

**GRAND JURY REPORT
IN RE THE INSPECTION OF THE JACKSON COUNTY
DETENTION CENTER**

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BY _____



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Introduction

Jackson County's citizens cannot be safe without a safe Jail.

Before the members of the Grand Jury began to examine the Jail, we believed that the conditions and operations of the Jail only impacted the inmates in the Jail. We were wrong.

On August 11, 2017, citizens of this County gathered as a Grand Jury and began an examination of the Jail in anticipation of reporting these findings to the Court and the public.¹ The authority for this mission is found in Missouri law which tasks the Grand Jury with "examin[ing]" the Jail, "inquir[ing]" as to the treatment of its prisoners, and "report[ing]" on both.²

The complex of buildings that make up the Jail, including the conditions and the manner in which inmates are treated and supervised, impacts our entire County's public safety. On a regular basis, our County's criminal justice system releases individuals charged with violent or serious crimes. Why? There is no space for them in the Jail.

Nor does the Jail safely house the inmates who remain there. Jail is different than prison. People in prison have been convicted of a crime and been sentenced. They have pleaded guilty or been found to be guilty. The majority of the inmates in the Jail are charged with a crime and are awaiting a trial. They are presumed to be innocent. Individuals in this circumstance face many challenges but the facility and the treatment they receive should not be one of the challenges they face. Inmates in this Jail have pleaded guilty to crimes simply to flee the conditions posed by the Jail.³ In many of these instances, that means the individual is choosing prison, a historically harsher environment, over this Jail.⁴

The danger caused by the Jail is not limited to those housed in it. In 2017, authorities believed that inmates in two separate incidents were able to illegally obtain cellphones.⁵ They used those cellphones to communicate with criminals outside the Jail in order to coordinate the murders of key witnesses.⁶ The murdered witnesses in those cases, just like many of the victims in charged cases, believed they were safe because the individuals that they were going to testify against were in this Jail.⁷ They were wrong.

In addition to impacting our safety, the Jail's conditions impact our financial security. Point blank: Given the current condition of the Jail, the amount of tax dollars spent on it over the years greatly concerns us. In the prior 5 years alone, the taxpayers of this County have spent over \$120,000,000 on the maintenance and operations of the Jail.⁸ The result of those expenditures? The Jail is one of the worst correctional institutions a national expert has seen in the more than 100 facilities that he has visited.⁹

But this discussion must be about more than a discussion of money. Our concern is about treating people humanely. The Jail is overcrowded with inmates and understaffed with corrections officers. The safety and security of the inmates, civilians, and staff in this facility is in jeopardy. In addition, because the Jail is not clean and is in disrepair, it creates health risks to people in the Jail *and to this County as a whole*.

Decisions made by those who manage the Jail have devastating impacts on the families of the inmates. In one instance of heart wrenching testimony, the Grand Jury was told about a young boy who was not permitted to have physical contact with his mother during the duration of her time in the Jail.¹⁰ The Jail was so understaffed that having contact visits was disallowed.¹¹ The importance and potentially lasting impact of deprivation of contact with his mother cannot be understated. This young boy will become a man. While his mother may be lost to the criminal justice system for some time, we can only hope that, by denying the boy physical and emotional connection to his mother, the conditions of the Jail did not create a life-long negative perception of the entire criminal justice system.

At the center of the many issues facing this facility is management, both by the Jail's Management and by the County's Administration. The Grand Jury repeatedly heard from the Jail's Management and the County's Administration that the Jail's struggles stem from underfunding.¹² Because of this complaint, we examined the issue of funding and its impact on the conditions of the Jail and treatment of inmates.

The Grand Jury also attempted to understand the two other issues that were continually raised by the Jail's Management and the County's Administration: understaffing and overcrowding.

