

The Beaufort county Jail Committee met on Wednesday, March 24, 2021 at 3:00 PM, in the Commissioners Board Room located at 136 West 2nd Street in Washington, NC with the following present:

Committee Members Present:

Chairman Frankie Waters
Commissioner Jerry Langley
Commissioner John Rebholz
Ray Leary, Chocowinity
Bill Davis,

Staff Present:

Brian Alligood, County Manager
Christina Smith, Public Works Director
David Francisco, County Attorney
Angie Pitts, Administrative Assistant

Commissioner Waters called the meeting to order.

Motion: Ray Leary motioned to approve the agenda. Commissioner Rebholz seconded. The vote was unanimous.

Motion: Ray Leary motioned to approve the minutes. John Rebholz seconded. The Vote was unanimous.

Election of Chairman

Chairman Waters said since I currently serve as Chairman of the Board of Commissioners, I would like to step down and let one of our other Commissioners serve as Chairman.

Motion: Chairman Waters made a motion for Commissioner John Rebholz for Chairman. Ray Leary seconded. The Vote was unanimous.

Review of the Craven County Jail Visit

Chairman Rebholz said the next item on the list was the review of the Craven County jail visit, which also was a long time ago and, anybody like to start that was there.

Commissioner Langley said I didn't go.

Commissioner Waters said I didn't go because of the Covid quarantine.

Chairman Rebholz said we went down, Mr. Alligood was there, Christina Smith and myself went down and met with the County Manager and the Sheriff there, who spent a great deal of time with us taking us through, and I will word this as carefully as I can, but it is a facility that probably embodies the very best a prisoner could want. He said it is clean, it is expansive, it's got a lot of outside light in it, and it is way over built. He said the overbuilt part of it is not really the jail itself, it is the facility that is attached to the jail, which includes 2 courtrooms that have never been used as courtrooms, one of which is a superior court and the other of which is a district court. He said the district court room cost \$1 million to build, they've used it for meetings. He said the superior court is a much smaller facility, and they use it for weddings and if Seth Edwards were here, he would tell you that both of those courtrooms are far better than any courtroom that he's got in his jurisdiction. He said there was a lot of money spent that was not needed there in that regard. He said they have also, and this was kind of interesting, because Chip Hughes is the Sheriff there, and Sheriff Hughes made the statement that he felt they could make money running that jail and by doing different things. He said for example, they charge the prisoners for tablets and for making phone calls or emails. He said they charge them based off that and make money off of that. He said they also have made arrangements with other counties to house their prisoners and they have made arrangements with or are working on arrangements with the Feds to house prisoners there. He said all of which drives down the cost of operating the jail.

Mr. Brian Alligood said they showed us the nice new floors that they put in that we paid for.

Chairman Rebholz said yeah, the floor that we paid for as one of those counties that are contributing to their success. He said but what was interesting about that was, I said Sheriff Hughes, what's your background if you're into this entrepreneurial type spirit. He said where do you get all this expertise from. He said what did you do before you were the Sheriff. He said I was a Highway Patrolman. I said ok. He said in any case, I'm not sure that we learned a huge amount of information that we would transfer to what we are trying to accomplish here, and I'll ask Mr. Alligood if he wants to elaborate on some of that.

Mr. Alligood said I think from the perspective of understanding what it takes to run a facility or have a facility and all the ins and outs that go in it. He said you got to have food service, you got to have an area where, one of the things he talked about was like when you bring prisoners in and they take off all their clothes and you change them into jail garb. He said where you have areas where you take all that and you store it, and ways they had learned by vacuum sealing it, so you don't get the smell and those kind of things. He said making sure you account for that if you build a facility. He said making sure you account for the fact, which they didn't initially, that you have a generator that can run the entire facility, although it has to be a massive generator. He said where they had issues where the power went out and they had prisoners in there and it was hitting 100 degrees and you know you have riots. He said just understanding all the things that go into it and all the supporting structures that happen to it. He said I think it's clear that you don't go into the construction of a jail or a redoing of your operation with the intent of trying to make money out of it. He said I think there are ways to help offset some of the cost later but unless you make a deal like Pitt County made a deal with the Federal Government where they paid for an entire wing of their jail and then never used it and then had to give it to them after 10 years. He said, I mean that's really the only way I think you can ever make money off of it. He said that was kind of the takeaway as well that I got. He said always do your research on courtrooms before you build a courtroom.

