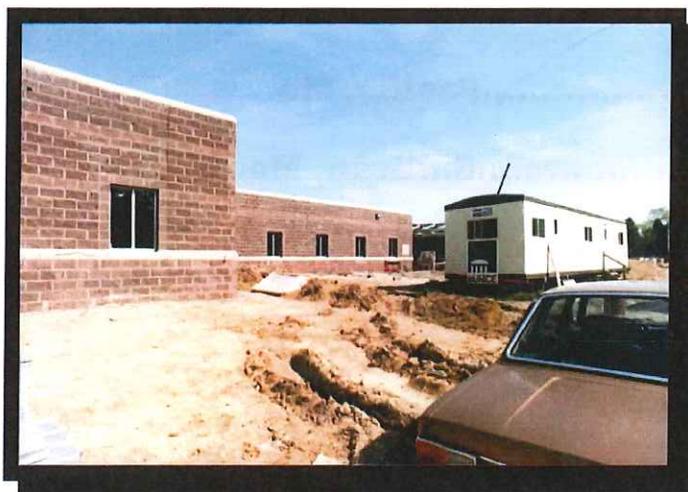


FRANKLIN COUNTY, MISSOURI
PROPOSITION P
QUESTIONS, ANSWERS, INFORMATION

January 24, 2018



FRANKLIN COUNTY JAIL

1985-6

COMMITTEE NAME
CITIZENS FOR PROPOSITION P

Committee Members:

Gary Toelke, Chairman.....314-223-1052

Sandra Toelke, Treasurer

540 Honeysuckle Ln, Union, Mo.

John Berger.....New Haven, Mo.

Don Storie.....St. Clair, Mo.

John Rice.....Sullivan, Mo.

Ken Hahn.....Washington, Mo.

Greg Myers.....Pacific, Mo.

Bob Dixon.....Sullivan, Mo.

John Maroni.....Union, Mo.

PROPOSITION P QUESTIONS AND ANSWERS

Acronyms:

ACA, American Correctional Association.

PREA, Prison Rape Elimination Act.

CALEA, Commission on Accreditation for Law Enforcement Agencies.

ADP, Average Daily Population

Questions:

How will the revenue from the tax be used?

The tax will be collected at $\frac{1}{2}$ of one percent. It is estimated to raise approximately \$6,000,000.00 per year. One quarter, or half of the $\frac{1}{2}$ cent, will go toward construction to expand the Franklin County Detention Center and expansion and upgrades for Franklin County Communications.

The other quarter cent will be distributed among all law enforcement agencies in Franklin County for the purpose of improving recruitment, retention of officers, competitive wages, increasing training standards, and increase services.

How will the revenue be distributed to law enforcement?

The revenue will be distributed according to the number of full time commissioned officers in each city and Sheriff's Office.

What are some of the current needs and problems facing the Franklin County Sheriff's Office?

Starting on page 9, are **Franklin County Facility Notes** that cover both jail and administrative issues.

Why can't we put inmates in tents?

In the mid 1980's former Sheriff Paul J. Burns and at that time Chief Deputy Toelke considered this option prior to building the current facility. After examining the pros and cons they decided against it.

The "Tent City" used by former Maricopa County, Arizona, Sheriff, Joe Arpaio, has been shut down. It was determined not to be cost effective due to several issues. It was also found to violate ACA standards by the Federal Courts.

Maricopa County, has an inmate population of several thousand inmates. For security reasons, only inmates "serving a sentence" for misdemeanor non-violent crimes were housed in these tents. Franklin County's percentage of sentenced inmates for non-violent misdemeanors would be 10 to 13 inmates on a daily average. 13 inmates housed in tents will not solve the problem of the current and future need to house pretrial felons in a secure area. Manpower to adequately supervise these inmates outside the facility would also be costly. Inmates housed in one building can be supervised by a lower number of employees reducing operational costs.

It is true that our military often live in tents; however, our military are not felons or accused of felonies; nor are they constantly looking for a chance to escape. The military also does not require guards to monitor their movements 24-7.

Why can't we put several inmates in a cell?

The current Franklin County Jail was built to house 107 inmates. Around 2002 we added beds in certain cells to increase housing to 130 inmates. We do currently have multiple-occupancy in some cell areas. The new jail design will also have multiple inmate cells; however, jails must follow American Correctional Association, (ACA) standards. Those standards require a certain number of open floor space per inmate. They must also be compliant with the Prison Rape Elimination Act, (PREA). The current facility did meet jail standards at the time it was built. It is now over 30 years old. It is no longer in compliance.

