

Jail Working Group
November 21, 2011
Minutes

The Jail Working Group (JWG) met on November 21, 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, Undersheriff Dave Rau, Chief Dale Aschim and Rita Cortright. Commissioner Andy Hunthausen, Captain Dave Fradette, Chief Troy McGee and Ast. Dir. of Public Works Kyle Thomas were absent.

Minutes Review and Approval

Meeting Minutes for November 14, 2011, were emailed prior to today's meeting.

Process Review

Data Evaluation

Eric Bryson recapped the following "to do" list from the last meeting: 1) The comparison between average daily populations and census. He provided a handout that compared census of 61,941 to the average daily population. He said the only conclusion to be drawn from the chart was that as the population grows, the incarceration numbers grow faster. Average daily population numbers were only available from 1990 to 2009; the census information has a longer history. Page 2 of the handout graphed out the average daily population trend. By 2040, it predicted an ADP demand of about 147. Page 3 graphed the population trend from 1930 and indicated that by 2040 population would be at roughly 80,000. Commissioner Brown said by taking the later portion, 1970 to 2010, the population growth was steeper. He said the fact that one was rising at a greater rate than the other led one to believe that there may be some way to reduce the jail population closer to the percentage of overall population. Mr. Bryson said it was informative and helpful for discussion, but the meaningful number was ADP projection. Mr. Bryson's second assignment from last week was to draft a memo outlining what the JWG was doing, what they had done, and what they hoped to accomplish in the future. He distributed copies of his memo and reviewed the main points: 1) At the Nov. 14, 2011, meeting the JWG determined that their preliminary evaluation indicated the current detention center does not meet current detention needs. 2) The JWG has determined that the information gathered to date does not provide a clear direction on how to move forward. The next step needed to include a functional analysis of the current detention facility, which he thought might be beyond the scope of the JWG. 3) There was some future point where an outside consultant would be brought in; if not now, sometime soon.

Commissioner Brown thought the JWG could determine for themselves if the current facility could be modified to meet physical capacity and he offered to help accomplish this step. He suggested a discussion without going into a full architectural analysis of the building. He said it was clear that even if the entire floor was opened up and reconfigured, it would not accommodate twice the number of beds or more that it currently has. An alternative would be to add to the existing facility by relocating administrative offices elsewhere. He speculated there was probably not adequate ceiling height on the floor below, and this was not something that could be changed. Another alternative would be to add another story to the top of the building, but he did not know if this would be cost-effective. He said the most critical thing was the efficiency of operation and questioned whether it could be achieved within the current structure. He planned to obtain a scale drawing of the Broomfield facility to evaluate the layout that provided for a 50-bed direct supervision facility and see how it would compare to the footprint of the existing Detention Center. If it could allow for two pods on one floor the remaining offices and services would need to be relocated. Sheriff Dutton said we needed to give due diligence to renovating/expanding the existing facility and determine the related costs. In considering the 2040 projections, he was concerned that the space would be outgrown by the time it was completed and occupied. He said the 167-bed projection was based on doing business as they were now, and that's the issue; he did not want to continue that same "cite and release" mode of operation. There was no room for population fluctuations. Regarding alternative programs, he said 24/7 would keep the population from growing but would not address the current over-crowded condition. Sheriff Dutton said he did not see any way to turn the current facility into the direct supervision floorplan that was desired, or how it would be possible to make any more bed space, but would rely on Commissioner Brown's expertise. Commissioner Brown offered to contact Broomfield to obtain their building dimensions.

Commissioner Brown questioned the accuracy of the graph depicting ADP and Census. Mr. Bryson explained there was no way to graph the two together without changing the scales by 1,000; he had converted the scale to 1:1000 just to show a graphic depiction and said the intersect point was not relevant. Commissioner Brown wanted to review it for accuracy, noting it was the slope of the line that was relevant, and he wanted to ensure the accuracy of information released to the public. Mr. Bryson said the population went from 35 to 81 at the same time the census went from 47,000 to 61,000. Commissioner Brown suggested plotting the percent increase.

