

# NORTH DAKOTA LEGISLATIVE COUNCIL

## Minutes of the

### CORRECTIONAL FACILITY REVIEW COMMITTEE

Tuesday, August 21, 2007  
Roughrider Room, State Capitol  
Bismarck, North Dakota

Representative Chet Pollert, Chairman, called the meeting to order at 8:30 a.m.

**Members present:** Representatives Chet Pollert, Ralph Metcalf, Alon Wieland; Senators Tony Grindberg, David O'Connell, Bob Stenehjem

**Others present:** See attached [appendix](#) for additional persons present.

Representative Al Carlson, Chairman of the Legislative Council, was also in attendance.

**It was moved by Senator O'Connell, seconded by Representative Wieland, and carried on a voice vote that the minutes of the June 12, 2007, meeting be approved as distributed.**

#### CORRECTIONAL FACILITY REVIEW COMMITTEE STUDY

Chairman Pollert announced the procedure for hearing presentations of proposals relating to the Correctional Facility Review Committee study provided for in Section 10 of 2007 House Bill No. 1015. He said each group would be given approximately 30 minutes for the proposal presentation and 15 minutes for questions and answers. He directed committee members to hold questions until the end of each presentation.

#### Syscon Justice Systems, Inc.

Chairman Pollert called on Mr. John P. Campbell, Director of Correctional Consulting for Syscon Justice Systems, Inc., Folsom, California, as the first presenter. Mr. Campbell introduced Mr. Douglas Lovell, Manager, Engineering and Architectural Services, Kitchell CEM, Phoenix, Arizona. Mr. Campbell and Mr. Lovell presented the Syscon Justice Systems, Inc., proposal to conduct the correctional facility review study. A copy of the proposal is on file in the Legislative Council office. Mr. Campbell said Syscon Justice Systems, Inc., is an international organization that specializes in the development and implementation of offender management systems. He said the project team consists of correctional experts and will also include representatives from Fuller, Coe & Associates. He said the project approach will include inmate projections, a staffing plan, programming, and development of facility concepts. Mr. Lovell said Kitchell CEM focuses on master planning, facility concepts, and cost estimates. He discussed completed projects similar to the three facility

concepts outlined in the request for proposal. He said a data base is used to develop cost estimates. He said construction schedules would be provided for all three facility concepts.

In response to a question from Senator Grindberg, Mr. Lovell said a cost-benefit analysis would be provided that would give the committee the necessary information to reach a decision as to which facility concept should be implemented.

In response to a question from Representative Wieland, Mr. Campbell said the proposed cost of \$283,702 exceeded the appropriated amount of \$250,000 because of the amount of work required to complete the project.

In response to a question from Representative Metcalf, Mr. Campbell said Syscon Justice Systems, Inc., has not worked with the North Dakota correctional system and would ask for background information as part of the project approach.

#### Durrant Group

Chairman Pollert called on Mr. Bill Baker, Vice President, The Durrant Group, Denver, Colorado, as the next presenter. Mr. Baker introduced Mr. Mike Lewis, Project Architect, Durrant Group; Mr. Curtiss Pulitzer, Principal, Pulitzer, Bogard and Associates, Lido Beach, New York; and Mr. Lon Romsaas, Engineer, Swenson, Hagen & Company, Bismarck. Mr. Baker, Mr. Lewis, Mr. Pulitzer, and Mr. Romsaas presented the [Durrant Group proposal](#) to conduct the correctional facility review study. A copy of the proposal is on file in the Legislative Council office. Mr. Baker said the Durrant Group has been involved in more than 60 criminal justice projects and Durrant staff has experience in 22 correctional facility projects and dozens of jail/detention facility projects. He said the project challenges include aging facilities, staff inefficient buildings, and inadequate space for health and geriatric care. Mr. Pulitzer said he was involved in planning for the state of North Dakota in the 1980s. He said he has been involved in the planning and design of almost \$2 billion of correctional facilities in 40 states, the District of Columbia, and Puerto Rico. Mr. Lewis said the project will be a collaborative effort with the Legislative Council, Correctional Facility Review Committee, and the Department of Corrections and Rehabilitation. He said the project approach will include a review of background information, inventory and assessment, program

development, staffing analysis, site analysis, and design concepts and master site plans. Mr. Baker said the final report will include a cost-benefit analysis of the three facility concepts.

The Durrant Group's proposed cost is \$250,000.

