

MARTIN HALL VISIT
AND
THE OKANOGAN COUNTY JUVENILE DETENTION FACILITY:
OBSERVATIONS, COMPARISONS, CONCLUSIONS
AND ACTION PLAN

These are some thoughts and observations after our visit to Martin Hall. This report is offered for the purpose of discussion only. It is not my intent to question the good faith of the County Commissioners as they look at these issues. The four of us involved in this trip collectively have over 90 years experience in dealing with the juvenile justice system. We hope that our observations and questions have an appropriate place in planning the future of how our community saves kids who are in trouble and how we address crimes committed by kids. Thanks, Jack Burchard.

Scot Stuart, Bruce Moran, Rodger Nicholas and Jack Burchard had the opportunity to visit Martin Hall Juvenile Detention Facility on September 22, 2003.

Martin Hall is located in Medical Lake, WA on the Campus of Eastern State Hospital, 136.2 miles from the Okanogan County Courthouse by the shortest route (Hwy 155 over Desautel Pass through Grand Coulee and Hwy 2 East to the Medical Lake turn-off.) In perfect weather the drive took us about 2 hours and 40 minutes each way. As we all know, winter conditions can be extreme on that route with frequent dangerous fog and white-outs between Coulee Dam and Creston and frequent hazardous ice and snow particularly near Desautel Pass.

Martin Hall was constructed by a consortium of 9 Eastern Washington Counties in 1997. The facility is operated under contract by Community, Counseling and Correction Services, Inc. (CCCS), a non-profit located in Butte, Montana. Martin Hall is a maximum security facility that can house up to 62 residents. Their average population has decreased from the low 40's to the mid to low 30's. They are looking for more users and appear to be offering some financial incentives to attract them.

We received a great tour and orientation from Leon Covington (509-299-7733), Chief Correctional Supervisor and Jason Kovenesky of CCCS (406-723-6006 in Butte or 509-299-1447 at Martin Hall) who is acting as temporary administrator of Martin Hall. They offered lots of information but were not authorized to discuss payment and rates except for transportation. Housing costs and contracts are set by the Martin Hall Juvenile Facility Board on behalf of the 9 Counties who own the facility. CCCS is operating a separate transportation system.

Martin Hall looks like a great facility. It is very spacious, clean, well-lit, heated and air conditioned. There is a central control room, isolation cells, two separate wings with centrally controlled maximum security single and double cells, large recreation areas, a self-contained kitchen and lots of office and program space. There is an on-site program

director and nurse. There is a separate education wing with four classrooms and a computer lab.

Martin Hall provides lots of inside and outside programs. Standard programs similar to those provided at Okanogan County Detention are utilized at intake and thereafter, such as a Health Questionnaire, MH-JDAT, Needs Assessment and Suicide Prevention. The Programming Bulletin lists programs covering victim awareness, stress and anger, refusal skills, job readiness, communication skills, NA, substance abuse prevention, relationships, church programs, sex and relationships and others. However, individual drug and alcohol and mental health evaluations are not included. They are provided by the user county or on separate contract.

Transportation: CCCS has offered Okanogan County a contract to transport residents to court for a cost of \$100 per resident per separate case. They anticipate 2 or 3 round trips per resident to be included in the \$100 fee. Transportation is provided in large vans (15 and 8 passenger original configurations). They have been re-built for security and contain complete inside cages, leaving capacity of the largest van at 11 prisoners in the opinion of CCCS. (The space looked very small for that many.) Juveniles are transported by two guards. Juveniles remain in belly chains, handcuffs and leg irons at all times, except in court. The County must provide a secure area adjacent to the court where all the juvenile prisoners can be held while awaiting court and after. Bathrooms, an eating area and attorney visitation rooms are among the obvious needs. Transportation officers from Martin Hall would bring all paperwork and personal property so that the juvenile could be released without returning to Martin Hall. Two counties are currently using this service. Others are providing their own transportation. There is no guarantee that the cost will not increase in the future. This should be a concern because the transportation service will be conducted at a loss if operated as promised.