We learned that these issues have existed for many years with little or no action. First, we learned that the Jail was overcrowded from the time it

opened in 1984.¹³ Second, despite the well-known issue of overcrowding, there is no comprehensive plan in place to address a critical element that exacerbates this issue: staffing.¹⁴ For example, testimony was presented that an annual staffing plan is a widely accepted corrections industry document that identifies how many corrections officers (“COs”) are required to safely and securely operate a facility by detailing what each person does within the facility and the time within which each task must be completed.¹⁵ The Jail has no such plan.¹⁶ Without an annual staffing plan, the Jail, including its managers, and the County’s Administrators can only speculate as to how many positions the Jail needs to provide for safe and secure operations. Also, despite the alleged difficulties with staffing, the Jail does not have a position solely dedicated to recruitment of competent and dedicated personnel.¹⁷ Instead, to find applicants, the Jail has largely relied on websites, attendance at some job fairs, and word of mouth. Thus, the Grand Jury is not surprised that staffing problems persist.¹⁸

Third, the Grand Jury is troubled by the management of the Jail’s funding. Every witness from the Jail and the County’s Administration cited problems with funding.¹⁹ Despite these claims, the Grand Jury’s findings are that, from 2010-2017 the Jail’s budget increased by 40%: from \$20,000,000 per year to over \$28,000,000.²⁰ And, in some years, expenditures exceeded the budget by \$2,000,000, thus demonstrating that funding was provided even past the amount budgeted.²¹

The bottom line is that funding has been made available. The Grand Jury finds that, since 2016, the County Legislature has approved every request for the Jail’s funding.²² Likewise, the County Executive has not vetoed or objected to the Jail’s requested budget allocation in either 2017 or 2018.²³ These findings raise questions about whether the funding requested by the Jail was/is sufficient and what specifically happened to the dollars budgeted and spent for this Jail’s operations and facilities.

For instance, despite the consensus of the witnesses that the Jail’s facilities and cleanliness are critical issues, an examination of the budget shows that, between 2010 and 2016, the Jail spent over \$15,000,000 on facilities and over \$1,200,000 on cleaning supplies alone.²⁴ Yet, inmate living spaces remain dirty, cells are covered of graffiti, cell doors and elevators are out of order, toilets flood or do not work, and water and sewage leaks persist.²⁵

Because of the gravity of the situation, it is critical that our fellow citizens receive a clear view of the conditions of the Jail, the treatment of inmates, and the underlying issues that create the sense of worry we have for the Jail.

But, the County Executive's Chief of Staff was condescending and derisive of our task of reviewing the conditions of the Jail and reporting on them.²⁶ He testified that he was "concerned" that "some citizens" would be making "sweeping statements and large decisions," concerning the Jail.²⁷ He also stated that because of the limited amount of information available, we would be taking on a "very difficult if not impossible task."²⁸ This same witness repeatedly told us that the issues concerning the Jail's budgets and funding are "messy" and "complicated" and, therefore, we could not understand them.²⁹

Complicated, messy, and difficult though the task may be, we respectfully note that with more than \$20,000,000 annually of tax payer funds at issue, the citizens of this County deserve a clear accounting of what is happening in a public building and why it is happening.

So, we welcomed the challenge of examining the details. As members of the Grand Jury, we were randomly selected from a cross section of citizens of this County. Collectively, we devoted thousands of hours away from our jobs and families in pursuit of the information set out in this report. We are not experts in the area of corrections or budgeting. None of us is a politician, and none of us has worked at a jail. Rather, we are parents, children, friends, and neighbors who have chosen to work, live, raise our families, and pay taxes in this County. We believe in our fellow citizens and trust that when given all of the information they will do what is right no matter how difficult or impossible the task.

The tax payers of this County have paid for multiple studies concerning the Jail and yet there has been little improvement in the conditions and the treatment of inmates. Accordingly, the Grand Jury, on behalf of the people of Jackson County, write to report our findings on the treatment of the inmates and the conditions of the Jail pursuant to our mandate under Missouri law. And we respectfully demand action.

The Harsh Reality of the Jail

The day-to-day life for inmates at the Jail is full of challenges. The Grand Jury heard hours of testimony detailing the treatment of inmates and the conditions at the Jail. Members of Grand Jury also toured the Jail. Through the use of endnotes, we have attempted to identify what we personally observed versus what witnesses reported to us based on their own experiences with the Jail. This report is not intended to conclude that the incidents reported to us from these witnesses did in fact happen. Rather, it is our sincere hope that these matters are examined in detail and, where necessary, that issues are immediately addressed.

