

Jail Working Group  
October 24, 2011  
Minutes

The Jail Working Group met on October 24, 2011, at 1:30 p.m. in Room 309, City-County Building, 316 N. Park Avenue, Helena, Montana.

Call to Order

Attendees included Commissioner Derek Brown, Commissioner Mike Murray, Chief Administrative Officer Eric Bryson, Ast. Dir. of Public Works Kyle Thomas, Sheriff Leo Dutton, Helena Police Chief Troy McGee, East Helena Police Chief Dale Aschim, and Rita Cortright. Commissioner Andy Hunthausen, Undersheriff Dave Rau and Captain Dave Fradette were absent.

Minutes

Minutes of the previous meeting were not yet compiled; they will be emailed as soon as possible.

Process Review

Eric Bryson skipped process review as everyone present had attended previous meetings.

Project Recognition

Data Evaluation

Eric Bryson distributed a handout containing History of Detention Costs, a Graph of Public Safety Expenditures from 1985-2011, a Graph of Detention Expenditures 1985 – 2011, and selected pages from the Lewis & Clark County Jail & Justice System Assessment. He noted the fluctuations charted on Page 53 in Justice Court and Municipal Court, adding that District Court cases remained relatively static for the period. Eric offered to graph the numbers to better indicate the trends. Kyle Thomas asked for a projection based on adding the 4<sup>th</sup> District Court Judge. Eric Bryson responded that the addition of another judge would speed up the processing, but would not affect the number of arrests. Chief McGee noted it could impact the length of stay. Jail Data – Bookings, Page 46 was reviewed next. Length of Stay, Page 47 reflected the highest number of inmates was in the 31-90 day timeframe. Mr. Bryson said with regard to process and disposition, if the time from arrest to disposition could be shortened for all courts, once they identified if there was a lag on any one of the courts in particular, then a dramatic impact could be made on the average length of stay. This data did not indicate if these were pre-trial or sentenced; it was just a one day snapshot. He indicated the need to go back and break down the data between pre-trial and sentenced. The majority of inmates were in the 30 days or less category. Page 59 indicated the Percentage of Total Arrests by Jurisdiction. The Helena Police Department data ranged from 6,132 in 2003 to 2,480 in 2010. Eric Bryson noted the data reflected the decision made on the street to not bring people to the Detention Center. Sheriff Dutton said the number of citations issued stayed the same or increased; the number jailed did not increase. Page 58, Total Number of Arrests for

All Jurisdictions. Total arrests dropped from 8,101 in 2003 to 3,831 in 2010. At the same time there was an increase in the average daily populations at the jail. Page 56, Helena Police Department Arrests by Felony & Misdemeanor indicated the same declining trend; 6,132 in 2003 down to 2,480 in 2010. Page 55, Lewis & Clark County Sheriff's Office Arrests by Felony & Misdemeanor showed a similar trend; 1,856 in 2003 to 1,143 in 2010. Page 57, East Helena Police Department Arrests by Felony & Misdemeanor trended up and down. Kyle Thomas noted the decrease in arrests and the increased ADP at the Jail. Mr. Bryson noted the utilization of the jail was constricted; it's overcrowded and the practice on the street has been changed to try and accommodate the overcrowded facility. Sheriff Dutton said the practice of the 72 hour holds increased the jail population. Chief McGee asked where this data was reflected and Mr. Bryson thought they were reflected in the Bookings data, but agree this question should be followed up on. If those numbers were not being captured, we needed to find a way to capture them. Chief McGee noted the jail booking numbers were stagnant and it appeared that people were being kept in jail longer which was keeping the numbers up. Sheriff Dutton noted the situation in 2006 when the census was at 90 and there was consideration of capping the number, but this was not done. It was to the point of felonies only; no misdemeanors were taken in. Commissioner Murray indicated this was when the Prison said they were full and we were holding adjudicated prisoners. Mr. Bryson agreed with Chief McGee's analysis, saying that's when we get into the larger discussion of system efficiencies, early case resolutions, alternatives to arrest, etc., which we did not have the ability to address thus far. Chief Aschim recommended including probation and parole, as well. Chief McGee noted the State's Prison System has made an increased effort in recent years to put more people into community settings.

