

Jail Working Group
November 28, 2011
Minutes

The Jail Working Group (JWG) met on November 28, 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, Commissioner Andy Hunthausen, Chief Administrative Officer Eric Bryson, Sheriff Leo Dutton, Undersheriff Dave Rau, Captain Dave Fradette and Rita Cortright. Chief Troy McGee, Chief Dale Aschim and Ast. Dir. of Public Works Kyle Thomas were absent.

Minutes Review and Approval

Mr. Bryson had draft minutes on his desk and would get them reviewed and back to Rita Cortright for distribution.

Process Review

Mr. Bryson said he left last week's meeting without any new assignments. He asked for a quick update, noting they were waiting for word from the District Judge on when he would be available to discuss the Criminal Justice Coordinating Council aspect. Sheriff Dutton recapped the three action items from last week's meeting: 1) A functional analysis on the existing facility by Commissioner Brown. Mr. Brown responded that he just received information today that would facilitate the analysis. 2) Consideration of a consultant; and 3) Obtaining a scale drawing of the Broomfield facility. Commissioner Brown reported that he had been in contact with the Mayor of Bloomfield and hoped to have information this week. He did not have any definitive information but had made the initial contacts to obtain information. Mr. Bryson asked if the JWG wanted to discuss the Consultant. Sheriff Dutton referred to the three comprehensive reports review last meeting on the Gallatin County Detention Center, noting they contained excellent information, but added that Mr. Bryson did not have time to devote to the creation of similar documents for Lewis & Clark County. Mr. Bryson agreed, and said at some point a person was needed to do a thorough data analysis and he remained open to identifying that point in time. Commissioner Brown recapped last week's discussion on approaching Carroll College regarding an intern who could take on the task. Mr. Bryson suggested initiating the project after the first of the year at the start of a new semester. We would be on hiatus from now until then, unless someone was available to begin the project in the interim. Commissioner Brown said at some point a consultant would be needed for something, but questioned what thing that would be. Mr. Bryson said part of the need was the technical needs assessment, part was the long-range planning aspect, and the third part was a facility design. Commissioner Brown said there was a public process that needed to be done with regard to facility design. He said he could do the quick evaluation on the existing facility to determine if it had

sufficient available space, but added that he did not think it did. If it was determined that the existing space was not adequate, still we needed to go through the process of evaluating an urban versus rural site. Parallel to that, if the determination was made in favor of a new facility, a needs assessment would be necessary. Separate consideration was needed for a Detention Center and a Law Enforcement Center; as well as considering the benefits if they were combined. Undersheriff Rau asked if a consultant was required to help with the Needs Assessment. Mr. Bryson said that discussion was best held by the CJCC, as all the players would be involved. He asked if they were at a point where they could begin looking at the total ADP of 67 and begin breaking them down into actual classification space. Commissioner Brown was in agreement if the group was comfortable with the idea that they would not be able to improve that number significantly through non-incarcerated supervision. Sheriff Dutton estimated a healthy population in the current facility would be 49-50 inmates, which would allow for 5 spare beds. He said the problem was coming up with \$400,000 to house the constant overflow of 20 inmates. The new facility would have to take into account the current population and the fluctuation. He did not think planning a 200-bed facility was overbuilding and projected it would be 20 beds more than the current need. Commissioner Brown asked if a design that included four 50-bed pods with direct supervision, and segregation space for all three levels of supervision, would be adequate. He asked if one of the 50-bed pods would be designated as a women's pod, and Undersheriff Rau responded that it would, but questioned how to allow for sufficient separation. Mr. Bryson noted the Broomfield design of one large pod with a smaller, adjacent pod that allowed for female segregation. Commissioner Brown asked about the necessity of medical holding cells and Undersheriff Rau said they were very necessary. He noted the layout at Broomfield where half of the population segregated. If a greater percentage could be in general population the doors could be left open. The lower cells had a glassed-in area that could be further divided into multiple small rooms. Sheriff Dutton said at any one time you could lock one or two people in their rooms. There were two outside recreation areas; one for men and a separate area for women, but all viewable by one supervisor. Sheriff Dutton supported the 200-bed facility with room to expand in 30 years. Undersheriff Rau proposed the alternative of building 150 beds with room to expand for an additional 50. Mr. Bryson cautioned that everything else would need to be designed to accommodate the 200, such as the kitchen, recreational and medical areas.

Sheriff Dutton referred to Mr. Bryson's memo of Nov. 21, saying that KLXH and others had broadcast information based on the memo, stating that Lewis & Clark County had declared the need for a new jail facility. He recapped his interview with Melissa Anderson.

