

## AGENDA

### Prison Relocation Authority Committee Meeting

Wednesday, October 23, 2013

9:00 am to 12:00 p.m.

Utah State Capitol Complex

Senate Building, Room 210

**9:00 a.m.** – Welcome and Call to Order – *Lane Summerhays, Chair*

**9:05 a.m.** – Discussion and approval of minutes for September 30<sup>th</sup>, 2013, Prison Tour September 30<sup>th</sup>-October 1<sup>st</sup>, and October 9<sup>th</sup>, 2013 - Action

**9:10 a.m.** – Information from Commission on Criminal and Juvenile Justice on possible prison relocation - *Ron Gordon, Executive Director, CCJJ*

**9:45 a.m.** – Master Plan/Programming Consultant Contract Status, Scope, Report, and Schedule - Information and Action

**10:15 a.m.** – RFP Process and Schedule Related to Development of Current Prison Site and New Prison - Information and Action - *Lane Summerhays, Chair*

**10:55 a.m.** – Public Comment regarding possible Draper Prison relocation - *Members of the Public*

**11:45 a.m.** – Discussion by PRADA Committee regarding future meeting agendas

**12:00 noon** – Adjourn

**Notice of Special Accommodation During Public Meetings and Website Information-** In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify Laura Barlow (801) 538-1512 prior to the meeting. *The Prison Relocation and Development Authority information agenda is available on Utah Public Notice Website at [http://governor.utah.gov/DEA/Publications/Commissions/Prison Relocation and Development Authority/PRADA%202013.0/](http://governor.utah.gov/DEA/Publications/Commissions/Prison%20Relocation%20and%20Development%20Authority/PRADA%202013.0/) and other information about Authority meetings is on the Boards and Commission Website at <http://www.utah.gov/pmn/index.html>*



## Prison Relocation and Development Committee – DRAFT

<b>Committee</b>	<b>Prison Relocation and Development Committee</b>
<b>Date Time Location</b>	<b>Monday, September 30, 2013 9:30 a.m. – 12:00 p.m. Senate Room 210, State Capitol</b>
<b>Members Present</b>	Lane Summerhays – Chairman, Camille Anthony – Citizen, David Luna – Citizen, Darrell Smith – Mayor of Draper City, Ben McAdams – Salt Lake County Mayor, Leland Pollock – Garfield County Commissioner, Sen. Jerry Stevenson, Sen. Stephen Urquhart, Rep. Eric Hutchings, Rep. Brad Wilson
<b>Staff</b>	Mike Mower - Deputy Chief of Staff, Alan Bachman - Assistant Attorney General, Dave Walsh - Budget and Policy Analyst, Shannon Simonsen - Administrative Assistant, Laura Barlow – Executive Secretary
<b>Agenda Item</b>	<b>Welcome and Call to Order – Lane Summerhays, PRADA Chair</b>
<b>Notes</b>	Lane Summerhays called the meeting to order. An attendance roll was passed around.
<b>Agenda Item</b>	<b>Discussion and approval of September 16, 2013 and September 20, 2013.</b>
<b>Notes</b>	Chairman Lane Summerhays asked for approval of the September 16, 2013 minutes. Mayor Smith makes first motion. Leland Pollack seconds it. Unanimous approval. Chairman Lane Summerhays asked for approval of the September 20, 2013 minutes. Leland Pollack makes first motion. David Luna seconds it. Unanimous approval.
<b>Agenda Item</b>	<b>RFP for Programming Consultant Evaluation - Information and Action - Alan Bachman, Assistant Attorney General, David Walsh, Budget and Policy Analyst, GOMB</b>
<b>Notes</b>	<u>Alan Bachman</u> : Proposals are due Thursday, October 3 <sup>rd</sup> , at noon to the office of DFCM. Interviews are scheduled for October 9 <sup>th</sup> , 2013. We will have a morning meeting with interviews and an electronic meeting of the full Authority that afternoon. Consultant could start right away working on the Master Plan and Programming. <u>Action</u> : This is an informational item – no motion made. No action taken.
<b>Agenda Item</b>	<b>Discussion of Request for Proposals (RFP) for Draper Prison relocation and/or land development at the Draper site - Information and Action - Alan Bachman, Assistant Attorney General, and David Walsh, Budget and Policy Analyst, GOMB</b>
<b>Notes:</b>	<u>Alan Bachman</u> : To be expeditious with time, Alan only walked through RFP #3 – Master Development Project (New prison site and current prison property) – Same language in RFP #1 (New Prison Development) and #2 (Current Prison Property). Wanted to make the RFP's as flexible as possible. Because our project definition is not clear yet, we are allowing for phasing. Allows an offeror to put multiple proposals forward. Timeline – End date of January 31 <sup>st</sup> , 2014. RFP's to be issued October 2 <sup>nd</sup> , 2013, the last day to submit questions is October 30 <sup>th</sup> . Addendum deadline bumped a week to November 13 <sup>th</sup> , 2013. Discussion on the October 2 <sup>nd</sup> deadline to post the RFP online, as the Governor would be unable to review and sign it by then. The decision was made that the dates would remain the same, but the posting would include a caution that the Governor has not yet reviewed the RFP. Complete Proposals Due December 2 <sup>nd</sup> , 2013. Interviews could start as early as December 4 <sup>th</sup> , 2013. Public hearings will occur (as required by law) and additional tours may be scheduled. Recommendation provided to the Governor and Legislature no later than January 31, 2014.