Mr. Bryson reviewed the History of Detention and Public Safety Costs 1985 – 2011, and the two trend charts; Public Safety Expenditures and Detention Expenditures. He noted that even adjusted for inflation the trend could not continue. Detention costs increased from \$186,429 in 1985 to \$2,093,696 in 2011. Public Safety increased from \$1,310,859 in 1985 to \$9,001,345 in 2011, and included the public safety mill levy funding passed in 2000 and levied in 2001. FTE in 1985 totaled 11; in 2011 there were 26 FTE for the Jail, only. Commissioner Brown noted the detention costs had increased 10 times from 1985, but in real dollars it was increased by 5 times. He said the missing piece to this was the population base from 1985 to 2011. Eric Bryson noted the population growth should be reflected in the number of arrests, bookings, and so far, it wasn't. Mr. Thomas noted the % of detention to total had remained stable from 2001 through 2011, reflecting a status quo of the total amount of mill levy versus the total amount that we're spending on the Detention Center. He noted that in past conversations, Commissioner Brown said it would cost \$2 to \$2.5 million to run a \$20 million jail facility, just for personnel. So, the personnel costs were \$1.5 million and the jail would cost an additional \$1 million annually in personnel costs based on a 200-bed facility. Commissioner Brown said that compared to what we're doing now, that would be a reasonable increase. Sheriff Dutton noted that since the facility was opened in 1985, the one constant was bed space; the need has increased and would continue to increase. The population in the 58-bed facility has been as high as 90. Chief McGee said if the numbers were accurate, Mr. Bryson was right that the problem was not the amount of people coming in, but was in moving people somewhere, whether they have been sentenced or waiting to go to trial. Sheriff Dutton said the Prisons don't have room and were on the phone everyday looking for bed space. He

added that maybe the additional Judge would help alleviate the situation. Chief McGee said he thought the public defenders have become more efficient as a unit and this has slowed the process down. He suggested considering alternatives in sentencing or ways of speeding up the process. Sheriff Dutton said it would be interesting to see how the 24/7 Program may alleviate the problem; the numbers would reflect in bookings but not in bed days. Chief McGee referred to last week's meeting with Mike Ruppert and his idea of housing pre-release at Boyd Andrew instead of at the jail. Sheriff Dutton stressed that funding was needed one way or the other, regardless of where they were housed. He noted two options: funneling money into one location or parceling it to several locations. He cautioned that fragmenting locations would create other issues with speedy trial, transports, etc. The two current transport officers were already very busy, and utilizing other locations would increase the workload. Commissioner Brown noted the 11 FTE in 1985 compared 26 today, and even if adjusted for inflation, the cost per employee was not way out of line. Sheriff Dutton felt that a new facility design could substantially impact the operational costs. Commissioner Brown compared the cost of a facility with its operations costs, noting that operations costs were the larger factor. Chief Aschim asked if a comparison had been made between our county and others of approximate size to see if we were an anomaly or not. Mr. Bryson replied that it has not been done. The next step would be to bring in general population information, look at incarceration rates for like communities in the region, and make a comparison of what other counties have gone through to try and address overcrowding, as every major city in the state has done this in the last 10-15 years. Chief Aschim noted that Gallatin County had a streamlined Treatment Court that was very successful. Eric Bryson said it was a huge investment but felt it had paid off for the community. Sheriff Dutton addressed efficiency of operations, noting there used to be visits by clergy and people conducting reading programs but this hasn't happened for some time. Space constraints were dictating the availability of programs and services that the Sheriff thought helped people to not be repeat offenders. Commissioner Brown raised the topic of Work Release programs and the needed level of security. Chief McGee said that most of the misdemeanor arrests were not high-security and were alcohol related. Sheriff Dutton noted that was where the 24/7 Program had an impact on reducing the jail population. Eric Bryson noted that the community of Billings contracts with private providers for pre-trial supervision. Missoula does some internally. Great Falls has a private contractor that provides services, everything from GPS house arrest to SCRAM devices to checking in weekly with a pre-trial service. This is implemented at initial appearance, trying to get them out of the jail under some level of supervision, pending the resolution of their case. He added this was part of the system evaluation that needed to be looked at; who is in for the varying periods of time. Commissioner Brown referred to Mike Ruppert's proposal of a pre-release center, tying it in as a systematic approach to keeping people out of jail. Sheriff Dutton raised the question of what the community wanted us to do; what was their expectation of who was housed in high-security. Commissioner Brown agreed that community involvement played a large role.

