

RESOLUTION #18-44

**BROOKINGS COUNTY COMMISSION'S WRITTEN DETERMINATION
CONCERNING THE CURRENT DETENTION CENTER EXPANSION PROJECT
PURSUANT TO SDCL §1-19A-11.1(1)**

WHEREAS, Brookings County needs to expand its current detention center; and

WHEREAS, Brookings County has extensively considered the proposed location of the expanded detention center and alternatives to locating the detention center near the current courthouse; and

WHEREAS, Brookings County held one public hearing and three open houses soliciting public input to the proposed project; and

WHEREAS, Brookings County is acting pursuant to its governmental authority and statutory duty to provide for a County jail under SDCL §7-25-3 and SDCL §24-11-2; and

WHEREAS, Brookings County residents are best served with a detention facility adjoining the current courthouse; and

WHEREAS, Brookings County, in compliance with SDCL §1-19A-11.1, has reviewed and considered the comments of the South Dakota State Historical Society in its August 29, 2018, letter; and

WHEREAS, Brookings County is the political subdivision undertaking this project and has considered other alternatives to the project and concludes there are no feasible and prudent alternatives to the current proposal remodeling the detention center in its current location adjacent to the courthouse, and all possible planning to minimize harm to any historic property has been made in the current proposal for expansion of the detention center;

THEREFORE BE IT RESOLVED, the Brookings County Commission now enters the following written determination of factors it considered in determining there are no feasible and prudent alternatives to retaining the detention center at its current site:

1. The jail is currently located 3.5 blocks from East Central Mental Health Center. Mental health issues for defendants are a growing area of concern in communities statewide. With the current location, East Central is able to provide mental health services quickly and efficiently in that a counselor comes to the detention center on a scheduled basis to meet with inmates and someone is nearby for emergencies. In addition, inmates at the jail often do not have a valid driver's license and, if eligible for work release, or pursuant to a court ordered furlough, may walk to East Central from the jail to participate in alcohol treatment, anger control programs and so forth.

2. The jail is located 3 blocks from the City of Brookings Police Department. Brookings County has an approximate population of 35,000. About 25,000 of these people live

within the City of Brookings. A large percentage of the arrests made in Brookings County are made by City of Brookings police officers who then transport the defendants to the jail. The Brookings police officers are frequently back and forth between the jail and the police station.

3. The jail is located 15 blocks from the Brookings Hospital. In 2017, Brookings County had 53 involuntary mental health commitments. Most of the involuntary mental health commitments take place after regular business hours, on weekends or on holidays. After hours, a citizen goes to the jail, meets with an officer, and completes the necessary paperwork to start the commitment process. After the paperwork is completed, the person being committed is taken to the Brookings Hospital emergency room and is held pending a determination by a qualified mental health professional whether that person should be transported to a mental health center for further proceedings. An officer from the Sheriff's office travels back and forth from the jail during this process, providing security at the hospital and transportation as needed. Placing the jail outside of town would be an issue for citizens who have to locate the detention center during emergencies at night for the purpose of processing emergency mental health commitments.

4. The jail is located diagonally across the street from the Brookings City & County Government Building which houses the Brookings County State's Attorney's office. Deputies make regular trips to the State's Attorney's office for the purpose of delivering documents, evidence, and preparing for court as well as testifying at grand jury proceedings which are held in the City & County Government Building.

5. The jail is located next to the Brookings County Courthouse which provides offices for two circuit court judges, one magistrate court judge, and the court service officers. The courthouse contains three courtrooms, two of which are equipped to handle jury trials.

6. Remodeling the jail would not require any changes or additions to the Brookings County Courthouse. The original Brookings County Courthouse was a wooden structure built in 1883. The current courthouse was built in 1912. The current detention center was built in 1975 and replaced a jail which was built in 1904. As a point of historical fact, the Brookings County jail and the courthouse have always been located in their current locations.

7. Remodeling the jail would not result in a significant loss of parking spaces. The County would eliminate nine on street parking spaces and put up signage showing the availability of 79 additional parking spaces in a lot owned by the County which is one-half block from the courthouse. In anticipation of the remodel, the County has already passed an ordinance limiting the amount of time people can park in the lot to 48 hours and has installed security cameras.

