



90552

DATE: March 20, 2018

TO: Board of Supervisors

FROM: James R. Williams, County Counsel

SUBJECT: CGL Companies, LLC Report on the Organizational Structure of the County Jails

RECOMMENDED ACTION

Consider recommendations relating to organizational structure of the County jails. (County Counsel)

Possible action:

- a. Receive report prepared by CGL Companies, LLC, providing an assessment and recommendations relating to the organizational structure of the County jails.
- b. Direct County Counsel to report to the Board with a proposed ordinance code amendment reflecting the Board's preferred organizational structure or extending the sunset date of the existing ordinance.

FISCAL IMPLICATIONS

There are no fiscal implications associated with receipt of this report. The report prepared by CGL Companies, LLC ("CGL") recommends that the Board establish a correctional administrator position. If the Board adopts this recommendation, further analysis will be required to determine the fiscal impact of establishing such a position.

REASONS FOR RECOMMENDATION

In connection with ongoing jail reform efforts, the Board has considered whether to maintain the existing management structure for the County jails, in which the Department of Correction (DOC) operates the jails in conjunction and cooperation with the Sheriff, or to adopt an alternative structure. On September 27, 2016, the Board adopted an ordinance to codify the existing structure for jail operations on a temporary basis while the Board continued to explore issues of jail management and oversight. This ordinance will expire on June 30, 2018, unless the Board amends the ordinance code to extend the June 30, 2018 sunset date or adopts more permanent provisions governing the operations of County jails before then. Under Charter section 509, Board action related to the jail organizational structure requires a 4/5th vote.

On December 20, 2016, County Counsel provided a report and memorandum to the Board outlining four legally permissible options for the organizational structure of the jails: (1) maintain some version of the current structure in which the DOC operates the jails in conjunction and cooperation with the Sheriff; (2) revert to the previous structure in which DOC had sole responsibility for jail operations, but contracted with the Sheriff to provide a sufficient number of peace officers and to provide direction to any correctional officers who carry or use firearms in the performance of their duties; (3) transfer authority over all jail operations and staff to the Sheriff; or (4) transfer authority over all jail operations and staff to DOC and contract with one or more chiefs of police to provide necessary peace officers and to direct any correctional officers who carry or use firearms in the performance of their duties. County Counsel advised that only the first and third options are likely to be feasible.

On February 7, 2017, the Board directed County Counsel and Administration to obtain organizational consulting from an outside entity to evaluate the legally permissible options and to provide recommendations regarding the organizational structure for the jails. Following a competitive procurement process, the Board awarded a contract to CGL on December 5, 2017. Pursuant to this contract, CGL conducted a detailed examination of the current jail organizational structure; validated an organizational chart reflecting all aspects of existing jail operations; evaluated the legally permissible options for the organizational structure of the jails, as well as other possible organizational changes; and assessed the benefits and drawbacks of each organizational option considered. CGL's analysis and recommendations are reflected in the attached report.

CHILD IMPACT

The recommended action will have no/neutral impact on children and youth.

SENIOR IMPACT

The recommended action will have no/neutral impact on seniors.

SUSTAINABILITY IMPLICATIONS

The recommended action will have no/neutral sustainability implications.

BACKGROUND

Charter Section 509 permits the Board, by ordinance supported by a 4/5th vote, to convey jurisdiction over any or all jail operations to the Sheriff, to the Department of Correction, to any other appropriate agency, or any of these entities jointly. On September 27, 2016, the Board adopted an ordinance to codify the existing structure for jail operations while the Board considered related issues of jail management and oversight. This ordinance will expire on June 30, 2018, and was adopted with the intent that the Board would adopt more permanent provisions governing the operations of County jails before that date.

At its December 20, 2016 and February 7, 2017 meetings, the Board considered a report and memorandum from County Counsel outlining the legally permissible options for the organizational structure of the County jails. A copy of that memorandum is attached for additional background. At its February 7, 2017 meeting, the Board directed County Counsel and Administration to engage an outside entity to provide organizational consulting and

make recommendations regarding the organizational structure for management of the County's jail operations and personnel. On December 5, 2017, the Board approved a contract with CGL to provide the requested organizational consulting services.

CONSEQUENCES OF NEGATIVE ACTION

The Board would not receive CGL's report on the organizational structure of the County jails. The Board also would not direct County Counsel regarding a proposed ordinance code amendment relating to the organizational structure of the jails, and the ordinance code provision codifying the existing jail organizational structure could be allowed to expire.

ATTACHMENTS:

- CGL Report - Santa Clara County Jail Organizational Structure Review (March 20, 2018) (PDF)
- County Counsel Memorandum regarding Legally Permissible Options for Jail Structure, dated September 30, 2016 (PDF)