

Jail Working Group  
November 14, 2011  
Minutes

The Jail Working Group (JWG) met on November 17, 2011, at 1:30 p.m. in Room 309, City-County Building, 316 N. Park Avenue, Helena, Montana.

Call to Order

Attendees included Commissioners Derek Brown, Commissioner Mike Murray, Chief Administrative Officer Eric Bryson, Sheriff Leo Dutton, Captain Dave Fradette, Chief Troy McGee, Ast. Dir. Of Public Works Kyle Thomas, Peter Lenmark and Rita Cortright. Undersheriff Dave Rau and Commissioner Andy Hunthausen were absent.

Minutes

Meeting minutes were not available yet from previous meetings.

Process Review

Mr. Bryson provided a brief process review, noting the JWG was meeting to gain a better understanding of Detention Center space needs.

Project Recognition

Commissioner Brown recapped last week's meeting, noting several members were absent. The discussion centered on separating two things; 1) the advantages/disadvantages of a new location, if that is what ultimately happens; the advantages of co-location, disadvantages if things were relocated, and also 2) separating the discussion from Detention Center versus Law Enforcement Center, and whether they needed to be co-located or not, as well as the advantages of the Detention Center being close to the Courthouse, as compared to being located elsewhere.

Commissioner Brown provided an aerial of the Courthouse area to assist in determining physically what space may be available for expansion at the current site. Mr. Bryson agreed that identifying advantages and disadvantages of co-location and proximity to existing services was a part of the needs evaluation process. Commissioner Brown recapped that both the City and County offices have said there were definite advantages to being co-located: great communication and cooperation, the proximity to the Courthouse and the County Attorney's Office. Some of the discussion centered on whether the disadvantages could be overcome through the use of electronic technology. Housing prisoners in Townsend, at least in the short term, and overcoming some of the related difficulties was noted.

Mr. Bryson asked if Broadwater County had responded with a proposal and Mr. Brown said he had received an email last week from Commissioner Obert asking if we had heard anything; he was formulating a response. Mr. Bryson noted the Nov. 2, 2011, article in the *Independent Record* stating L&C County might be interested in responding to the RFP from the State and asked Sheriff Dutton if that was the case. Sheriff Dutton responded it was not the case and related his interview with the reporter, noting that his full response was not printed. He was also interviewed this morning on KBLL Radio where he responded that, in his opinion, the County was not interested in responding to the RFP, but would look at it if there was strong community support to do so.

Commissioner Murray related that Mike Ruppert had asked him if the JWG was still interested in his proposal and Commissioner Murray's response to Mr. Ruppert was that he would be contacted when we were ready to receive proposals. Sheriff Dutton felt the Group was gaining a clearer picture of the problem, but had not yet completed the baseline study.

Mr. Bryson announced a tentatively scheduled meeting with Judge Reynolds and the JWG on Tuesday, November 22, at 1:30 p.m. in Room 309, to discuss the role of the CJCC. He will send another notice once the meeting is confirmed.

Mr. Bryson said, to a certain extent the JWC was floundering; some data was gathered, but we did not have what could be considered a needs assessment. He asked JWG members to help with setting out specific goals and identifying information they wanted to consider and discuss as they moved forward. Commissioner Brown agreed they had run out of information to work with, i.e., historical data, and said a determination needed to be made that they either had all of the available information or would continue to locate more data. Mr. Bryson said the breakdown between sentenced and pretrial was absolutely necessary. Commissioner Brown added that the breakout of inmate categories was needed, as was the identification of alternative programs, and consideration of utilizing other communities.

Capt. Fradette explained that the data gathered previously by Dave Rau was a weekly summary issued to the County Attorney and the Judges in an Excel spreadsheet. Sgt. Boulson has agreed to set up the file for tracking future information, but he only had 6-7 of the historic summaries on hand, covering 5-6 months. KyleThomas suggested contacting the County Attorney's Office to see if they had retained the information. Capt. Fradette referenced his email that listed today's population at 94-95, counting people housed in Broadwater County. He said right now, no sentenced people were in jail, unless they were under City Court or Justice Court; the remaining 20+ people were awaiting trial. Mr. Bryson said pre-trial folks were different; they might need some of the same types of services, but we don't rehabilitate pre-trial offenders. They had an impact on programming space and he said the reason for the breakdown on sentenced versus pre-trial was the need to target populations. We wanted shorter timeframes from arrest to disposition and comprehensive services for release pending disposition of their case. We have a capacity issue and needed to address it with potentially a new facility that could hold the capacity that we want. But, if we then get room for sentenced offenders with good programming while we're doing pre-trial release at the same time, we could modify the population. That changes the classifications, the programming and programming space and has an impact on what