In response to a question from Senator O'Connell, Mr. Pulitzer said all projects in the master plan developed in the 1980s have been completed. He said the state's correctional facility needs have changed and become more complicated since the development of that plan.

In response to a question from Representative Pollert, Mr. Baker said the amount appropriated may not cover the man-hours necessary to complete the project. He said the Durrant Group is committed to thorough work and would work with the committee to develop the actual scope of the project.

### **Foss Architecture and Interiors**

Chairman Pollert called on Mr. Richard Hoganson, Principal, Foss Architecture and Interiors, Fargo, as the next presenter. Mr. Hoganson introduced Mr. James Rowenhorst, Kimme and Associates, Champaign, Illinois. Mr. Dennis Kimme, Principal, Kimme and Associates, Champaign, Illinois, participated in the presentation through conference call. Mr. Hoganson, Mr. Rowenhorst, and Mr. Kimme presented the [Foss Architecture and Interiors proposal](#) to conduct the correctional facility review study. A copy of the proposal is on file in the Legislative Council office. Mr. Hoganson said other companies involved in the project include Ulteig Engineers, Heyer Loose Engineering, and Obermiller Nelson Engineering. He said the Foss/Kimme team has been working together since 1998 and recently completed work on the Cass County Jail. He said Foss's role in the project will be to assist the Legislative Council and Kimme and Associates in evaluating existing and proposed sites and facilities. Mr. Rowenhorst discussed completed projects similar to the three facility concepts outlined in the request for proposal. Mr. Kimme said the major planning issues include:

- Inmate classification and separation.
- Housing supervision and surveillance approach.
- Occupancy types.
- Staff and cost-efficiency.
- Source and nature of basic services.
- Education and rehabilitation.
- Type and extent of programs and support.
- Flexibility and expandability.

Mr. Kimme said the primary products will include a master plan, preliminary design, staffing plan, cost-benefit analysis, and project cost estimates. Mr. Hoganson said Foss's proposed fee of \$250,000 would include approximately \$200,000 for professional services, \$35,000 for reimbursable expenses, and \$15,000 for contingencies.

In response to a question from Senator Stenehjem, Mr. Hoganson said the Legislative Council and the

Correctional Facility Review Committee would need to define their role as part of the project team.

In response to a question from Senator O'Connell, Mr. Hoganson said the Cass County Jail project had a predetermined budget prior to predesign work and the project was completed very close to the budgeted amount. He said there were some minor revisions during the project.

In response to a question from Representative Pollert, Mr. Rowenhorst said several of Kimme's completed facilities include treatment and rehabilitation space. Mr. Kimme said there has been more emphasis on programming in recently completed facilities.

### **KMD Justice**

Chairman Pollert called on Mr. Jim Mueller, Executive Director, and Mr. Vernon Almon, Architect, KMD Justice, San Francisco, California, as the next presenter. Mr. Mueller and Mr. Almon presented the KMD Justice proposal to conduct the correctional facility review study. A copy of the proposal is on file in the Legislative Council office. Mr. Mueller said KMD Justice is a subdivision of Kaplan McLaughlin Diaz that focuses on the planning, design, and construction of criminal justice-related facilities. He said KMD Justice has completed statewide correctional facility master plans for several states. He said KMD Justice is ranked as 1 of the 10 largest criminal justice service providers in the nation over the last 10 years by *World Architecture* magazine and the *Engineering News Report* annual market survey. Mr. Mueller said the project team's initial impression from the request for proposal was that the process would include determining the facility needs and demographic projections, including an analysis of population growth and incarceration records. He said the demographic projections have been developed and just need to be validated. He said the project team sees this project as an architectural and master planning project. He said the first step of the project would be an analysis of management and operational systems within the existing facilities to determine the capacity to handle a revitalized system over the next 5 to 10 years. He said the second step is to plan and program those facilities on a conceptual level and determine the cost of new or remodeled facilities. He said the third step is a cost-benefit analysis comparing current costs to each new concept cost. Historically, Mr. Almon said remodeling costs have been 90 percent of new facility costs. He said remodeling may not ease staffing problems or support staff in a safe manner.

KMD Justice's proposed cost is \$285,000.

In response to a question from Representative Wieland, Mr. Mueller said rather than having three versions of a master plan, the master plan should include the three facility options.

In response to a question from Representative Carlson, Mr. Mueller said the steering committee and all stakeholders need to be involved with the project.

He said KMD Justice would report back to the Legislative Assembly on the status of the project.