Everything submitted by offerors is public record. We reserve the right to classify some of the information submitted as confidential (safety concerns, etc.).

Nothing is final until recommendation is made to Legislature. That should be the trigger point, addendum can pull that provision/trigger point back. Goal is to promote transparency and public scrutiny.

Alan Bachman: We reserve the right to keep proposals confidential until after the recommendation to the full Authority. There has to be some way to allow for the use of ideas/pieces in a few proposals, as that may be the best solution. Suggest amending first sentence – Change “is to be public record” to “*may* be public record”.

Mayor McAdams: Want to keep “is” not “may”. Intent is that it will become public record, not may become public record.

\*Motion to Amend: McAdams motions to amend first sentence of paragraph 1.1.2 – “...contained in any proposal is to be public record *until the recommendation to the Governor and Legislature.*” And “Any such information referred to in this paragraph may be known to the public and all other offerors at *the discretion of the committee* at any stage of the procurement process in accordance with this paragraph.”

Bachman: The language proposed gives maximum flexibility. Delete the highlighted sentence – “Any such information referred to in this paragraph may be known to the public and all other offerors at any stage of the procurement process in accordance with this paragraph.” Also remove “Additionally, proposals may remain confidential after the recommendation of the evaluation committee to the full Authority.”

\*Motion withdrawn by Mayor McAdams

1.1.3: We cannot know all unintended consequences. At this stage, we cannot know the extent to what we can limit to the confidentiality. Add “*to the extent allowed by law*, The State may share freely...”

## 1.2 Procurement Approach: Boilerplate

Most of the rest of the RFP is boilerplate with a few housekeeping changes.

Assignment that needs to be reviewed – Director of State Facilities, Josh Haynes, came on board a few weeks ago. Looking at costs with Corrections. DFCM would like to hire a cost consultant – as a small purchase – needs Authority’s approval. Will come out of the Authority’s budget.

Motion by Rep. Wilson: Authorize DFCM to hire cost consultant. Mayor Smith seconds. Passed unanimously.

Motion by Camille Anthony: Modifications made to the RFP #3 would be applied to the other 2 RFP’s. Rep. Wilson seconds. Passed unanimously.

Motion: Send the approved RFPs, as amended, to the Governor. David Luna makes the motion. Rep. Hutchings seconds. Passed unanimously.

Motion by Rep. Wilson: Start a draft of the first addendum to the RFP after receiving demographic information of the current population of the prison from the Dept. of Corrections along with a 20 year projection – Include a description of current programming of the prison. Mayor Smith seconded. Passed unanimously.

Motion by Camille Anthony: Move sentence in paragraph 1.1.3 – “Sharing information freely to the public...” to an appropriate location in paragraph 1.1.2. Rep. Hutchings seconds. Passed unanimously.

<b>Agenda Item</b>	<b>Electronic Meeting Resolution - Information and Action - <i>Alan Bachman, Assistant Attorney General</i></b>
<b>Notes</b>	<p><u>Alan Bachman</u>: In the meeting materials, there is an Electronic Meeting Resolution. Allows for board members to attend meetings electronically (by conference call) if they are not available to attend a meeting.</p> <p><u>Action</u>: Leland Pollack made a motion to approve the resolution. Camille Anthony seconded. Approved by a unanimous vote.</p>
<b>Agenda Item</b>	<b>Discussion by PRADA Committee regarding future meeting agendas and prison tours</b>
<b>Notes</b>	<p>PRADA Committee will tour facilities in AZ on the evening of September 30, 2013 and the day of October 1, 2013.</p> <p>Next PRADA Meetings will take place on:  Wednesday, October 9, 2013 (To review consultant proposals)  Wednesday, October 23, 2013 – Include Spencer Eccles presentation (GOED)</p>
<b>Agenda Item</b>	<b>Adjourn</b>
<b>Notes</b>	Lane requests motion to adjourn meeting. First motion is made by Camille Anthony, Seconded by Rep. Hutchings. All approve.

