

Report of the Prison Relocation Commission

Improving our Criminal Justice System by Building a Leading-Edge Correctional Facility

**This report has not been formally approved or adopted by the Prison Relocation Commission.
The Commission may or may not adopt this report, and, if it adopts the report, may modify it before adopting.**

February 2015

Prison Relocation Commission

Commission Chairs

Sen. Jerry W. Stevenson

Rep. Brad R. Wilson

Commission Members

Rep. Francis D. Gibson

Rep. Eric K. Hutchings

Sen. Karen Mayne

Sen. Evan J. Vickers

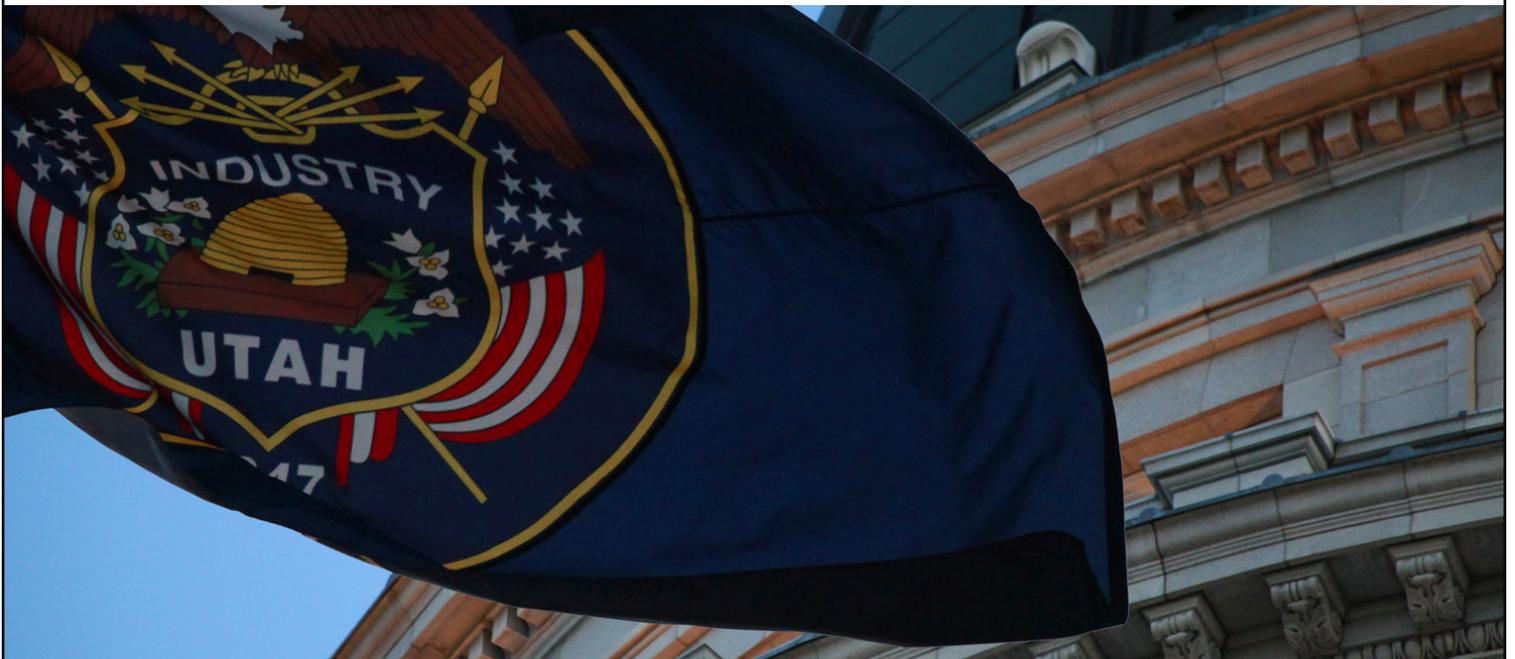
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February 21, 2015

The Honorable Gary R. Herbert
Governor
State of Utah

The Honorable Wayne L. Niederhauser
President
Utah State Senate

The Honorable Gregory M. Hughes
Speaker
Utah House of Representatives

Gentlemen:

The Prison Relocation Commission was created by the Utah Legislature and Governor to study where and how to relocate the Utah State Prison now located in Draper. During the past year, the commission has carefully evaluated a number of potential sites and we plan to adopt a final site recommendation later this year.