Commissioner Brown referred to the statement in Mr. Bryson's memo that the current facility was inadequate, noting the JWG agreed at the last meeting to do something about the situation. He will obtain the information from Broomfield so that they could physically look at the existing building, but he did not think it was feasible to convert the existing building to meet the need. He said the Needs Assessment was not completely fleshed out, other than determining there was not sufficient space currently to fill whatever those needs were. Facility design was the next step and space planning and staffing go hand in hand in looking at a facility. They had already established that efficiency of operation was critical to the sustainability of a facility. An urban site probably indicated a more vertical situation; whereas, a more rural site would allow for a different design. Mr. Bryson said the P.O.N.I. plan contemplates designing the desired facility, based on segregation, classification, average daily population into the future, and then comparing the current site and any other potential site. At this

point all we had was raw numbers of ADP; nothing to use as the benchmark comparison of the current site. Commissioner Brown cautioned against a situation where the site is so limited that you can't have an efficient operation, which is what he saw with the existing building. He cited the 50-pod direct-supervision layout as an efficient design. Sheriff Dutton agreed, noting currently the segregation area was small and there was no room for administrative segregation. Commissioner Brown said every time you add 50 beds, you add five personnel for direct supervision, with one control room person. With a more restrictive site, two floors with two 50-space pods could be monitored with one control room and would be as efficient as if they were all on one floor. He said it appeared they could segregate three classes of offenders within one 50-space pod, but not the male/female population because of sight-line issues. A 50-space pod could be dedicated to females. Sheriff Dutton suggested allocating 10 of the 50 spaces for high-risk and administrative segregation behind glass. Undersheriff Rau proposed a 200-bed facility with 50 spaces for females, which included classification-type cells on their side, and the remaining 150 for the male population. Commissioner Brown asked about the design population for Pod 8 in the current facility, and Sheriff Dutton said it was 16. Undersheriff Rau asked about the Broomfield layout as he had not been on the tour and Commissioner Brown and Sheriff Dutton recapped the facility's layout for him and the psychological impact the glassed areas provided. Their cells were constructed to house three inmates; 2 bunks with a "boat" that could slide underneath the bottom bunk for a third bed. Commissioner Brown said designing the current facility for single-occupancy cells was short-sighted; they're more than minimum for one, but not sufficient for two inmates. Undersheriff Rau spoke about how the jail atmosphere had improved in recent years, but said it was harder and harder to maintain as the population became more crowded. He said the women's population was really a tough situation, especially on the booking floor because of the proximity to the holding cells.

Undersheriff Rau asked where the JWG goes from here and Commissioner Brown said they needed to explore the design of a new facility, but the design was dependent on the site, and they needed to determine if there was a workable site close to the existing facility. He said the positive aspect of the urban site was accessibility to the Courthouse. Sheriff Dutton suggested three options: 1) Expanding and/or remodeling the existing footprint/campus to meet the need, which might include land acquisition, building acquisition, moving people, closing Breckenridge Street, parking needs. 2) Building a totally new facility, siting it and determining the associated costs. 3) Leasing with a private contractor for jail needs, considering the real costs, and long-term effects. Undersheriff Rau said it depended on how important accessibility to the Courthouse was on the current campus. Commissioner Murray raised the issue of teleconferencing as a possible solution. Commissioner Brown referenced the aerial map of the current campus noting the Detention Center was on .46 acres and the area to the north was 1.16 acres in size. He said the actual building probably occupied half of the .46 acres. The 1.16 acre area might accommodate a .75-acre building site, almost three times the size of the current Center.

Sheriff Dutton noted the meeting planned for Dec. 6 with Judge Reynolds and Mr. Bryson said it had been cancelled at Judge Reynolds request. Sheriff Dutton said the JWG was taking on work that should be done by the CJCC, adding that a point person was needed to spearhead the effort as none of the JWG members had time to take on the task. Undersheriff Rau said Mr. Bryson had agreed to be that point

person until it was no longer feasible and Mr. Bryson would have to make that determination. He asked about Ron Alles' suggestion at the last meeting of a mill levy and Commissioner Brown explained that politically for this relatively small amount, it was probably not a good plan; the funding would have to be found somewhere else. Undersheriff Rau addressed the October 25, 2011, letter from Broadwater Co. Sheriff Brenda Ludwig proposing a daily rate for inmate boarding. He was in favor of implementing alternative programs to keep the ADP at a sustainable rate, rather than committing to Broadwater County. Commissioner Brown said the \$60/day rate equated to roughly \$21,000 a year per inmate; \$210,000 would allow for housing 10 inmates in Broadwater County. They had proposed \$63/day for 13 or fewer; \$61.50 for 14-19 inmates, and \$60/day for 20+ inmates. Twenty inmates equated to \$400,000 per year, and Sheriff Dutton said his budget could not handle the cost. Commissioner Brown said we needed to find a place to house the overflow of 20 inmates. The cost to house them in Gallatin County was \$850,000, at \$123/day. Commissioner Brown said \$60/day was a bargain rate, but we still couldn't afford it. In 4-5 years, with the projected population grown, we could not solve the problem by just sending DOC's to Broadwater, and must find a way to cover the \$200,000 to \$300,000 per year expense. Mr. Bryson agree, but felt there was room to negotiate with Broadwater County. Undersheriff Rau agreed that the additional bed space would eventually be needed, but cautioned that we needed to determine that Broadwater had adequate personnel to handle the additional inmates. An emergency mill levy was discussed. Mr. Bryson said a judge could order the construction of a new facility and mandate the taxing of voters. Commissioner Brown said we could do all the planning and have the voters repeatedly say no; then a judge could mandate the construction. This would not indicate lack of planning, but lack of support. Undersheriff Rau said it would be good on everyone's part to work toward a new facility to avoid potential problems resulting from the current overcrowded conditions. Commissioner Murray noted that County Attorney Leo Gallagher was not in support of a new jail, citing the cost of Bozeman's facility. He suggested inviting Mr. Gallagher to next week's meeting, or asking him to submit a written proposal. Sheriff Dutton said he would like to have Mr. Gallagher tour the jail.

