

FALL RIVER COUNTY MINUTES OF SEPTEMBER 23rd, 2010.

A public hearing was held by the Fall River Board of County Commissioners at 7:00 p.m. on September 23rd, 2010 in the Courtroom of the Fall River County Courthouse, Hot Springs. Commissioners present were Michael Ortner, Glen Reaser, Joe Allen, Anne Cassens and Joe Falkenburg and Sue Ganje, County Auditor. Absent: none.

Commissioner Ortner opened the meeting and welcomed all to the hearing which was held to discuss options in the construction of a new jail or the transport of prisoners to Pennington County. Ortner asked Commissioner Allen to outline concerns regarding the option to transport prisoners.

Allen indicated that the budget constraints currently are \$1,013,950.00 for the Sheriff and the Jail, including the 24/7 program. Allen had researched other Counties and their experiences with transporting and reported that Custer County found it to be 12.8% cheaper and Belle Fourche 22% cheaper for their counties to transport.

Allen further reported that figuring approximately 5,056 prisoner days in the past year with a cost of \$63.00 per day to house a prisoner, the expense to house prisoners in the Pennington County jail would be approximately \$318,000.00, which does not include the costs of transportation or medical care.

Issues of concern with transporting include the need for court-appointed attorneys to travel to Rapid City to meet with clients. Also, in the past year there have been nine travel advisories, which would also be an issue with the transport of prisoners. Additionally, of the 562 bookings in the previous year, 137 were booked and released within six hours which would be an inefficient use of resources if those prisoners were transported to Rapid City.

Allen stated that with all entities working together, hearing costs can be reduced and the focus needs to be on what is the least expensive option for taxpayers.

Commissioner Cassens stated there were five options: transporting prisoners to another jail; expanding the Fall River County jail; building a new jail; building a multi-County jail that is oversized for Fall River County but would allow for taking prisoners from other locations; or sharing the jail with another County and building a new jail in cooperation. Cassens cited a 1997 study in Iowa of small jails that found it cost an additional \$10.00 per 30 miles to transport prisoners, which would translate to \$20 additional expense to transport the distance to Rapid City. Fall River has averaged 17 prisoners per day and with it costing an estimated \$68.00 per day to transport to Pennington County versus \$80 per day to house them in the Fall River jail, the costs are close.

Cassens also noted a question about housing female prisoners and also the cost of transporting prisoners to the State Penitentiary.

Ortner asked Custer County Sheriff Rick Wheeler for input on Custer County's experience with transporting. Wheeler indicated that it cost \$63.00 as a basic cost which goes up to \$80.00 per day

including transportation and medical expenses. Custer County averages approximately half the daily prisoner count of Fall River County, with 7 to 8 average prisoners per day. Prisoners must be seen within 48 hours for arraignment and Wheeler feels comfortable with issues regarding financial advantages for medical care and fewer liability issues with transporting. Wheeler also indicated that the shuttle is used to transport prisoners from Rapid City to Sioux Falls to the Penitentiary. Wheeler stated that the cost per day for prisoners rose from \$58.00 to \$63.00 per day in January and that most of that is the cost of transporting. Reserves do approximately 90% of the transporting for Custer County.

In response to a question regarding prisoners with a high blood alcohol level, Wheeler indicated that prisoners with a blood alcohol of .19 percent or higher are not accepted in Pennington County jail. Custer County has three holding cells where prisoners may be detained for forty-eight hours.

Custer County State's Attorney Tracy Kelley commented that she believed it was a good system for them to transport. Pennington County will handle hearings for them and the State's Attorney Office and the Sheriff Office work together and, if necessary, will release a prisoner. The Pennington County State's Attorney will also appear before a Judge for Custer County in Rapid City when needed. With regards to court-appointed attorneys, they are not paid mileage from Custer to Rapid as most of the attorneys are in Rapid City when needed anyway so there is no extra cost to Custer County.

Questions came from the audience with regards to whether Custer County has an interest in pursuing a joint jail and if the Pennington County jail is adequate in size to handle the increase that would come with Fall River transporting prisoners there. Custer County indicated that there is no guarantee that there will always be a bed available to their prisoners and if Pennington is full, they transport to Meade County.