Minutes prepared by Laura Barlow, Executive Secretary, PRADA Board



## Prison Relocation Committee Tour– DRAFT

<b>Committee</b>	<b>Prison Relocation Committee</b>
<b>Date Time Location</b>	<b>Monday, September 30, 2013 – Tuesday, October 1, 2013 Florence, Arizona</b>
<b>Members Present</b>	Lane Summerhays – Chairman, Darrell Smith – Mayor of Draper City, Ben McAdams – Salt Lake County, Sen. Jerry Stevenson, Sen. Stephen Urquhart, Rep. Eric Hutchings, Rep. Brad Wilson
<b>Other Attendees</b>	Rep. Brad King, Sen. Todd Weiler
<b>Staff</b>	Mike Mower - Deputy Chief of Staff, Dave Walsh - Budget and Policy Analyst, Shannon Simonsen - Administrative Assistant, Steve Turley – Utah Department of Corrections
<b>Visitors</b>	
<b>Monday, September 30 2013</b>	4:56 pm MST Depart Salt Lake City Airport for Phoenix Sky Harbor Airport
	5:35 pm PST Arrive in Arizona, Arizona Department of Corrections (ADC) Transportation to Florence, AZ (Holiday Inn Express).
	8:00 pm Shuttle pick up from Holiday Inn Express
	8:30 pm Arrive at La Palma Correctional Center – Begin Tour
<b>La Palma Correctional Center (Private)</b>	La Palma Correctional Center is a 3,060 medium-security bed facility that is accredited by the American Correctional Association. Currently, La Palma houses inmates from the State of California and offers a wide range of program opportunities for inmates. Core offerings include: Adult Basic Education, GED, addictions treatment, faith-based opportunities, vocational, and life skills. CAA Open Date: July 2008, Facility Capacity: 3060, Security Level: Medium Security Facility Type: CCA Owned/Operated, Government Partner: California Department of Corrections and Rehabilitation.
	11:00 pm End tour and load vans to return to hotel
<b>Tuesday October 1, 2013</b>	7:50 – 8:00 am ADC Transportation from hotel to Central Arizona Correctional Facility (CACF) 8:00 – 9:30 am Tour CACF (Level II Private)
<b>Central Arizona Correctional Facility (CACF) (Level II Private)</b>	The Central Arizona Correctional Facility (CACF) was built in 2006 and is operated by the GEO group. CACF is a medium-custody private prison in Florence, Arizona under contract with Arizona Department of Corrections (ADC) to provide custody and treatment to adult male inmates who have been classified as sex offenders. The contract was awarded in 2005. Upon completion of construction, the facility was populated with Arizona inmates in December 2006 and January 2007. The current contract expires in December 2016, however does have two 5-year renewal options available. At the conclusion of the 20 year contract period, ADC will own the facility. The prison has a rated design capacity of 1,000 beds, with an additional 280 emergency/temporary beds. The current per diem rate for rated beds is \$67.22, with a per diem rate of \$10.00 for emergency beds, resulting in a “blended” per diem rate of \$54.70 for all 1280 beds. ADC maintains 2.5 FTE on-site staffing for monitoring the private prison vendor’s performance.
	9:30 – 9:40 am ADC Transportation from CACF to ASPC-Eyman 9:40 – 11:00 am Tour ASPC-Eyman Rynning Unit (Level IV)

<b>Arizona State Prison Complex (ASPC)- Eyman Rynning Unit (Level IV)</b>	<p>The Arizona State Prison Complex-Eyman has an operational capacity of 5,328, and houses medium, close and maximum custody male inmates. The Rynning Unit is the close custody (Level IV) facility at ASPC-Eyman, housing 88- sex offenders. Built in 1991, this unit represents an evolving design, the most recent example of which includes several Level IV units at ASPC-Lewis. Inmates are housed in two person cells in a controlled-movement environment. The facility includes an 80 bed Detention Unit, which has been temporarily converted to house maximum custody sex offenders due to a shortage of maximum custody beds. The 2013 per diem cost for this unit is \$71.21; the estimated replacement value of this facility is approximately \$60 million.</p>
	<p>11:00 – 12:45 pm ADC Transportation to ASPC-Perryville  12:45 – 1:45 pm Lunch at ASPC-Perryville Provided by the ADC using no tax dollars  1:45 – 3:00 pm Tour ASPC-Perryville San Carlos Unit (Level II)</p>
<b>Arizona State Prison Complex (ASPC)- Perryville/San Carlos Unit</b>	<p>The Arizona State Prison Complex-Perryville houses all female inmates in ADC, and has an operating capacity of 4,274 beds. It currently houses 3,698 inmates. The Complex consists of 7 units and a central detention facility. The San Carlos Unit is a minimum custody facility with an operating capacity of 1,250 inmates. Built in 2010 as part of a 5,000 bed system-wide expansion, the unit had a 2012 per diem cost of \$67.01; the estimated replacement value of this facility is approximately \$54 million.</p>
	<p>3:00 – 4:00 pm Transportation from ASPC-Perryville to Phoenix Sky Harbor Airport  5:30 pm Depart Phoenix Sky Harbor Airport for Salt Lake City  8:07 pm Arrive in Salt Lake City</p>