Mr. Bryson referred to the three reports that Gallatin County had compiled in 2004: "Criminal Justice System Overview", "Gallatin County/Bozeman Criminal Justice Space and Facilities Needs Assessment," and "Gallatin County Office Space and Facilities Needs Assessment." For the Overview, a sample of defendants booked was identified and tracked through the criminal justice system. He reviewed the numerous charts contained in the Overview based on compiled data. Commissioner Brown noted the disincentive for releasing was that offenders were released on time served. Mr. Bryson said overall, misdemeanants averaged 2.5 days; felons averaged 23 days from booking until release. The Needs Assessment was done by David Bennett. Mr. Bryson said this was the level of detail needed by L&C County to identify process timelines in an effort to speed up processing. A 200-bed detention facility might not be needed if the time from arrest to disposition could be shortened by ten days. This report came with very clearly stated recommendations on ways to shorten the timeframe. Undersheriff Rau asked about the cost of producing the reports and Mr. Bryson responded it was incredibly expensive and took four years to complete. Commissioner Murray suggested the possibility of securing an intern from Carroll College who might take on the project an honors thesis. Mr. Bryson said this report contained a 4-month snapshot of 70 people observed from 2002 until the cases were disposed of, noting it was one

of the options that could save lots of money. Sheriff Dutton's concern was who would do the work and how long it would take.

The second report was, "Gallatin County/Bozeman Criminal Justice Space and Facilities Needs Assessment." Mr. Bryson said it was a joint assessment as they were having the same conversations as we were regarding co-location. They wanted a footprint analysis and trend data for law enforcement and court needs if the facility was to be co-located, and a master plan. The third report was, "Gallatin County Office Space and Facilities Needs Assessment." All of the reports were available on-line. Sheriff Dutton asked how to accomplish this reporting for Lewis & Clark County. Commissioner Brown said the first step was determining what type of consultant was needed. Undersheriff Rau asked Mr. Bryson if he felt comfortable with the involvement of an intern on the project, and if he was available to provide supervision. Mr. Bryson said his concern was with consistency; that an intern would not be able to follow through on a long District Court case, but someone working on a thesis could. He said we had a lot of good, detailed raw information, but did not have the snapshot in-depth data to produce the Criminal Justice System Overview. Mr. Bryson reviewed the graphs and recommendations at the end of the Criminal Justice System Overview report, noting their focus on shortening the 181-day average timeframe. Commissioner Brown agreed we needed better data, and said it would be preferable to have the entire Criminal Justice System hooked into the same data collection system. He said Gallatin had pretty much covered all the known alternatives, and we would not need to hire a consultant to identify them for us.

Sheriff Dutton asked about next steps. Mr. Bryson said Commissioner Brown would complete some type of functional analysis on the existing facility and would obtain information from Broomfield on the scale of their facility. Mr. Bryson said if everyone was comfortable with his memo of November 21, 2011, he would put it on JWG letterhead and get it to the CJCC once he was able to get Judge Reynolds to convene a kickoff meeting. He felt the JWG was at a point of handing off what had been accomplished to the CJCC, and liked the idea of working with Carroll College to locate someone to begin work on compiling data. Undersheriff Rau suggested making the three reports reviewed today readily available, either in print or via email, and personally requested the sections containing recommendations. Mr. Bryson handed off the printed copies to Commissioner Brown. Mr. Rau asked if Mr. Gallagher should be invited to the next meeting and Sheriff Dutton supported inviting him.

Other Topics

Public Comment

Next Meeting Agenda and Date

The next meeting is scheduled for November 28, 1:30 p.m. in Room 309.

The meeting adjourned at 3:00 p.m.