Relocating the state prison is a key pillar in an historic effort now underway to improve our state's criminal justice system. State and local leaders and key stakeholders are proposing bold and innovative changes to the way our state responds to crime and incarcerates offenders.

The commission believes that selecting the best possible site for a new correctional facility will help ensure that Utah's criminal justice system in general, and the Utah Department of Corrections in particular, will continue to function in a high quality manner while addressing the need for modern, efficient, and cost-effective institutions for current and future inmate populations.

The following report briefly summarizes our work of the past several months and outlines our recommendations for moving forward. We acknowledge that important work remains to be done, including our conducting a thorough and inclusive public engagement process with the potential host community.

Thank you for your continued support of the commission's efforts.

Sincerely,

A handwritten signature in cursive script, reading "Jerry Stevenson".

Senator Jerry W. Stevenson
Senate Chair

A handwritten signature in cursive script, reading "Brad Wilson".

Representative Brad R. Wilson
House Chair

An Historic Opportunity for Utah

For the first time in recent memory, Utah is poised to adopt major improvements to our state's criminal justice system. State and local leaders and key stakeholders are proposing bold and innovative changes to the way our state responds to crime and incarcerates offenders.

These initiatives come at an historic time when the state is also reexamining the value of its aging correctional facilities. Two major decisions are before the Governor and Legislature: relocating the Draper prison and implementing the recommendations of the Justice Reinvestment Initiative recommended by the Utah Commission on Criminal and Juvenile Justice. Both efforts hold the promise of not only improving outcomes for offenders and their families, but also redirecting our limited public resources to ensure better results.

Despite the Excellent Work of its Staff, the Draper Prison is a Poor Value for Utah Taxpayers

Relocating the state prison is a key pillar of this effort. Despite the excellent work of its employees and volunteers, the Utah State Prison located in Draper is a poor value for taxpayers.

The Draper prison:

- needs \$238 million (in 2014 dollars) in upkeep and improvements over the next 20 years;
- includes more than 100 buildings constructed over a period of 50 years and scattered over hundreds of acres;
- has a medical infirmary designed for an overall population of 1,400 inmates that is small, crowded, and wholly inadequate to serve the current population of 4,000 inmates;
- lacks space for critical programming including education, health care services, mental health, sex offender, and drug-abuse treatment;
- lacks appropriate housing space for unique offender populations, such as the elderly;
- originally built in 1951, consists of many housing units which are antiquated and have long been out of compliance with modern correctional standards;
- is inefficient because it has been added to over a period of decades and lacks any cohesive design; and
- has multiple and duplicative points of entry that require an inefficient use of manpower.



Stopping the Revolving Door

The time has long passed when the state can ignore its need to invest in a modern, humane, and efficient state correctional facility.

No one wins when an offender returns to prison, and recidivism is a tragic waste of human lives and tax dollars. In 2013, 67 percent of the inmates admitted to Utah prisons were returning parole and probation violators (Utah Commission on Criminal and Juvenile Justice, "Justice Reinvestment Report," November 2014, p. 10). The Justice Reinvestment Initiative report notes that "while Utah's imprisonment rate has remained relatively low, its prison population has grown by 18 percent since 2004, *six times faster* than as the national growth rate of three percent" (p. 4, emphasis added).

We can do better. If we provide adequate treatment and programming space, we can improve the odds for offenders who are in need of treatment, such as those with substance abuse, mental health, or specialized medical care needs. Building a modern facility will ensure the safety of inmates and staff, promote an efficient and effective operation, and improve the likelihood of success when an offender is eventually released from prison.