Minutes prepared by Shannon Simonsen – Administrative Assistant, Governor’s Office

## Prison Relocation and Development RFP Subcommittee – DRAFT

<b>Committee</b>	<b>Prison Relocation and Development RFP Subcommittee</b>
<b>Date Time Location</b>	<b>Wednesday, October 9th, 2013 8:45 a.m. – 1:30 p.m. Beehive Room, Senate Building, State Capitol Complex</b>
<b>Members Present</b>	Lane Summerhays – Chairman, Camille Anthony – Citizen, Darrell Smith – Mayor of Draper City, Sen. Jerry Stevenson, Rep. Eric Hutchings
<b>Staff</b>	Alan Bachman - Assistant Attorney General, Laura Barlow – Executive Secretary, Kurt Baxter – State Purchasing, Denise Austin – State Purchasing
<b>Agenda Item</b>	<b>Welcome and Call to Order – Lane Summerhays, PRADA Chair</b>
<b>Notes</b>	Lane Summerhays called the meeting to order.
<b>Agenda Item</b>	<b>Discussion of Evaluation Process for a Master Planner/Programmer pursuant to the issued Solicitation. <i>Kurt Baxter, Region Director, Division of Facilities and Construction Management, and Alan Bachman, Assistant Attorney General.</i></b>
<b>Notes</b>	<p><u>Alan Bachman</u>: Introductions. The first portion of this meeting is a public meeting to discuss processes. Suggests closed meeting to discuss character and confidence. Price will not be a factor in this interview. Offerors will be ranked and then fees will be discussed. There are 3 firms interviewing today – FFKR, MGT of America, VANIR. If any of the Board Members or their families involved in any of the firms, they will be disqualified. Bachman acknowledges there are no conflicts with this subcommittee. Bachman will staff this committee to make sure there is compliance with the open and public meetings law.</p> <p><u>Kurt Baxter</u>: Discusses Process, criteria and scoring. Advises the committee to take notes. Justification sheets will be written to go along with the award. Discusses process and contents of the packet, but not specifics about qualifications. Staffers here only to facilitate the process.</p> <p><u>Motion to close meeting to the public</u>: Camille Anthony motions. Sen. Stevenson seconds. Passes unanimously.</p> <p><b><u>CLOSED MEETING TO DISCUSS “CHARACTER” AND “PROFESSIONAL COMPETENCE” OF PERSONS SUBMITTING PROPOSALS FOR MASTER PLANNER/PROGRAMMING RELATED TO THE PRISON PROJECT(S) PURSUANT TO UTAH CODE SECTION 52-4-205(1).</u></b></p>
<b>Agenda Item</b>	<b>Open Meeting – Recommendation of the highest ranked firm to the full Authority.</b>
<b>Notes</b>	<p><u>Motion to accept scores as the committee determined</u>: Rep. Hutchings, Mayor Smith seconds. Passes Unanimously.</p> <p>MGT of America is the highest ranked firm, according to the scores.</p>
<b>Agenda Item</b>	<b>Adjourn</b>
<b>Notes</b>	Lane motions to adjourn meeting. Passes unanimously.



## Prison Relocation and Development Committee – DRAFT

<b>Committee</b>	<b>Prison Relocation and Development Committee</b>
<b>Date</b>	<b>Wednesday, October 9th, 2013</b>
<b>Time</b>	<b>2:30 p.m. – 3:30 p.m.</b>
<b>Location</b>	<b>Senate Room 210, State Capitol</b>
<b>Members Present</b>	Lane Summerhays – Chairman, Camille Anthony – Citizen, Judith Atherton – Judge, Darrell Smith – Mayor of Draper City, Ben McAdams – Salt Lake County Mayor, Sen. Jerry Stevenson, Rep. Eric Hutchings
<b>Staff</b>	Mike Mower - Deputy Chief of Staff, Alan Bachman - Assistant Attorney General, Dave Walsh - Budget and Policy Analyst, Laura Barlow – Executive Secretary
<b>Agenda Item</b>	<b>Welcome and Call to Order – Lane Summerhays, PRADA Chair</b>
<b>Notes</b>	Lane Summerhays called the meeting to order.
<b>Agenda Item</b>	<b>RFP for Programming Consultant Evaluation - Information and Action. Results are expected from RFP Subcommittee. Discussion and determination whether to approve recommendation from RFP Subcommittee. <i>Alan Bachman, Assistant Attorney General</i></b>
<b>Notes</b>	<u>Bachman</u> : Meeting this morning with 3 firms to discuss qualifications. Successful offeror was a group called MGT of America. Motion in previous meeting to approve the scoring process – Approved unanimously. Full Authority must approve.  <u>Motion</u> : To members of the full PRADA committee – To accept the RFP Subcommittee recommendation to select MGT of America as the successful offeror and to start contracting negotiations. Rep. Hutchings made the motion. Mayor Smith seconds. Passes Unanimously.
<b>Agenda Item</b>	<b>Adjourn</b>
<b>Notes</b>	Lane requests motion to adjourn meeting. First motion is made by Sen. Stevenson, Seconded by Camille Anthony. All approve.