The Jail is a complex comprised of three separate buildings: the Tower, the Annex, and the Regional Corrections Center ("RCC").³⁰ The State inmates are mainly housed in the Tower, the municipal inmates are mainly housed in the RCC, and the Kansas City Police Department ("KCPD") arrest inmate population is mainly housed in the Annex.³¹ Within each of these facilities, there are different types of housing spaces.³² Medium security inmates are housed in large open areas that do not have cells.³³ Rather, these spaces have a number of bunk beds mixed with an open common area and a common bathroom.³⁴ The maximum security inmate spaces are called modules or housing units.³⁵ These spaces have individual cells which include a toilet, sink, and drinking fountain.³⁶ Each module has a common set of showers and toilets.³⁷ In the middle of the modules are common areas with bolted down picnic style tables.³⁸

Because of overcrowding the common areas, including the gym and recreation spaces, are almost always used as living quarters for inmates.³⁹ If inmates do not have an individual cell, they are forced to sleep in a common area exposing them to harm from other inmates.⁴⁰

The inmate living spaces are not safe. Inadequate staffing commonly creates a scenario where inmates believe that they cannot depend on COs for safety or protection.⁴¹ In this situation, inmates seeking protection turn to other inmates.⁴² Fights and assaults take place regularly, and many of these incidents are not policed because of the limited number of COs who cannot safely patrol the interior of the modules.⁴³ Further, inmates know where cameras are pointed and therefore these incidents of violence are not regularly captured by the Jail's cameras.⁴⁴

There are no call buttons/intercoms in the individual cells within the modules. For an individual in a cell to summon help, he or she must get the attention of an inmate in a common space and then that inmate in the common space must get the attention of a CO who is outside the module.⁴⁵ Complicating matters is the fact that the limited number of COs on duty are only required to walk by the outside of each module one time within 29 minutes to check on the inmates inside the module and the individual cells.⁴⁶

Getting out of the Jail in the event of an emergency would be difficult. Unlike other buildings or businesses that must comply with State or local regulations for occupancy or fire safety, Missouri requires no such regulations for Jails.⁴⁷ While there is an evacuation plan at the Jail, there is little evidence that it has been regularly practiced. Documents show that the Jail stopped conducting evacuation drills after the second quarter of 2016.⁴⁸ After the Grand Jury questioned the Jail's management on the issue of the lack of drills in October 2017 that fire drills started again in November 2017.⁴⁹ Thereafter, per copies of logs reviewed in March 2018, there were no new drills conducted between November 27, 2017 and March 13, 2018.⁵⁰

The living spaces are not clean.⁵¹ Toilets and sinks are dirty and often leak. Insects and mice are present in inmate living spaces.⁵² Mold is present in showers.⁵³ Additionally, inmates are not allowed to shower regularly and they infrequently receive clean sheets or clothing.⁵⁴ The inconsistent washing of sheets and clothing by the Jail requires inmates to do their own laundry in sinks that are not clean and with cleaning supplies that are not often provided.⁵⁵ Because of this, it is not unusual to see clothing hanging to dry on railings in the common spaces of the modules.⁵⁶

Meals are often cold, sometimes delayed, and occasionally not served at all.⁵⁷ The Grand Jury was informed that the inability to get food regularly forces inmates, many of whom are near or below poverty, to find money to purchase food from the Jail's store (commissary).⁵⁸ Those without money, are simply left to wait on the Jail.⁵⁹

Inmate wellness is suffering. In addition to issues such as overcrowding, filth, and the threats of assault from Jail house predators, some inmates must deal with the impact of isolation. Reports identified that individuals in administrative segregation units were only allowed out of their individual cells for 1 hour every two days.⁶⁰ Most inmates do not receive regular access to recreation or religious services.⁶¹ Due to inadequate staffing, the Jail

regularly turns away inmates' family members who are attempting to visit them.⁶²

Also problematic is the inconsistent access inmates have with their attorneys.⁶³ Defense attorneys testified to the Grand Jury that they are routinely unable to get into the jail to visit their clients because of long delays due to short staffing or unavailable visitation spaces.⁶⁴ Rules regarding what is allowed to be brought into the Jail or what attire is acceptable for access inside of the Jail are not communicated and are arbitrarily subject to change on any given day and/or applied inconsistently.⁶⁵ The lack of such access often leads to longer terms of incarceration and delays in the resolution of cases because of an inability of defense counsel to have full and private conversations with their client.⁶⁶

Further the attorneys for the inmates reported that once they are inside the facility, safety and security are issues that cause them concern.⁶⁷ Attorneys reported that because call buttons/intercoms are in disrepair in visitation spaces, they are often left waiting (or hoping) that they make contact with a CO who will release them from an isolated visitation space.⁶⁸ The implication is that, if an emergency took place, it is not certain that help could be summoned.⁶⁹ In one well- publicized news story, a female attorney was sexually harassed by a male inmate who masturbated in front of her, COs, and Jail staff as she attempted to communicate with her client outside a holding area.⁷⁰ The COs and Jail staff did not stop the man, nor did they reprimand him in the attorney's presence.⁷¹