Chairman Rebholz said I think one thing though that we did come away with was that you better get cost explained, whatever you're doing. He said you just aren't going to remember or think about things the same way that somebody who's got all the expertise.

Mr. Alligood said I think part of that is if you get into that process, it was like his Chief Jailer was saying, we like this, but on the second rung of our dormitories, we want to go back in and put stuff so you can't toss somebody over. He said, that wasn't something that was designed in the original design and it just

comes from using a facility, understanding a facility. He said so what it means is you have the architect that will help you with that but you also need folks who do it every day who can say, yeah, that's a blind corner right there or you got to make sure you do this and you've probably never thought about that because an architect may have designed it but he has never spent a night in one of them probably so they may not necessarily understand all the ins and outs so when you have folks there, that's a big piece of it.

Chairman Rebholz said Ms. Smith, do you have anything to add.

Christina Smith said yes, I would agree with that, but I would also say a lot of the things, in the real world, it comes down to cost and a lot of the items end users want to have and like to have, when you actually get down to estimating the project and when you design the project, often times many things get value engineered out. She said some of the items that sometimes that end users want to have, they may have been included in the original project, but they may not have been able to afford those in the final project. She said specifically, something along the lines of the generator for the entire building. She said a generator to run the entire detention center is a very large piece of machinery that requires a lot of maintenance on an annual basis and the likelihood of that being needed is very small and is not something that would be required by the Department of Health and Human Services. She said therefore, you may choose when you actually get down to your project budget, if you are forced to value engineer in order to reduce the cost of the project, you may choose to only have emergency power for certain systems for a smaller portion of the facility. She said then if you have the potential of a storm that's coming in for a large Cat 4 storm or anticipating a large ice storm, you may choose to put in a generator plug and then you may rent a larger generator to come in to supplement another generator, something along those lines. She said but again, I just caution that there are definitely things that end users would definitely want to have the people that operate the facility to look at the plans and your end users need to be involved in the design of the facility. She said someone other than the people that are sitting in this room at the moment if we ever do reach the point that Beaufort County chooses to invest in a new facility then we need to have people, as Mr. Alligood said, that spend the night in it and that work in it day to day to look at the design and to make sure that it will fulfill the needs that they have. She said but again, I think that Craven County, again it's a very modern facility, and again like I said to the people that were there, it's very similar to many of the other facilities that I had visited in the past. She said some of the same things that they spoke about the second floor, the issues that the guards brought up were some of the issues that our previous Sheriff's Office had heard other people speak about that there were safety concerns transporting inmates up and down the steps to a second floor. She said that's one of the reasons why the previous design was not a 2-story facility, it was only a single story. She said so again, those are definitely legitimate concerns that they have. She said the more that you're moving the inmates around the more likelihood that there could be physical interaction between the two. But I would agree with what you said.

Chairman Rebholz said I think it's safe to say the original design concept or the original concept just didn't make it. He said which was, either this was going to be a facility served everything right there. He said you've come out of your cell, walk through a hallway into the courtroom and then right back. He said so, they had a basic problem right out of the box in terms of what their hypothesis was.

Mr. Alligood said and part of that though, when you think about the design, really, really smart design though when you think about it. He said it was just that the district court got them messed up. He said they can hold superior court there, but they can't hold district court there because district court has to be in the county seat. He said I can tell you from experience in a previous county I was with where we had the magistrate's office that was outside the jail, not attached to the jail, that as soon as you opened up the magistrate's door and the magistrate said you're going to jail and they had to walk around to get to the jail, that was where they always took off running. He said our next move was to attach that and make the magistrate's office as part of the sallyport so that when you opened the door, you walked into the sallyport, so you never got away. He said so that concept of trying to consolidate things and make things

like protective corridors where you are able to minimize interaction with the public and things like that is a good thing to do if you have it all in one place.