Data Evaluation

Commissioner Hunthausen asked if most of the data had now been collected, and Mr. Bryson responded that there was enough to provide an overview; in the general sense we had some data collected. Sheriff Dutton referred to the Criminal Justice System Overview report from Gallatin County reviewed during last week's meeting, noting it contained a great amount of detail. Commissioner Hunthausen suggested this level of data would be helpful in the pursuit of grant funds.

Sheriff Dutton said he would like to visit the detention center in the Seattle area. Mr. Bryson said six months ago they pledged to make site visits to several jails. Captain Fradette said it appeared they were locked into the Bloomfield design; however, he favored a combination of direct and indirect supervision. Undersheriff Rau thought the Missoula facility was interesting. He also toured Cascade County, and thought there were some design problems with the secured areas. Captain Fradette asked about the Seattle facility and Sheriff Dutton said it was about a year old. Captain Fradette said there was also a new facility in Salem, Oregon. No one had toured the two-year-old facility in Butte yet. Sheriff Dutton suggested setting an agenda and calendaring the tours. Captain Fradette reported on Scott Winger's findings regarding co-location and distance to courthouses for Missoula, Cascade and Yellowstone County. They were utilizing video-conferencing only for initial appearances; therefore, inmates were bussed all the time. The officers disliked this arrangement and expressed concern with officer safety.

Other Topics

Sheriff Dutton asked if everyone had reviewed the proposal from Broadwater County. Mr. Bryson asked Sheriff Dutton if he had contacted Sheriff Ludwig yet, and he had not, as he felt it was the JWG's area of responsibility. Commissioner Hunthausen asked for the JWG's reaction and Sheriff Dutton responded that we didn't have the funds available. Commissioner Hunthausen asked if the rates were too high, and Sheriff Dutton said they were a good deal. Mr. Bryson felt they were too high. Undersheriff Rau said we needed to ensure they had the proper staffing before we agreed to send inmates to Broadwater County and expressed concern with being locked into an agreement. Sheriff Dutton recapped the staggered rates in the proposal: \$63/day for 13 or less inmates; \$61.50/day for 14- 19 inmates; and \$60/day for 20 or more. DOC & P&P could be included in the counts, but would be charged directly by Broadwater Co. at \$63/day. Commissioner Brown said he recalled the incentive to encourage a lower rate was guaranteeing Broadwater a minimum number of inmates. He felt the staggered rates would pose an accounting dilemma. Sheriff Dutton said a minimum of 20 inmates in Broadwater Co. would cost \$200,000, plus the transportation and medical costs. Mr. Bryson asked if \$400,000 was available, would they put 20 people in Broadwater right now. Undersheriff Rau responded they would not; we were just talking overflow above the maximum population. Mr. Bryson said this was an operational call and asked what that maximum number was and Undersheriff Rau estimated it at 80. Mr. Bryson said they needed to make a policy call that when the population hit a certain number, the overflow would be sent to Broadwater. A notification system would need to be created for everyone involved such as the public defender and prosecutor, informing them in advance which inmates would be moved and when. Dave Rau said they would have to work with the County Attorney's Office to determine which inmates would be best sent to Broadwater County. Commissioner Hunthausen asked if it was worth making a counter proposal to Broadwater County and Sheriff Dutton asked who should make the counter proposal. Mr. Bryson still felt there was flexibility in the daily rate. Commissioner Brown supported getting an agreement in place, and then working on the budget to identify the needed funding. He supported setting a critical mass to not exceed "X" number of inmates in the jail. Following discussion, it was agreed to counter offer \$60/day with no minimum for County inmates and \$63/day for DOC & P&P.

Commissioner Brown asked about the bunks and Captain Fradette said he had not heard from Kyle Thomas yet; a fabricator was coming in to look at the job of adding 22 bunks. Commissioner Brown asked about the idea of obtaining Gallatin County's old bunks and Captain Fradette said they were gone and had probably been sent to Pacific Steel. There was discussion on setting the cap at either 80 or 70, but no firm decision was made. This would be addressed next week.

Sheriff Dutton asked about action items. Eric Bryson will draft a response to Broadwater County with a counter offer of \$60/day with no minimum number of inmates, and \$63/day for DOC and P&P. Mr. Bryson will also schedule a time to tour the Butte jail. Sheriff Dutton agreed to begin working on a tour of the Seattle jail facility. Commissioner Brown agreed to obtain a set of plans for the Detention Facility from Dave Schmitz, and review the standards to determine the feasibility of renovation.

Public Comment

Next Meeting Agenda and Date

The next meeting is scheduled for December 5th, 1:30 p.m. in Room 309.

The meeting adjourned at 2:35 p.m.