In 2017 we booked 4,724 inmates with an average daily population of 149. That is 19 over capacity. On one particular day the population reached 184. The population will only continue to increase. Overcrowding will eventually result in an inmate lawsuit. The current facility was built because of an inmate lawsuit. Inmates sued over poor jail conditions and overcrowding. A Federal Judge ordered the County to construct a new facility. Ignoring standards could become very costly to the County as it did in the 1980's.

Why wasn't there a sunset clause in the ballot language?

The construction of the new jail is to be carried out in 2 phases extending over a period of 30 years. The projection for these phases was based on the recommendations from an in

depth study conducted by Navigate Building Solutions. They were assigned the task to assess the law enforcement needs for Franklin County for the next 30 years. Proposition P revenue will be needed for this additional construction as the population increases over the years.

Why don't we release non-violent inmates?

A program called Pretrial Release was initiated approximately 2 years ago. It was designed to accomplish just that; however, even with this program, we are still well over our population limit.

Why can't we release inmates with ankle bracelets?

They are being used at this time; however, there have been cases where they have been removed and the offenders have fled. One has to ask; do you want a sex offender or other suspected felon living next to you wearing an ankle bracelet?

Why can't we house inmates in other facilities?

Other jails do house inmates for other counties; however, they charge for housing. The average cost is \$50.00 per day. Some counties may charge more. There is also the cost of transporting these inmates back and forth for trial and hearings, medical visits, etc. along with vehicle wear and tear. This creates a need for more manpower and creates a potential security risk transporting the inmates on a daily basis. Estimated cost for outsourcing just 20 inmates would be around \$352,000.00 per year.

Why can't the State of Missouri pay for the jail or house the inmates?

There is a State Statute that requires the State to reimburse sheriffs for an inmate's stay in a county facility if the inmate is "convicted" of their crime. The amount does not come close to cover the actual cost of housing the inmate. The State does not have enough money to meet those costs and sheriffs receive little from that fund. Sheriffs have been complaining to the legislature about this for years. The chance of the State housing inmates or paying the total cost for housing is not going to happen.

Is the ballot language for Proposition P adequate?

Writing ballot language is equal to writing a new law that will be scrutinized by attorneys who will apply their interpretation of the language according to their agenda. Extensive

language used in the final form will create a greater chance for challenging the actual intent. On the other hand, too little language will also subject a ballot measure or new law to clarification and challenges. There is rarely a document written where everyone has the same view or opinion of the meaning or intent.

Franklin County Proposition P ballot language was discussed during two meetings with local police chiefs, the County Commission, the Sheriff, and some city administrators. There was discussion and several changes were made to the language during these meetings. The final form is similar to ballot language in St. Louis County's Proposition P ballot.

The intent of Proposition P is that the revenue will not be used to replace other current methods of funding for law enforcement. A Franklin County Ordinance was also issued to cover this concern as did St. Louis County.

The intent of the tax is well documented in the news media and meeting minutes. Although the County Commission apparently cannot appoint a review board, the police chiefs have agreed to hold yearly reviews and monitor how the revenue is being spent. This will help insure transparency to the citizens of Franklin County.

Why is the new jail so expensive?

Jail construction costs far exceed the cost per square foot compared to residential or other commercial buildings. Doors, windows, walls, electronics, plumbing are build and designed for high security. Most people do not realize that a county jail is a maximum security facility. All inmates that are sentenced to prison no matter what their crime spend time in a county jail before they are sent to prison.



Beginning Construction of current jail

FINDINGS OF THE FRANKLIN COUNTY GRAND JURY

SHERIFF'S DEPARTMENT INSPECTION

March 28, 2017

We the members of the Franklin County Grand Jury, pursuant to RSMo. 540.031 do hereby report our findings of the inspection of the Franklin County Sheriff's Office and Adult Detention Facility on March 26, 2017.

