County of Los Angeles
**CHIEF EXECUTIVE OFFICE**
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January 24, 2012

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

**SHERIFF'S DEPARTMENT:**
**JAIL FACILITIES OPTIONS**
**(ALL DISTRICTS) (3 VOTES)**

## SUBJECT

Development of Jail Facilities Options is intended to provide your Board with a choice of facility and programmatic alternatives that will allow the Sheriff"'s Department to better manage the existing and projected inmate population in the County's jail facilities, adapt and comply with requirements of the U.S. District Court and the State's 2011 Public Safety Realignment Program, and address the deteriorating condition of Men's Central Jail.

## JOINT RECOMMENDATION WITH THE SHERIFF THAT YOUR BOARD:

1. Direct the Chief Executive Office, Sheriff's Department, and Department of Public Works to develop Jail Facilities Options, which incorporate and consider:

    a) new, rehabilitation-based housing for female inmates at the Pitchess Detention Center;

    b) options for the reconfiguration, modernization, and/or expansion of the County's overall jail facility system, with specific recommendations regarding Men's Central Jail; and

    c) program alternatives that can reduce the County's jail population and enhance inmate security and management.

2. Award and authorize the Director of Public Works to execute an agreement with AECOM Services, Inc. to provide programming and preliminary design services required in the development of Jail Facilities Options, for a not-to-exceed fee of $5.7 million.

3. Adopt and authorize the Chairman to sign a resolution authorizing the Chief Executive Officer to submit an application for $100.0 million in Phase II funding available under the 2011 Local Jail Construction Financing Program to augment funding for the design and construction of a medium security jail facility for female inmates at the Pitchess Detention Center.

4. Direct the Chief Executive Office, Sheriff's Department, and Department of Public Works to return with Jail Facilities Options, including program, preliminary design, cost, and financing alternatives by June 30, 2012.

**PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION**

Approval of the recommended actions will authorize the initiation of programming and predesign activities necessary to provide your Board with facility and programming alternatives that can address the physical and logistical challenges currently facing the County's jail system ("Jail Facilities Options"). More specifically, the objectives of the Jail Facilities Options are to provide alternatives that:

- address a jail population that is expanding and evolving due to the implementation of the State's 2011 Public Safety Realignment Program (AB 109);
- ensure compliance with facility and program requirements mandated by the U.S. District Court;
- enhance inmate security, supervision, and safety;
- address the deteriorating condition of the Men's Central Jail and other existing facilities;
- meet State Correctional Standards Authority (CSA) design requirements; and
- reduce ongoing jail operating costs.

To meet these objectives, the proposed Jail Facilities Options will entail the conceptual development of a new, rehabilitation-based detention facility for female inmates at the Pitchess Detention Center (Pitchess), as a refinement to the female facility previously approved by your Board, and facility programming options for the modernization, reconfiguration, and/or expansion of the County's overall jail system, including specific recommendations regarding Men's Central Jail. The intent of the proposed female facility at Pitchess remains to enhance management of the County's jail population through a reduction in recidivism among female inmates and an increase in the availability of beds for male inmates. The development of facility programming options for the County's jail system, as a whole, will reflect:

- an analysis of programmatic alternatives to incarceration which can lead to a reduction in the County's jail population, including an assessment of challenges to, and opportunities for, their implementation;

- an analysis of the classifications and levels of existing and projected inmate population assuming the implementation or non-implementation of programmatic alternatives to incarceration;

- an assessment of existing site and facility conditions, the ability of existing facilities to appropriately house and support the existing and projected inmate population in compliance with U.S. District Court requirements, the remaining useful life of each facility;

- an analysis of new facility options, including potential facility locations, types, sizes, and configurations that, in combination with the refurbishment of existing facilities or as a replacement for facilities where refurbishment has been determined to be infeasible or cost-prohibitive, will appropriately house and support the existing and projected inmate population in compliance with U.S. District Court requirements; and

- estimates of Project, operating, and financing costs, as well as projected funding sources and potential operating savings.

