

Minnehaha County Criminal Justice Advisory Committee Meeting
February 26, 2014 Meeting Minutes

Attendees: Chairman Craig Anderson, Commissioner Dick Kelly, Commissioner Gerald Beninga, Sheriff Mike Milstead, Warden Jeff Gromer, Robert Wilson (secretary)
Other Attendees: Chief Deputy Sheriff Michelle Boyd, Daren Ketchem, Director of Metro Communications and Monte Watembach, County IT Director.

I. Approval of Agenda:

The agenda was approved as presented.

II. Approval of Minutes from the January 8, 2014 Meeting:

Motion by Commissioner Beninga to approve the Meeting Minutes from the January 8, 2014 meeting, seconded by Commissioner Kelly. Motion passed 5-0.

III. Draft Facilities Report:

Chairman Anderson opened the business portion of the meeting with an observation that as the Committee and the County move forward the need for building new jail facilities must be addressed. His feeling is that the Committee needs to present a report to the Commission containing its interim findings and suggesting a way forward. He directed the Committee's attention to the interim draft report prepared by Secretary Wilson and himself as a starting point for discussion. The ultimate goal should be to suggest a roadmap of exactly how the county will add the needed number of jail cells forecasted by the Garnos Report.

The draft report sparked a vigorous discussion among Committee members regarding the best way to prepare the report and proceed with the planning process. The Committee unanimously agreed with the findings regarding the inadequacy of the current CCC and the overall integrity of the Garnos forecast. But how can the County best address these issues?

Sheriff Milstead began the discussion by pointing out that the focus of the planning process should be on what internal options might be available. Keeping in mind the County will lose up to 220 beds when the CCC closes, what steps can be taken to meet the County's needs for up to 400 additional beds over the next 5-10 years?

The Sheriff pointed out that simply constructing a new facility at a new location to provide the necessary capacity introduces both capital costs and, perhaps more significantly, additional operating costs. The current operating budget for the jail is about \$11M a year. Adding additional operating expenses on top of the construction cost compounds the expense of a new facility. The Sheriff and Warden Gromer estimated that the costs to operate a new 400 bed facility could run as much as an additional \$8M per year. Commissioner Beninga noted that absent other budget cuts and based on current County growth projections that would require a substantial

increase in property taxes, the County's only source of revenue for this magnitude of expense. Commissioner Beninga suggested that this alone might make the project unfeasible.

The Committee quickly agreed that what is needed is the step-by-step development of a sequential plan to address the forecasted needs. After much discussion, the Committee focused on the following options:

Home Monitoring Work Release Program. The Sheriff's office is currently reviewing plans to change the work release program and transition as many as 50 work release inmates to the home detention program. Sheriff Milstead indicated that the judges still want the availability to sentence some inmates to the current work-release program, but they were generally favorable to at-home monitoring. He went on to note that the home-detention work release process is being piloted this week with four inmates.

Department of Corrections Inmates. Sheriff Milstead continued by pointing out that there may be a point when the County needs to consider discontinuing the existing DOC women inmate program. That action may be considered if, based on other potential actions discussed by this committee, the County is able to relocate all other inmates housed in the CCC. This program involves inmates who work in the jail kitchen. Discontinuing or relocating this program could free up an additional 30-40 beds. His office is currently evaluating this possibility to see what effect removing those workers would have on jail food costs.

Sheriff Milstead indicated that if these actions (which must include adding approximately 125-150 jail beds in the PSB) are taken, the County may be able to close the CCC and still meet the jail's needs for additional beds over the next several years with existing staffing levels. Warden Gromer shared with the Committee a one-day look at the number of inmates from other jurisdictions on February 17th. On that day there were a total of 537 inmates at both the jail and the CCC. That number is reduced to 408 if the DOC inmates are removed and work-release inmates are transferred to electronic monitoring.

Chairman Anderson suggested that with numbers like these it is still hard not to see a way to avoid eventually needing to build a new jail facility. Sheriff Milstead agreed, but added this combination of moves would get the County closer to Bill Garnos' forecast over the next 2-3 years as the County considers and implements its jail expansion options. Chairman Anderson stated that if the County follows the plan laid out in this meeting, when a new jail facility is needed it may be able to be built with less beds or a new facility could be built in stages.