1. Prior to our inspection the Grand Jury met with Sheriff Steve Pelton. We received a Preliminary Needs Assessment from Sheriff Pelton outlining a timeline for the use of the building. A copy of this Preliminary Needs Assessment is incorporated into our report.
2. When the present building was opened in 1986 it had a life expectancy of twenty years. this life expectancy has now been exceeded by eleven years.
3. All areas and departments of the Sheriff's Office and Adult Detention facility have outgrown their capacity for which they were designated. Although Sheriff Pelton and his predecessor Sheriff Gary Toelke have done their best to utilize the present facility, this facility is now outdated for its present needs and requirements.
4. A supplemental finding prepared by Grand Juror [REDACTED] outlines in specific detail the Grand Jury's finding of its inspection of the Sheriff's Office and Adult Detention Facility and is attached as a supplement to this report.

Therefore we the members of the Franklin County Grand Jury do hereby recommend to the Franklin County Commission the following:

A. the Franklin County Sheriff's Department and Adult Detention Facility has outgrown its capacity and should be modified, updated or replaced.

B. Continuation of the ongoing consultant's study into the update or replacement of the Franklin County Sheriff's Office and Adult Detention Facility.

C. Utilization of a Bond Issue to facilitate the recommendation of the consultant's study.

Submitted this 25th day of April 2017

Franklin County Grand Jury

[REDACTED]

Foreperson

Franklin County Facility Notes

Evidence:

Observations:

Most evidentiary issues are addressed in chapter 84 of the CALEA standards.

Issues of space and equipment are identified in the notes.

CALEA standard 84.1.2 states: *All in-custody and evidentiary property is stored within designated, secure areas with access limited to authorized personnel.*

Commentary: Administrative and physical security procedures are mandatory to ensure that all property taken into custody and stored by the agency in any manner is properly controlled and protected while in agency custody. Entry to property areas should be controlled to prevent the alteration, unauthorized removal, theft, or other compromise of property stored by the agency and to maintain chain of custody.

The agency accommodates the need for secure temporary storage by assigning individual lockers to the officers for the temporary storage of evidence.

This complies with CALEA standard 84.1.3 which states: *Secure facilities are provided for storage of in-custody or evidentiary property during periods when the property room is closed.*

Commentary: Provisions should be made for securing items of property when the property room is closed. Several methods can be followed to achieve this objective, such as installation and use of one-way drop boxes, lockers, and specially designed containers.

It was noted that there is a need for additional freezer, cooler and narcotics storage. The commentary section of standard 84.1.2 states: *The agency should have access to secure refrigerated storage for perishable items, such as blood and urine specimens. If the agency maintains a lockable refrigerator on its premises for this purpose, use should be restricted to in-custody property and evidence.*

The evidence storage is now occupying the shop area previously used for the processing of vehicles. There is not adequate room to process and store larger pieces of evidence.

The notes reflect a need for an office for the evidence custodian. This is in keeping with CALEA standard 84.1.5 requiring a record system that reflects the status of all evidence stating: *Fundamental to the operation of the property room is a records system that reflects the location of the property; date and time when the property was received or released; character, type, and amount of property on hand; and chain of custody from the time the property was stored until its destruction or other final disposition.*

The volume of evidence would indicate a need for the management and proper disposal of evidence when appropriate. CALEA standard 84.1.7 states: *Final disposition of found, recovered, and evidentiary property is accomplished within six months after legal requirements have been satisfied.*

Franklin County Facility Notes

Commentary: Prompt, authorized property removal (final disposition/destruction) prevents an overload on the property management system and reduces the requirement for additional storage space. Also, the lack of prompt disposition procedures further deprives owners of the use of their property. Law enforcement agencies should establish procedures for the prompt photographing and return of property to victims, with the prosecutor's approval.

Recommendation:

The following are recommendations for a new facility:

The agency should consolidate the physical evidence at a single secure location for better control and limit access to specific personnel involved in the custody of evidence.

Pass through or "one-way drop boxes" should be installed allowing the evidence technician access to the lockers from the interior of the evidence unit.

Adequate freezer and cooler space is needed to store perishable evidentiary items. This should be determined by volume of evidence, frequency of cases and rate of disposition of evidence.

A shop area is needed to properly process and store larger pieces of evidence.

An office area should be provided for the evidence technician to allow for the proper recordkeeping, management, and disposal of evidence in a timely manner.

Vehicle Impoundment

Observations:

Vehicle impoundment is an issue. Vehicles are not securely stored with limited access. This allows entry into the area by unauthorized individuals with opportunity to alter the evidence and interrupt the chain of custody rendering the evidence unusable in court.

