

# INTEROFFICE MEMO



**DATE:** March 14, 2012  
**FROM:** **Bill Abernathy, Undersheriff**  
San Bernardino County  
**TO:** **Rod Hoops, Sheriff**  
San Bernardino County

PHONE

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**SUBJECT : Proposed Sheriff's Department AB109 Budget, FY 2012-2013**

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The following is the proposed expenditure plan and justification(s), to be funded from the FY 2012/13 AB109 allocation amount.

Total Request : **\$29,799,739**

**Sustain current approved AB109 positions – \$2,111,096** - In FY 2011-12, the department added ten deputy, two corporal, and two SCS positions funded by the AB109 allocation for that year. Five deputies and one corporal were assigned to the West Valley Detention Center PC 3056 (parole) and PC 3455 (PRCS) hearing programs. The remaining positions were assigned to the Glen Helen Rehabilitation Center's Work Release/Electronic Confinement Program to accommodate the massive increase in inmates assigned to those programs as a result of realignment. This proposed expenditure keeps those positions in place for FY 2012-13.

**Add 34 Deputy Sheriff, 2 SCS, 1 Accountant I and 1 Automated Systems Analyst - \$5,844,150** – Since the implementation of state prison realignment, the jail system has seen an increasingly higher level of violence, criminal sophistication, and security classification of its inmate population. Previous to AB109, these inmates would have been transferred relatively quickly to a state prison system that was designed to handle this higher level of criminality. Today, these "realigned" inmates remain in the local jail system and comprise an increasing percentage of the overall jail population.

The safety of employees is progressively more at risk, and the potential danger to inmates is mounting as well. A larger percentage of inmates require deputy escort to visiting, medical and dental appointments, and to transportation busses to court – and this pulls safety personnel from their duty assignments in housing units, in intake, and medical units. Supervision of inmates within housing units suffers when deputies are displaced from their units to handle other duties. The potential for inmate-on-inmate assaults, undetected medical emergencies, and missed observation entries (required each hour by Title 15) grows.

These additional safety positions will help ensure adequate staffing in inmate housing units, intake and release areas, culinary and kitchen facilities, medical services areas, outside recreation areas, visiting, and chow halls; aid in compliance with Title 15 requirements for inmate supervision and observation; and augment the overall safety of employees and inmates within the county's jail facilities. The professional staff positions are needed to support clerical, fiscal, and technological activities.

**ICRP/CoWCAP- \$3,667,368** – The County-Wide Cost Allocation Program requires that county infrastructure, equipment, general operating, and administrative costs be averaged across all county departments on a per-employee basis. This amount is required by the establishment and maintenance of 2 corporal, 47 deputy, and 2 SCS positions.

**Electronic Monitoring for Pre-sentenced and Sentenced inmates - \$629,625** - The Electronic Confinement Program (ECP) operated by the GHRC Work Release office currently enrolls approximately 400 sentenced inmates who would otherwise be in custody. Enrollment in the ECP is now voluntary, and funded by the inmates themselves. Unfortunately, continued pressures exerted on the bureau's inmate population due to AB109 will soon cause the ECP program to compel qualified inmates to participate in the program. The Penal Code requires the Sheriff's Department to pay for any inmate that we compel to participate in an out-of-custody electronic monitoring program. This funding request will allow up to 250 inmates to participate in this program at any given time.

**Fire Camp / Alternate Housing Program for Sentenced Inmates - \$2,007,500** – Continued pressures exerted on the bureau's inmate population due to state prison realignment, and the unsuitability of some sentenced inmates for work release and/or electronic monitoring assignments, has resulted in the identification of alternate inmate housing programs. Two viable alternatives are 1) assignment to the California Department of Corrections and Rehabilitation (CDCR) Fire Camp program, and 2) contracting with private prison facilities for to house county inmates. This proposed expenditure would cover the cost of placing approximately 100 inmates in alternative housing programs for 1 full year.

**Enhanced Medical Cost Funding - \$750,000** – The Health Services Division has a Constitutional obligation to provide healthcare to inmates within community standards. As a result of AB109, the average length of stay in the jail system, per sentenced inmate has increased from about 6 months to roughly 1 year. The increased length of stay for inmates requires the Health Services Division to initiate and maintain treatments (such as dental, hepatitis, etc.) that previously would have been deferred or assumed by the state prison system. Since October 1, 2011, the number of inmates requiring chronic disease, medical, dental and mental health treatment has steadily increased, and this trend will continue through 2014. The increased cost for this treatment and medications is the reason for this enhanced funding request.

**Enhancement of Physicians Group Medical Contract - \$750,000** – Coupled with the above request, this funding will provide for the addition of three full time physicians to our contract with California Emergency Physicians (CEP). This enhancement is necessary because the number of inmates requiring medical evaluation and treatment has significantly increased since AB109 was implemented, and the demand for services related to the treatment of Hepatitis, HIV, cancer, mental health, and other diagnoses has expanded beyond current capacity. This funding will also help address ADA compliance issues mentioned below.

