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A Special Work Session of the Danville City Council convened on January 21, 2020 at 5:30 p.m. in the Conference Room located on the Fourth Floor of the Municipal Building. Council Members present were: James B. Buckner, L.G. "Larry" Campbell Jr., Mayor Alonzo L. Jones, Dr. Gary P. Miller, Sherman M. Saunders, Fred O. Shanks, III, Adam J. Tomer, Vice Mayor J. Lee Vogler, Jr., and Madison J.R. Whittle (9). *Mr. Shanks entered the meeting at 5:35 p.m.; Mr. Whittle entered the meeting at 5:58 p.m.*

Staff Members present were: City Manager Ken Larking, Deputy City Manager Earl B. Reynolds, Jr., City Attorney W. Clarke Whitfield Jr., and City Clerk Susan M. DeMasi.

Mayor Jones presided.

City Manager Ken Larking explained about a year and a half ago, Council had a report from the National Resource Network indicating there were some opportunities for the City to close its long-term fiscal gap. One of those related to consolidation of the Adult Detention Center under the supervision of the Sheriff. The cost savings would come by having employees under the ADC become employees of the Sheriff, who would be eligible for compensation through the State; that would reduce the City's cost. There was a recommendation to study it further to see if that could happen, what steps would have to happen and potential impacts to service delivery. This study looks at opportunities for cost savings and providing some efficiencies to the way the City does things, looking at opportunities to save money where they can in a proactive way. As the City was not in a crisis mode, they do not have to make draconian decisions such as laying off employees, changing the status of employees or things like that. Also, no decision has been made; this will ultimately be a Council decision. After reviewing the report tonight, a written report will be provided so Council can take the time to study that and make a decision later about moving forward. There are several opportunities that can be enacted immediately that do not ultimately result in the ADC coming under the Sheriff's department.

Deputy Chief Dean Hairston introduced the consultants from Practical Solutions for Public Safety, Karen Albert, and her associate Shawn Kelley. Ms. Albert reviewed her PowerPoint presentation, *Study to Consider Consolidation of the Adult Detention Center and the City Jail Under the Sheriff's Office* (a copy of which has been retained in Laserfiche, in the City Clerk's folder, *Presentations to Council*.)

Ms. Albert noted they would be looking at four areas: what was the criminal justice system impact, the financial impact of moving the ADC to the Sheriff's office, the human impact, dealing with people, and the process impact. They will discuss twenty-one opportunities. They interviewed people within the City and Community Services Board, Council Members, Criminal Justice Partners and Criminal Justice Stakeholders. Numerous documents were reviewed and they toured a number of the facilities. Ms. Albert noted one of the things they looked at was how well was the current system operating. Was the City as efficient in their criminal justice system as they could be, and could efficiencies be found. How was the City using its existing programs and services, are they be fully utilized, were there some gaps in those services and programs. Was there a population of people, that if they address some of their issues, could the City find ways other than incarceration, to address those issues. Another piece was court case processing, how quickly was the City able to get people through the process. Are there delays or extensions built into the process or do the court support systems need to be looked at to see if they are adequately in place.

Other considerations were what treatment services were in the community. If it was a treatment need, the sooner that was addressed, the more effective it would be, and also recognizing that

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97-98% of those who come into the local jail systems are going to return to the communities at some point. That was an opportunity to deal with them while the City could, and address some of the issues that might be drivers for them to commit crimes in the future. The City needs to make sure they have effective re-entry planning in place. Even for some of the population within the jail, they may be able to get out but if they don't have a drivers license or identification, that could become an issue. Some of those small things could make a difference. Ms. Albert noted with the current Community Corrections and Pre-Trial Services Program, the City has only one representative, the rest of the program was outside the City which makes it difficult for the population to access some of the services. These are very successful programs and are supported through State funding. If the City was able to expand the programs, there was a good success rate with the current Community Corrections Probation Program for the misdemeanor offenders.