The recommended development of Jail Facilities Options will be limited to a preparation of programming and design options. Approval of the recommended agreement with AECOM Services, Inc. (AECOM) will provide the Chief Executive Office (CEO), Department of Public Works (Public Works), and Sheriff's Department (Sheriff) with the technical support necessary to assess existing facility conditions, develop preliminary programming and design options, and explore the feasibility of each scenario. Additional architect/engineering services that would be required to support a

design-build proposal/selection process, and provide construction administration and other services will be requested following your Board's future selection of a preferred option(s).

Similarly, environmental review required under the California Environmental Quality Act (CEQA) will not be initiated until your Board selects a preferred option(s). The Jail Facilities Options will be presented to your Board for consideration by June 30, 2012.

Adoption of the resolution authorizing the submittal of an application for State funding that is available under the 2011 Local Jail Construction Financing Program (AB 900) will allow the County to maintain eligibility for up to $100.0 million in grant funding that can be utilized to offset future construction costs of the female housing at Pitchess. The State CSA is scheduled to award the Phase II AB 900 grants in March 2012.

**Background**

In recent years, the County has been continuously working to address issues of jail overcrowding, inmate security and management, and aging jail facilities. The context of such efforts has been defined and expanded by issues raised by the U.S. District Court in the *Rutherford* case, the continuing deterioration of Men's Central Jail, and the implementation of AB 109.

The proposed development of Jail Facilities Options is intended to address these issues from a system-wide perspective with the ultimate goal of providing a comprehensive, long-term approach to better managing the County's inmate population in facilities that meet regulatory requirements over the next 50 years and can be delivered within the County's available fiscal resources.

<u>2006 Board Actions</u>

On August 1, 2006, in order to enhance the Sheriff's ability to manage a volatile and fluctuating inmate population in the County's jails and address issues of inmate safety and jail overcrowding, your Board authorized the design and construction of new female barracks at Pitchess and the refurbishment of the Sybil Brand Institute (SBI). These actions were to accommodate the transfer of 2,024 female inmates from the Century Regional Detention Center (CRDF) and allow the recommitment of the 1,222 high-security beds and 366 medium-security dormitory beds at CRDF to male inmates.

The cost of the new female barracks and refurbishment of SBI was initially estimated to cost $137.9 million at Pitchess and $114.3 million at SBI. An additional $6.2 million in one-time services and supplies was also anticipated, bringing aggregate one-time costs

to $258.4 million. The new construction at Pitchess and refurbishment of SBI were anticipated to be completed in 2010 and net annual operating costs were estimated at $77.5 million.

During the programming and preliminary design phase, however, the State CSA, which maintains jurisdictional authority over the design and operation of detention facilities in California, determined that the reuse of SBI would require 100 percent compliance with CSA standards, including Americans with Disabilities Act (ADA) upgrades. As a result, SBI's obsolete configuration would have only been able to house 790 inmates and required the construction of a new female mental health clinic and a female inmate reception center. The added requirements increased estimated construction costs at SBI from $114.3 million to $141.4 million and annual operating costs for both sites from $77.5 million to $101.6 million. In light of the increasing construction and operating costs, the CEO, Public Works, and Sheriff began reevaluating programmatic and design options.

The currently proposed female detention facility at Pitchess represents a refinement of the female detention facility previously approved by your Board in 2006. The proposed facility would include housing for 1,156 low-to-medium security female inmates and a 26-bed clinic. The addition of new female beds would continue to open additional beds to male inmates at CRDF while the rehabilitation-based program model is intended to reduce recidivism among female inmates. Both objectives continue to be consistent with the goals of addressing impacts of AB 109 and reducing the County's overall jail population.

Approval of the recommended actions will allow the CEO, Public Works, and Sheriff to complete conceptual development of the proposed Pitchess facility.

Rutherford Panel

On June 16, 2006, pursuant to a stipulation related to the case *Dennis Rutherford vs. Sherman Block,* the U.S. District Court ordered the formation of a panel comprised of representatives of the Sheriff, CEO, and the American Civil Liberties Union (ACLU) to address issues related to conditions at Men's Central Jail, including:

- overcrowding;
- inadequate opportunities for indoor and outdoor recreation;
- lack of direct inmate supervision; and
- the deteriorating physical condition of the existing jail facility.