CALEA Standard 84.1.2 states: *In addition to the general property room(s) or facilities, the agency needs to provide secure storage for large items such as vehicles, bicycles, appliances, and the like. Special areas and/or procedures should be provided.*

External areas, such as impoundment lots, are vulnerable. When assessing the degree of security to provide, the agency should weigh the importance of the property it is placing in these areas and the consequences if the property is stolen, damaged, or contaminated while in-custody.

Recommendation:

Maintain a secure impoundment area with limited access to prevent the destruction of evidence.

Franklin County Facility Notes

Detention Facility

Observations:

The detention facility is overcrowded. The sheriff's objective is to provide for 30 years growth through the renovation of the existing facility or the construction of a new facility.

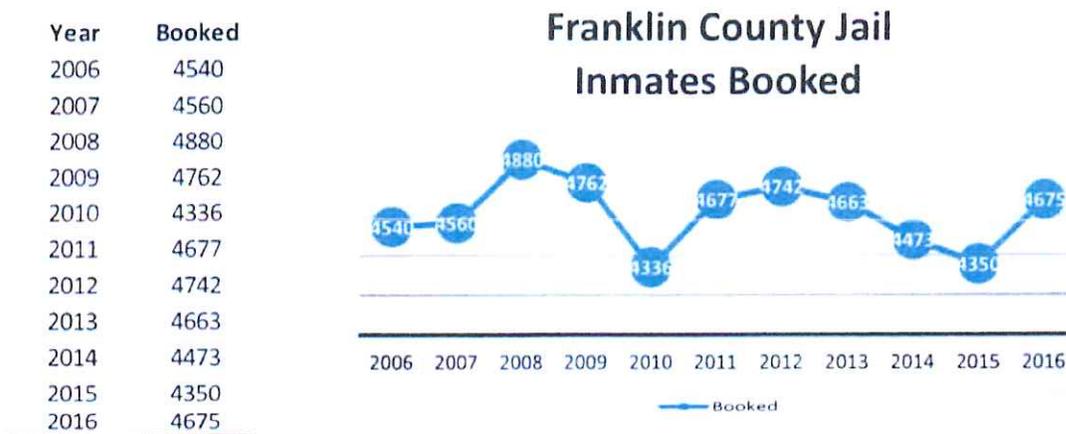
Growth projections are based on trends in the housing history considering the known growth history and peaking factor of the facility for the previous 10 years.

Historical Trend

The following chart shows the rate at which the average population has grown over a span of 10 years.



While the number of bookings fluctuated, there is not an upward growth trend that would significantly impact the average daily population. The following charts represent the booking numbers for the period.

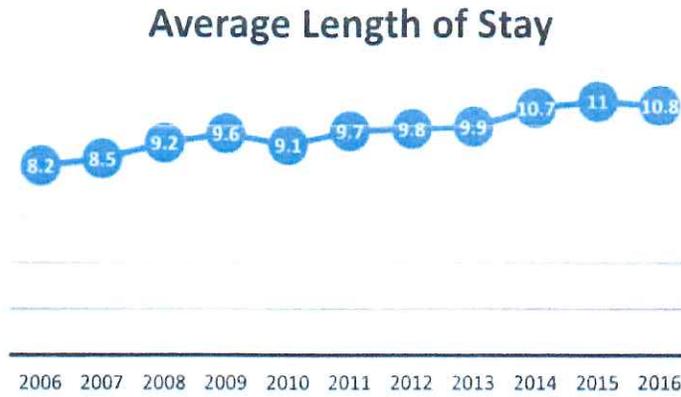


Franklin County Facility Notes

Average Length of Stay

The average length of stay (ALOS) has an impact on the average daily population. The following chart represents the growth rate in the average length of stay.

Year	ALOS
2006	8.2
2007	8.5
2008	9.2
2009	9.6
2010	9.1
2011	9.7
2012	9.8
2013	9.9
2014	10.7
2015	11
2016	10.8



Conclusion

The average length of stay has a direct impact on the average daily population as shown in the following table.