Arrest and Booking. In order to utilize a remote facility like Martin Hall, Okanogan County will need to have a plan for handling newly arrested juveniles. There are several choices:

- a) The County could build and provide temporary holding cells in the jail. State law prohibits holding juveniles for more than 24 hours (excluding weekends) in such cells. Juveniles housed in such cells must be out of site and out of sound of all adult prisoners. Such cells are not presently available but could be included in phase 3 of jail reconstruction. Booking history shows that for weekend arrests up to 6 or 7 cells may be needed. Because the children booked at the jail in temporary cells will not be classified and evaluated, they cannot safely be held in a dormitory or large cell configuration. They must be housed separately at the time of booking.
- b) The County could direct the arresting agency to book all juveniles at Martin Hall or hold them until contract transportation could be provided. Each arresting agency would then need to evaluate whether it can afford the time and money to transport the juvenile offender. This alternative is only employed by counties situated close to Martin Hall and those that have very few juvenile cases. CCCS may make occasional pick up trips under contract. They do not anticipate the

frequent trips that would be required. Other significant problems are involved. Sending new arrestees directly to Martin Hall would remove them from contact with their parents, counsel and the court. Local detention authorities would lose the ability to make a local determination for booking on an individual basis.

Attorney access: Scot Stuart expressed a number of concerns that seem legitimate. Scot was concerned that the cost of representing juvenile clients will increase if they are housed in a facility that is a significant distance from his office. While some business can be conducted on the telephone, extended in-person contacts are required at crucial stages of the case. His ability to work with kids depends in part on his ability to initially establish rapport. Later, as a case nears settlement, frequent contact is often necessary to finalize arrangements. Some contacts can occur during regular court times. However, extended private meetings are also necessary.

How many beds do we need?

If we are to consider placing our juvenile prisoners at Martin Hall, one of the most challenging and important tasks is to determine how many beds we will need to use. Martin Hall charges on a per-bed basis. There are two levels of pricing. A non-member county can contract to guarantee use of some beds. The county pays a lower rate, has availability guaranteed but must pay even if the beds are not filled. At a higher rate, non member counties can use beds on a space-available basis. All rates and conditions are subject to negotiation. The lowest rate quoted by anyone is \$112 per bed per day, not including transportation or medical treatment outside the facility. For an average daily count of 18 juveniles, the contract cost with Martin Hall would be \$735,840 per year (assuming we were given the lowest possible rate on each juvenile) plus the cost of transportation and the cost of building, maintaining and staffing the booking cells and the secure court holding area. For the sake of argument and with changes in Tribal policy and other changes, we might consider the possibility (however unlikely) that number could be reduced to 14 juvenile prisoners per day. The yearly contract cost would then be at least \$572,320 plus the cost of transportation and the cost of building, maintaining and staffing the booking cells and the secure court holding area. (These numbers are gross estimates by a person who was not involved in the negotiations to date.)

The total 2003 Okanogan County Detention budget is \$429,000. An additional \$25,000 is spent for meals and laundry provided by the jail (in the jail budget), most of which is paid back by USDA reimbursement.

Family Visitation: It was reported that visitation at Martin Hall is not over-crowded. A substantial cause of that situation is the fact that many parents cannot visit due to distances.

Questions we need to answer:

We still have a lot of work to do. These few observations don't begin to address many other important concerns, such as the following:

- 1) Is it wise to send our children 136 miles away?