we would do for overall facility design. Mr. Bryson said even if we could not go back in time and gather the information related to what courts they're out of and whether they were pretrial or sentenced, we should start collecting that information from now on, because if we make any changes with regard to current practices, we needed to see if those had an impact, either positive or negative, to the current over-capacity population. Capt. Fradette said this information is now being compiled weekly. Mr. Bryson said he would print off the available data and compile it.

Commissioner Brown said one of the questions raised last week was, if we could maintain a manageable population, was the current facility one that would work reasonably well enough that we would like to move ahead with it. The general answer from law enforcement was no, because the facility itself did not function well and was becoming somewhat of a liability. Chief McGee said we also said we needed some type of expert come in, either an architect or engineer, to evaluate the current facility to determine if it could be modified for a reasonable cost. If the answer was no, then the solution would be a new facility. Mr. Bryson asked if the JWC was at a point of saying we've completed a functional analysis of the current facility and found it to be deficient. Commissioner Brown responded that NIC did that, that we were doing a great job with a limited facility that was not well-designed. Mr. Bryson said NIC found it was designed for a certain population, and had its inherent problems as an old facility. He asked if the JWC was comfortable saying we've talked about it and were using the NIC as the baseline to say functionally it was not a good facility. Commissioner Brown indicated that he was comfortable enough with that to say we should explore something else. Sheriff Dutton agreed with Chief McGee that a professional evaluation of the current facility was needed to determine the cost to renovate the space to allow for direct supervision. Chief McGee said the facility has some inherent problems, and the cost of making it a better functioning facility, as a direct-supervision facility, needed to be identified. Mr. Bryson tallied the current detention space need of 90, with a peak capacity of 15 percent on top of that, for a total of 120 beds, and said the question to ask of a functional analysis was, whether this facility could operate at 120 beds, and at what cost. Commissioner Brown said that process jumped several steps; there was agreement that the current facility was a liability and didn't function well in its current design. This brought up the need to consider alternatives and he posed several questions: Can we re-configure the existing structure? Can we look at another structure within that immediate area, or do we look at a different site? One alternative was whether the existing building be reconfigured to make it work. Mr. Thomas asked if this did not pose the need to hire someone to do a formal Needs Assessment, as outlined by the NIC, and as part of that to look at options. He identified the goal of budgeting funds in the next budget cycle to hire a consultant to prepare a Needs Assessment which would provide a working tool to address all the other items. Sheriff Dutton noted the Commission had already set aside funds for that purpose. Commissioner Brown said we were in the process of doing the Needs Assessment, and needed to determine if the data we have available to us was all we have; if so that's all we would be able to hand over to a consultant and felt we could do the projection ourselves. Sheriff Dutton supported hiring a consultant to gather the necessary data. Mr. Bryson asked the JWC if that was a function of the JWC or the CJCC, stating he thought it was the role of the CJCC. Mr. Thomas felt it was more of a staff function, that the JWC would bring the report to the CJCC and have them review it, similar to how the Planning Board works. Mr. Bryson agreed there should be staff liaisons, but said the selection of the consultant should be the responsibility of the CJCC; there was not available staff

to fulfill the role. Commissioner Brown said a consultant would work from data we provided to them, and would spend two months compiling a report that tells us what we already know; it was just a population projection. He asked if there was a source of information that would prove a different perspective. Mr. Bryson said it would also include physical plant evaluation; someone who would go into the current facility and provide an evaluation. Commissioner Brown said NIC had already done that; that what we needed to identify was what the population would be in 25-30 years. He agreed we did not want to make a huge investment in the current facility if it would not be viable for 25-30 years. Mr. Bryson said based on current use, the population needs could be projected. Commissioner Murray said current usage was not correct, based on the practice of cite and release. Commissioner Brown agreed that, if anything, the projection was on the low end. Based on the current number the projection would be in the area of 200. Sheriff Dutton said it would not take that long to reach that population level. Commissioner Brown said we could break out how we wanted to handle the 200, but said it was more of an internal issue; we still needed to have the availability or expandability to 200 beds.