Improving Outcomes for Offenders

Prison design has a direct impact on our ability to change an offender's behavior, improve their chances for staying out of prison, enhance the safety and security of the facility, and reduce the long term drain that prison operations have on taxpayer dollars. Utah needs a modern, leading-edge correctional facility. We need to add to and update our educational and vocational training space. A recent newspaper article touted the success of the professional culinary training offered in the women's correctional facility. The article emphasized that "food is creating a new path for... the 17...women enrolled in the culinary-arts program. It's one of six vocational offerings that the Davis Applied Technology College provides to inmates sentenced to the Utah State Prison. Automotive technology, welding, machining, building maintenance and business technology are the others" (Kathy Stephenson, "Job Skills, Confidence on the Menu in Utah Prison Culinary Program," *Salt Lake Tribune*, December 15, 2014). But there is currently a waiting list for these popular programs. We can do better for our female offenders. The professional food service industry—as well as many other training programs—offers inmates opportunities for stable and successful employment after release.

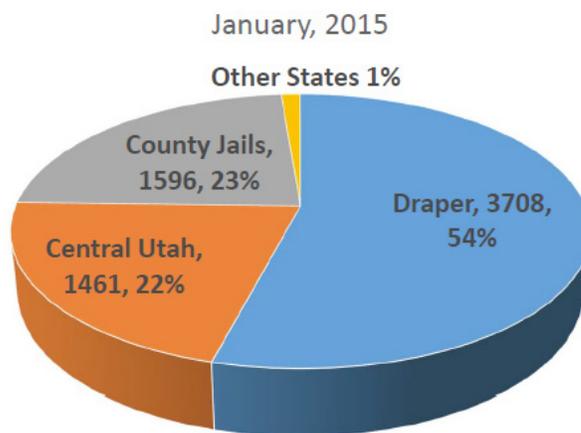
Without a new correctional facility, the state would not be able to take full advantage of inmate programming and criminal justice reforms that encourage a reduction in recidivism and promote an inmate's successful transition back into our communities. For example, The Utah Correctional Industries (UCI) has successfully trained inmates and provided needed job skills that help them find employment and live successful lives upon release. UCI work crews are productively employed on projects at nearby sites such as the tile remodeling work being done at the State Capitol. In addition to its outside work crews, UCI also operates a varied

and expansive industries program at the Draper prison that offers inmates many employment opportunities. While these programs are excellent at providing "real-world" training and giving opportunities for offenders to work and gain valuable skills, they are limited because the existing Draper prison does not have enough space and the space it has is too old to be effectively utilized. Thus, the limitations of the current prison mean that many inmates do not have access to some of the most valuable programs available to help them meet their full potential and become better prepared to reenter society.

Where Offenders are Currently Housed

In January 2015 there were about 7,000 inmates in the custody of the Utah Department of Corrections (UDC). The chart below describes where these inmates are located.

Total Number of Inmates in Custody



Relocating the Draper Prison: An Issue Studied in Depth for a Decade

Probably no important public policy issue before the Legislature and Governor has been studied more thoroughly than whether to relocate the state prison that is now located in Draper. Over the last ten years, two independent studies, two executive branch commissions, and now the Prison Relocation Commission (herein after “the commission”) have studied how and where to relocate the prison.

A few highlighted studies and committees are as follows:

- **2005 “Wikstrom” study** – This study, conducted by an independent planning and economic consulting firm for the Utah Department of Corrections (UDC) and the Division of Facilities Construction and Management (DFCM), considered the feasibility of relocating the prison, explored several different relocation scenarios, and estimated the economic benefit from a repurposing of the Draper site.
- **2009 “Wikstrom” study** – This study was an update of the 2005 study and examined the cost and feasibility of building a 6,000 bed correctional facility on land owned by the State Institutional and Trust Lands Administration (SITLA) in Rush Valley in Tooele County. It also considered the feasibility of constructing such a facility in Box Elder and Juab counties.