Under the Court's oversight, the Rutherford Panel was formed and the Sheriff began transferring inmates from Men's Central Jail to Pitchess and Twin Towers to address the issue of overcrowding. The Sheriff continued to work with the Rutherford Panel to improve inmate supervision and accountability, increasing access to indoor dayroom and outdoor recreation, improving inmate visitation processes, and increasing maintenance efforts on the facility's electrical and plumbing systems.

The Sheriff's efforts in these areas, however, have ultimately been constrained by the outdated, linear configuration of the cell rows and building wings, the lack of sufficient dayroom and outdoor recreation space, and the natural obsolescence of Men's Central Jail, which was constructed in two phases during the 1960s and 1970s. In order to provide inmates with access to other services and amenities, inmates are escorted from their cells through linear corridors, utilizing elevators and/or escalators to dayrooms, recreational space, visitation areas, counseling areas, medical services, court line operations, etc. The movement of inmates occurs on a continuous basis, increases the Sheriff's staffing requirements, and impairs the Sheriff's ability to ensure the appropriate separation between inmate classifications.

Deterioration of Men's Central Jail

Structurally, the Men's Central Jail facility is a multi-story jail building constructed with reinforced concrete. The building has withstood numerous seismic events, yet possesses several undesirable structural attributes that would result in significant to severe structural damage in the event of a major seismic disturbance. A full structural analysis report conducted in 2006 indicated:

- Instances of short column shear failure, which pose a significant hazard due to the brittle limit state that will result in severe strength and stiffness deterioration of the building's columns;

- The presence of weak story conditions, under which the strength of the walls in lower floors have become less than those in the upper floors;

- Numerous reinforced concrete walls of the building lacking continuance to the building's foundation; and

- The building lacks an adequate amount of seismic resisting elements.

In order to seismically retrofit the existing Men's Central Jail and attain "continuous operation" in the event of a major seismic disturbance, the report recommended that the structure be fully replaced. In addition to the inadequacies of its infrastructure, the facility's major mechanical systems (heating, ventilation, cooling, electrical, plumbing, waste) require replacement. The cost of maintenance materials alone has averaged $3.7 million per year over the past three fiscal years.

State 2011 Public Safety Realignment Program (AB 109)

The issues raised in the *Rutherford* case will potentially be magnified by the implementation of AB 109. The AB 109 Program provides for the redirection of certain State inmates to county jails. Such a redirection is anticipated to increase the County's jail population and exacerbate the conditions the Sheriff is working to address.

The actual impacts of the AB 109 Program have yet to be fully realized. Such impacts will be analyzed as they are determined and incorporated into a comprehensive review of programmatic alternatives to incarceration that can lead to better management of inmate populations and an overall reduction in the County's jail population.

**Green Building Sustainable Design Program**

The proposed Jail Facilities Option will support your Board's Green Building Sustainable Design Program by constructing improvements that will fully integrate green building technologies into facility designs with priority given to minimizing energy and water consumption/use. The new and/or replacement facilities envisioned will be certified at a Silver level under the U.S. Green Building Council's Leadership in Energy and Environmental Design Program.

**Implementation of Strategic Plan Goals**

The Countywide Strategic Plan directs that we provide Operational Effectiveness (Goal 1) by constructing new and replacement facilities that enhance operational efficiency and minimize energy and water consumption/usage. It also supports Public Safety (Goal 5) by investing in public infrastructure that will provide a safer environment for inmates and staff and enhance operations and the delivery of custody services.

## FISCAL IMPACT/FINANCING

The cost of the new female facility at Pitchess is preliminarily estimated at $194.7 million. This cost will be refined upon completion of the facility's conceptual programming and preliminary design elements. The estimated costs of the proposed Jail Facilities Options will be presented to your Board by June 30, 2012.

AECOM has agreed to provide architectural/engineering services for the assessment of existing facility conditions and programming and design services necessary to conceptually develop the proposed Jail Facilities Options for a not-to-exceed fee of $5.7 million. It is recommended that your Board approve this agreement and fee in order to support development of the Jail Facilities Options.