Minutes prepared by Laura Barlow, Executive Secretary, PRADA Board



ALLIANCE  
for a  
BETTER UTAH

October 21, 2013

Mr. Lane Summerhays, Chair  
Prison Relocation and Development Authority (PRADA)  
350 North State Street  
Salt Lake City, UT 84114

RE: Proposed relocation of the Utah State Prison

Dear Mr. Summerhays:

On behalf of Alliance for a Better Utah, I wish to thank you for your generous dedication of time and effort to various civic issues, including, of course, PRADA. We appreciate the civic dedication of all of the members of PRADA.

We have been observing PRADA's endeavors thus far, and we do have concerns as set forth herein.

**1. Reformed prison policy is an essential prerequisite to any consideration of building a new prison.** Since 1980 Utah's prison population has grown over 760% while our state's overall population has grown only 95%. The prodigious growth of Utah's prison population mirrors the growth in the entire United States. The U.S. now leads the world in prisoners, both on an absolute basis and on a per capita basis.<sup>1</sup> One of PRADA's reference documents is a study commissioned by the Utah Association of Counties which projects the Utah prison population to steadily grow over the upcoming years from the point at which it is today. We believe that basing all of PRADA's projections and assumptions on the premise that today's swelled prison population will hereafter inexorably grow wrongly omits the impact of much needed and long overdue prison policy reform. Utah's cost of incarcerating one inmate for one year as of 2010 has been calculated to be \$29,349.<sup>2</sup> This is only the explicit cost of incarceration, and does not include wages forgone, taxes not paid, and the costs borne by families or the state when a father or mother is not able to care for his/her children. Utah cannot afford its current bloated prison population. States such as Kentucky and Texas<sup>3</sup> have already initiated prison reform programs that have materially reduced prison populations. The general idea that too many are incarcerated today is shared by politicians and policymakers across the political spectrum, including Utah's Congressman Chaffetz.

One of the causes of the aforementioned increase in incarceration, both in Utah and the U.S., is the housing of the mentally ill. Currently the three biggest jail systems in the U.S. (Chicago,

---

<sup>1</sup> International Centre for Prison Studies

<sup>2</sup> Vera Institute of Justice, True Cost of Prison Survey, published 7/20/2012

<sup>3</sup> The Economist, August 17, 2013 <http://www.economist.com/news/united-states/21583701-america-waking-up-cost-mass-incarceration-unlikely-alliance-left-and>

# ALLIANCE *for a* BETTER UTAH

N.Y. and L.A.) are treating 11,000 people for mental illness on a typical day. In contrast, the country's three largest state-operated mental hospitals have a combined capacity of just 4,000 beds.<sup>4</sup> The aggregate population of the U.S.'s psychiatric hospitals reduced from 559,000 in 1955 to less than 70,000 in 2003.<sup>5</sup> We acknowledge that the Utah prison system does have treatment plans and medication for the mentally ill, but we are highly concerned about the mental health facilities available in Utah's county jails (already used by UDOC, and proposed to be expanded in the event the Draper prison is moved). We also question whether commingling the mentally ill with the general prison population serves the best interests of either cohort. We believe that PRADA needs more input from experts regarding how to house and treat a prison population that includes a large portion of mentally ill inmates. Judge Kevin Allen of the First Judicial District spoke eloquently and forcefully to the PRADA committee at the meeting of August 29, 2013. One of Judge Allen's points was that the use of Drug Courts and Mental Health Courts better served the interests of the offenders and saved the State of Utah money. We believe it is worth studying whether resources currently expended elsewhere in Utah's criminal justice system be redirected to an enhancement of Utah's Drug and Mental Health Courts and whether that might result in reduced rates of incarceration. This is just one issue deserving of much more discussion and scrutiny before embarking on any new prison construction.

