The Morton Burleigh Bismarck Mandan (MBBM) Committee met in session at 4:00 p.m. on March 16, 2010 in the Ed “Bosh” Froehlich Room at the Mandan City Hall, Mandan, North Dakota.

**Commissioner Seminary:** The Morton Burleigh Bismarck Mandan (MBBM) Opportunity Development Committee – is a subcommittee of the Mayors’ Economic Advisory Group established by Bismarck Mayor John Warford and Mandan Mayor Timothy Helbling.

**ROLL CALL:**
Commissioner Mike Seminary (Bismarck City Commission), Commissioner Sandra Tibke (Mandan City Commission), Commissioner Jerry Woodcox (Burleigh County), Commissioner Bruce Strinden (Morton County) arrived at 4:40 pm, and Mandan City Administrator Jim Neubauer.

**NEW BUSINESS:**
1. **MBBM Committee discussion regarding regional detention opportunities and the needs of each jurisdiction.** Mike Seminary stated that in attendance today are the following law enforcement personnel: Pat Heinert (Burleigh County Sheriff), Dave Shipman (Morton County Sheriff), Dennis Bullinger (Mandan Police Chief), and Keith Witt (Bismarck Police Chief).

*Morton County Sheriff Dave Shipman came forward to speak:* He stated that he has been the Sheriff in Morton County since January 2007. He stated that both he and Sheriff Heinert are in agreement that there are jail-overcrowding issues in both counties. The Morton County jail was opened in 1986 and was built to hold 31 inmates. In 2009, the jail double-bunked 4 beds so the jail can legally hold 35. However, in a pinch, 3 temporary beds can be added, so the jail could accommodate a total of 38. When the facility opened, it held 12-13 inmates a day. In 2000 it went from 25 inmates a day to an average of 43 inmates a day in 2009 when the jail could only hold 38. In past years, Morton County has had to send inmates to the Bismarck Transition Center, Burleigh County - when they have room, McLean County, Mercer County and Stark County. There were 2 occasions last year where our population went over 50 inmates a day. Shipman stated that based on the numbers consistently growing and the costs expended by Morton County to send inmates out to be housed in another facility; he believes action needs to be taken. The options he proposed:
   (1) Add on to the current structure
   (2) Consider a joint construction agreement with Burleigh County and build a regional facility
   (3) Do nothing and continue to pay for inmate housing at other facilities

Shipman stated that the average daily cost to house an inmate is $44.77 per day. In 2007, Morton County paid over $67,000 to house inmates at other facilities. In 2009, Morton County paid over $130,000 to house its inmates at other facilities. These are just housing costs. It does not include transportation costs or manpower hourly wages.
Shipman stated that he and Sheriff Heinert have discussed the possibility of a regional facility. However, he is unsure if it would be cost effective for some of the smaller surrounding counties to join a regional facility, so a regional facility would probably only include Morton and Burleigh Counties. He said that Morton and Burleigh will charge $65 per day to house inmates from those smaller counties (Emmons, Grant, etc.) when they are brought here. The cost to send inmates to the Bismarck Transition Center is $40 per day per inmate, which is a facility for non-restrictive, non-violent offenders. Shipman stated he is not aware of any assessment with regards to the feasibility of a regional joint facility. He stated that the smaller counties do not send a considerable number of inmates here on a yearly basis in order to justify their county participating in a regional facility. (Grant County sent only 2-3 inmates in 2009).