AECOM has also agreed to provide future services necessary to prepare scoping documents, support the design-build proposal/selection process, and provide construction administration support for an additional fee of $7.5 million. We will reassess the necessity and adequacy of these additional services following your Board's selection of a preferred option(s).

Sufficient appropriation exists for the recommended agreement with AECOM in the Fiscal Year (FY) 2011-12 Capital Pojects/Refurbishments Budget under Capital Project Number 77520 (Pitchess Detention Center New Female Village Housing).

### Jail Plan Financing

The FY 2011-12 Capital Projects/Refurbishments Budget currently includes $144.3 million in appropriation for construction of the Pitchess New Female Village Housing Project.

In the Spring of 2011, revised legislation amended Phase II of funding under AB 900. These amendments under AB 94 and AB 111 allow participating counties to receive a maximum of $100.0 million in lease-revenue bond financing and gives funding preference to counties that committed the largest percentage of inmates to State custody in relation to the total inmate population of the California Department of Corrections and Rehabilitation (CDCR) in 2010. In 2010, Los Angeles County had the largest number of committed admissions to CDCR in comparison to other large counties with populations over 700,001.

The CEO submitted a letter of intent to participate in this financing program, which may offset total Project costs by $100.0 million. Adoption of the attached resolution authorizing the submittal of an application for State funding that is available under the

AB 900 will allow the County to maintain eligibility for the $100.0 million in grant funding that can be utilized to offset future construction costs of the female housing at Pitchess. The State CSA is scheduled to award the Phase II AB 900 grants in March 2012.

## FACTS AND PROVISIONS/LEGAL REQUIREMENTS

If approved in future actions by your Board, the Pitchess Detention Center New Female Village Housing Project and the Replacement Central Jail Project will both include $1.0 million to be allocated to the Civic Art Special Fund per your Board's Civic Art Policy adopted on December 7, 2004, and revised on December 15, 2009. The Civic Art fees would be transferred to the Civic Art Special Fund upon your Board's approval of the total Project budget after completion of the Project's scoping documents.

## ENVIRONMENTAL DOCUMENTATION

The recommended predesign planning activities related to the development and implementation of the proposed Jail Facilities Options, including contracting for the preparation of environmental documents, design scoping documents, geotechnical surveying, site surveying, and hazardous material surveying, are not considered a project pursuant to CEQA because they are activities that are excluded from the definition of a project by Section 15378(b) of the State CEQA Guidelines.

The proposed action is an administrative action of government, which will not result in direct or indirect physical changes to the environment. Additionally, the activities include the creation of a government funding mechanism, which does not involve a commitment to any specific project that may result in a potentially significant impact on the environment.

We will initiate preparation of appropriate environmental documentation pursuant to CEQA following your Board's selection of a preferred option(s) for further development and will return to your Board for approval of environmental documentation prior to commencing any activities which may constitute a project.

## CONTRACTING PROCESS

On November 9, 2009, the Architectural Evaluation Board (AEB) provided a short list of four recommended architects for Jail Facilities Projects: HKS Architects, HOK Architects, AECOM, and Cannon Design. On November 16, 2009, Public Works invited the four recommended architects to submit a proposal to provide architectural/engineering scoping documents preparation services for County Jail Facilities Project(s). On December 2, 2009, three firms submitted proposals and were

interviewed by an evaluation committee composed of staff from the CEO, Sheriff's, and Public Works. The evaluation was based on technical expertise, experience, proposed work plan, personnel qualifications, and understanding of the work requirements. These evaluations were completed without regard to race, creed, color, or gender. Based on the review and evaluation of these proposals, Public Works selected AECOM as the most qualified firm to provide the required services.

AECOM will prepare the following services for the Replacement Central Jail Project:

| | |
|---|---|
| Existing conditions and Programming | $ 3,500,000 |
| Scoping Documents | 2,200,000 |
| Total Amount Recommended 1/24/12 | $ 5,700,000 |

Standard agreements, in the form previously approved by County Counsel, will be used.