Equally concerning is safety and security of the COs. These brave women and men are outnumbered by the inmate population. The COs do not carry guns or Tasers.⁷² Nor are COs allowed to carry or use pepper spray.⁷³ The reason is that the poor ventilation system at the Jail would necessitate the clearing of the entire building if someone ever used the spray and the chemicals were released into the air.⁷⁴ The Grand Jury received a stunning report that, at one time and in one area, COs were outnumbered by a staggering ratio of 2 COs to 190 inmates.⁷⁵ This ratio creates a scenario where it is all but certain that the COs cannot perform any oversight or control of the inmates. In 2017, there were two well publicized incidents where COs were assaulted by inmates.⁷⁶ In both incidents, the victim CO was isolated and on lone patrol at the time of the assault. Because of circumstances such as these, COs are vulnerable to attack and restricted

from protecting themselves. This is also true for the men and women the COs are tasked with protecting.

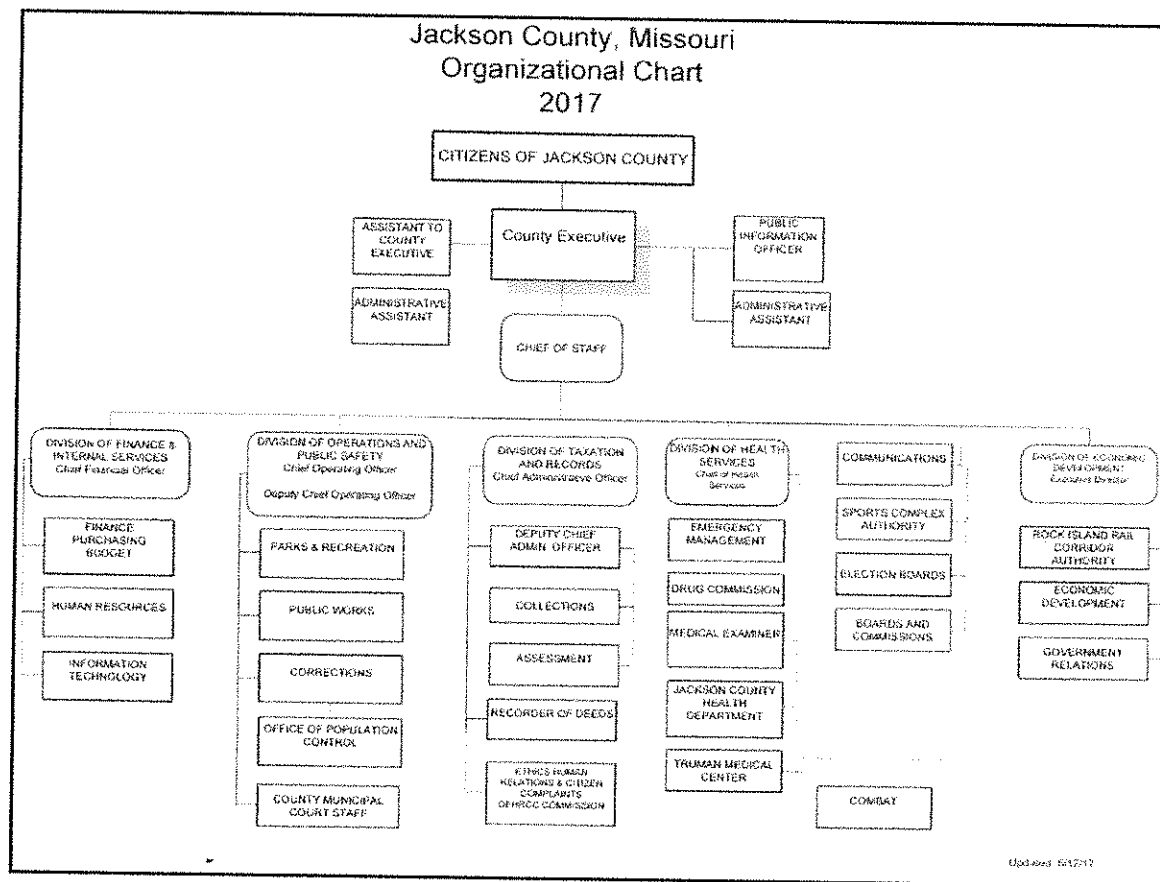
The reality of life inside the Jail causes grave concerns about the management of this facility's conditions and the treatment of its inmates.