Year	Booked	ALS	ADP
2006	4540	8.2	103
2007	4560	8.5	106
2008	4880	9.2	122
2009	4762	9.6	126
2010	4336	9.1	109
2011	4677	9.7	125
2012	4742	9.8	127
2013	4663	9.9	127
2014	4473	10.7	131
2015	4350	11	132
2016	4675	10.8	138
	4605	9.7	122
	Booked	ALS	ADP
% of Increase	3.0%	31.7%	34.0%

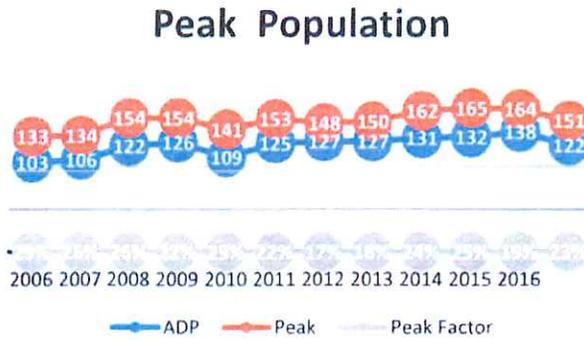
Franklin County Facility Notes

Peaking Factor

A jail design must take into consideration the times of peak activity when the population is higher than normal. This is known as the peaking factor. The peaking factor for the period studied fluctuated from 17% to 29%. The average peak was 23%. This is a bit above the industry average of 20%.

The following chart represents the peak times for the period studied.

Year	ADP	Peak	Peak Factor
2006	103	133	29%
2007	106	134	26%
2008	122	154	26%
2009	126	154	22%
2010	109	141	29%
2011	125	153	22%
2012	127	148	17%
2013	127	150	18%
2014	131	162	24%
2015	132	165	25%
2016	138	164	19%
	122	151	23%



To correctly design a jail, the peaking factor must be considered. The U.S. Department of Justice explains the peaking factor as the degree of variation in counts. A peaking factor is the ratio or percent that results from dividing peak counts in any year by the average daily population (ADP) for that same year.

The growth projections in the following charts reflect the history of growth and peaking factors. The trend has been reapplied for the 30 year projection.

Franklin County Facility Notes

Growth Projections:

The inmate population is projected out for 30 years based on the annual rate of growth shown in the period studied. The space needs take the annual peaks into consideration.

Growth Projections Based on Historical Data



Franklin County Facility Notes

The following chart indicates a need for 415 beds to accommodate a 30 year projection. This can be achieved in phases. The projected need at the end of 20 years is 293 beeds.

Projections Based on Historical Data					
	Year	ADP	Peak		Peaking Factor
1	2017	142	183	2.91%	29%
2	2018	163	207	15.09%	26%
3	2019	169	213	3.28%	26%
4	2020	146	178	-13.49%	22%
5	2021	167	217	14.68%	29%
6	2022	170	208	1.60%	22%
7	2023	170	198	0.00%	17%
8	2024	176	207	3.15%	18%
9	2025	177	219	0.76%	24%
10	2026	185	231	4.55%	25%
11	2027	190	226	2.91%	19%
12	2028	219	270	15.09%	23%
13	2029	226	292	3.28%	29%
14	2030	196	247	-13.49%	26%
15	2031	224	283	14.68%	26%
16	2032	228	279	1.60%	22%
17	2033	228	295	0.00%	29%
18	2034	235	288	3.15%	22%
19	2035	237	276	0.76%	17%
20	2036	248	293	4.55%	18%
21	2037	255	329	2.91%	29%
22	2038	293	371	15.09%	26%
23	2039	303	383	3.28%	26%
24	2040	262	320	-13.49%	22%
25	2041	301	389	14.68%	29%
26	2042	305	374	1.60%	22%
27	2043	305	356	0.00%	17%
28	2044	315	372	3.15%	18%
29	2045	317	393	0.76%	24%
30	2046	332	415	4.55%	25%

Franklin County Facility Notes

Classifications

The facility doesn't have capacity to accommodate special needs classifications. ACA standards 4-4140 thru 4-4142 require special management housing to include housing for the disabled.

Recommendation:

Renovation or new construction should accommodate the 30 year growth projection in phases. Design should allow for expansion.

The construction should include multiple housing units to provide for the different classifications.

Franklin County Facility Notes

Staffing

The facility currently employs the following jail staff:

