County of Los Angeles
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DAVID E. JANSSEN
Chief Administrative Officer

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March 21, 2006

To: Supervisor Michael D. Antonovich, Mayor
Supervisor Gloria Molina
Supervisor Yvonne B. Burke
Supervisor Zev Yaroslavsky
Supervisor Don Knabe

From: David E. Janssen
Chief Administrative Officer

TERMINATION OF THE PITCHESS DETENTION CENTER CONTRACT WITH THE CALIFORNIA DEPARTMENT OF CORRECTIONS (CDC)

On February 21, 2006, your Board directed the Chief Administrative Officer and County Counsel to:

1. To assist in the rapid termination of the Pitchess Detention Center (PDC) contract with the State; and

2. Provide a status report to the Board on what effect the termination of the PDC contract with the State might have on custody operations.

Termination of PDC Contract

As directed by the Board, the Sheriff's Department has drafted a letter terminating Contract Number P96.0021 with CDC to provide care and confinement to CDC inmates/parolees while pending revocation, returned to custody, or participating in a substance abuse rehabilitation program. The letter will be signed upon the Sheriff's return to the office on March 27, 2006. Termination of the contract is effective 180-days after written notice is received.

Impact to Custody Operations

During 1996, the Board issued a series of motions directing my office in conjunction with the Auditor-Controller to identify potential revenue sources to open and operate the Twin Towers Facility, including seeking contracts to house inmates for other jurisdictions. An initial funding plan, with five components, was submitted to the Board on October 9, 1996. The success of that plan depended upon the ability of the County to enter into State, federal or private contracts.

In May of 1997, the Sheriff's Department entered into a contract with the State CDC to provide 900 contract beds (increased to 1,292 beds effective July 1, 2002) for CDC inmates/parolees. This arrangement allowed the County to finance the operating costs of Twin Towers when other options were not available. It also allowed for the expansion of the number of beds available not only for local but state use as well. The contract generates $27.4 million in revenue ($7.0 million in overhead costs) for the Department and currently offsets the costs of 119.0 Deputy Sheriffs and 64.0 Custody Assistants. To date, the Sheriff indicates there are 730 inmates remaining under the Pitchess contract.

As of March 19, 2006, the Department has 304.0 Deputy Sheriff vacancies within the Custody Division. The Sheriff plans to assign 9.0 new deputies to Custody out of Academy Class #346, scheduled for deployment on April 9, 2006. In addition, the Department has six academy classes planned for the remainder of the fiscal year. Out of these classes, they anticipate assigning 60.0 new deputies to Custody. There are currently 2,426.0 budgeted deputy positions within Custody. Given a 5.86 percent attrition rate, the Department will lose approximately 142.0 deputies per year. At this time, the attrition rate exceeds any anticipated gains. This, of course, assumes the continuation of the current attrition rate and the number personnel recruited and assigned to Custody, and does not take into account the recently approved salary agreement reached with bargaining units representing sworn personnel.

If the State CDC contract is cancelled:

- Can the Sheriff shift the staff to fill budgeted vacancies?

  The Department may shift the 183.0 available positions into budgeted, vacant Custody positions. The redeployment of staff, however, is contingent upon the Sheriff's Department consolidating beds, floors or compounds and the County backfilling the loss of revenue from the CDC contract, a net cost of $7.0 million. The net cost impact to the Sheriff Department would be a loss of $7.0 million, assuming the Department reduces overtime costs by backfilling existing vacancies with positions previously funded by the contract. If there is no facility consolidation or reduction in overtime, the total loss would be $27.4 million.

- Will it increase the staff-to-inmate ratio?

  The impact to the staff-to-inmate ratio within Custody is dependent upon two factors: (1) backfilling the $27.4 million in funding lost from the cancellation of the Pitchess contract; and (2) consolidating beds, floors or compounds and keeping them vacant so that more deputies and custody assistants can oversee fewer beds.

Finally, the Board should note that state parolees will continue to be housed in County jails pursuant to Penal Code Section 4016.5 (or referred to as "local assistance"), which may be summarized as follows:

> The CDC must reimburse cities and counties for state prisoner housing costs, a person sentenced or referred to state prison, or a parolee under any of the following circumstances: (1) detention relates to a parole violation; (2) detention is due to an order of the Board of Prison Terms, the Governor or the exercise of a parole's officers peace officer powers; (3) facilities and security are provided for BPT parole revocation hearings; (4) detention results from a new commitment, the abstract of judgment is completed, the CDC has been notified that the prisoner is ready for transfer, and the CDC is unable to accept delivery.

If a CDC inmate is housed in our facility for any of the reasons identified above, the County is entitled to reimbursement of costs. However, under local assistance as stated by the Department in their analysis of the Pitchess Detention Center contact, "...reimbursement is often delayed or suspended - dependent upon the availability of State funds". At this time, the State is ten months behind in reimbursing the County for housing their inmates. The Sheriff is projected to receive $32.0 million in local assistant reimbursement for approximately 700 inmates.

It is our office's recommendation to continue the State CDC contract and explore other alternatives to addressing the security needs of the inmates.

Please let me know if you have any questions or your staff may contact Debbie Lizzari, at (213) 974-6872.

DEJ:SRH:DL
RG:SW:YR:yf

c: Sheriff
Executive Office, Board of Supervisors
County Counsel

molina motion.bm