In response to a question from Senator O'Connell, Mr. Mueller said United States prison construction technology has enhanced foreign correctional facility projects.

In response to a question from Representative Pollert, Mr. Mueller said KMD Justice would hire professional cost estimators and have Fuller, Coe & Associates provide programming services. He said all other services would be provided by the KMD Justice staff. He said the project could be completed well before the scheduled due date if all stakeholders are available for the project.

In response to a question from Senator Grindberg, Mr. Mueller said building information modeling (BIM) technology allows the builder, at the beginning of the project, to develop the engineering and architecture systems in three dimensions to understand how the buildings will fit together and identify any interferences.

In response to a question from Senator O'Connell, Mr. Mueller said there are many varieties of prison cell technology. He said a steel panel system is efficient and has been used several times in his projects. He said the advantage of the steel panel system is the panels are not as thick as other systems. He said another interesting system is a totally integrated steel cell fabrication. He said its cost-efficiency will make this the system of the future.

In response to a question from Representative Metcalf, Mr. Mueller said the elements of programming include a needs assessment, functional assessment, and an architectural program. He said the program is a living document that evolves over time. He said the program must be a flexible and adjustable guide to assist the user.

The committee recessed for lunch at 12:15 p.m. and reconvened at 1:05 p.m.

### **Criminal Justice Institute**

Chairman Pollert called on Mr. George Camp, Project Director, Criminal Justice Institute, Middletown, Connecticut, as the next presenter. Mr. Camp introduced Mr. Jeff Buck, Planner, DMJM, Orange, California, and Mr. Louis Ragozzino, Vice President, The Louis Berger Group, Florham Park, New Jersey. Mr. Camp, Mr. Buck, and Mr. Ragozzino presented the [Criminal Justice Institute proposal](#) to conduct the correctional facility review study. A copy of the proposal is on file in the Legislative Council office. Mr. Camp said Parametrix, Inc., Sumner, Washington, will also be a part of the project team. He said the project team has combined experience on over 500 similar projects. Mr. Camp presented a timeline by which the project would begin in September 2007 and the findings and recommendations would be presented to the committee by March 3, 2008.

Mr. Ragozzino said The Louis Berger Group would be responsible for site evaluations, infrastructure

assessment, and a constraints analysis which includes identifying land availability, land use and conflicts, environmental impact, and capital and infrastructure costs.

Mr. Buck said DMJM would be responsible for design development. He said the project approach would be operationally based and would include documenting existing conditions and verifying projected needs. He said a prison facility's life cycle costs consist of 90 percent operating costs and 10 percent capital costs. He said a model would be developed and each facility concept would be applied to the model. He said an option analysis would be developed to compare the costs and benefits of each facility concept.

Mr. Camp said the team would work collaboratively with the Legislative Assembly. He said the project approach includes meetings with the Correctional Facility Review Committee and conference calls between meetings to keep the committee informed.

The Criminal Justice Institute's proposed cost is \$248,869.

In response to a question from Representative Pollert, Mr. Buck said the team could set up meetings and visits to North Dakota at the beginning of the project to coincide with committee meetings.

In response to a question from Senator Grindberg, Mr. Camp said he would discuss any problems or schedule delays with the committee to reach a solution.

### **EAPC**

Chairman Pollert called on Mr. Alan Dostert, President, EAPC, Bismarck, as the next presenter. Mr. Dostert introduced Mr. Don Barsness, Architect, EAPC. Mr. Dostert and Mr. Barsness presented the [EAPC proposal](#) to conduct the correctional facility review study. Mr. Arthur Thompson, Programmer and Planner, SMRT, Troy, New York, participated in the presentation through conference call. A copy of the proposal is on file in the Legislative Council office. Mr. Dostert said EAPC would be responsible for project coordination and contract issues. He said SMRT specializes in criminal justice and detention facilities and would be responsible for programming and schematic design. He said representatives from Kadrmas, Lee & Jackson, Bismarck, CRS, Inc., Gettysburg, Pennsylvania, and P.J. Dick, Inc., West Mifflin, Pennsylvania, would also be part of the project team. Mr. Dostert discussed completed projects similar to the three facility concepts outlined in the request for proposal. Mr. Barsness said EAPC has experience with the state's correctional system, including modification and renovation projects for the James River Correctional Center and the State Penitentiary. Mr. Thompson said the project scope would include evaluating all facilities and developing conceptual plans and a comparative analysis of the three facility concepts as outlined in the request for proposal. He said the evaluation process would include determining how existing facilities comply with

the department's standards for operations, staffing, and programming. He said the first step in developing the facility concepts is to develop a gross functional area program to determine the space needs for all functional areas. He said a concept design would then be developed for each facility option. He said a cost comparison would be developed for each facility option.

