



MINUTES

State Prison System Planning Study Committee

November 14, 2007

MEMBERS PRESENT:

Senator Eugene S. Fraise, Co-chairperson
Senator Jeff Angelo
Senator Thomas G. Courtney
Senator Tom Hancock

Representative Todd Taylor, Co-chairperson
Representative Wayne Ford (By conference
call)
Representative Steve Lukan
Representative David Tjepkes
Representative Beth Wessel-Kroeschell

MEETING IN BRIEF

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- I. Procedural Business
- II. Department of Corrections
- III. Judicial District Departments of Correctional Services
— Director Panel
- IV. Treasurer's Office
- V. Recommendations
- VI. Materials Filed With the Legislative Services Agency



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I. Procedural Business

Call to Order. Co-chairperson Fraise called the third and final meeting of the State Prison System Planning Study Committee to order at 10:04 a.m. on November 14, 2007, in Room 103 of the Capitol Building in Des Moines. A quorum was declared to be present. Co-chairperson Fraise thanked the Department of Corrections (DOC), the wardens and staff, and everyone who made the meetings possible and successful. Co-chairperson Taylor also thanked the staff and Committee members for their time and efforts in making the Committee a success.

Minutes. The minutes of the second meeting held on October 10, 2007, were unanimously approved by the Committee members by voice vote.

Adjournment. The meeting adjourned at 2:23 p.m.

II. Department of Corrections

Mr. John Baldwin, Director, DOC, guided the Committee through a PowerPoint presentation intended to address the Committee members' questions from the previous two meetings and to provide information to assist the Committee in its recommendations to the Legislature.

Mr. Baldwin reminded the Committee that the Durrant study came at the behest of then-Governor Tom Vilsack after the prison escape at the Iowa State Penitentiary (ISP). The Durrant study has been expanded to include recommendations relating to not only infrastructure needs but prisoner classification and treatment needs as well.

He further stated the classification system will evolve from the current system which simply categorizes prisoners as minimum, medium, or maximum risk. He emphasized the treatment programs will focus on placing the right offender in the right program at the right time. He further emphasized the study looks at the totality of treatment programs and makes specific suggestions for improvement, and will be gender-specific. Many DOC employees have signed up to be in focus groups to begin the process of redirecting how the system focuses treatment of offenders.

He noted the immediate recommendations of the Durrant study include building a new Iowa State Penitentiary on one of the farms in Ft. Madison, updating and expanding the Iowa Correctional Institution for Women (ICIW) in Mitchellville, adding beds at the Newton Correctional Facility, and adding community-based correctional (CBC) beds in the 1st, 3rd, 5th, and 8th Judicial Districts. Future Durrant study recommendations include renovations at the Anamosa State Penitentiary, adding CBC beds, and major maintenance at all facilities.

He stated previous prison construction was financed by the issuance of bonds. The first \$9.5 million generated from criminal fines, fees, and forfeited bail are deposited into the Prison Infrastructure Fund to pay these bonds. He noted the bonds issued to pay previous prison construction needs are set to expire June 30, 2016. The bonds set to expire were issued to fund the construction of the Clarinda Correctional Facility, the Newton Correctional Facility, the Fort Dodge Correctional Facility, and additional CBC beds in Cedar Rapids and Marshalltown.



He presented the following construction timeline, assuming the General Assembly approves the Board of Corrections' recommendations.

A. Institutions' Timeline

- July 1, 2008: Issue request for proposal
- November 30, 2008: Architect or engineer selected
- January 1, 2009: Architect or engineer design begins
- January 1, 2010: ICIW design completed and construction bids issued
- May 1, 2010: Newton Correctional Facility design completed and construction bids issued
- July 1, 2010: ISP design completed and construction bids issued
- January 1, 2012: ICIW completed
- May 1, 2012: Newton Correctional Facility completed
- January 1, 2014: ISP completed

B. 1st, 3rd, and 8th Judicial District CBCs' Timeline

- July 1, 2008: Issue RFP
- October 1, 2008: Architect or engineer selected
- November 1, 2008: Architect or engineer design begins
- August 1, 2009: Construction begins
- August 1, 2010: Construction completed

C. 5th Judicial District CBC Timeline

- July 1, 2008: Issue RFP
- October 1, 2008: Architect or engineer selected
- November 1, 2008: Architect or engineer design begins
- September 1, 2009: Construction begins
- January 1, 2009: Construction completed

Discussion. Senator Courtney asked what the plans were for the current 5th Judicial District CBC buildings in Des Moines. Mr. Baldwin replied that DOC planned to keep the buildings operational. Mr. Baldwin further stated that no decisions have been made about whether new beds would be added at a new location or whether new beds would be added at the current location. However, Mr. Baldwin noted at some point a CBC becomes too large and operates more efficiently if fewer offenders are housed at one site.