Management of the Jail

The issues facing the Jail are the result of many years of a fragmented management system. The Department of Corrections is tasked with managing the Jail. This Department is a County Department, and it is under the management of the County's Division of Public Safety.⁷⁷ The Division of Public Safety reports directly to the County Executive's Administration.

Pursuant to the County Charter, the County Executive is legally tasked with the management and administration of the Jail, and by extension, the Jail's operations.⁷⁸ The County Legislature is made up of nine elected members who represent the six districts in our County.⁷⁹ These officials are not tasked with managing or administering the Jail, but because the Legislature plays a key role in overseeing the financial operations of the County, their actions are important to the Jail's funding.

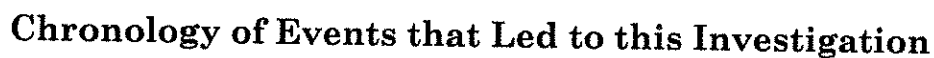
The chart below illustrates the County's organizational structure:



The Jail is a civilian-operated department led by a director.⁸⁰ Subordinate to that position is a Deputy Director, an Administrative Assistant, a Health & Behavioral Services Compliance Manager, and an Assistant Director of Jail Administrative Services. From there, the structure has different paths. For instance, Human resources for the Jail falls under the auspices of the Director. One of the responsibilities of the Deputy Director is operations. The Deputy Director has a team of managers for the Jail's operation, the Jail's transportation unit,⁸¹ and the Population Control or Records Department. The Assistant Director of Jail Administrative Services supervises the Support Services Unit and the Inmate Service branch of the Jail.

This organizational structure appears top-heavy. This is perhaps best exemplified by multiple, management/administrative positions under Health & Behavioral Services. Some of those positions are dedicated almost exclusively to working on policy and procedure and future efforts aimed at

Below is a chart showing the Jail's organizational structure:



In the early 90s, the Jail began the three-year process of seeking accreditation from the American Corrections Association (“ACA”).⁸⁸ This achievement would symbolize that the Jail was operating in a manner consistent with national correctional practices which ensured staff and inmate safety and security. The Jail achieved that accreditation in the mid-90s.⁸⁹ Simultaneously, the Federal class action lawsuit would ultimately result in a Federal Court Order requiring the County to build another Jail facility and to ensure that the Jail’s daily population did not exceed 800.⁹⁰ The Court mandated that, if the population exceeded 800, the County would

be fined.⁹¹ Naturally, both fixes were aimed at addressing overcrowding.

In 1999, the Annex was built adding an additional 196 inmates to the Jail's capacity.⁹² With this expansion in capacity, the achievement of accreditation, and the successful use of various population control mechanisms, the Federal Court began to be less involved in decisions concerning the Jail's population.⁹³ The control mechanisms used by the Circuit Court, the Prosecutor, and the Jail were population control dockets (whereby Judges could release certain qualified inmates pending their trials), the early disposition docket (where prosecutors and defense attorneys attempted to aggressively bargain towards the early resolution of an inmate's case),⁹⁴ and the release matrix (where the Jail's staff and prosecutor agreed to the release of certain individuals deemed to be "low-risk").⁹⁵

Nonetheless, despite the improvements at the close of the last century, by 2010, the Jail was trending in the opposite direction. Although in 2007, the Federal Court ended its monitoring of the Jail's daily population, the Jail was no longer an accredited facility. The robust and complete documentation necessary for accreditation dwindled as the Jail began to operate in a persistent state of triage. While overcrowding was still an issue, staffing shortages, the growing cost of overtime, and the need for greater attention to facility cleanliness were now documented concerns for the Jail's management.⁹⁶

In 2009, the County and the City of Kansas City, Missouri, discussed a potential solution to the growing list of the County's corrections issues: the proposal of a Regional Jail.⁹⁷ The City and County agreed to renovate the County's RCC building to allow for the housing, supervision, and transportation of approximately 150 City municipal inmates.⁹⁸ This move resulted in the closing of the Municipal Corrections Institute ("MCI") and, by 2012, the municipal corrections' inmate population was housed at the County's RCC. During that time, the City and County began to aggressively discuss the feasibility of constructing a new Regional Jail, which would house State-level inmates and municipal inmates from all Jackson County municipalities.⁹⁹ In December 2014, the County and the City entered into a formal agreement whereby the County would house no more than 175 City inmates and no more than 100 KCPD arrest inmates at a cost of \$52.50 per day, per inmate.¹⁰⁰

In May 2015, the consolidation of the City's and County's corrections facilities was completed when the KCPD closed its jail which housed arrestees.¹⁰¹ Those individuals were then transferred to the Jail for intake and supervision during KCPD investigations.