Ms. Albert noted they thought there was a real opportunity to develop a Criminal Justice Coordinating Council. This would be a group of criminal justice partners and stakeholders, who meet on a regular basis to identify, from a criminal justice system perspective, how the City wants to move forward, and how can they make sure the programs the City has in place are effective. The Council could be a mechanism that would allow the City the opportunity to streamline some of the operations in a very informed and directed manner. There was some federal and state grant funding to develop these programs. The City will probably want to develop a data collection system that will allow it to look at every stage of the process to identify what was working, what was not, and what was delaying things. The City does have some risks and needs assessments already available and Ms. Albert encouraged Council to use those. Those resources can provide valuable information to identify who might be a good candidate for a day reporting program, electronic monitoring, or treatment. Another opportunity to consider was that a lot of the City's programs are fee based, recognizing that most of the people that are incarcerated tend to be the poor. When there was a program that was fee based, the City will need to take a look at whether or not that program was a barrier to people being able to access alternatives to incarceration.

Ms. Albert noted under the Financial Impact, the primary question they were asked, was there a potential savings and Ms. Albert noted, yes, there was absolutely potential savings. There were some staffing efficiencies by consolidating the ADC and the Jail. The big dollar amount was from the State Compensation Board (SCB) and their reimbursement since these employees would, in the future as a progression occurs, essentially be compensated as state employees. The SCB was funded on an annual basis and there was no guarantee of their funding, but the likelihood of offsetting some of the cost over a period of time was very real; the SCB has already acknowledged that. The other piece of this, the work that the inmates are providing the City was significant; the valuation of that work was estimated to be about \$2.4M. Regardless of what happens, the work programs need to continue based on the financial impact.

In terms of opportunities, the City has invested in two facilities and it doesn't make sense to walk away from either one. The State Compensation Board indicated if the City was to combine both populations into one facility, the City could save even more. At this point, Ms. Albert noted, the population was too high to be able to do that, and the City does have a tremendous investment in their existing facilities. There are some pieces identified in the report that need to be discussed with the SCB. It was likely that they will not compensate those deputy positions, detention officer positions that are out supervising the inmate workers because that was a benefit to the City and not necessarily to the State. Some of those positions might continue to be funded by the City, but those supervising populations who are actually in the ADC, there was a significant chance of those positions being reimbursed.

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In discussing the Human Impact, Council needs to recognize that any two agencies, even if they have a similar mission, may operate differently. Ms. Albert noted they think another opportunity was a classification study that would take a look at whether the City was competitive in the region. Danville has been losing people to other jurisdictions and there was a large investment, whether the ADC or Sheriff's office, on recruiting and training people to get them to work in these facilities. The City should be able to take advantage of that, hopefully through retention, but they will have to be competitive to do that. Ms. Albert noted they also looked at Process Impact. This was a case where Council finds that they can do everything they want to do, but the process itself was onerous and may not be the direction they want to go in the long run. A lot of the opportunities they identified could be implemented regardless if the City goes the full direction to consolidate. There would need to be a Memorandum of Understanding with the Sheriff; she did not think there would be any issue with that. This Sheriff was agreeable, but what happens in the future with the next Sheriff. There are a couple of code sections that will need updating and if the ADC does move under the Sheriff, the ADC currently only has to comply with the mandatory Department of Corrections' Standards, not all of the Standards. The City might want to invite them to take look at the facility to see if there are any standards that would be difficult to comply with; she did not see anything that would prohibit them from agreeing to move forward.

There may be some costs that are short- or long term costs. It was important to identify any potential hidden costs, and to meet with all staff so they understand the case for change and the direction that the Criminal Coordinating Council may pursue. To do this as a transition process, that as people leave through attrition, those positions then would potentially come under the Sheriff. It could be an incremental approach; by doing that, it also allows the SCB to be better prepared from a fiscal perspective. Ms. Albert noted it was feasible, there was a potential for a tremendous amount of cost savings, the argument would be that this cost savings may take place over a period of time rather than just looking to switch. The other part was that the Criminal Justice Coordinating Council was an entity, that if it were pulled together, could take the lead in this implementation and work through the steps.