Representative Lukan asked if DOC had given any consideration to salvaging materials prior to tearing down buildings at the institutions. Mr. Baldwin said that DOC plans to recycle as much of the material as possible or sell the materials that are worth salvaging.

Representative Tjepkes asked how the Board of Corrections and the Durrant study could be recommending to build new structures when the new classification system has not been fully developed. Mr. Baldwin replied that the numbers of maximum security offenders will not significantly change because class "A" felons spend life in prison. He added that the fluctuation



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between male offenders in minimum and medium security beds is the only expected variation, but DOC already knows more medium and minimum security beds are needed, it makes sense to start planning for them. He opined the additional beds at the Newton Correctional Facility will be classified as minimum security beds. However, the results of the classification study will not be known until March 1, 2008. He stated the system for female offenders is already 40 percent over capacity, so the situation needs to be addressed as soon as possible. Mr. Baldwin stressed that the number of offenders in the system already justifies the planning of additional beds, and that the data coming in a few months will settle how to classify the beds.

Representative Tjepkes asked how many options the board considered before voting to accept Option #1 (building a new ISP) of the Durrant study. Mr. Baldwin said that there were only two options; the other option was a plan to update the maximum security cellhouses inside the walls of the current ISP.

Representative Tjepkes asked how DOC would discontinue use of the current ISP. Mr. Baldwin stated that on moving day a row of buses would line up and a whole cell block of offenders would be moved at a time. Each cell block would be emptied and locked. The buildings then would be left unused with minimal maintenance.

Senator Hancock asked if DOC would be open to using alternative buildings in other parts of the state for offenders with mental illness or for treatment programs. Mr. Baldwin stated that if such a proposal came, he and DOC would certainly look into it. He said that DOC is committed to offenders receiving the right treatment rather than having them confined in a prison setting. He emphasized offenders with a mental illness are a huge resource challenge.

Senator Angelo asked when DOC would be proposing specific long-term systemwide changes. Mr. Baldwin replied that as the new buildings are built, rational treatment plans must also be made. He noted the staff focus groups are working to create very specific programs for offenders with very specific problems. He said that by FY 2010-2011, DOC should have a rational plan for offender mental health and substance abuse treatment.

Senator Courtney asked about the cost of tearing down the cellhouses of the current ISP. Mr. Baldwin stated that it would be very expensive to tear down the cellhouses. He noted it is more cost-efficient to leave the cellhouses as is with minimal maintenance.

Representative Tjepkes asked why there is a plan to consolidate all the women at one facility but male facilities are not being consolidated. Mr. Baldwin stated there are far fewer female offenders which makes consolidation practical. Mr. Baldwin also stated that DOC is very comfortable with the network of institutions and breakup of male offenders into different facilities.

Representative Wessel-Kroeschell asked if DOC has accounted for the increased operational costs if the Durrant study recommendations are implemented. Mr. Baldwin replied that some of the costs of the treatment programs are included in the operational costs. Representative Wessel-Kroeschell then asked what DOC and the Legislature could do to ensure that the treatment programs are funded. Mr. Baldwin said that it is a proven fact that when you invest in education and offenders are employed then recidivism drops. He emphasized it is crucial to hold DOC managers and the department responsible for good results. He further stated DOC puts the treatment results in job evaluations and CBC contracts. Legislators should insist upon good



results from the treatment programs. There is a huge movement in DOC to spend tax money wisely.

III. Judicial District Departments of Correctional Services — Director Panel

1st Judicial District. Ms. Karen Herkelman, Director of the 1st Judicial District, which includes Waterloo, gave the following summary. The CBC facility is at 105 percent capacity plus an additional 75 offenders are involved in day programming each day. The facility has a waiting list of 98 offenders. The Durrant study has recommended more beds for this facility, including a gender-specific facility of 42 beds for women and an extra wing that could be used for men, or women if the numbers increase.