**Enhanced Culinary funding - \$450,000** – Sheriff's Culinary Services has the responsibility of providing nutritious meals to inmates in compliance with Title 15 and County Environmental Health standards. The increased average length of stay due to state prison realignment has changed the dynamics involved in this service delivery. The number of required specially-prepared medical and religious diets is steadily rising. These meals cost an average of 5 times as much to prepare as regular inmates meals, and require the use of a certified dietician to monitor preparation and content. Culinary Services will also need to begin installing equipment for the reasonable accommodation of potential inmate workers who have a disability, but

otherwise be qualified for work in food preparation and service (please refer to the ADA Compliance section below)

**Addition of Two Revocation Hearing Rooms at WVDC - \$250,000** – For the last several years, approximately half of the parole revocation hearings held in San Bernardino County were hosted in the “Live Line-Up” room at the West Valley Detention Center (The rest were conducted at CIM). As a result of state prison realignment, 100% of the hearings are now held at WVDC (an average of about 17 per day). The Live Line-Up room was never intended to be used as a hearing area, and was not designed as such. Consequently, there is a lack of security in design, and inadequate space for commissioners, reporters, attorneys, witnesses, and inmates. Additionally, the revocation hearing agenda is frequently disrupted at the last minute when a line-up is scheduled.

Another factor involved is that gradually, over the next two years, state laws mandates that the Superior Court will gradually take over all responsibility for revocations within the county. Along with this transition comes a desire by the Presiding Judge to conduct these hearings more in line with a criminal hearing.

This request is to fund the remodeling of a large storage area adjacent to the Live Line-Up area into two formal revocation hearing rooms, with controlled access from both the public and jail sides and adequate technical infrastructure and furniture to support the court’s mission.

**ADA Compliance – \$1,250,000** - On January 13, 2012, the federal District Court of Northern California, issued an order requiring the State of California to monitor county jails to insure that state inmates housed in those jails are provided all their rights under the Americans with Disabilities Act (ADA). Applied to our jail system, this means that the Sheriff now has to fully comply with ADA housing and access requirements for all state prisoners, and parolees housed in his jail facilities; and that the Corrections Standards Authority will be regularly inspecting the jails for compliance.

Due to capacity and facility design issues, state inmates cannot be segregated from county inmates so all jail facilities in their entirety must now be equipped with ramps, rails, medical monitoring and emergency alarms, and other equipment required by any category of inmate that falls under ADA guidelines.

County jails state wide are no longer functioning as short-term sentenced inmate housing facilities. The average length of stay per sentenced inmate has risen from about 6 months to over 16 months, just since October 1, 2011. This longer length of stay requires the Bureau of Detention and Corrections to establish more long-term and permanent solutions to ADA issues.

**Automated systems costs (programming & infrastructure) – \$300,000** – State prison realignment has necessitated extensive revision of the Jail Information Management System (JIMS) by automated systems analysts and programmers. Changes in inmate classification, sentence calculation, booking criteria, health screening, housing designation, and charge validation are just a few of the areas that continue to present challenges for custody and technical staff, and the development of new software and interfaces is crucial to adequate management of the inmate population.

**PC 3056 Revenue Offset – \$ 2,800,000** – The passage of AB109 virtually eliminated state reimbursement for the housing of state prisoners and parole violators within the county jail pending their transfer to the prison system. The legislature intended that this funding would be included in the allocation amount awarded to each county by virtue of the realignment. Because of AB109, the county jail system now houses virtually all parole violators and transfers far fewer

inmates to the state, and this funding request is submitted to cover this loss of revenue and fund the housing of these inmates.

**PC 4750 Revenue Offset - \$2,100,000** – Penal Code section 4750 establishes that the state shall reimburse the Sheriff's Department for reasonable and necessary costs associated with the hosting of parole revocation hearings, extraditions, hearings related to habeas corpus or sanity, etc. As in the case of PC 3056 inmates, the passage of AB109 virtually eliminated state reimbursement for these costs. Because of AB109, the county jail system suffered a \$2.1 million revenue shortfall last fiscal year. This funding request is submitted to cover this loss of revenue and fund the housing of these inmates.

**USM Revenue Offset - \$5,840,000** – State prison realignment, and the consequent need to house the so-called "low-level" offenders at the county level has put jail bed space at a premium, and has required the Bureau of Detention and Corrections to limit the number of federal inmates it houses under the US Marshal contract to make space for the 1170(h) commitments. By reducing the number of jail beds available for federal inmates by 200, the department suffers a revenue loss in excess of \$5 million per year. This funding request is submitted to offset the loss in revenue created by the passage of AB 109.

**Jail Transportation Bus - \$550,000** – State prison realignment and the consequent increase in jail population bureau wide has created the need for a full-time jail bus assigned to the Adelanto Detention Center. This has become necessary for two reasons. First, the staging of in-custody defendants at the Victor Valley Jail for court produces an over-crowding by 40-60 inmates on a daily basis. To relieve this over-crowding and to comply with Title 15 standards, it has been necessary to shuttle inmates to ADC, and then to shuttle them back as needed. Currently, ADC has only two jail vans to accomplish this, with a capacity of 8 inmates each. Secondly, a full-time jail bus assigned to the Adelanto Detention Center would allow for a more efficient run schedule between Needles, Morongo, Barstow, Adelanto, and Victorville than can now be accomplished by busses stationed at the West Valley Detention Center.

**Contingency - \$500,000** – The reason for this funding request is to provide funding for unforeseen expenditures made necessary by state prison realignment. There are a variety of "clean-up" bills set to go before the California Legislature which may affect Sheriff's Department expenditures. Additionally, the California Department of Corrections and Rehabilitation (CDCR) continues to "tweak" its procedures and policies related to the transfer of state prison inmates, and the scheduling/conduct of revocation hearings that may impact personnel staffing, deployment, and transportation schedules.