Of the 7,000+ prisoners currently in the Utah state correctional system, approximately 25% are imprisoned for property crimes. Another approximately 25% of the inmates are in prison for "Drug Possession Only" or "Alcohol & Drug" crimes.<sup>6</sup> We believe a substantial portion of the members of this segment of the prison population may be candidates for alternatives to incarceration. With advances in technology for electronic ankle bracelets, GPS devices to attach to automobiles, and monitoring technology for phone calls, texts, and e-mails, a person can now be closely monitored outside of a prison cell. Substance abuse is a major cause of the kind of crimes that result in these categories of prisoners. We believe that combining the aforementioned enhanced monitoring with the oversight of a Drug Court can provide outcomes that are better for the offenders as well as the citizens of Utah.

We believe the length of sentences for various crimes in Utah needs to be scrutinized and reevaluated. There needs to be a detailed understanding of why Utah's rates of incarceration have increased so dramatically over the past 30 years.

More people enter Utah's prison system for parole violations rather than an initial conviction for a felony. Many states have reduced their prison populations in recent years by implementing data and evidence-based software systems to calculate an inmate's likelihood of recidivism

---

<sup>4</sup> The Wall Street Journal, September 26, 2013

<sup>5</sup> Ralph Slovenko, *The Transinstitutionalization of the Mentally Ill*

<sup>6</sup> Utah Department of Corrections, as of October 11, 2013

# ALLIANCE *for a* BETTER UTAH

when making parole decisions.<sup>7</sup> With fewer parolees committing recidivism, the revolving door slows and the prison population reduces. These software systems can compliment, augment and improve the judgments of parole boards. We believe such software systems deserve careful consideration for being implemented in Utah.

**2. Assuming arguendo that the prison should be moved, PRADA is working under a too-short self-imposed deadline that will almost certainly result in suboptimal decisions.**

As we know you are aware, the legislation that created PRADA did not impose a deadline for PRADA's recommendation to the governor and legislature. Because a special session can be called at any time, we are at a loss to understand why PRADA is racing to present a recommendation by January 31, 2014. We have attended nearly all of the public PRADA meetings, and we have heard PRADA members themselves express concerns about the fast pace of events. As you will recall, at the September 30, 2013 meeting, public comment was invited near the end of the meeting. A person representing one of the entities planning to submit a proposal for the Master Development Project expressed concern about how much information was required under the RFP relative to the time allotted to prepare it.

Parties seeking to submit proposals for the development of the Draper site and/or the construction of a new prison (or prisons) will have about 60 days to prepare their proposals. Looking at RFP #3 (the combined current prison land development and new prison development), the "List of Issues" (Section 3.7) runs four typewritten pages, and includes 39 items. These 39 issues are highly complex and very diverse, to wit:

- Item 19 covers the "security and safety concerns for the occupants, staff and public."
- Item 23 covers the "financial impact on Utah taxpayers."
- Item 32 is the "impact on the economy of the State of Utah."
- Item 9 covers demolition requirements.
- Item 24 covers environmental impacts.
- Item 11 covers the "legal obligations of the Utah Department of Corrections" as well as "best practices of providing programs and rehabilitation for persons that are incarcerated."

We do not believe these highly varied and complex issues can be thoroughly addressed within the allotted timeframes.

PRADA has retained MGT of America as its advisor to this process. We believe MGT is a capable and professional firm. But given the immense array of issues that PRADA and those making proposals to it must address, we are concerned whether any single firm has the capability to render top-of-the-line advice on all of the relevant issues. Ideally, we believe PRADA's advisors would include a law firm, a construction firm specializing in large institutional

---

<sup>7</sup> The Wall Street Journal, October 12, 2013

# ALLIANCE *for a* BETTER UTAH

projects, an environmental firm, an investment bank with a specialty in public finance, and a think-tank specializing in public policy and criminal justice policy.

**3. We believe that any large-scale use of jails to house prisoners that otherwise would be at a state prison is bad policy and the proposed expansion of this policy as part of the relocation of the Draper site is fraught with peril.** Jails, of course, are primarily designed to hold inmates for relatively short periods of time. Typically, jails offer fewer square feet per inmate and offer fewer vocational/rehabilitative and recreational facilities. Jail inmates may have little or no privacy at any time. Jails are typically not as adept as prisons at offering medical support to inmates, especially those with chronic or complicated illnesses. While such conditions can often be endured for the typical short stay of a jail inmate, a prison inmate serving a sentence in a jail may face such conditions for a very long time. Another concern is that jail inmates that may be incarcerated for quite minor offenses are commingled with hardened criminals. We believe having minor jail offenders in proximity with prison inmates serving long sentences for serious offenses creates unnecessary risks and complications. We have also heard reports that the complicated and dangerous social hierarchy of a prison can be transferred to a jail once a certain number of prison inmates begin residing there for longer periods of time. In general, it appears that time spent in a jail is harder than time spent in a prison.