3rd Judicial District. Mr. Linn Hall, Director of the 3rd Judicial District, which includes Sioux City, gave the following summary. The CBC facility includes staff offices which could be converted to 40 extra beds. However, if the offices are converted the building will need some renovation, including plumbing. There is a program and facility in the town of Cherokee which could be contracted with to house more than 40 offenders a year with treatment issues.

5th Judicial District. Ms. Sally Kreamer, Director of the 5th Judicial District, which includes Des Moines, gave the following summary. This district has a seven-month waiting list which is the longest. Officials are currently looking for alternatives and more beds. There are 267 offenders in the 5th Judicial District CBC, which is becoming too large for one facility. There are also 40 sex offenders residing at the facility due to the 2,000-foot rule. There is also a 48-bed facility for women and their children with a four-month waiting list.

8th Judicial District. Mr. Ron Mullen, Treatment Director, 8th Judicial District, which includes Ottumwa, gave the following summary. The CBC facility is on the north side of Ottumwa and was built in 1991. The average stay is 137 days; the average wait to get into the facility is 127 days. The design capacity of the facility is 52 beds; currently 61 men and 12 women are on waiting lists to receive a bed. The recommendation is to increase the number of beds by 25, which would cut the waiting time by 50 percent. The Burlington facility is also in this district but has no waiting list.

Discussion. Co-chairperson Taylor asked if receiving \$41.5 million for CBCs would actually result in change, for example, cut waiting times. Ms. Kreamer replied yes, and that the quicker you get parolees into an assigned bedspace, the lower the recidivism rate. Ms. Herkelman also said having adequate space to conduct appropriate programs is essential to the success of CBCs.

Senator Angelo asked if the offender is coming back to the same community, how you deal with the past negative influences. Mr. Mullen said that assessment prior to placement is important so that officials can evaluate the offender's friends and employment history. Ms. Herkelman also said that it is very important to coordinate efforts to get the community and mentors involved with offenders as the offender enters the community. Ms. Kreamer stated that offenders need a safe, prosocial place to go.

Senator Hancock asked about the use of drug courts in the judicial districts. Ms. Herkelman stated that it would be beneficial to expand components of drug courts.



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Representative Tjepkes asked what type of offender benefits from CBCs. Ms. Kreamer replied that those who are highly stressed or have mental illness do not do well, so the new classification system will identify those who will do the best in CBCs. The new classification system will help the CBCs be creative by using treatment to help offenders rather than just using prison to hold them.

Representative Tjepkes asked about the incidents when offenders walk away from CBCs. Ms. Herkelman said that many of the offenders who walk away go back to prison. Assessments are used to determine whether the offender deserves a second chance or should go back to prison.

IV. Treasurer's Office

Mr. Steve Larson and Ms. Stefanie Devin. Mr. Larson, Deputy Treasurer, and Ms. Devin, Deputy Treasurer, discussed the state's current financial situation and debt load and the issues with funding the prison plan.

The Committee was informed the state has about \$54 million in outstanding revenue bonds for corrections projects.

Ms. Devin stated when the state issues bonds, flexibility is important, the revenue source to pay off the bonds must be identified, and the coverage needed is usually 110 percent of the estimated cost of the project. Additionally, the amount of proceeds for construction should be capped or the amount of revenue to be pledged needs to be indicated.

Discussion. Co-chairperson Fraise asked if the Durrant study recommendations are feasible for bonding if the cost is about \$250 million. Ms. Devin said that it depends on how the money is raised, when the money is raised, and what are the interest rates. She added that to raise the funds would be difficult to do without an additional pledge of revenue. She estimated the state would need to pledge an additional \$10 million a year until the current prison infrastructure bonds are paid.

Representative Lukan asked what was the state's total outstanding debt today. Ms. Devin stated that in addition to the current prison infrastructure bonds the Vision Iowa debt is about \$154 million, school infrastructure debt is about \$34 million, and the Honey Creek debt is at \$34 million. Representative Lukan commented that the proposed prison projects would then double the state's bond debt.

V. Recommendations

Discussion. Co-chairperson Fraise noted that the state's prison system is already at 120 percent capacity. He further noted that at about 130 percent capacity the federal government will investigate. He emphasized that the Durrant Group is a nationally recognized architecture and engineering firm and their recommendations are based on that expertise.