Sheriff Dutton asked Capt. Fradette what the square foot requirement per prisoner was in a cell, which was stated as 35 square feet; or 70 sq. ft. of unencumbered floor space for two. The current cells were adequate for one person, but not sufficient for two and double-bunking was merely getting people off the floor, which was still a violation of the standards. Capt. Fradette said with the current 54-bed facility, the ADP would have to be reduced to 30 or 40 to deal with the ongoing extra population, and there was no way to accomplish that.

Mr. Bryson asked if the JWG had reached the point where they were ready to start designing a 200+ bed facility. Commissioner Brown said he felt they were close to making the decision that they wanted to explore it as option.

Sheriff Dutton invited Peter Lenmark to address the group and Mr. Lenmark said his purpose for attending the meeting was to determine what the future held for his property. Commissioner Brown said the group had previously discussed the possibility of another location, but said much of last week's discussion addressed the advantages of the proximity of the current facility to the Courthouse. He referenced the aerial map he brought to the meeting, and said one idea was the purchase of properties to the northeast, and connecting it to the existing facility. An advantage of building a new facility close to the existing facility was that once built, people could be moved into it from the existing facility, allowing for remodeling. He said this was the point where a consultant should be involved, as there were many possibilities that could be explored if the current area fit the 30-year projection for capacity. The alternative would be to consider a new site, but this impacted things such as co-location and the convenience to the Courthouse. He noted last week's discussions relative to funding, both in the short and long-term, and as it related to sending the overflow to Broadwater County. Sheriff Dutton said to come up with \$200,000 from his budget would require laying off two deputies. Commissioner Brown said it was not just the Sheriff Office's issue; it was a County issue, and it didn't appear that in the short-term a bond issue would be the solution.

Mr. Bryson recapped the discussion into the following next steps: 1) A letter from the JWG to the CJCC to make a determination if the current Detention Center was functionally inadequate, citing the NIC report. 2) Projecting Detention Center needs 30 years out using current historical information. 3) Developing a plan to meet our Detention needs into the future, giving consideration to co-location, proximity to Courts, usefulness, and needs of the existing building and functions. This would include evaluating the current site and alternative sites based on what they have already established as Notice of Deficiency and Statement of Needs. Commissioner Brown said a comparison was needed of jail population to the census projections.

Sheriff Dutton asked Mr. Lenmark if he was interested in keeping his building and whether it was on the Historic Register. Mr. Lenmark said the building was not listed, but was in a Historic District. He has been there for over 30 years, and would consider selling the building, but if not, he was happy continuing his residence there and leasing to tenants. He recapped his experience with both the City and the Historic Preservation Office from ten years ago and stressed that he just wanted to be fairly compensated if he did sell his property. Commissioner Brown said any assessment of the area would involve fair market value for acquisition of any property and would play a role in determining if the current site would be considered as an option. Mr. Lenmark noted the loss of designated off-street parking for the building. Commissioner Brown said neighborhood parking was a serious consideration of an urban site and would be taken into account regardless of the location. Commissioner Murray asked about asbestos remediation and Mr. Lenmark said it had been addressed. Sheriff Dutton asked about the process of having designated parking signs posted and Mr. Lenmark said it was very difficult to obtain. Mr. Lenmark said he did not want to interfere with the JWG's process, and simply wanted to be kept informed. Commissioner Brown said when the JWG reached the point of analyzing sites, both in and out of the City, they would seek Mr. Lenmark's input, as well as that of all the stakeholders in the area to avoid any confrontational situations. Mr. Lenmark thanked the Group for allowing him to attend the meeting and voice his concerns.

