,700.00** per year per inmate. The average cost for an inmate meal is .80 cents per day. per inmate x 365 = **\$1,180.80.**

Legal Liability Review:

The Arizona Department of Corrections (DOC) houses Arizona State inmates it is not a regulatory agency like the California Board of Corrections (BOC). In Arizona, the County Sheriffs are responsible for establishing regulatory provisions for housing inmates in county jails. Maricopa County Sheriff regulatory provisions come directly from a Federal Court consent decree. The decree comes from a 1994 court case, Hart v. Hill, (Damian Hart et al. v. Sheriff Jerry Hill et al).

In Hart v. Hill provisions like housing, spacing, food, fire, and medical welfare were directed and specified. The Maricopa County Sheriff's Office follows the guidelines that are set forth in this case in the housing of all inmates, but specifically the law pertains to un-sentenced inmates.

In briefly reviewing the degree the regulatory provisions for inmate housing is mirrored in the regulations set forth in the California Board of Corrections Title 15 and Title 24 rules. In California, the BOC regulates how all correctional facilities are constructed, operated, and maintained. There is no such agency in Arizona. The DOC operates Arizona State Prisons only and does not provide statewide administrative guidelines on the operations of county Sheriff correctional facilities.

In Hart v. Hill a 9th Circuit Court of Appeals case, a consent decree was issued to Sheriff Hill of the Maricopa County Sheriff directing specific guidelines in the caring and housing of county jail inmates. In our review of the case, the consent decree mirrored the requirements of California's Title 15 and Title 24.

We were advised only two major lawsuits have been filed against Maricopa County Sheriff Office as a result of tent city. One lawsuit was a lack of supervision complaint filed by an inmate who was severely beaten with a tent peg and the case was settled. The second was a First Amendment complaint when the Sheriff removed all pornographic type of material from the tent city inmates. The ACLU filed the lawsuit and the claim was not sustained by the court, the Sheriff won the action and was allowed to keep the sexually explicit magazines out of the tent city facility.

We were not advised of any 8th Amendment, Cruel and Unusual Punishment claims, filed against the Maricopa County Sheriff's Office as a result of the tent city encampment.

ATTACHMENT

F

CONCRETE CORRECTIONAL FACILITY

The final option is to construct a new state of the art concrete multi-billion dollar correctional facility. This facility would house up to 1200 inmates, sentenced or unsentenced inmates. Operationally, it is the preferred option for day to day Sheriff operational, logistical, and personnel efficiency.

Data is being computed by the County Executive Office to determine the feasibility and costs associated with a concrete state of the art facility. Preliminary estimates are such a facility at current market prices estimate the facility to be between 1.2 to 1.6 **Billion dollars** for a 1000 inmate facility over a 30-year period.

All of the above listed issues regarding correctional facilities are factored into the feasibility study. This includes personnel, construction materials, and BOC, safety, and fire marshal regulations. Clearly inherent in the study is the Sheriff's Department operational needs and requirements.

CONCLUSION

About **35%** of the Riverside County inmates are “sentenced” inmates, hence do not require transportation to and from the courts. If we emptied our current facilities of this 35% of sentenced inmates and housed them in a facility like Eagle Mountain it would free approximately 1000 bed spaces to be used for newly charged dangerous felons. Thus the security and safety of our typical county inmate would be maintained. Building the ideal contemporary facility to house 1000 inmates, would realistically exceed 250 million dollars over the 20-30 year life expectancy of a concrete facility.

The Eagle Mountain facility can easily modified to accommodate 1000 inmates at a very reasonable cost. It is a concept that is an immediate fix to the overcrowding of our county jails. Sprung type buildings can be constructed and configured to house a higher risk inmate at the Eagle Mountain if the need arose. This would be similar to the current housing of inmates at Rikers Island Prison in New York City, who are housed in Sprung buildings.

“Sprung” or Modular type of buildings can be constructed in as little as 4-8 months. They can be placed on any flat level land area in the county. This in contrast to concrete building which as a minimum would require at least 10 years for the planning, designing, and construction. Remember the overcrowding and releasing of prisoners has been taking place since the 1993 Federal court order.

We should diligently explore and support the points made by the Board of Corrections; 1) **Design Capacity** the number of inmates that planners or architects intended for the facility, 2) **Operational Capacity** the number of inmates that can be accommodated based on a facility’s staff, existing programs and services (standard of capacity) 3) **Rate of Occupancy** the number of inmates a facility houses divided by the design capacity of the facility, expressed as a percentage. The key is manageable; defined as the ability to administer all programs while maintaining low incident rates.

“Incarceration is clearly the most punitive and entails the maximum level of supervision and control”. “Custody is necessary and integral component in the continuum of punishment options. Custody is generally considered the most punitive response to crime, and is the focus of prison and jail overcrowding”. Rehabilitation in conjunction with incarceration is now an intricate part of the punitive continuum of punishment. (State of California, Board Blue Ribbon Commission on Inmate Population Management)

Project “IMPRISON” provides the County of Riverside with viable courses of actions to address the inmate overcrowding within our county in a timely and reasonable manner.

Respectfully Submitted,

Jeffrey Stone
Third District Supervisor

RESEARCH REFERENCES

Riverside Sheriff Department Correctional Facility Data Reports: dated January 28, 2005, Correctional and Patrol Planning Unit Report, dated January 25, 2005, Smith Correctional Facility Master Plan (Phase I and II)

Federal Court Injunction on Riverside County Correctional Facilities; December 1993 United States District Court, Central District of California

Maricopa County Sheriff Department, Sheriff Joe Arpaio Tent City Evaluation Annex Court Decree on the housing of Inmates, Hart v. Hill, (Damian Hart et al. v. Sheriff Jerry Hill et al). Maricopa County Sheriff

State of California Board of Corrections: Titles 15, 19, & 24, Evaluation of Eagle Mountain (May 16, 2005) www.bdcrr.ca.gov / State of California, Blue Ribbon Commission on Inmate Population Management , Little Hoover Commission, Board of Corrections Strategic Plan 2002-2007

Sprung Structures Inc. Evaluation Annex; RIKER'S ISLAND PRISON REPORT

Modular Structures International Inc. Evaluation Annex

Eagle Mountain Evaluation Annex

Riverside County Administrative Office Feasibility Study (outline for Building New Jail Facilities)

State of California, Governor's Office Little Hoover Commission: 1995 & 1998 Report

(Revised 6-30-05)