In 2015, the Jail's staffing issues were still present.¹⁰² Approximately 52 COs left the employ of the Jail between 2007 and 2013.¹⁰³ This number ballooned to 119 COs departing in 2015 alone.¹⁰⁴ Significantly, 102 of the 119 had only been employed for 3 months or less at the time of their departure.¹⁰⁵ Put differently, not only was the number of staff decreasing but so was the number of experienced COs, thus leaving the Jail short on institutional knowledge and experience with successful practices. In addition, the Federal government was investigating use of force incidents involving COs and inmates at the Jail.¹⁰⁶

While County Legislatures and others were aware of general issues concerning the Jail, these 2015 incidents and the issues with staffing led to a deeper examination of the Jail.¹⁰⁷ That examination came about when the then County Executive formed the 2015 task force aimed at examining the policies and procedures at the jail.¹⁰⁸ In October 2016, the task force issued a report establishing 8 categories of recommendations to the Jail and County Executive, including but not limited to achieving full staffing and accreditation, better use of programing for inmate wellness, upgrades to safety and security, and evaluating funding options to pay for maintenance and the building of a new Jail.¹⁰⁹

With the addition of the municipal and KCPD arrest inmates and a steady rate of State-level inmates, there was a growing demand for a full staff of COs. In 2016, the Jail increased the number of budgeted positions for full-time corrections officers from 204 to 234.¹¹⁰ However, as they were unable to fill those positions as previously mentioned, and as the Jail's already overcrowded inmate population needed management, the cost of overtime for COs escalated from approximately \$2.03 million in 2014, to \$3.176 million in 2015, and \$3.706 million in 2016.¹¹¹

2016 also saw a number of critical incidents at the Jail, including sexual and physical assaults of inmates and two well publicized assaults of COs by inmates in 2017.¹¹² Additionally, there was a seemingly never-ending issue regarding contraband being smuggled into the jail from multiple sources and through various means.¹¹³ As a result, in 2017, the Legislature hired CRA to

conduct an audit of the Jail's operations.¹¹⁴ Simultaneously, the County's Administration hired Hellmuth, Obata & Kassabaum, Inc. ("HOK") to conduct an assessment of the Jail's facilities.¹¹⁵

CRA completed its audit in August 2017.¹¹⁶ At that time, James Rowenhorst, the Auditor and a nationally recognized Jail consultant, testified before the Legislature.¹¹⁷ He testified that, when he first visited the Jail in April 2017, he witnessed some of the worst conditions he had seen in his experience of reviewing correctional facilities across the country, including accredited and unaccredited, local, state and federal facilities.¹¹⁸ He noted that the Jail was in crisis and, considering the staffing levels and the high number of inmates, he urged the County to close a floor of the Jail to ensure the immediate safe and secure management of the facility.¹¹⁹ Mr. Rowenhorst also identified issues involving the failure to plan for appropriate staffing as well as issues with maintenance and cleanliness of the facility.¹²⁰ At the conclusion of his audit, he identified six categories of recommendations, including that "immediate action" be taken to provide for full staffing and that the Jail create plans for housekeeping, sanitation and maintenance.¹²¹