**IMPACT ON CURRENT SERVICES**

The recommended actions will increase the efficiency of jail operations, reduce annual operating costs, and enhance the supervision and safety of inmates and Sheriff custody staff.

**CONCLUSION**

Please return one adopted copy of this Board letter to the Chief Executive Office, Capital Projects Division; the Sheriff's Department, Facilities Planning Bureau; and the Department of Public Works, Project Management Division II.

Respectfully submitted,

WILLIAM T FUJIOKA
Chief Executive Officer

LEROY D. BACA
Sheriff

WTF:LDB:RLR
DJT:DKM:TJ:zu

Attachment

c: Executive Office, Board of Supervisors
County Counsel
Arts Commission
Auditor-Controller
Public Works
Treasurer and Tax Collector

# RESOLUTION

WHEREAS, Assembly Bill 900 (AB 900), the Public Safety and Offender Rehabilitation Services Act, which was signed into law on May 3, 2007, authorizes the California Department of Corrections and Rehabilitation (CDCR), the State Public Works Board (PWB), and a participating county to enter into a construction agreement in order to acquire, design, and construct a local jail facility approved by the Corrections Standards Authority (CSA);

WHEREAS, the CSA has issued a Request for Proposals (RFP) for Construction or Expansion of County Jails for the purpose of entering into such agreements and disbursing funds in support of such construction;

WHEREAS, AB 900 requires, and the RFP provides the County will adhere to State requirements and terms of the agreements between the County, the CDCR, the CSA, and the PWB in the expenditure of any State financing allocation and County contribution funds;

WHEREAS, AB 900 requires that the County will safely staff and operate the facility that is being constructed, consistent with Title 15, California Code of Regulation within ninety (90) days after project completion; and

WHEREAS, the RFP requires each county submitting a proposal to include a resolution approved by its Board of Supervisors.

**BE IT RESOLVED** that the Board of Supervisors of the County of Los Angeles hereby:

1. That the County of Los Angeles has identified the following key staff:

County Construction Administrator: Massood Eftekhari, Deputy Director, County of Los Angeles Department of Public Works

Project Financial Officer: Jan Takata, Senior Manager, County of Los Angeles Chief Executive Office

Project Contact Person(s): Gary T.K. Tse, Director, Facilities Planning, County of Los Angeles Sheriff's Department ; and

Tracey Jue, Principal Analyst, County of Los Angeles Chief Executive Office

2. That the Board authorizes Brence Culp, Chief Deputy, CEO to sign the RFP Agreement and submit the proposal for funding in accordance with the requirements of the RFP.

3. That the County of Los Angeles assures that it will adhere to State requirements and terms of the agreements between the County, the CDCR, the CSA and PWB in the expenditure of any State financing allocation and funds.

4. That the County has appropriated or will appropriate, after conditional project award but before execution of State/County funding agreements, the amount of match contribution identified by the County on the financing program application form submitted to the CSA, which amount shall be a minimum of ten percent (10%) of the total project costs; and that the source of this cash match shall be the County General Fund; and that the County assures the State and County matching funds not supplant funds otherwise dedicated or appropriated for construction activities.

5. That the County will fully and safely staff and operate the facility that is being constructed (consistent with Title 15, California Code of Regulations), within ninety (90) days of the project's completion.

6. That the County will provide a site assurance for the local jail at the time of the proposal or not later than ninety (90) days following the CSA's notice of Intent to Award.

7. That the County has project site control of the construction of the jail project thorough 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 the 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 the facility subject to construction, or lease the facility for operation to other entities without permission and instructions from the CSA.

8. That the County attests that cost or current fair market land value for the proposed new or expanded jail facility is approximately $1,025,000.

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The foregoing resolution was on the _____ day of _____, 2012, adopted by the Board of Supervisors of the County of Los Angeles and ex officio the governing body of all other special assessment and taxing districts, agencies, and authorities for which Board so acts.

SACHI A. HAMAI, Executive Officer-
Clerk of the Board of Supervisors of the
County of Los Angeles

By: _____
Deputy

APPROVED AS TO FORM:

Andrea Sheridan Ordin
County Counsel

By: _____
Principal Deputy County Counsel