Mr. Shanks noted right now, the Sheriff's office has sixty employees, that salary was partially compensated by the State; Mr. Larking stated it was almost all compensated except for the supplement which was \$1,000. Mr. Shanks noted the regional jails that exist in the State, do they have any compensation from the same board and Ms. Albert noted they do. If Danville could get their state legislator to pursue a bill to fund these positions right away, that will get the City a lot farther, quicker, than the incremental approach. Ms. Albert noted they have identified that the consolidation was feasible and there are a number of opportunities to consider as a part of the process moving forward.

Dr. Miller noted Ms. Albert indicated it would be hard to get anything legislated through this year, when would this be done. Mr. Larking explained it would have to be the next General Assembly. The consultants are recommending the City take an incremental approach, look at it and see if there are any possibilities. There are certain trigger points that have to be answered, will the SCB actually do this and will there be funding for it. If they are not, then there was no cost savings and there would be no point in going forward. Staff wants to look at making sure there was an MOU with the Sheriff's department that the work program could be taken, and that the state laws change to describe the Sheriff's responsibilities to include work programs. That could be examined through a Criminal Justice Coordinating Council, a group of people who touch the criminal justice system. They could look at the report and recommendations, and lay out a step by step process to getting from where the City was to where they could be. And whether this was a benefit to the community in a couple ways; one in cost savings but also was the City serving the criminal justice system in the best way so that when inmates going through the City's system, come out productive

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members of society less likely to commit future criminal acts. There was a lot to be thought about, it was a complicated subject, but Mr. Larking stated the main crux of what was presented was that it was feasible, but more work was yet to be done.

Mr. Saunders questioned how many employees the Sherriff had and Sheriff Mondul noted eighty; Assistant Chief Hairston noted there were thirty-six in ADC. Mr. Saunders questioned if there were a merger, would that call for different management practices, and Sheriff Mondul noted he believed they had the right personnel in place in both facilities to make it work. Mr. Whittle questioned the downside and Sheriff Mondul stated any merger comes with obstacles known and unknown and he was cognizant of that; however, the City has a very positive leadership team. Mr. Whittle questioned if there was any pushback and Mr. Larking stated there were some natural and understandable concerns by the current employees of the Adult Detention Center. Mr. Larking noted if there was a way to have assurances that the city farm items would continue, if the City took the time to plan that each employee wasn't negatively impacted by the transition, and if the Compensation Board was willing to spend the money, it would seem to him that it would be very feasible to do.

Mr. Shanks stated when this came up a year or two ago and was a concern for him, he assumed with a MOU with the current Sheriff that things could be put in place for future Sheriffs to be obligated to handle that task. Mr. Larking stated it needed further exploration; ideally, it would be if the state law was changed to describe the Sheriff's responsibilities in the City of Danville, it could be made that that was a responsibility. Mr. Shanks stated that was the most important thing, because Sheriff Mondul has accepted this responsibility through a MOU, but if it was not in the State Code, then the City was wasting its time.

Mr. Vogler questioned the City Manager, was the State Legislature the only route, and would it be a bill specifically for the City of Danville to outline the duties of the Sheriff. Mr. Larking noted that was his understanding from the report. The City would ask their local delegation to submit a bill to change the definition of what the Danville City Sheriff's responsibilities were; they would want to get some assurance that it could happen. Mr. Vogler noted if it was in the code, whoever runs for the office, they will know that was a part of the job and the City was protected by it being in the Code. Mr. Vogler stated if Council decided to do this, they should be put in concurrently, the financial side and changing the code to have that be a responsibility of the Sheriff.

Mayor Jones thanked Ms. Albert for their presentation.

MEETING ADJOURNED AT 6:30 P.M.

APPROVED:

s/Alonzo L. Jones
MAYOR

ATTEST:

s/Susan M. DeMasi, CMC
CITY CLERK