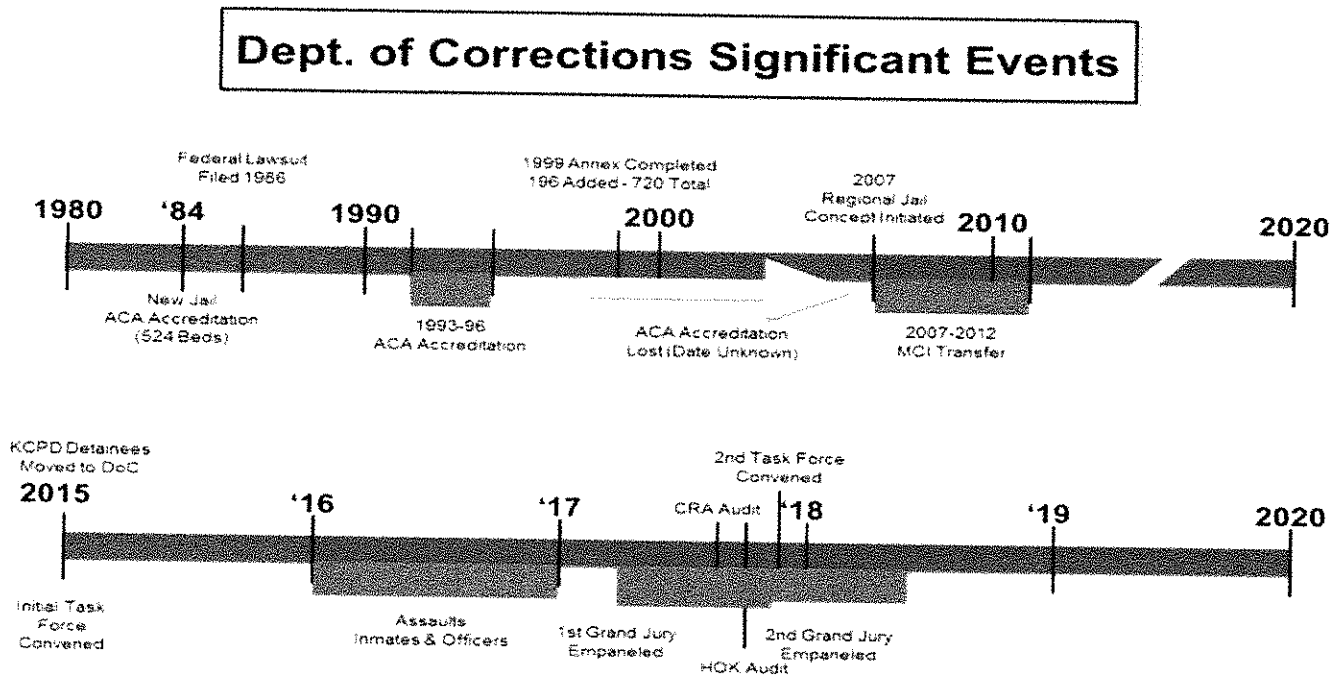
The HOK assessment was presented to the Legislature in early September 2017.¹²² Similar to the concerns raised by the CRA Audit, HOK's findings were equally troubling.¹²³ The assessment identified that the facility was in disrepair, safety and emergency systems were failing, and that a renovation of the 30 year old facilities would be costly and ill-advised.¹²⁴ As a result, HOK recommended that the County should consider building a new facility and projected that the cost of such a facility would be approximately \$180,000,000 at this point in time.¹²⁵

Similar to his predecessor, the current County Executive convened another task force aimed at studying the Jail.¹²⁶ However, there was one very significant difference. Per his testimony, the County's Executive noted that, although he agreed that a new Jail was needed, this task force would also be charged with evaluating the criminal justice system in Jackson County in the hopes of soliciting input, and support, from citizens to determine whether or not to build a new jail and to determine the size of any new facility.¹²⁷

In the final analysis, it is evident that the Jail built in 1984 is too small for the corrections and public safety needs of this County and the Kansas City Metro area. The addition of the annex in late 90's and the oversight by the Federal Court helped ease the issue of overcrowding. But any improvements

in managing the routinely overcrowded inmate population at the Jail were nullified with the merging of the County's and City's correctional populations and the inability to plan for and address the issue of CO staffing.

The below chart identifies the critical moments in this Jail's timeline:



The Problem of Capacity

From the time it opened, the Jail has been overcrowded.