EAPC's proposed cost is \$250,000.

In response to a question from Representative Pollert, Mr. Dostert said the Legislative Council and this committee would be kept fully informed on the status of the project. He said the project team would be responsive to input from the Legislative Council and the committee.

In response to a question from Senator O'Connell, Mr. Thompson said all SMRT prison projects and half of the jail projects have used precast concrete cell modules. He said SMRT has not completed any projects using steel modules because steel is not cost-competitive. Mr. Dostert said one option in North Dakota to control costs is to work with a concrete module that uses flat slab construction rather than entire cell construction. He said this module has been very cost-effective because of the local availability of precast concrete.

### **HDR Architecture/Ritterbush-Ellig-Hulsing PC**

Chairman Pollert called on Mr. Bill Ellig, Project Manager, Ritterbush-Ellig-Hulsing, Bismarck, as the next presenter. Mr. Ellig introduced Mr. Jeff Goodale, Director of Correctional Design, HDR Architecture, Chicago, Illinois; and Mr. Bruce Orenstein, Vice President, Carter Goble Lee, Columbia, South Carolina. Mr. Ellig, Mr. Goodale, and Mr. Orenstein presented the [HDR Architecture/Ritterbush-Ellig-Hulsing proposal](#) to conduct the correctional facility review study. Mr. Ellig said representatives from Parsons Commercial Technology Group, Minneapolis, Minnesota; Prairie Engineering, Bismarck; Swenson, Hagen & Company, Bismarck; Ulteig Engineering, Bismarck; and Midwest Testing Laboratory, Bismarck, will also be part of the project team. A copy of the proposal is on file in the Legislative Council office. Mr. Goodale said the team has been working with the Department of Corrections and Rehabilitation over the last few years on a facility expansion project. He said there is a distinction between the expansion project and what the team proposes to accomplish in this project. He said the expansion project was very limited in scope to replacing the east cell house and addressing the medical facilities and the Correctional Facility Review Committee study will include expansion as well as new facility concepts. Mr. Orenstein said the first phase of the project would involve the following tasks:

- Program evaluation.
- Population projections.
- Facilities overview.
- Short-term capacity management strategies.

Mr. Orenstein said the second phase of the project would include long-range system development and composite alternatives, cost and staffing impacts, and a master plan.

HDR/Ritterbush-Ellig-Hulsing's proposed cost is \$236,000.

In response to a question from Senator Grindberg, Mr. Goodale said a discount to the proposed cost could be negotiated if the scope of prior work done by HDR for the department can be used for the Correctional Facility Review Committee project.

In response to a question from Senator Grindberg, Mr. Orenstein said staffing issues are the driving factor in a cost-benefit analysis. He said modern design and planning allows a correctional facility to supervise more inmates with less staff. He said a cost-benefit analysis would be included for each concept.

In response to a question from Representative Carlson, Mr. Orenstein said historical data is used in determining long-term needs. He said current and proposed legislation will affect a facility's needs. He said the consultant would be working for the Legislative Council and the Correctional Facility Review Committee.

In response to a question from Senator O'Connell, Mr. Goodale said steel panels were used in the construction of the Williams County Law Enforcement Center. He said the steel panels weighed less and were more cost-effective than precast concrete. He said precast concrete, steel, and masonry would all be considered in a cost analysis for the project.

In response to a question from Senator O'Connell, Mr. Goodale said the facility could be designed to be adaptable to an aging population.

### **COMMITTEE DISCUSSION AND VENDOR SELECTION**

In response to a question from Senator Stenehjem, Mr. Dave Krabbenhoft, Fiscal Director, Department of Corrections and Rehabilitation, said the department would be able to work with any of the companies and is looking forward to moving ahead with the project. Mr. Ryan Bernstein, Legal Counsel, Governor's office, said the Governor's office would also be able to work with any of the companies and is ready to move forward with the project.