Commissioner Waters said was there any discussion while you were there related to the distance from the courthouse and transporting inmates back and forth as far as cost and safety.

Chairman Rebholz said we specifically asked that question as my recollection was that he said that he has four Deputies dedicated to transport. He said even the fact that it's only nine miles, 15 minutes one way it still eats up lots and lots of resources.

Mr. Alligood said one of the things I did hear him say, because I was interested in him saying that was that yes, he did recognize that that was one of the most dangerous parts of their job, was the transport and if there was a way, and he said yeah this is really nice if you can do it because then you don't have to worry about transporting somebody. He said now you will hear other folks say we transport people all day long, it's just we know how to do it, it's part of our business, that's what we do but he did say I recognize that is a vulnerability every time we put somebody in a vehicle, and we transport them somewhere it is a potential for us to have an issue.

Chairman Rebholz said the most ideal situation is to have it next to the courthouse where you're not leaving.

Mr. Bill Davis said I'm curious, I would assume that in the design of the jail that the courtrooms were approved, and the use of the courtrooms were approved up front.

Chairman Rebholz said that changed, that wasn't clear.

Mr. Leary said it was approved by the County Commissioners.

Chairman Rebholz said State law required at the time that the district court had to be in the county seat, which is New Bern. He said this is outside of the city limits so as soon as they opened up they found out that they couldn't hold district court there. He said now I'm not sure that that hasn't been changed. He said in fact, I'm almost sure it's been changed by legislation, but the district court judges still don't want to go out there. He said so as a result they're not holding any court out there.

Mr. Leary said one of the comments I got from Sheriff Hughes talking to him early on before a visit was made was that they were not aware that they could not build a district courtroom without a building in New Bern.

Chairman Rebholz said that's pretty good due diligence.

Mr. Alligood said of course to Sheriff Hughes' benefit, he wasn't there at the time.

Chairman Rebholz said any other last comments on that visit.

Vote on Needs Assessment by National Association

Chairman Rebholz said we had talked previously about re-engaging with the National Association Institute of Correction on doing the follow up assessment, which it's my understanding it is free at this point, but we need to ask for it and the complexity of that was that the jailer or the person that supervises the jail is the one that needs to make that request. He said but then I explained to the person, that's not

likely to happen in our case, can we get around that, and they said yes you can if you make it from the County Board of Commissioners.

Motion: Commissioner Waters made a motion to proceed and recommend that to the Board of Commissioners for their approval to follow up and actually do the final step in the need's assessment. Commissioner Langley seconded. The vote was approved unanimously.

Chairman Rebholz said we will make that recommendation at the next April meeting.

Commissioner Waters said that yes, we'll get that on the agenda.

Mr. Davis said what is the negative. He said is there a negative side to that, requesting this, other than finding out a couple of problems. He said I mean, is any political negatives by requesting such an assessment.

Commissioner Waters said can I respond. He said I think one of the reasons that we need to do it is because things have changed so much since we had the original design of the previous jail and based on, you know, what we're hearing from other counties, is that we need to do something with our existing Detention Center. He said to me that Needs Assessment may tell us whether we can do anything inside or if you remember when the architect was here, he said that we could go out back and have a sallyport and another building that was attached that would hold, help me Ms. Smith, was it 35. He said anyway, that's immaterial, but I think until we know, because one of the things that I heard from Lieutenant Bryant was that we're required to segregate so much of the population that's where you have to push people off to safe keeping and we may not be able to do any of that locally if we redesign anything. He said but until we have the Needs Assessment based on our population, and what we've been seeing, whether it's a new jail or whether it's the existing, at least it will give us the information that we can ask an architect to take a look at. He said so I think it's the next step. He said you know, we stopped when we had this group in here and that's been 3 years ago.

Bill Davis said I'm just trying to figure out what objection there may be by any of the County Commissioners even if there is no cost to this other than the Assessment.