- **“PRADA I”** – During its 2011 General Session, the Legislature passed HB 445, “Prison Relocation and Development Authority Act,” creating the Prison Relocation and Development Authority (PRADA). Membership of the authority included members of the Legislature, members appointed by the Governor, representatives of the City of Draper, and one representative of the Utah Association of Counties. The purpose of the authority was to request and evaluate proposals for a prison relocation project.
- **“PRADA II”** – Building on the work of its predecessor, the Prison Relocation and Development Authority was reorganized by 2013 General Session SB 72, “Prison Relocation and Development Amendments.” The legislation directed the newly reconstituted PRADA to issue a request for proposals regarding a new prison development project, current prison land development project, or a master development project. PRADA selected MGT of America, Inc. (MGT) to develop a master plan for the potential relocation of the Draper prison. This master plan has answered many questions and is a strong foundation on which to proceed with relocation plans.



Site Selection Activities of the Prison Relocation Commission

Legislative and Gubernatorial Action: Relocating the Draper Prison

With the MGT master plan clearly demonstrating the benefits of a new correctional facility, the 2014 General Session of the Legislature passed, and the Governor concurred in, H.C.R. 8 "Concurrent Resolution Regarding Moving the State Prison." H.C.R. 8 resolved "that the Utah State Prison facilities currently located in Draper should be relocated from that site to one or more other suitable locations in the state" and "that the relocation of the prison facilities should be guided by the principles" stated in the resolution, including being conducive to future inmate programming, facilitating an adequate level of volunteer and staff support, and ensuring access to courts, medical facilities, and visitors.

The Legislature also enacted S.B. 268 that created the Prison Relocation Commission, outlined its membership, and created its duties. This report meets the requirement that the commission convey its findings and recommendations to the Governor and Legislature.

S.B. 268 authorized the commission "to succeed to the position of the Prison Relocation and Development Authority under a contract that the Prison Relocation and Development Authority is a party to." Under this authority, the commission voted to succeed to the position of PRADA and maintain its contractual relationship with MGT of America, Inc. MGT and its partners, including The Louis Berger Group, Inc., Epic Engineering, Rosser International, Inc., and the Criminal Justice Institute, Inc., have played a vital role in every aspect of the commission's work. The commission has also benefitted from the volunteer efforts of employees of the local office of Jones Lang LaSalle.

Selecting a New Site: What has the Prison Relocation Commission Done?

The commission believes that selecting the best possible site for a new correctional facility will ensure that Utah's criminal justice system in general and UDC in particular will continue to function in a high quality manner while addressing the need for modern, efficient, and cost-effective institutions for current and future inmate populations.

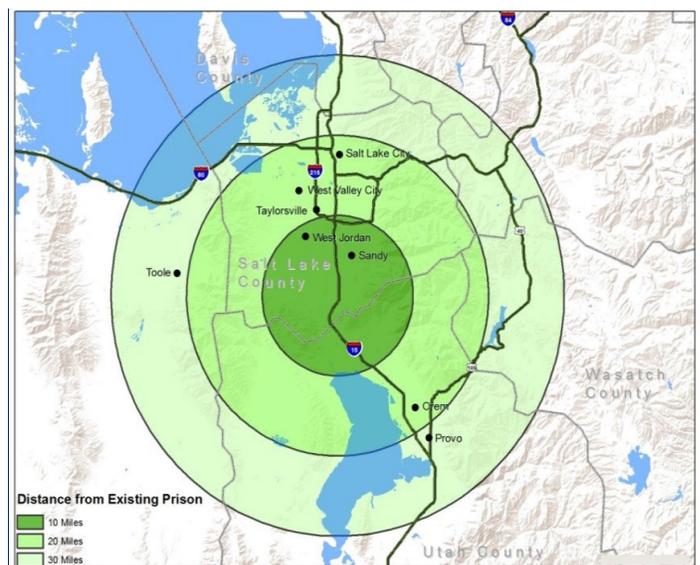
With the involvement of key community leaders at every step, the commission's site selection process consists of nine key steps:

1. Establishing a site search area;
2. Site solicitation and identification;
3. Establishing screening criteria;
4. Screening identified sites against the screening criteria;
5. Establishing assessment guidelines;
6. Assessing remaining sites based upon the assessment guidelines;
7. Technical evaluation of highly ranked sites;
8. Public engagement in potential host communities; and
9. Final site selection.

The commission has completed the first six steps of the site selection process which are explained in detailed below. In addition to the steps listed above, the commission voted at its December 22, 2014, meeting to again solicit and review additional sites for consideration. This effort, now underway, is further explained below.

Establish a Site Search Area

With both H.C.R. 8 and S.B. 268 requiring that the new correctional facility be located proximately to an adequate level of qualified staff and volunteers and that it be close to courts and medical facilities, the commission's site search area focused on the following areas:





Site Solicitation and Identification

From the very beginning, the commission’s site selection process has relied on willing sellers who have voluntarily submitted their properties for consideration. In addition to the expert help from its consultants, the commission has also benefited from work of DFCM over the last several years, through its work with PRADA, to receive and inventory several site offers. The commission began its site selection effort with over a dozen sites that had been previously identified by DFCM.

The commission faced a challenging task in finding 400 to 600 acres of undeveloped land along the Wasatch Front with reasonable access to key infrastructure. With these challenges in mind, the commission actively sought additional sites by:

- meeting with county and municipal economic development officials in Box Elder, Weber, Davis, Salt Lake, Tooele, and Utah counties;
- conducting mass mailings to thousands of real estate professionals;
- publishing a site offer form on the commission’s website to receive and catalog potential sites;
- publishing information brochures;
- meeting with some of the state’s major non-federal land owners, including several meetings with SITLA; and
- publishing a website that contains information and updates on the site solicitation campaign.

In all, the commission’s efforts yielded 26 potential sites.

Establishing Screening Criteria

At its September 3, 2014, meeting the commission adopted the following screening criteria and related points.

Final Weighted Criteria Adopted by the Prison Relocation Commission, September 3, 2014

Criteria	Points Assigned
Proximity Proximity to Staff, Visitors, and Volunteers Proximity to Medical and Treatment Providers Proximity to Legal Services	35
Land and Environment Land Area and Topography Soil Characteristics Wetlands Hazard Avoidance (floods, faults, landfills, etc.)	15
Infrastructure Access to Roadways Water Supply Wastewater Treatment Electric Power Natural Gas Telecommunications	15
Community Services/Other Emergency Response Services Adjoining and Nearby Land Uses Ownership	10
Development Costs	10
Community Acceptance	15
GRAND TOTAL	100

Having adopted screening criteria, the commission's consultant team began to apply these criteria against each of the original 26 sites. The screening team included urban and regional planners, civil engineers, environmental engineers, architects, environmental specialists, and geographic information systems specialists. To save time and money, no detailed field investigations were conducted during the screening process; rather, a variety of data sources were used to screen out obviously unsuitable sites.

The results of the screening report were released at the commission's December 3, 2014, meeting. The commission also voted at that meeting to subject the following six sites to the next step of the selection process:

- Airport North (Salt Lake County)
- I-80/7200 West (Salt Lake County)
- Southwest Valley (Salt Lake County)
- SR 112/Depot Boundary Road (Tooele County)
- Northwest Utah Valley (Utah County)
- Lake Mountains West (Utah County)

Establishing Assessment Guidelines

Because S.B. 268 directed the commission to ensure that the new correctional facility would be compatible with surrounding land uses for the foreseeable future and because of the high costs of the level of analysis required in the technical evaluation of each site, at its December 3, 2014, meeting the commission voted to subject the six sites listed above to an additional assessment step. With this additional assessment step, the commission ensured that the expensive technical analysis would be performed only on sites that merit further consideration after applying the assessment guidelines.