8. There are safety issues involved in transporting inmates which the County Commission has considered. Transporting inmates from a remote facility exposes law enforcement to safety concerns that is alleviated by having the jail on site. Additionally, there is an increase in the risk for public safety when inmates have to be transported from an off-site location to the courthouse for appearances, hearings and trials. There are numerous recent examples both nationally and regionally where transport deputies have been attacked and even

killed while transporting inmates from detention centers to a courthouse for proceedings. Safety will always be the highest concern of the County Commission and our law enforcement personnel.

9. The sheriff's office provides security for the Brookings County judicial system. When an emergency occurs staff notify the sheriff's office with the push of a button and law enforcement officers are immediately deployed to the courthouse.

10. While cost is not the main factor to be considered in determining where the jail should be located, it is permissible for it to be one of the factors. The last budget estimate completed for the proposed project was based on 2018 construction values. The estimate, including soft costs was \$10,839,599. Of that, the construction cost estimate was \$9,032,999. The inflation impact for jail construction has been 6% per year or higher on average. In addition, soft costs would need to be inflated. As stated, the cost estimate for building on the current jail site was \$10,839,599. The cost estimate for building off site was \$14,163,582. Additionally, operational costs for remaining on site are estimated to be \$1,047,787 annually. If the jail were to be moved off site while keeping the 24/7 Program at the current location, annual operational costs would be \$1,503,081, which estimate includes the expense of additional staff required to operate the new detention center, the current sheriff's office and provide security at the courthouse. Operational costs only increase over time and the County would be placing an unneeded, additional financial burden on future generations.

11. At one of the open houses a question was raised about building underground to reduce the height of the building. Due to the cost and complexity of doing that, it was determined not to be a feasible option. Issues to be considered with regards to building underground are as follows:

- The vehicle sally port for moving individuals in and out of the jail needs to be at grade. This would require an elevator and staircase for moving inmates to a lower level option.
- Areas required for the 24/7 Program would need to be accommodated above grade, unless an additional public elevator and staircase is provided.
- The kitchen requires delivery of goods to the jail and would require an elevator from some access point at grade.
- The size and height required to make the jail work on the current footprint would require excavating down to roughly the same height as the proposed building height. This requires special construction and excavation.
- Due to existing foundations and stability, it is difficult to build close to existing buildings. This may reduce the available area for construction.
- Depending on the final layout, multiple elevators and staircases may be needed for staff and inmate movement.
- The American Correction Association has standards for daylight and fresh air to inmate areas. These issues would need to be accounted for in this scenario.
- The kitchen, mechanical and other exhaust systems would need to be accommodated for at grade.

- Moving inmates throughout a detention center on stairs and elevators creates additional safety issues for law enforcement staff.

12. The property is and will continue to be used for its historic purpose. It has always been the site for a jail, even before the courthouse was built on the same site. This is not a new use. There are no changes to the courthouse building or its defining characteristics. The current site has room for the expansion primarily utilizing the area currently occupied by surface parking dedicated to law enforcement and a razor wire enclosed jail recreation yard currently facing a church to the north. Neither of these eliminated areas are historic in nature, nor are these features historically defining characteristics of the courthouse building or site. The addition to the jail will reduce the landscaped area of the courthouse square by approximately 2,319 square feet, but also add 1,950 square feet of landscaped area. Currently, the overall landscaped area on the block is 78,890 square feet. After the addition, the overall landscaped area will be 78,521 square feet which is a net reduction of 369 square feet. This is less than .5% of the overall landscaped area. Minimal removal of trees is needed for the addition. And with new trees added as part of the addition project, it is anticipated that there would be no net change to the quantity of trees on the block. The current plans include adding a boulevard that would allow for additional landscaping. The sidewalk would be off the street to enhance aesthetics, as well as pedestrian safety.

13. Nothing historic in character will be removed from the property. The only items that will be removed were mentioned above: a razor wire enclosure, a cement parking lot dedicated to law enforcement and a nominal amount of green space, as well as two wooden storage sheds used to store maintenance equipment.

14. Scaling and sizing were presented to the Brookings Historic Preservation Commission by the County's architects, BKV Group. That presentation showed that the sizing and massing were not inconsistent with surrounding properties, including a church directly to the north, the Children's Museum to the northwest, and the former middle school building to the northwest. The new addition to the current jail facility is two stories tall compared to the courthouse, which has three stories and a prominent cupola that extends to more than twice the height of the proposed new addition.