Commissioner Waters said the fact that it's free should take the monkey off most of the peoples back. He said it's not going to stop somebody from giving you their opinion but in our position, I think that's our next move. He said it doesn't say we're going to do a new jail and it doesn't say we're going to redesign the existing one, but it's the tool that we need in the toolbox.

Chairman Rebholz said I think that there's, to the degree that this Committee is approaching this thing openly, with no perceived notion to what the solution is, you need that type of advice. He said if there are people that have already made their decision on what the future is going to be and how they're going to approach it, I mean they would probably object that this is still opening up eyes, and I think you need to have that.

Commissioner Langley said I think you always need to understand this, knowledge is always power. He said the more you know, the more you can grow.

Chairman Rebholz said I think our visit down to Craven would reinforce that whole thing. He said they did a lot of things, spent an awful lot of money on the fly almost. He said, sure, it wasn't on the fly, but without the expertise behind it to guide them. He said that motion passed, and we will make the presentation at the next April meeting.

Policy Discussion – 90 Day Maximum Stay

Chairman Rebholz said we had a discussion back in November regarding a review that was done, I think Commissioner Waters you did the review regarding the lawsuits that we've been involved with, and almost all but one of those lawsuits brought into play the fact that inmates were being denied their civil rights by not having facilities, by not being in a facility that allowed them to have light and exercise. He said I think the discussion was then, is there a way to mitigate our chances of a lawsuit being brought against us without having to change the facility.

Commissioner Waters said we never formally, in this Committee, got it beyond the discussion stage and of course the next move would be for us to approve that recommendation and take it to the full Commissioners. He said I guess the purpose I asked Ms. Mosher to put it on here today was to make sure that we discuss it again and since the County's Attorney is here, I would appreciate for our perspective, if he thinks it's the right thing to do or not. He said I mean, in talking with Chief Deputy Rose, I don't think they would have any problems following the guidance if that became policy. He said I don't know whether Mr. Francisco has any comments or not.

David Francisco said only that's about as good as you can do under our circumstances. He said it's a good defense to be able to say you do everything you can in the direction of what the rules and regulations say. He said if you can limit the time that you're likely to have somebody there, and if it comes to that point, then they go somewhere else, to another location that has different facilities then I think someone would be hard pressed to say, or at least would be difficult for them to successfully bring a lawsuit that they're going to get anywhere with it. He said you've done everything you can and if that's the case, then you've done everything you can. He said so, this idea of limiting the maximum stay, I think is a step in the right direction. He said that's about all you can do. He said I think every one of these that we've had has gone out on kind of a time basis, because unfortunately, or fortunately, depending on which side of the fence you're on here, these pre-trial prisoners, detainees, become post-trial, they move up, they move on through the system, and when these things are generated is while they are in our facility and they got time to write all these things up. He said that's been my observation, but usually lapse of time takes care of most of these things. He said I'm not saying that's the best defense, I'm just saying that's reality. He said these things die at the next level because the person does not follow up on it. He said now that could very well be that someone will get a hold of them and will follow up on this thing and then we'll be in a different situation, but I think limiting the maximum stay is, to me, seems to be a pretty good thing to do.

Commissioner Langley said now pre-trial I understand that but does anybody know when the Sheriff's Department sends them off. He said how many days, 90 days, 60 days. He said there's a criteria that they follow in the sentencing Department of Corrections. He said is the Department of Corrections saying anybody who has 120 days or less has to spend it in the County Jail. He said then that means that you are going keep them for 90 and send them to somebody else's jail. He said I think you need to find the answer to that.

Chairman Rebholz said I can just read for you the minutes of the November 18th meeting that said we quoted the minutes from the September 23rd meeting which Lt. Bryant said there is no requirement, no law that inmates have a right to outdoor recreation, however, there is being decided in the 4th Circuit Court that even though there is no requirement they feel that after a certain period of time, around, 120 days, not having outdoor recreation at all is a violation of cruel and unusual punishment. He said I think we also talked about the fact that you could recycle them, I mean you could send them off for 30 days and bring them back here.