Commissioner Brown recapped that if the group was moving ahead and was in agreement that more space or a better facility as was needed. He noted three options: 1) Assess what could be done within the existing facility; 2) Consider potential alternative sites; one within the Courthouse area, or another off-site location; and 3) Evaluate the future use of the existing building. Sheriff Dutton cautioned against making a decision that would result in having to go through this same process again in 20-30 years. Mr. Bryson agreed that if the current site was retained, the Master Plan would need to address expansion north, west and east of the current facility to avoid a landlocked situation. Commissioner Brown said making the current Detention Center an annex to the Courthouse would be a huge asset by providing attorney space, court space, and admin space for law enforcement. He suggested comparing the available census data to the population of Lewis & Clark County, and projecting the absolute minimum projection to determine if the current space would be adequate for 25-30 years. The high side projection might total 250, and the low side might be at 150-160.

Mr. Bryson cited the recent *Bozeman Chronicle* article that talked about the programming changes that resulted in their lower jail population of around 70. Bozeman over built, they have capacity and are

using alternative programs. Commissioner Brown questioned the cost of alternative programs as they related to the overall cost, noting L&C County did not have the budget for them; it was either funding for detention or funding for programs, and it all essentially comes out of Public Safety. He said we needed to consider what the capital cost would be, then the detention funding, and project the costs out 30 years. Mr. Bryson proposed pooling the funds from the various programs, such as 24/7, the Drug Court, the Community Service Officer, and reallocating that funding to a centralized Pre-Trial Program, which would require some additional funding, but would not be all new dollars. Commissioner Brown said if we could spend \$1.5 million a year and keep 20 people out of jail, or \$1.5 to incarcerate them, money was better spent keeping people out of jail, in jobs and in society. But, he added we will still have the other \$3 million a year in costs for those who can't go into alternative programs.

Mr. Bryson recapped the next steps: 1) Write down the determination that we've come to that the current Detention Center was functionally inadequate; 2) Do the projection for Detention Center needs 30 years out; and 3) State a plan to meet our Detention Needs. Commissioner Brown added the need for jail populations as compared to County populations, in multiple communities as compared to Lewis & Clark County. Mr. Murray expressed concern with Mr. Bryson taking on added duties from the JWG. Mr. Bryson said it was his intention to fill the role only until the CJCC was up and running and then we would consider involving consultants. Sheriff Dutton supported the idea of hiring a consultant to spearhead the effort and questioned whether Judge Reynolds had the time to adequately chair the CJCC. Mr. Bryson said the CJCC would be tasked with providing general direction and would have a broader perspective than the JWG had. Commissioner Brown said the intention was to start with the JWC to get a sense of where we needed to go in our own community. Mr. Bryson agreed the more work we could do at the very beginning, the less money would need to be spent on consultants. Sheriff Dutton said clear, definitive goals were needed when the consultant was hired. Mr. Bryson said they learned from the conference in Denver that there are many firms who do this type of work exclusively, and he was confident that if we developed our own Scope in advance and use the data readily available, we would have no trouble securing a consultant. Mr. Thomas suggested looking at Bozeman's contracts, the scope of work, etc., to gain a better idea of how to craft our agreement and scope of work. He asked if this could be on the agenda for next week's meeting. Mr. Bryson recapped the firms and timelines related to the Bozeman project, and agreed to either provide either the on-line link or copies of their documents at the next meeting. Mr. Bryson said the question to be answered was, what was the most economical way for us to meet our current and future Detention needs. Mr. Thomas said the next step after the report is done would be the hiring of an architect to do a professional architect's report that provided us some options. He referenced the steps suggested in the NIC report. Mr. Bryson said we needed to find a way to impact the rising jail population trend, and Commissioner Brown questioned whether it was tied to the rise in County population. Sheriff Dutton felt that utilizing space in Broadwater County was a short-term solution, but was opposed to it as a long-term solution due the inherent risks of transporting offenders. Mr. Bryson said the best case scenario was that we were five years away from a new facility, and said Broadwater County might be a good interim solution. Commissioner Brown agreed but said we needed to show the costs. Capt. Fradette said if the current trend continued, we would need to consider relocating more than just the DOC's. Mr. Bryson said we needed Broadwater County's proposal and Commissioner Brown agreed to follow-up with them.

Data Evaluation

Web Page Development

Other

The next meeting is scheduled for November 21, 1:30 p.m. in Room 309.

The meeting adjourned at 2:50 p.m.