This is not a new addition to the courthouse building. This is an addition to the jail and law enforcement center that does not touch the historic courthouse, but merely shares the site. The addition is set back 16'-8" from the north side of the courthouse building, and 7'-2 3/8" from the west face of the courthouse so as not to distract from the prominent west façade of the courthouse building. In keeping with the Secretary of the Interior standards, the proposed designs are purposefully detailed and scaled to echo materiality and quality of the adjacent historic courthouse in a modern and contemporary manner without directly copying the elements or details or competing in prominence with the courthouse. For example, while similar cladding materials (limestone, granite, bronze metals) are being proposed and the stepped rhythm of the facade is echoed, there is no attempt to literally replicate the courthouse or make the addition appear to be of a historic nature. Rather, the existing law enforcement center is proposed to be modified so that the building (which will remain on site whether or not the addition is built) exterior blends more cohesively with the addition.

15. The judicial system, court services, the Clerk of Courts, the State's Attorney and law enforcement are all being served in a co-located configuration and this serves them well. Safety of the public and law enforcement personnel, as well as efficiencies in the present system are the primary decision points of both the Jail Expansion Committee and the County Commission. Court services, located in the current courthouse, can deliver timely resolutions to inmates and law enforcement issues. There are minimal wait times to bring inmates to court appearances. Weather and traffic concerns are not issues with the jail located next to the courthouse.

16. If the jail were to be relocated, the County would need approximately five acres of land. The Commission does not believe the jail can be located in a different residential area in the City of Brookings due to zoning restrictions and the availability of a parcel of land that size. The City of Brookings has a shortage of buildable land contained in City limits due to geographical constraints. The City is surrounded by floodplain areas and by areas in which building is restricted because of our aquifers. There were nine alternative sites discussed, with five sites researched by the architect BKV Group and four sites researched by Brookings County Sheriff Martin Stanwick. Of the four sites researched by the architect, three sites were outside of the Brookings city limits. These five sites had issues with zoning and the possibility of acquisition of the land was questionable. Sheriff Stanwick contacted two real estate agents in Brookings and two local land developers. The real estate agents reported no property available within the Brookings city limits to meet the criteria needed for the jail construction. The land developers reported there were properties, but only outside of Brookings city limits and those sites had no utility infrastructure available.

17. The Brookings Area Transportation Authority (BATA) is partially funded by Brookings County and a County Commission member sits as a liaison on that board. BATA is currently housed on land which is part of the Brookings County Highway Department and has outgrown that space. For more than four years the BATA board has actively and unsuccessfully searched for a new location consisting of five to ten acres upon which it could build a new facility. BATA has been unable to locate such a parcel of land. The Brookings School District has also been actively looking for a parcel of land, again in the five to ten acre size, to build a new bus barn and has been unsuccessful in those efforts.

18. Research into other South Dakota counties who have built remote jails showed staff at those counties reported significant operational issues and regret the decision to not co-locate with their court facility.

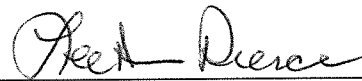
19. The Brookings County Commission is tasked with finding real world solutions to pressing problems related to our essential judicial system. And while maintaining the character of our historic courthouse square and adjacent sites is extremely important to the Commission, it also must weigh these ideals against the safety, security and operational needs of the County and state employees that run our judicial system. The Commission concludes that the design as presented provides a thoughtful response to the challenging situation faced by Brookings County in a manner that is not damaging to the historic courthouse in any way and which eliminates some unsightly site character while replacing it with an attractive, appropriately scaled and sited jail addition so as not to compete in prominence with the historic courthouse.

20. The Brookings County Commission, based upon the consideration of all relevant factors, has determined there are no feasible and prudent alternatives to the proposed project.


21. The Brookings County Commission has determined that the proposed project includes all possible planning to minimize harm to the historic property resulting from such project.

22. In compliance with SDCL §1-19A-11.1(2), the Brookings County Commission directs the Brookings County Commission Director to immediately forward this determination and factors to the South Dakota State Historical Society by certified mail.

Dated this 6th day of November, 2018



Chairperson,
Brookings County Commission



Finance Officer
Brookings County