

Gallatin County Detention Center six months later

JODI HAUSEN, Chronicle Staff Writer | Posted: Sunday, October 30, 2011 12:15 am

When Gallatin County voters were asked in 2008 to approve a \$32 million bond for a new jail, supporters assured the “build-it-and-they-will-come” opponents that it would not immediately fill up.

The previous 39-bed facility was perpetually overcrowded, requiring several inmates to be routinely taken to the jail in Broadwater County.

But after six months in operation, the 160-bed jail has not reached capacity. Not even close.

Though that may seem ironic to some, it is not alarming, county officials said.

“Our concern from the very beginning was that we’d fill it too quickly,” said Gallatin County Commissioner Joe Skinner.

But the new jail was designed to address not only the old jail’s chronic overcrowding and other inadequacies, but also the county’s anticipated future growth, Gallatin County law enforcement officials said.

Several factors also may be contributing to the low inmate numbers of about 70 a day.

Local judges have increased their use of sentencing alternatives. Law enforcement officers are diverting people with mental illness to a mental health facility rather than taking them to jail.

And some argue more than 30 educational and treatment programs offered to inmates may be keeping people from reoffending.

Crime also appears to be declining.

Offenses charged in Gallatin County District Court since the beginning of this year indicate the crime rate has decreased, compared to 2010. According to District Court reports, 567 crimes were charged in 2010. With about two months left, 280 crimes have been charged this year.

A paradigm shift

The inmate numbers could be an indication programs designed to prevent recidivism are working, said Gallatin County Sheriff Jim Cashell.

In 2004, Gallatin County Court Services combined programs that had been created to ease an overcrowded jail.

Programs such as drug treatment court, community service, pretrial services and misdemeanor probation focus on decreasing the jail population. They allow offenders to lead normal lives while under supervision, address alcohol and drug problems and provide venues to serve the community, according to the Court Services’ website.

Judges didn’t completely support the programs at first, but they have since embraced alternatives to incarceration, despite newly available jail space.

Court Services Director Steve Ette said last week some programs have seen a rise in use while others have maintained a status quo. Pretrial services have seen a 14 percent jump in daily participants this past year, he said. Currently, an average of 350 people per day are on supervision, compared with 300 in 2010.

Some of that increased usage is coming from Gallatin County's new Justice Court judges, Ette said.

Judges Rick West and Bryan Adams use pretrial services and misdemeanor probation to a greater extent than their predecessors, the judges said last week.

Last year only one person appearing in Gallatin County Justice Court was sentenced to misdemeanor probation. Adams and West have sentenced 11 offenders to the program this year, Ette said. Overall, at this time last year about 40 people daily were on misdemeanor probation. As of Friday, there are over 100 people on misdemeanor probation, Ette added.

The new judges are also sending more defendants to pretrial supervision, which gives them leeway to set lower bails, while still keeping tabs on the accused.

"Bail is not punishment," West said. "It can be used as punishment and it has been in the past. But bail is to ensure" the person is going to be accountable.

"The unintended consequence of pretrial is the added accountability," he said. "We do have a high number of people coming through Justice Court and what we do with them affects jail numbers."

The system is working

More jail space also means "only the people who need to be in jail are in jail and the system is working," Cashell said. There are no more "weekenders" serving sentences over Saturdays and Sundays.

And misdemeanor offenders are no longer sent to an overcrowded facility to "make an appointment" to serve their sentences, Adams said.

"Having the jail availability provides for more immediate consequences," West said.

For example, officers won't show as much leniency toward unruly Bobcat or Griz fans when the two rival teams meet up at Montana State University in a few weeks.

Last week Cashell attended a safety-planning meeting for the upcoming 'Cat-Griz game.

In the past, a disorderly and likely intoxicated person at a football game would be cited and released. This year, however, things will be different, Cashell said.

Now those folks "will be removed from the situation so it won't escalate," he said. "If you get arrested at the 'Cat-Griz game, you're going to jail."

DUIs

With plenty of jail space available, County Attorney Marty Lambert said he was surprised to learn many law enforcement officers were continuing to cite and release drunken drivers—a practice adopted in part because of space constraints in the jail.

“That’s something that’s gotta stop,” Lambert said. “That’s something that’s not acceptable. I think DUIs need to be booked in. If they make bail, then so be it. That’s the way the system works, and it should definitely work that way for DUIs. Jail time is definitely a deterrent to continued DUI.”

But Cashell said Wednesday he doesn’t micromanage his deputies. He lets them use their discretion when it comes to arresting people.

Bozeman Police Chief Ron Price said he also allows his officers to determine whether there’s a safe alternative to incarceration for the offender and whether the driver is a flight risk or a threat to public safety.

“It’s not our job to fill the jail up,” he said. “If it’s appropriate to book someone, then they should be booked.”

Inmate income

People campaigning to replace the old jail said a new detention center could be a revenue source if beds were rented to other jurisdictions.

So far, no contracts have been signed, Cashell said. But that could soon change.

Madison County started bringing inmates to Bozeman about two months ago, said Carmen Hill of the Madison County jail. The county had been placing inmates in Dillon, Boulder and Townsend to relieve its eight-bed, 72-hour holding facility.

On average, Madison County puts two inmates a day in Gallatin County at a rate of about \$123 each per day, plus medical expenses.

But Madison County is interested in a contract with Gallatin County, Madison County Commissioner Dave Schulz said.

Madison County’s rate would be cut in half with a contract; however, it would need to guarantee a minimum number of annual bed rentals.

Madison County commissioners are impressed with Gallatin County’s jail, especially the jail’s medical services and treatment and education programs not available in other counties, Schulz said.

Cashell is also talking with the state Department of Corrections and other counties about contracts, he said.

Budget impacts

Contracts to rent jail beds would bring revenue, although they would not impact the jail’s operating budget.

The jail has to have a minimum number of officers running the facility regardless of whether it houses 40 or 160 inmates, Cashell said.

And relying on other counties to foot Gallatin County’s jail bills would be foolhardy, both Cashell and Skinner said, holding up Broadwater County as an example.

Broadwater County had little money left to run its jail after Gallatin County pulled its inmates.

“What you don’t want to do is look at next year’s budget” and anticipate that extra money and subtract it from your operating budget, Cashell said.

Instead, Gallatin County commissioners have agreed to save revenue from out-of-county inmates for future jail expansion, replacement or refinancing.

Assuming that need doesn’t arise for at least another 20 years, voters won’t be asked to pass another bond, Skinner said.

“We built the jail, and we built in the operation costs, so we’re not dependent on filling those beds,” he said.

“It’s not a critical thing. It’s not a crisis,” Skinner added. “We just have empty space in it that we want to fill. But it’s still early. It’s only been six months. It’s just something we need to start working on.”

And though the sheriff is working to fill some of those beds, he doesn’t want to fill the jail to capacity. That could result in another overcrowded facility.

“The focus of this project was never on today,” Undersheriff Brian Gootkin said. “This was built with 160 beds expandable to 200 so our kids wouldn’t have to deal with it 25 years from now. A correctly operating jail has empty beds for people who really need to be there because they are a threat to public safety.”

Cashell agreed.

“A jail’s not like a motel; a full jail is not good,” he said. “We said we could build this thing on budget and on time and we could end up with a tool that we could use for a very long time in Gallatin County. In addition to that, we have put in place all of these programs to manage that population.”

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