Eric Bryson addressed next steps: bringing in the population data, and obtaining comparative incarceration rates, arrest rates from other comparable Montana communities. Commissioner Brown suggested graphing the cost of detention, the number of people in jail, the number of arrests, and the population to see the trends. The costs could be adjusted for CPI. He recommended obtaining more detailed information from Gallatin County on their alternative programs as they seemed to be very

progressive. Kyle Thomas said it would be important to understand how the state agencies are trying to use local governments to house their inmates since they have a population problem, as well. With reference to the data reviewed today, it would be important to identify what portion of those that are staying longer are as a result of probation and parole and using their statutory authority to offset their responsibility onto the counties. Sheriff Dutton said that information would come from the courts, because cite and release has to go to court. Eric Bryson explained that a close estimate was available by comparing the data on page 53, Total Cases by Jurisdiction with page 59, Percentage of Total Arrests by Jurisdiction. Kyle Thomas asked if that trend was going down with the rest of the trends and Eric Bryson said we could look at that. He noted we are allotted a set amount by the State and our costs continue to rise. If inmates were processed through quicker and we weren't taking that cost, that shift from having the 20 people from 31-90 days would be lower and we would be cycling more people through. Chief McGee noted the 72-hour hold practice might also be a factor; the Prison system itself is trying to put more people out in the community-type of settings, and more and more of them are being picked up for different violations and then being held for short times. Chief Aschim cited the Governor's 80/20 split; 80 percent into the communities; 20 percent (the worst of the worst) inside a facility. He said the current percentage of increase in prison populations was just over 7 percent. With the Governor's moratorium on building new facilities, it puts pressure on local communities to develop treatment programs for the 7 percent. Chief McGee said we needed the stats on how many people probation and parole puts through the jails each year, adding this might be a population to take to Broadwater County instead of housing here. Eric Bryson noted that probation and parole was under the same pressures that we are.

Sheriff Dutton addressed the link between the number of FTEs and the increased duties of the detention officers. He credited the jail's safety record to how hard everyone was working. Commissioner Brown agreed, saying the staff was efficient and able to handle a lot more. Sheriff Dutton noted the bed space hadn't changed, and with population increases the atmosphere grows increasingly tense. Commissioner Brown said he ran a quick number on today's budget and said if you were at 58 and it cost the same as it does today, it would equal \$115/day. At 85 you're at \$78-\$79/day cost; the State pays \$63.50. Commissioner Brown said at \$78-\$80/day it's still probably cheaper to run a Treatment Court and alternative programs. Sheriff Dutton noted that space on weekends is crowded, and they sometimes have to turn people away. They get credit for it if the Jail can't hold them. Commissioner Brown said the data presented today was good information. He was not expecting any hard answers, but we're learning more about what our needs are; we're in the needs assessment phase.

Mr. Bryson recapped the things to focus on for the next meeting: comparative census; census data for our County and comparative data from other jurisdictions that have gone through the same process; and a way to break down the pre-trial versus sentenced.

Web Page Development

Sheriff Dutton announced that the web page was up and running and linked from the County's main page under departments/sheriff/detention-center/new-detention-facility. The NIT DVD was also loaded and available for viewing on the web page.

#### Other

Sheriff Dutton asked about progress with the CJC. Eric Bryson responded that Judge Reynolds agreed to serve as chair, a representative from the City Commission was named, in addition to the Police Chief. The Public Defender, Probation and Parole and one other entity remained to be contacted. A kick-off meeting needed to be scheduled next.

Kyle Thomas offered copies of a 2003 report that identified county agencies that were in need of additional space, and suggested the possibility of considering them in the discussion if a new detention facility is discussed in the future. Copies will be distributed to the working group.

The next meeting is scheduled for October 31, 1:30 p.m. in Room 309.

The meeting adjourned at 2:40 p.m.