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September 13, 2011

To: The Honorable D. Scott Daniels  
Presiding Judge

From: Supervisor Michael J. Reagan  
Chair, Board of Supervisors

Re: *Response to Grand Jury Report of June 21, 2011 – California Medical Facility and California State Prison-Solano*

The Honorable Judge Daniels:

The following, under Penal Code sections 933(c) and 933.05, the Solano County Board of Supervisors responds to the findings and recommendations contained in the 2010/11 Grand Jury Report of June 21, 2011 concerning the California Medical Facility and California State Prison-Solano.

### **Finding 2**

In establishing its budget, the County relies on the use of a revenue stream that is based on census-related statistics that include approximately 8,000 prison inmates. The portion of the census-related statistics based on the prison population could change or be eliminated at any time. For instance, the California Legislature is currently considering AB420, which would require that each inmate be included in the census count for his or her home address.

Revenue derived from census-related statistics can only be used for such things as transportation, health, and income security, which may not match the expenses incurred by the city or county having the prisons within their jurisdictions.

### **Response to Finding 2**

**Board of Supervisors** – The Board of Supervisors partially agrees with this finding. The Board notes that AB 420 (Davis) requests the California Redistricting Commission to deem each incarcerated person as residing at his/her last known place of residence, rather than at the

correctional facility of his/her incarceration, and to use the information to carry out its redistricting responsibilities only.

AB 420 would not impact the distribution of federal funds, nor would it alter the current process undertaken by the United State Census Bureau, which counts incarcerated persons as residents of the correctional facility.

The Board of Supervisors further acknowledges that there is considerable state and national debate concerning whether future Census efforts should consider the last known place of residence when calculating census data, which determines the geographic distribution of a substantial proportion of federal assistance.

With respect to local redistricting efforts, at its April 12, 2011 meeting the Board directed staff to proceed with the 2011 current redistricting process to reflect the outcome of the 2010 Census including incarcerated persons within Solano County correctional facilities for purposes of determining supervisorial district boundaries.

Since the correctional facilities have historically been included in the total population counts for the purposes of determining district boundaries in Solano County, the Board concluded that the prison population should continue to be counted until broader policy considerations are addressed on a comprehensive, statewide level, including local government impacts associated with the service requirements of state prisoners; the potential impacts associated with AB 109 criminal justice realignment; and a comprehensive examination of other populations not eligible to vote, including individuals under 18 years of age and undocumented residents, and how such populations represent the total population of the County.

### **Recommendation 2**

The Board of Supervisors should add to its legislative agenda the requirement that the California Department of Corrections and Rehabilitation enter into agreements with local governments to reimburse them for impacts incurred by having prison facilities in their jurisdictions. A model for such a requirement could be the PILOT process used between the University of California and the City of Berkeley.

### **Response to Recommendation 2**

**Board of Supervisors** – This recommendation requires further analysis before the Board could discuss it within the next six months. As noted in the Grand Jury report, the County determined that the overall impacts associated with the having the California Medical Facility and the California State Prison-Solano within its jurisdiction to be significant. Both facilities provide 5,700 jobs, which infuse dollars into the local economy.

California is pursuing historic changes to its adult corrections system with the passage of AB 109 criminal justice realignment, which shifts key correctional and other public safety responsibilities

from the state to the counties. The state believes this will address both its legal and budgetary issues. However, the long-term effects of these changes on the state and local correction systems are yet to be known.

While the Counties will receive state money for taking on their new responsibilities, many uncertainties exist as to the adequacy of long-term funding that directly affect the ability to implement and manage the upcoming changes. Moreover, the County will be expected to do many things differently than the state has done in the past, including the use of alternative sanctions, intensive probation and other options intended to reduce incarceration time.

To improve the chances of success, the state and the County will need to evaluate the effects of realignment and adapt accordingly, including a discussion about the feasibility of implementing a PILOT program.

Respectfully submitted,



Michael J. Reagan, Chair  
Solano County Board of Supervisors