Shipman stated that prior to his becoming Sheriff of Morton County (pre 2007), he stated that there were some preliminary plans drawn up for a Morton County Correctional Center, probably in 2002, that increased the facility by 18-20 beds. That plan also included some office space. He stated that in early 2007 he and the Emergency Management Director approached the Morton County Commission about adding on to the current facility. There was a rough draft of a construction project drawn up about 2 years ago that consisted of about three different estimates that would have only projected housing for about 8 to 10 years. Shipman stated that it would be beneficial to the community if there would be a regional facility plan that would provide accommodations for the next 20-25 years. Shipman did not have the annual costs for housing inmates in Morton County or the 2002 project estimated costs available. He will retrieve that information and provide it to the Commissioners when available. Shipman explained that electronic monitoring, under specific guidelines, is an alternative to housing an inmate, and that it has helped somewhat to lower the number of inmates housed. If an inmate chooses the electronic monitoring and if he is determined to be a candidate, the cost is assessed to the inmate. He stated that there have been about 40 inmates that have qualified for electronic monitoring since 2007. Shipman explained the 24/7 sobriety program wherein the inmates participate in a program that allows them to stay out of jail if they cooperate with the requirements of the program. He stated he would favor a regional facility and pointed out that if conducive, adding a treatment facility aspect to it would be beneficial for the Bismarck-Mandan community.

Burleigh County Sheriff Pat Heinert came forward to speak: He reviewed the daily inmate numbers and how they have increased over the years. In 1999 there were 68 inmates per day and in 2009 there were 129 per day. Burleigh County is equipped to hold 138 inmates. He stated that in order to meet jail housing requirements, and if there is a bed shortage, inmates are sent to the Burleigh County Transition Center or other facilities. He stated that if there are overflow problems those inmates are transported to facilities in Stark County and Mercer County because he has transport officers on staff. He explained that state law now allows good time if inmates are sentenced to the detention center for 30 days, a program that has been in place for 4 years. Defined, good time is that they get 5 days for every 30 served as long as the inmate does not have any write ups. That
program cuts down on the amount of days counted towards the daily average. He stated that Burleigh County collaborates with the Morton County Jail along with the presiding judges in both counties in the use of the electronic monitoring program under the guidelines set. The inmates are charged $25 per day for that process which is handled by one of three approved vendors and it basically takes about 2 hours per inmate to accomplish the booking and release of the inmate. While the inmate is on the electronic monitor, the jail will receive regular reports and the jail receives credit for the days served while the inmate is under the court order. The electronically monitored inmate is not counted on the daily count. Heinert stated that Burleigh County participates in the 24/7 sobriety program also. He said that as of today there were 44 participants. He stated that Burleigh County jail has limitations on space to handle this so currently they are using space at the courthouse. He anticipates this program to grow significantly.

Heinert stated that he has been questioned by Burleigh County Commissioners as to a solution to the housing of inmates. He stated that he has not found an answer to that other than his use of the average daily inmates. He provided a graph showing the growth of inmates, starting with the year 1999 - growing at the pace it is growing – to the year 2025, which indicates the average daily inmate population will be at 229 per day.

Heinert stated that in early 2009, the Burleigh County Commission authorized funding in the amount of $10,000 for the approval of the hiring of an architect to propose an addition to the current facility or a move to another facility. The result that came back was a design of the addition of a 5-story building that would be built next to the courthouse. It would house an additional 128 inmates in more of a minimum security method. That bid came in at $17.7 million which would include finishing the 2nd and 3rd floors and shelling in the 4th and 5th floors. Included in that figure was some remodeling of the current facility to remodel the medical wing and also to upgrade the kitchen to compensate for additional inmates.

Heinert stated that both Burleigh Commissions decided to look at the development of an RFP to hire someone to come in and take a look at the current facility to see if we should add on to the current facility, move in to a different facility, or look into the possibility of a combined facility probably with Morton/Mandan. He stated that he believes that Burleigh County would be the only ones to participate in a regional facility, concurring with Sheriff Shipman that there are minimal numbers of inmates that come from other facilities and at $65 per day, he did not think those smaller community commissioners could be convinced to contribute money towards a regional facility.