The assessment guidelines adopted by the commission are as follows:

- Have any issues been discovered with the site to date that would make the site unreasonably difficult or costly to develop?
- Is there an identified, compelling state interest that would likely be impaired by locating the correctional facility on the site being assessed?
- Is the proposed site in the path of expected concentrations of population growth and increasing population density that will likely occur in the foreseeable future?
- What is contemplated in the land use plan of the local community where the proposed site is located?



Tentative Site or Sites Identification

At its December 22, 2014, meeting the commission received the consultant's report applying the assessment guidelines to the above six sites.

The report identified serious issues regarding the Airport North, Southwest Valley, and Northwest Utah Valley sites related to the potential existence of wetlands, topographical and site development challenges, impairing a compelling state interest, and potential conflicts with the path of development. Based on these concerns, the commission voted to not advance these three sites for further consideration. This decision was made independent of the decision of owners of two of the sites to withdraw them from consideration.

After receiving the consultant's report, the commission voted to advance the following sites for in-depth technical evaluation:

- I-80 / 7200 West (Salt Lake County)
- SR 112/Depot Boundary Road (Tooele County)
- Lake Mountains West (Utah County)

Soliciting Additional Potential Sites

To ensure that the commission received, reviewed, and considered every possible site, at its December 22, 2014, meeting the commission also voted to:

1. in consultation with community leaders, solicit and continue to accept additional voluntary site offers until January 31, 2015, that generally meet the screening criteria, reducing the weight given to proximity;
2. actively solicit comments from and consult with the leaders of the affected communities in which these newly offered sites are located;

3. determine which sites should be submitted for review, and submit them for review;
4. report in writing to the commission information about each newly offered site that is submitted for review; and
5. schedule a report on the results of the review process at a future commission meeting.

Public Engagement in Potential Host Communities

At nearly every step in its selection process, the commission has worked closely and conferred often with local officials. After the initial six sites were identified, commission members have met with the mayors, city council members, county commissioners, and other local officials connected with these six sites. The commission sincerely thanks these local officials for their time and involvement with this project. While not always resulting in consensus, each discussion has helped everyone understand the needs and concerns of potential host communities.

The commission is committed to ensuring that the process of siting a new correctional facility benefits from the input and involvement of all parties. With that in mind, the commission plans to undertake the following public engagement efforts in coming weeks and months:

- meetings with key stakeholders including local officials, volunteer organizations, UDC employees, and the residents and businesses in potential host communities;
- encouraging public comments to be sent to: PrisonRelocation@le.utah.gov.
- hosting community open houses;
- continuing to publish brochures and newsletters;
- engaging in social media; and
- holding future commission meetings where public testimony will be received.

Final Site Selection: The Steps Ahead

While the commission has made considerable progress in selecting the three highly ranked sites, significant, expensive, and time-consuming technical evaluation work remains to be completed. The results of this analysis will be reported to the commission later this spring.

In addition, acting under the direction from the commission, the chairs will continue to review and evaluate newly submitted sites. With a lower weighting being given to proximity, it is anticipated that these sites will be located well outside of any existing communities while still complying with the requirements of S.B. 268. The commission will need to weigh many competing factors when deciding which of these sites will receive further consideration.

Recommendations

The commission recommends that the Legislature adopt, and the Governor sign, legislation to establish a process under which the commission will make the final site selection decision. This legislation should require, before making a final decision, that the commission:

- conduct one or more public engagement opportunities in potential host communities;
- consult with the Governor and legislative leaders;
- consult with locally elected officials in the potential host community;
- adopt criteria to guide its decision making process;
- undertake a detailed analysis of the total cost of acquisition and development of the proposed site; and
- report its recommendations and findings in writing to the Legislature and Governor.