The Committee's discussions then turned what options might be available to provide additional beds without building a completely new facility in a new location. The Committee agreed that developing a plan that could leverage off of the existing location and staff would significantly reduce the additional operating budget needs. The Committee suggested exploring the following options:

Public Safety Building. Sheriff Milstead suggested that one alternative is to look at remodeling portions of the 1st floor of the Public Safety Building to house inmates. As part of this mix, it might make sense to move Metro and IT to the PSB second floor and put the cells on the lowest level to eliminate the risk of flooding Metro and IT equipment. Warden Gromer indicated that his initial estimate is that just over 150 jail cells could be created in a remodeled PSB. He noted that the current design work to create a sobering center in the jail may also affect the number of cells that can be created. With the creation of a sobering center, the space that detox needs will be reduced dramatically.

Sheriff Milstead added that one good thing about adding beds to the PSB is that even if at some later point the County does build a new facility, these cells will still have value long-term. However, he further noted that the County would need to hire a consulting architect to look at the PSB space and see if this is doable. Commissioner Beninga said there isn't a lot that can be done to further this possibility without involving architects and structural engineers. IT Director Monte Watembach added that a potential move of his department to the second floor of the PSB could be accomplished, but moving people will be easier than moving the servers. Again, additional planning would be needed to understand the feasibility and cost of such a move.

Commissioner Kelly asked if it is feasible to look at converting the entire PSB back to a jail facility. Sheriff Milstead said the big issue would be plumbing. The building may not have the plumbing capacity to support the building entirely filled with cells. It will also be important to assess the needs of the jail intake area. The intake area was designed 10 years ago when the volume of inmates coming through was not what it is today.

Fourth Street Construction. The Committee also discussed the possibility of locating new construction directly adjacent to the existing jail by closing off Fourth Street. This might be the ideal long term solution. Sheriff Milstead said that if future jail expansion is adjacent to the current jail there would be an additional savings in operational expenses in addition to the capital savings of repurposing space already available in the PSB. It was agreed that the details of how to proceed in terms of planning, financing and executing the jail remodel and consolidation could be the subject of a second report by the Committee.

The Committee also considered several other possible program changes that might reduce the total number of needed jail beds. For example, the Committee discussed the ability of the County to reduce the number of beds used by outside jurisdictions. Sheriff Milstead noted that housing inmates from other jurisdictions is a major revenue source for the County. His office estimates that the County will receive approximately \$1.7M this year for this service. That said, his preference would be to move out the DOC inmates but keep federal prisoners.

Commissioner Beninga added that it is still important to talk about the 75% of jail inmates who spend between one to three days in jail. If this procedure was changed, this is another area where the jail population could potentially be reduced. Sheriff Milstead said that focusing on the percentage of inmates on a three-day or less stay can be misleading. He suggested it is better to judge the average length of stay by using the one-day snapshot the Sheriff's Department prepared last summer which suggested that while some improvement could be made, it would not have an overall material impact on our forecasted needs.

- IV. Moving Forward. Secretary Wilson commented that in researching the history of the current jail, including the activities leading up to the construction of the jail, it appeared that immediately after Mr. Garnos presented the inmate population forecast there was a follow-up study that estimated the cost to build a new jail, the operational costs, the size and bed-count requirements and the number of additional personnel needed to staff a new jail. He suggested that perhaps a similar study would be appropriate at this time. Commissioner Kelly asked if the Committee can agree that the PSB would be the logical first option for additional jail cells. Sheriff Milstead said he believes that is the appropriate next step. The rest of the Committee concurred.

Chairman Anderson said there are two or three recommendations and requests the Committee needs to present to the Commission. First, the present and future viability of the CCC should be presented. Second, the Committee must present the Garnos Report. Third, there should be a recommendation that the Committee believes the PSB is the best place to expand in the short term. To this end, the Committee needs to ask for Commission authorization to engage an architect and structural engineer to look at the PSB in terms of remodeling and see how many additional jail cells could be created in the PSB.

It was mentioned that an architect is already working on plans for a sobering center within the jail and that the Committee's inquiries could be incorporated into this larger scope of work. This would also argue for breaking the Committee report into an interim report that requests the county hire an architect and structural engineer followed by a second report which would summarize the findings of this work. The

Committee agreed with this approach and requested Secretary Wilson to prepare a revised draft.

The Committee also asked to include a recommendation that the time has come for the Commission to reach out to the 2nd Judicial Circuit, Lincoln County and the City of Sioux Falls to invite participation in the work of this Committee.

There being no further business, the meeting was adjourned.