DSN	DOH	DAYS OFF	DSN	DOH	DAYS OFF
Deputies			Corporals		
1288	8/14/2016	19	1230	4/29/2009	23
1251	10/26/2016	18	1261	11/18/2005	28
1187	3/20/2017	18	1176	6/23/1996	28
1179	3/22/2017	18	1174	6/11/2009	23
1177	8/10/2017	18	<hr/>		25.5
1270	9/17/2014	20	Sgts		
1196	12/26/1997	28	1191	6/23/2004	23
1259	10/13/2016	18	1154	12/18/1989	28
1173	5/12/1997	26	1170	9/7/1995	28
1167	9/16/2004	28	1254	8/17/2001	23
1245	5/3/2017	18	<hr/>		25.5
1289	4/12/2017	18	Admin		
1162	12/23/2014	20	1153	4/25/1988	28
1133	7/8/2015	20	1168	2/1/1993	28
1172	9/9/1996	28	<hr/>		28
1160	10/21/2016	18	Support		
1156	12/31/2014	20	1400	12/26/2009	21
1164	7/17/1995	28	1402	7/15/2013	20
1274	10/14/2016	18	1401	9/8/2015	17
1243	12/30/2014	20	1403	9/28/2015	17
<hr/>		20	1408	2/22/2016	17
		20.95	<hr/>		18.4
			5		

Ave Days Off

20	Deputies	21
4	Corporals	26
4	Sgts	26
<hr/>		28
28		24

The above table indicates the average number of days off benefits for the jail staff.

Staffing Formula

ACA standard 4-4051 requires a formula for staffing. The standard states the following:

The institution uses a formula to determine the number of staff needed for essential positions. The formula considers, at a minimum, holidays, regular days off, annual leave, and average sick leave.

Comment: Additional factors that can be included in the formula are time off duty for training, military leave time, and factors specific to the institution and jurisdiction. Positions requiring

Franklin County Facility Notes

staffing for more than one shift and/or more than five days per week should be budgeted for the full staffing needed

The following table represents the staffing formula for the Franklin County Jail based on the average days off benefits.

Staffing Formula for Franklin County

Coverage	24/7				
Rotation	4	Weeks			
Shifts	8	Hours			
Total Week Hours		168			
Total Rotation Hours		672			
Absolute Requirement	4.2	personnel needed for coverage			
With Benefits	4.6	personnel needed for coverage			
Reg Work Week	40 Hrs				
	x 52.14286 Weeks				
		2085.714			
Less	191.8667 Hrs (Days Off)		24 Days (Ave)		
		1893.848			
		<u>13 pay periods</u>			
		145.6806 net hours worked in period.	0.86714635		
		<u>8 Shift Hours</u>			
		18.21007	Average days worked per rotation		

This table indicates a need for 4.6 personnel for every position requiring 24/7 coverage.

Staffing Levels

ACA Standard 4-4050 provides guidelines for staffing levels stating:

The staffing requirements for all categories of personnel are determined on an ongoing basis to ensure that inmates have access to staff, programs, and services.

Comment: Staffing requirements should be determined on more than inmate population figures and should include review of staffing needs for health care, academic, vocational, library, recreation, and religious programs and services. Workload ratios should reflect such factors as goals, legal requirements, character and needs of the inmates supervised, and other duties required of staff. Workloads should be sufficiently low to provide access to staff and effective services.

Franklin County Facility Notes

The current staff level will accommodate the following positions:

Current Staffing Matrix

<u>Positions</u>		<u>Staff required</u>
Control	1	4.6
Booking	1.33	6.1
Roving Officer	2	9.2
Supervisor	1.73	8.0
	<u>6.06</u>	<u>28.0</u>

This staff level may not be adequate for a larger facility.

The U.S. Department of Justice recommends that the jail maintain a listing or chart of all permanent posts in a facility by location, primary function, priority, classification, and hours of operation.

Recommendations:

To effectively set adequate staff levels that comply with this standard, the following must be determined:

- The size of facility and number of beds
- The operational philosophies and programs offered
- All positions needed to accommodate the identified needs and workload ratios.

The following data is needed.

Identify all posts and note which are continuous (24/7) posts and note the hours of operation for the part time posts.

A study of workload for each post and the number of officers sharing the load.

An analysis of time consumption for each task ie: booking, meal pass, med pass, head counts, watch tours, etc.

Franklin County, Missouri

Detention Center Capacity/Staffing Analysis

Current Designed Capacity	Current Peak Operating Condition	20 Year Projected Operating Capacity	30 Year Projected Operating Capacity
120 ??	185 ??	315 ??	415 ??
Current Staffing ##	Staffing for Peak Operating Conditions ##	Staffing For 20 Year Projection 195 ?? Bed Addition to Existing Facility ## Staffing for 20 Year Projection New 315 Bed Detention Facility ##	Staffing For 30 Year Projection 295 ?? Bed Addition to Existing Facility ## Staffing for 30 Year Projection New 415 Bed Detention Facility ##