California, Kentucky and Louisiana are among the country's largest users of jails as prisons. Their experience has not been good.

- In Kentucky, likely because of the deprivations and shortcomings listed above, state prisoners serving time in jails had a much higher incidence of being denied parole and instead being given "serve-out" orders.<sup>8</sup>
- Kentucky also wound up creating a group of county jails eager for the cash flow from an expanding population of inmates, mostly because jails have large fixed costs, and the marginal cost of a new inmate is significantly less than the marginal revenue.<sup>9</sup>
- It is also worth noting that this year Kentucky ended a 28-year period of using private prisons.<sup>10</sup>
- Louisiana likewise created a network of sheriffs, county jails, and private jails that became dependent upon a steady and growing stream of human inventory. This is described in an excellent article in the New Orleans Times-Picayune that we highly recommend you read.<sup>11</sup>

---

<sup>8</sup> Turning Jails into Prisons Collateral Damage from Kentucky's War on Crime, Robert G. Lawson, University of Kentucky College of Law, 2006.

<sup>9</sup> Ibid.

<sup>10</sup> Louisville Courier Journal, September 15, 2013 <http://www.courier-journal.com/article/20130915/NEWS01/309150042/>

<sup>11</sup> [http://www.nola.com/crime/index.ssf/2012/05/louisiana\\_is\\_the\\_worlds\\_prison.html](http://www.nola.com/crime/index.ssf/2012/05/louisiana_is_the_worlds_prison.html)

# ALLIANCE — for a — BETTER UTAH

Indeed, we are highly concerned about the possibility of creating a “prison-industrial complex” in Utah, wherein jobs, jail construction bonds and entire communities become financially dependent upon a steady and growing stream of prisoners. Inevitably, these constituencies acquire power and influence that seeks to thwart any move to reduce the prison population. It appears to us that in Louisiana, the growing stream of prisoners can now only be reduced at the expense of families, lenders and entire towns. Further, in the event a reduced prison population is ever considered in Louisiana, we expect an entrenched group of sheriffs will highly resist any such change.

We believe it is essential that PRADA hear from policymakers and public officials from Kentucky, Louisiana and California regarding the experience in those states relative to the proposed expanded use of Utah county jails to house inmates that heretofore have been kept in state prisons. To our knowledge, PRADA has not done so.

**4. The favorable economics of any prison relocation must be self-evident; further, there should not be reliance on any alleged derivative or consequential economic benefits that we believe are very subjective and nearly impossible to quantify accurately.** We

acknowledge that a new appraisal of the prison grounds is underway. This information will obviously be important in any kind of economic analysis. The pending RFPs will have projections of the cost of new prison and the economics of a long term development of the prison site. We are concerned about the accuracy of any projections regarding development at the prison site that goes out for many years.

Beyond the direct and objective economic aspects of the possible prison relocation (i.e. the pending appraisal and the projected cost of a new prison), there is the potential for a lot of “noise” that we fear will enter into the economic debate. For instance, there is fierce debate among economists about such topics as “multipliers”, as well as the economic benefits that are alleged to accrue when a city or state shells out big money to retain a professional sports franchise. We believe any alleged economic benefits of a new prison calculated along these lines should be omitted. The alleged economic benefits such as the projected appreciation of the land close to the prison, or the tax revenues created by whatever might be sitting on the prison site 10 years in the future are too speculative. Further, such speculative benefits can be claimed to be offset by estimates of the societal costs of fewer volunteers visiting the new prison or higher recidivism caused by shortcomings in the new prison system. These kind of calculations, both pro and con relative to a new prison, are too malleable and subjective. This kind of analysis will bog down in a cacophony of dueling economic experts and mutually exclusive assumptions.

We also note various other estimates and projections for a possible prison relocation done in recent years have put the value of the Draper site around \$100,000,000 and the cost of a new prison between \$550,000,000 and \$900,000,000. These kind of numbers seem daunting in terms of justifying a relocation.

ALLIANCE  
*for a*  
BETTER UTAH

Finally, we wish to mention two brief items. First, Article 1, Section 9 of the Utah Constitution states that "cruel and unusual punishments [shall not] be inflicted." We bring this up to point out that Utah's founders were quite correctly concerned about the power of the State with regard to its administration of prisons and its incarceration of prisoners. Second, Fyodor Dostoevsky is reported to have said "the degree of civilization in a society can be judged by entering its prisons."