- 2) Is it humane to implement a program that will necessitate the shackling of our juvenile offenders during round trip transports which could last 6 to 8 hours, especially in the winter?
- 3) Once we close the detention center, we will lose our temporary bargaining power and be left at the mercy of other counties.
- 4) We will lose proven programs such as RSA and ART. We may not be able to threaten or impose appropriate sanctions for bad behavior, truancy and supervision violations.
- 5) We will lose the flexibility that lets us hold additional prisoners at a very low marginal cost. In other words, with our local facility we can have 12 kids one day and 25 the next, if necessary. The only marginal cost is food and such personal necessities. We can hold a kid for a day and release to a responsible adult when appropriate.
- 6) We will lose the flexibility of making individual and immediate decisions on who to book and when. We don't have across-the-board booking restrictions. We can accept all the kids arrested by local law enforcement. We can then contact parents and make immediate decisions on release. We can consider and react to cases where the kid is on drugs or is drunk or experiencing depression, etc.
- 7) Will we lose the ability to prepare in depth disposition reports and substance abuse evaluations because we won't have substantial in person contact with the kids?
- 8) Is it wise to send our children to a facility where it is unlikely that their parents or other significant adults in their lives will be able to have visitation with them and be involved in their intervention/treatment programs?
- 9) The Court is also concerned about the conflict a Martin Hall contract could create between judicial decision-making and budget considerations. What if the Commissioners decided that we must contract with Martin Hall but that we can only afford 10 beds? Will some be expecting the Court to reduce or ignore appropriate sentences in order to meet budget/contract decisions? Will the Court be required to make disposition (sentencing) decisions that create constant and significant cost over-runs?

What is a realistic time-line?

Even if the Martin Hall alternative were chosen, it could take several years to construct and provide the necessary related facilities such as booking cells and the secure court holding area before Martin Hall could be used. Actually, that delay could help us make better decisions for additional reasons. For example, questions about tribal juvenile jurisdiction will not be clarified until the tribal juvenile court and detention center are operating and until their claims have been sorted out by higher courts. At this point there is no definitive answer about tribal jurisdiction. Some potential cases may seem clear. Others are not. The tribal court will probably have some form of authority when tribal police arrest a juvenile tribal member for drinking on tribal trust land. At the other extreme, what will happen in the case of a juvenile tribal member who burglarizes a non-tribal business located on the reservation, for example in East Omak or Coulee Dam. What will happen to tribal juveniles who steal at Wal-Mart or who assault Omak police officers?

Conclusion:

Most importantly, seeing a good, modern facility like Martin Hall has me questioning why we have not been able to remodel or replace our detention center. In comparison our facility is poorly designed and worn out. We definitely need to improve the facility where we hold our kids. With the money we are talking about, replacement or significant remodeling may be the best and most economic choices. Such a decision would depend upon the will and support of the public, law enforcement, county commissioners and others. If our community will not support such a plan, we may be forced to contract with a remote agency, even if the cost is substantially higher than operating our own facility.

Our small group presently believes that we need to proceed with the \$200,000 (11/11: that number has grown and been trimmed back) deferred maintenance program while we wrestle with a long term plan. If we close our Juvenile Detention Facility, we may never be able to return to our present affordable, flexible and locally controlled program. Every day we fight for more local control in so many areas of government. Should we surrender local control over our kids who are in trouble?

Action Plan:

We have seen Martin Hall and the Commissioners have recently had the opportunity to briefly review Juvenile Department services and programs. It would be helpful if the Commissioners could attend part or all of some juvenile court sessions so they can see our kids and how we are using our local facility. (Wednesday afternoons starting at 1:00pm.)

This report gets a lot of numbers and questions on the table. We all need to see and consider the numbers the Commissioners and others are working with. The Commissioners views on the numbers of beds, transportation, number of trips, booking cells, holding area and total costs involved in a Martin Hall proposal have not been disclosed. This leaves the staff not knowing what assumptions the Commissioners are making and whether they are relying on misinformation. The Commissioners visit was appreciated but it barely scratched the surface. It was a good start.

1. We should sit down in a group within the next week or so to exchange views and information. The group should probably include the Juvenile Department Managing Team, Judges, the Sheriff, Jail Administrator, the Finance Committee and the Commissioners. *(Did not happen.)*
2. After that meeting if anyone feels that the Martin Hall alternative deserves further consideration, then we should begin a more formal process of information gathering through public hearings. We should invite the public and all stakeholders to present written and oral testimony to insure that all pertinent

information is considered. We should also go through this same process if anyone feels we should be approaching the public about financing major renovations of our detention facility or if we conclude that we just don't have enough information to make immediate long-term decisions. *(Did not happen.)*

3. We need to clarify with commissioners the procedure for obtaining the \$200,000 from .08 money needed immediately for deferred maintenance projects. *(That process has begun with the help of the commissioners.)*