Discussion was held regarding the cost of remodeling the current jail and the stability of the embankment behind the jail. The Board indicated they have already dealt with 2 or 3 cave-ins due to instability. The current jail also presents issues with compliance with the American Corrections Association standards and that there have been several violations, 2 or 3 compliance issues and the typical issues one would expect with a minimum to medium security facility that houses both male and female prisoners.

GeoTech has done an analysis of the location and indicated that there are issues with the floor load, the stability of the embankment behind the jail, sight-lines in the jail interior and that they consider the jail to be a "disaster waiting to happen". Additional concerns over handicapped accessibility, showers, space issues, prisoner safety and moving prisoners from the jail to the courtroom have been identified.

Preliminary plans include using the first floor for administration and intake; the jail cells would be located on the second floor. The ground floor would be 6,400 square feet and the second floor 7,341 square feet for a total of 13,741 total square feet.

Plans include using the ground floor for intake, which would include booking, holding, visitation, work release, 24/7 program and space for the Sheriff's Office and staff. The first floor would also include a Sally Port, restrooms, shackle area, laundry, medical office, a sleeping room, evidence storage and equipment and video.

Actual incarceration would be on the 7,341 square foot second floor and would be limited in access to inmates and staff. Recommendations also include that the building be constructed 20' away from the hill and building a barricade, which would be less expensive than building in the current location and dealing with the embankment issues.

Second floor plans would allow for future pods and holding cells that would be flexible with regards to security levels. An enclosed outdoor, lighted recreation space would allow prisoners access to exercise without leaving secured space.

Precast construction offers the lowest cost; concrete block is the highest cost. Pennington County Jail is constructed by an initial concrete construction that then used precast cells. Plans include one elevator and two stairways, which are needed as fire exits. Estimated cost is \$190.00 per square foot for the 2nd floor, \$150.00 per square foot for the 1st floor and a connector for a total of \$2.89 million. This would provide for 24 beds, 7 work release berths and includes demolition of the old facility. The Sheriff's Office would account for 1,400 square feet at a cost of \$240,000.00. Life expectancy of a facility is between fifty and seventy-five years.

Projected costs need to take into account the need for increased personnel; three full-time positions would be needed to serve as a jailer, a booking officer and a security controller. Estimates do not include dispatch, which could locate anywhere.

Questions regarding whether Fall River and Custer Counties could contract together were posed. Participation with Custer could be applied to the cost of the operation of the jail, but the Sheriff's Office would still be Fall River's responsibility.

Square footages at this stage are still conceptual and a feasibility study is needed. The study would need to look at the current costs of both counties and whether the proposal would offer Custer County a better option than transporting to Pennington County.

Members of the jail committee indicate the process is still in the early stages and input is welcomed. Attendees expressed a desire to keep the jobs in Fall River County and concern about having current figures to analyze to assess feasibility. Other opinions expressed were that for the cost of building a new jail, Fall River could transport prisoners to Pennington County for decades. However, some overhead would still be incurred even if transport was done in that there would still be a need for some jailers and transport issues, as well as potential liability issues that could be costly.

Grant options for construction were discussed but little opportunities exist for significant funding beyond the \$150,000.00 to \$180,000.00 range. The possibility of one facility that would also include the City was posed.

Financing of the jail as a Bonding Project was discussed. The County has set money aside in anticipation of a building project and estimates project that approximately \$1,000,000.00 would additionally be needed, which could be financed by way of a 20 year bond. Roughly \$88,000.00 per year would be needed to service the debt on the Bond, which is less than the County is currently setting aside. No increase in the current levy would be needed. Additionally, recent bids are coming in less than estimates.

Further comments by the public included concerns about jobs that might be lost in Fall River County if prisoners were transported out, the number of prisoners needing to be housed and the difficulty in estimating that need and the lack of details regarding any kind of plan. The suggestion was made that money saved by transporting could be redirected to additional deputies or elsewhere.

Sheriff Wheeler was questioned as to how they accomplish transferring prisoners and he indicated that Custer has many reserves to assist in transporting. Fall River has one reserve officer.

Jail committee members expressed frustration at having few answers to the questions posed over the past few years. Jail staff members also are concerned that the solution serves the community in terms of keeping the area safe and providing adequate solutions to handling prisoners in a professional manner.

Commissioner Ortner thanked all for attending and providing their input, then adjourned the hearing.

Michael P. Ortner, Chairman
Board of County Commissioners
Fall River County

ATTEST:

Sue Ganje, County Auditor
Fall River County