Heinert stated that as far as other programs, they are for the most part in progress at this time. He expects that the electronic monitoring program will most likely expand in the future. He stated that the average daily cost of an inmate is $55.50 for city jail costs and for federal marshal costs it is $65.25 per inmate per day (feds will partially reimburse for payroll and HR costs). He stated that the electronic monitoring will most likely grow
nationwide as well. The actual cost of electronic monitoring is $23 per day. If an inmate is unable to pay the electronic monitoring fee, they are required to stay in the facility.

Heinert stated that there is a commitment with the Federal Marshall Service in that they funded the county $250,000 for a 15-year 15 bed, and that contract is soon to end. They basically house the federal inmates that will have trials in the Bismarck/Mandan area.

_Bismarck Police Chief Keith Witt came forward to speak:_ He stated that the police department is dependent upon the Burleigh County and Morton County jails to house inmates. If both facilities are full a police officer will have to transport the inmate to an outside facility, which is usually to Washburn. Each transport will pull an officer for about 4 hours from his regular duties which will cost approximately $260 for salary and vehicle costs for the round trip transport. He stated that the Bismarck Police Department has a good working relationship with the Burleigh County Sheriff Department as well as the Morton County Sheriff and Police Department. He stated that the police department does have a contract with the Bismarck Transition Center, which is a 12-bed (male) and 6-bed (female) facility that can house both city and county inmates. Witt stated that typically if both jails are full, most likely the transition center will be full. He stated that the majority of the inmates receive sentences from the municipal court and there has been about a 30% increase in those inmate days from 2005 thru 2009. He stated that the serious crimes such as aggravated assaults and drug offenses are on the rise with these people needing some form of detention until a court orders condition for release. He stated that within the last ten years, there have been legislative changes that have caused an increase in the number of incarcerations, particularly in the domestic violence cases that provides for a mandatory arrest and, more importantly, allows the officers to arrest based on probable caused if the incident had not been witnessed. He stated that his concern is that there be an immediate availability of beds, the closer the better, and that he would support a regional facility.

_Mandan Police Chief Dennis Bullinger came forward to speak:_ He stated that prior to 2005; the City of Mandan was paying an average of $40 per day per inmate to be housed at the Morton County jail. Subsequently, after review of the data by the City and County Commissions, the City started to pay an annual fee, based on the number of municipal court inmates that were housed in the jail based on the number of days they were there. That contract remains intact today. The cost has increased from the $35,000 paid in 2005 thru 2009 to $41,500 now in 2010, which comes out to about $49 per day. Under that contract, there is a stipulation that if there is no bed available, the Sheriff’s Department is responsible to transport the inmate to an outside facility. He stated that the arrangement works very well for the Mandan Police Department. Bullinger stated it does not matter to him if there is a regional facility – he is only concerned that there is a bed available.

Commissioner Woodcox inquired if there were to be a regional facility, would there be an Administrator and staff who would be responsible for the running of the facility?
Sheriff Heinert commented that if there were a regional facility shared between the two facilities that an Administrative Staff would most likely be needed that would have to deal with the bookings, along with daily attorney, family, and clergy visitation schedules and other things. He stated that if we go to a regional facility, there will be a need for additional transporting costs. He stated that he would support a regional facility.

Commissioner Tibke commented that it is important to have the necessary jail housing accommodations available but it is also important to look at any tax savings. She stated she would like to see some kind of an analysis that would determine tax savings if there were a regional facility. If there is no tax savings, then each facility should move forward with their respective plans to increase their beds. But if there is a savings by working together, then it would be worthwhile moving forward.

Commissioner Seminary stated that he believes there is something regarding tax savings requested in the RFP.

In closing Commissioner Seminary thanked Sheriffs Heinert and Shipman and Police Chiefs Bullinger and Witt for their cooperation in attending today’s meeting. He extended a thank-you to them for their dedication in providing the public with safe communities in which we live.

**ADJOURNMENT:** There being no further business, the meeting was adjourned at 4:58 p.m.

Approved by: Mike Seminary, MBBM Member

Date