Chairman Pollert directed the committee members to identify their top three company choices in priority order. Each committee member's choices are shown in the table below:



	Syscon	Durrant	Foss	KMD	CJI	EAPC	HDR/REH
Representatives							
Pollert		3 <sup>rd</sup>			2 <sup>nd</sup>		1 <sup>st</sup>
Metcalfe		3 <sup>rd</sup>	2 <sup>nd</sup>				1 <sup>st</sup>
Wieland				2 <sup>nd</sup>	1 <sup>st</sup>		3 <sup>rd</sup>
Senators							
Stenehjerm				2 <sup>nd</sup>	1 <sup>st</sup>	3 <sup>rd</sup>	
Grindberg				1 <sup>st</sup>	2 <sup>nd</sup>		3 <sup>rd</sup>
O'Connell	3 <sup>rd</sup>	1 <sup>st</sup>					2 <sup>nd</sup>

Chairman Pollert said based on a scale of three points for each first choice, two points for each second choice, and one point for each third choice, Criminal Justice Institute (10 points), HDR/Ritterbush (10 points), and KMD Justice (7 points) were the top three choices.

**It was moved by Senator Stenehjerm, seconded by Senator O'Connell, and carried on a voice vote that the Correctional Facility Review Committee rank the three finalists in priority order and submit the three finalists in priority order to the Legislative Council for approval, subject to Legislative Council staff reference checks.**

Chairman Pollert directed each committee member to rank the three finalists in priority order. Each committee member's ranking is shown in the table below:

	KMD	CJI	HDR/REH
Representatives			
Pollert	3 <sup>rd</sup>	2 <sup>nd</sup>	1 <sup>st</sup>
Metcalfe	3 <sup>rd</sup>	2 <sup>nd</sup>	1 <sup>st</sup>
Wieland	3 <sup>rd</sup>	1 <sup>st</sup>	2 <sup>nd</sup>
Senators			
Stenehjerm	2 <sup>nd</sup>	1 <sup>st</sup>	3 <sup>rd</sup>
Grindberg	2 <sup>nd</sup>	1 <sup>st</sup>	3 <sup>rd</sup>
O'Connell	3 <sup>rd</sup>	2 <sup>nd</sup>	1 <sup>st</sup>

Chairman Pollert said based on a scale of three points for each first choice, two points for each second choice, and one point for each third choice, Criminal Justice Institute (15 points) is the first choice, HDR/Ritterbush (13 points) is the second choice, and KMD Justice (8 points) is the third choice to be submitted to the Legislative Council for approval.

### OTHER BUSINESS

At the request of Chairman Pollert, Legislative Council staff presented a memorandum entitled [Actual Versus Authorized Full-Time Equivalent Positions - Department of Corrections and Rehabilitation](#). The Legislative Council staff said the Department of Corrections and Rehabilitation had 18 vacant full-time equivalent positions at the end of fiscal year 2006 and 19 vacant full-time equivalent positions at the end of fiscal year 2007. The Legislative Council staff said the department has filled 18.5 of its 34.01 new full-time equivalent positions that were authorized for the 2007-09 biennium and intends to fill the remaining positions after a departmentwide reorganization.

In response to a question from Representative Pollert, Mr. Krabbenhoft said the starting salary for a correctional officer I has increased from \$1,850 to \$1,950 per month.

At the request of Chairman Pollert, the Legislative Council staff presented a memorandum entitled [Department of Corrections and Rehabilitation Nontraditional Bed and Treatment Services](#). The Legislative Council staff said the legislative appropriation for the 2007-09 biennium is \$17.6 million, which is \$6.9 million more than the 2005-07 legislative appropriation of \$10.7 million.

In response to a question from Representative Pollert, Mr. Krabbenhoft said the Department of Corrections and Rehabilitation is committing research dollars in the 2007-09 biennium to determine if the treatment programs are effective.

### COMMITTEE DISCUSSION AND STAFF DIRECTIVES

Representative Carlson advised the committee the next Legislative Council meeting would be held on either September 5, or September 6, 2007. He said it would be a conference call meeting with members of the Correctional Facility Review Committee for the purpose of approving a consultant for the correctional facility review study. He said additional testimony from consultants would not be provided and Chairman Pollert will present the committee's priority order for the consultants.

Chairman Pollert said the next Correctional Facility Review Committee meeting will be scheduled after the Legislative Council staff receives scheduling information from committee members, possibly early October.

The committee adjourned subject to the call of the chair at 4:45 p.m.

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Becky Keller  
Fiscal Analyst

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Jim W. Smith  
Legislative Budget Analyst and Auditor

ATTACH:1