With all of the foregoing in mind, we ask that PRADA amend its process, schedule and deliberations to address the concerns and issues raised herein. We would welcome an opportunity to meet with you or the entire PRADA committee to discuss our concerns in more detail. Please don't hesitate to contact me if you have any questions. Thank you for your careful consideration of these important issues.

Most Sincerely and Respectfully,  
**Alliance for a Better Utah**

Maryann Martindale  
Executive Director

CC: PRADA Committee Members

## STATEMENT OF THE LEAGUE OF WOMEN VOTERS OF UTAH TO THE PRISON RELOCATION AND DEVELOPMENT AUTHORITY

October 23, 2013

As I am sure you have noticed, members of the League of Women Voters of Utah (LWVUT) have attended every PRADA 2 meeting since the first. The League of Women Voters of Utah has a history of interest in Utah corrections dating back to its first study of Corrections in 1976. Since then it has completed two more studies, one on the Department of Corrections in 2000 and another on the Juvenile Justice System in 2002. Attending these PRADA meetings is part of producing a fourth study that will help us decide whether to support the recommendation that emerges from this committee. On the basis of our past research, the LWVUT has taken positions on several corrections-related issues. These positions relate to fair treatment of inmates, recidivism, qualifications and fair treatment of staff, and possible reduction of the inmate population. Here are the positions:

- The League of Women Voters of Utah believes that effective reintegration into society should be the primary focus of prison programs. Inmates should have access to Transition Services which assist them in this reintegration process. We also support educational programs for literacy, high-school diploma or GED and vocational training.
- The League believes that female inmates should have the same access to education, jobs, programming and recreational facilities as male inmates.
- The LWVUT supports the enforcement of minimum standards established federally for jails, and believes that all facilities, public or private, housing state offenders should be . . . subject to public oversight.
- The League believes that the same standards for access to health care, education, recreation, and visitation should be applied to all inmates.
- The LWVUT believes that the salaries of Department of Corrections officers should be competitive with those of corrections personnel in county and municipal facilities.
- Placement of an inmate in a county jail should take the specific needs and privilege level of the individual into account.
- The LWVUT recognizes the continued need for correction facilities, but is opposed to the private ownership or management of prisons.
- We do support the increased use of Community Corrections Centers and Day Reporting centers. These facilities, whether public or private, can provide effective rehabilitative services to certain offenders outside the prison setting.
- The LWV also supports legislation and funding to promote rehabilitative programs that operate outside the jurisdiction of the Department of Corrections if those programs have been proven to be effective. The Drug Court program is an example.

Our current research on relocating the prison may produce further criteria for effective prison location and management. After analyzing whether PRADA's recommended proposal addresses and meets these standards, League membership will decide whether to support the recommendation.

We want the committee to know we appreciate the hours and effort you have put into your study of this issue.

League Contact: Kathryn Fitzgerald, Vice-President for Program, League of Women Voters of Salt Lake  
Phone: 801-521-5790 Email: klrfitzgerald@gmail.com

PRESENTATION TO PRADA  
Ron Gordon, Commission on Criminal and Juvenile Justice

- We ask that you not issue the RFP now, but that you take the next few months to gather additional information and determine some specific details that should be included in the RFP.
- Prison relocation should be viewed as one part of a much larger correctional system and criminal justice system. We have the opportunity to improve our criminal justice system for the next several decades.
- Policy issues that need to be addressed. You do not have to answer all of these questions. Not all need to be included in your RFP. Instead, we ask for the opportunity to work with you, provide additional information to you that will help inform the decisions you make.
  - How many beds should the Gunnison facility ultimately have?
  - Jail contracting
    - Capacity?
    - Type of inmates?
    - Treatment resources?
  - Economy of scale (one large prison vs. multiple regional prisons) – this impacts the quality and quantity of medical and treatment services
  - Current inmate population and projected inmate population
    - What are the drivers of the current growth?
    - How can we impact the growth through policy changes?
      - Number of first degree felonies
      - Categorization of felony offenses
      - Sentencing enhancements
      - Length of stay in prison
      - Better supervision of probationers and parolees
  - Future of probation and parole
  - Information provided to sentencing judges
    - Risk assessments
    - Diagnostic center
    - Mental health evaluations
  - Treatment and programming, both in the prison and in the community
    - Substance abuse Tx
    - Sex offender Tx
    - Mental health Tx
  - Special needs for different types of offenders
    - Drug offenders
    - Sex offenders
    - Mentally ill offenders
    - Female offenders
    - Geriatric offenders
    - Offenders with medical needs
  - Transition centers and other re-entry issues
- We are not asking you to expand the scope of your committee beyond the legislation that established this Authority. We are asking that you recognize that the prison and all other areas of the criminal justice system are inter-related. Moving the prison provides the opportunity to make some other changes that will benefit the citizens of Utah for many years to come.