Co-chairperson Taylor commented that the Legislature is focusing on the entire correctional system. He also emphasized this Committee is not just considering adding prison beds, it is considering providing treatment and education programs and funding CBCs as well. He also noted



the state needs to continue looking at the correctional institutions including determining the future use of the cellhouses at ISP.

Representative Wessel-Kroeschell thanked the Durrant Group for the invaluable information provided to the Committee. However, she cautioned that if the Legislature builds the prison, the offenders will come. She emphasized her concern about the increasing numbers of people in prison. She also expressed her concern about the 60 percent of women in prison who have a mental illness and that Iowa's mental health system is so broken many of these women should have been treated prior to entering prison. She stated many women offenders are victims of abuse and this issue needs to be addressed. She further stated that literacy is also a great concern. She asked whether resources are better spent increasing the educational budget to fix the problems in the correctional system or would educational resources be better spent on at-risk children on the front end.

Representative Tjepkes expressed hope that any recommendations of the Committee will be in a stand-alone bill for more legislator input. He asked Co-chairperson Fraise if there has been any consideration of allowing the new Iowa State Penitentiary to be constructed in another community. Co-chairperson Fraise replied the Governor has stated the new ISP will be constructed in Ft. Madison.

Representative Ford (by phone) stated that public safety is the number one priority and that education, treatment programs, and attention to racial issues are vital. He stated that he supported the proposed recommendations to the Committee.

Senator Courtney stated that there is a need for sentencing reform because there are people in prison who do not need to be there. He further stated if sentencing reform is implemented the state could forego having to issue bonds for prison construction in the future.

Representative Lukan asked whether the committee on sentencing reform had proposed anything. Senator Courtney replied that the committee is a two-year committee, so there will be no recommendations until next year. Representative Lukan then asked the Treasurer's Office if the prison infrastructure bonding is done, what would be the total cost. Mr. Larson stated that he could not provide that information because the interest rate is unknown, and it depends on Iowa's rating at the time of bonding and throughout the time of the bond. Representative Lukan stated that he felt the Committee had gone through a good process. He stated that he felt the Legislature spent too much last year and he weighed that heavily, but public safety is vital. He felt it would be hard to support the proposed recommendations because improvements to the recommendations could be made. Senator Courtney noted that the budget was balanced last year as mandated by state law.

Recommendations. Co-chairperson Taylor moved the proposed recommendations be adopted. Senator Courtney seconded the motion. The State Prison System and Planning Study Committee adopted the following recommendations for the 2008 General Assembly by a unanimous vote of the members of the Senate present and a majority of the House members:

1. Build a new ISP in Ft. Madison on one of the prison farms at a cost of \$121.2 million.



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2. Update and expand ICIW in Mitchellville by replacing older structures and adding beds, consolidating programs and services, and implementing gender-specific classification and programs. The cost to update and expand ICIW is approximately \$51.4 million.
3. Expand the Newton Correctional Facility to reduce overcrowding and to accommodate future growth, at a cost of approximately \$25.3 million.
4. Expand bed capacity for CBCs in the 1st, 3rd, 5th, and 8th Judicial Districts, at a cost of approximately \$41.5 million.
5. Limit the need for future prison bed growth by utilizing CBC, diversion programs, substance abuse and mental health treatment, and education and training, and emphasizing a commitment to evidence-based practices to determine if programming is successful.
6. Direct DOC to further explore possible future uses of buildings remaining within the walls of the current ISP.

VI. Materials Filed With the Legislative Services Agency

The following materials listed were distributed at or in connection with the meeting and are filed with the Legislative Services Agency. The materials may be accessed from the <Additional Information> link on the Committee's Internet web page:

<http://www.legis.state.ia.us/aspx/Committees/Committee.aspx?id=214>

1. Iowa Department of Corrections, Presentation to State Prison System Planning Interim Committee.
2. Office of Treasurer of State, Financing Information, Correctional Facility Program, Stefanie Devin, Deputy Treasurer.
3. The State Prison System Planning Study Committee Recommendations to the 82nd General Assembly.
4. Outstanding Obligations of Selected State Debt, Legislative Services Agency (LSA) Fiscal Services Division.
5. Chapter VI: Recommendations, State of Iowa Systematic Study of the State Corrections System.
6. Correctional Education Budget.
7. E-mail: LSA Response: Defining Success in Corrections.
8. DAS: Request for Proposal.
9. Contract for Professional Consulting Services: Durrant Group and State of Iowa.