Mr. Alligood said Chairman Rebholz what Commissioner Langley is asking about, and we can certainly do that research for you, is folks that are sentenced to a certain amount of time may serve that time locally

instead of going to the state facility and even folks that are sentenced to a state facility, how long are they held here before they get transferred out, so I think that was the gist of your question, is that right. He said we can certainly research this, I don't know, I have no idea what those numbers are, but we can find those out.

Commissioner Langley said I used to, but I don't know anymore.

Chairman Rebholz said what's the average stay in our jail right now. He said isn't it 10 to 14 days, I think that's the average.

Commissioner Waters said it's less. He said if I remember, our District Attorney, Seth Edwards, said even though you do this you can have one that refuses to even move to another location. He said that happens a lot of times, even in some of the other, I guess the five counties that he serves.

Chairman Rebholz said they didn't want to move away from kids or family or visitors.

Commissioner Waters said would it be better if we went with 120 days instead of 90. He said, would that maybe help.

Commissioner Langley said that's the number I like, I like the 120 because at 120 I feel better about it.

Commissioner Waters said are you ready for a motion.

Mr. Leary said I have a question. He said how many inmates over that last year have stay more than 120 days, do we know that.

Chairman Rebholz said I don't think we've got that number at hand. He said we've got a couple that's in the jail right now that's been there going on two years.

Commissioner Waters said it's less than five, maybe less than three, but we do have it.

Chairman Rebholz said a lot of that was Covid related because they weren't holding jury trials.

Commissioner Waters said Mr. Chairman, are you ready for a motion.

Chairman Rebholz said do we have a motion.

Motion: Commissioner Waters motioned that we recommend to the County Commissioners that they approve a policy that limits the number of days that an inmate can stay in the Detention Center and that be 120 days. Commissioner Langley seconded. The vote was unanimous.

Chairman Rebholz said we will make that recommendation at the April 6th meeting.

Future Meeting Date

Chairman Rebholz said any other items anybody would like to bring forth at this time. He said if there are none, then we are down to future meetings, dates, and times. He said the next one is scheduled for April 28th. He said how does that play on everybody's calendar.

Mr. Leary said it's fine with me.

Commissioner Langley said it's good as far as I know of right now.

Mr. Davis said I just have a bug in my ear. He said what would happen at 120 days. He said who takes over control of the prisoner and where does he go or is it the State that comes in and gets him or is it up to the County to move him someplace else. He said how does that work.

Commissioner Langley said if they are just still awaiting trial then they will probably go to another local facility, but if they belong to the State then the State will just simply come and get them, but I suspect that anybody who has State time is not going to sit in there 120 days. He said my thought on 120 days was for sometimes in district court, they may get 120 days, and that is their sentence and so they will serve that 120 days in the County Jail. He said most times people who get time out of court, the Sheriff's Department works very quickly to get that commitment paper, and as soon as they get that commitment paper from the Clerk's Office, they get them out of there. He said they do that really, really quickly, but I was just concerned with the people who were getting 120 days and the Judge says in the County Jail. He said because if he said 120 days in the County Jail, the cost for us would be one thing, but when you take them somewhere else, the cost is higher. He said that's why I said 120 days is to save us some money.

Mr. Alligood said so what I would anticipate is if that were approved and the Board agreed to that and it moved forward then we would just enter into an agreement, whether it be with Pitt County or whether it be with Craven County, that we would negotiate with them a per day rate and if you had an inmate that was over 120 days and your policy was that you shipped them out for 30 days then we would have a per day rate with some facility, and you'd ship them over there, they'd come back, and we would pay them for the time they were there. He said just like a safe keeping thing we do with Central Prison or one of the others.

Chairman Rebholz said any other question.

Motion: Commissioner Waters motioned to adjourn. Commissioner Langley seconded. The vote was unanimous.

Meeting adjourned at 3:36 PM

Respectfully submitted to you by:

Katie Mosher,
Clerk to the Board.