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## SENATE COMMITTEE ON PUBLIC SAFETY

Senator Steven Bradford, Chair  
2021 - 2022 Regular

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**Bill No:** SB 385                      **Hearing Date:** March 23, 2021  
**Author:** Hurtado  
**Version:** February 10, 2021  
**Urgency:** No                              **Fiscal:** Yes  
**Consultant:** KW

**Subject:** *Community Correctional Facilities: Shafter Modified Community Correctional Facility*

### HISTORY

**Source:** City of Shafter

**Prior Legislation:** AB 875 (Takasugi), Ch. 643, Stats. 1997  
Unknown, Ch. 1931, Stats. 1965

**Support:** Bakersfield College; Kern Community College District; Shafter Police Department

**Opposition:** None known

### PURPOSE

*The purpose of this bill is to release the City of Shafter from their leasing contract with the California Department of Corrections and Rehabilitation (CDCR) in order to repurpose the Shafter Modified Community Correctional Facility for community development.*

*Existing law* states the Director of CDCR may establish and operate facilities to be known as community correctional centers, and after the department has selected a location for the center the residents of the city and the county may hold a public meeting to discuss how the facility would affect the community and share suggestions or recommendations. (Pen. Code, § 6250, subs. (a) & (b).)

*This bill* would require CDCR to release the department's lease options for the Shafter Modified Community Correctional Facility (MCCF) as specified within the Settlement Agreement and Mutual Release executed by the department on December 4, 1996, no later than January 31, 2022.

*This bill* includes numerous uncodified legislative findings and declarations.

*This bill* includes a finding and declaration that a special statute is necessary and that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the unique need to address the lease options created in the settlement agreement between CDCR and the City of Shafter regarding the Shafter MCCF.

## COMMENTS

### 1. Need for This Bill

According to the author:

The City of Shafter and the California Department of Corrections and Rehabilitations (CDCR) executed a settlement agreement on December 4, 1996, to resolve certain lawsuits between the city and CDCR. Under the agreement, the City of Shafter took ownership of what was then named the Shafter Return to Custody Facility and CDCR received 99 one-year lease options. After over 20 years of service, CDCR officials in March 2020 informed the city that the Department would cease operations and close the facility by the end of the year. The facility was effectively closed on October 31, 2020.

Because of the 99 one-year lease options, the city is in the unusual position of having to maintain an empty, and relatively costly structure solely for CDCR's convenience which is inconsistent with the history of this project and the city's good faith effort to provide the state with a valuable service. City officials estimate that maintaining the facility alone will drain the city's general fund of at least \$120,000 per year, which is a significant amount for a relatively small Central Valley municipality.

The city maintains that it was never the intention of either party that the facility would simply lie empty for years at a time. The 1996 Settlement Agreement was not intended to result in Shafter maintaining an empty building for use by CDCR sometime in the indeterminate future. And, with the prison population dwindling statewide, so does the likelihood that it will be repopulated at any time in the future. CDCR's intention to keep the facility vacant is preventing Shafter from being able to make permanent modifications to the structure or the structure and land combined, thus imposing on the city a substantial and unnecessary burden.

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Given these circumstances, SB 385 would simply require CDCR to release the one-year lease options no later than January 31, 2022. This would not only relieve Shafter of an avoidable financial burden but untie its hands to develop its downtown area to meet the economic needs of the city, while keeping in the spirit of the state's efforts to downsize the overall correctional footprint in California.

### 2. The Shafter Facility

The Shafter Return to Custody Facility was constructed by a private developer in contract with the City of Shafter. The lease arrangement between the city and the developer ran concurrently with an operating agreement entered into with CDCR to operate the facility as a "Return to Custody Facility" for 20 years. In 1996, the City of Shafter purchased the facility from the developer, and the city and CDCR entered into a new contract to run the facility for an additional 20 years.

The facility briefly closed in 2011, and as a result the City of Shafter and CDCR entered into a new agreement in 2013 which changed the purpose of the facility to a Modified Community Correctional Facility (MCCF). The new designation required significant security modifications and construction to the facility. These modifications, which included gun towers and additional fencing, transformed the facility in a manner that put it out of character with the surrounding commercial district.

Pursuant to the 1996 agreement, if CDCR decided to no longer use the facility, the agreement allowed Shafter to lease the facility to another government agency in need of detention beds for up to 5-years. The expectation of the agreement was that the facility would not lie vacant.

According to the City of Shafter, CDCR has no use for the facility today and no foreseeable need for it in the future. Additionally, the city has no need to use the facility as a detention center. The City of Shafter reached out to CDCR to raise these issues prior to the introduction of this bill, but the parties have been unable to reach a resolution. The City of Shafter seeks to terminate the lease with CDCR so that they can pursue options to sell or lease the property without the 5-year limitation.

### **3. Releasing the City of Shafter From Contract**

The City of Shafter and CDCR are not currently utilizing the vacated Community Correctional Facility and have not utilized the space since October 2020. The ongoing COVID-19 pandemic has disproportionately impacted rural communities of color and continues to do so. According to the author, this bill would relieve the City of Shafter of the void space in their city and offer an opportunity for job creation and economic development for its residents.

The City of Shafter was not able to take this matter to the local courts due to the fact neither of the respective parties involved in the settlement agreement has legally breached the contract.

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