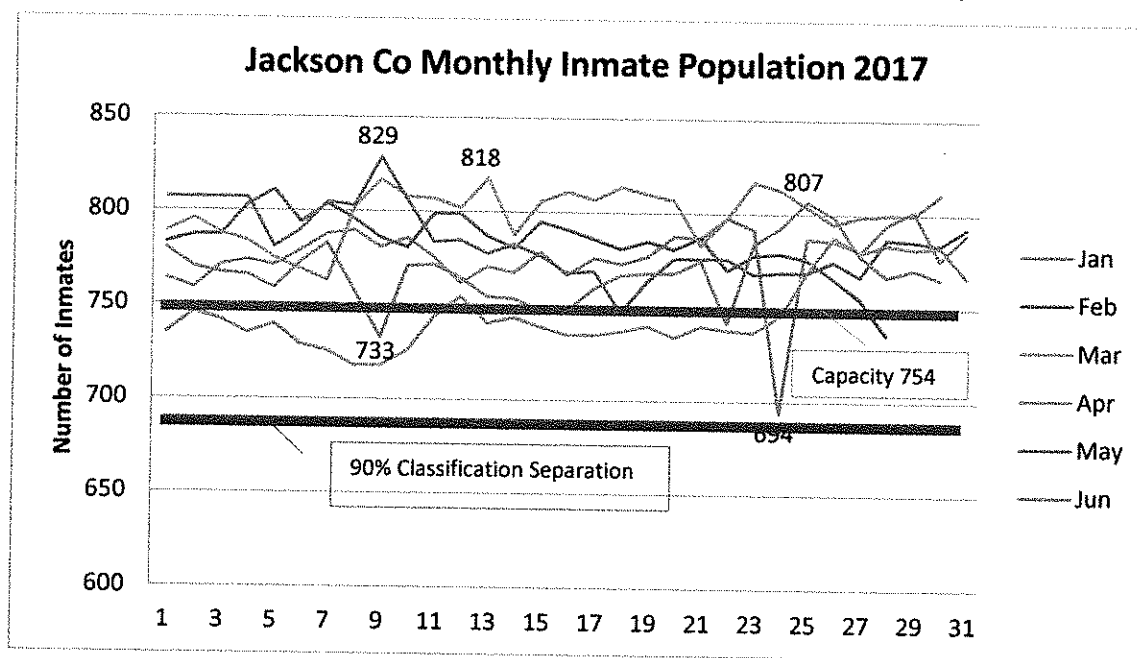
To safely and securely operate, a jail must be at a level that is at or under its operational capacity. Operational capacity allows the Jail's management to separate individuals into appropriate classifications: for example, the separation of male and female inmates, inmates with infectious diseases from otherwise healthy inmates, or inmates who are known rivals, etc.¹²⁸

Nationally accepted corrections standards require a jail to operate at 85%-90% of its full capacity.¹²⁹ It has been said that the portion of the Jail that houses State-level inmates has the space to house 912 inmates.¹³⁰ However, this number is grossly overstated. To accomplish the housing of 912 State-level inmates, inmates would have to be housed in common areas or multi-

purpose spaces outside of individual cells.¹³¹ In reality, the full capacity for the State-level portion of the Jail is only 754 inmates and the maximum operational capacity, the metric by which a facility achieves safe and appropriate classifications is 680 inmates.¹³²

During the CRA Audit, Mr. Rowenhorst, was provided information of the daily count of State-level inmates from January to June 2017.¹³³

The following chart shows that the State-level portion of the Jail's population did not fall below the operational capacity at any time.



Further, as noted above, in the late 80's, the population of State-level inmates was routinely in the range of 700.¹³⁴

Similarly, from 2012-2016, the daily population for the State-level portion of the Jail was 731.¹³⁵ In addition, the Grand Jury learned that the Jail manually counts the inmates at the Jail using a hand-clicker thus subjecting the issue of population numbers to human error.¹³⁶

However, despite what appears to be a consistent trend in State-level inmates, there has been an addition to the Jail's overall population in the form of Municipal inmates and KCPD arrest inmates.

From 2012-2016, the RCC's average daily population was 139 inmates.¹³⁷ In addition, the KCPD arrest population was 28 inmates per day in 2015 and 30 inmates per day in 2016.¹³⁸ In sum, the Jail from 2012-2016, was regularly

charged with managing a total inmate population (State, Municipal, and KCPD arrest) of approximately 900 inmates daily.¹³⁹

Today, with respect to State-level inmates, our County attempts to manage the issue of overcrowding through multiple means. First, the Circuit Court continues to engage in daily population dockets which allow the Court to evaluate an inmate's possibility of release.¹⁴⁰ In addition, the Court, Prosecutor, Public Defender, members of the Legislature, County Officials, and Jail officials meet bi-weekly to discuss the Jail's population.¹⁴¹ The goal of these meetings is to discuss the status of aging cases (incarcerations over 1 year) that have not been tried, resolved, or dismissed, and to discuss specific inmates who the stakeholders agree can be released from custody prior to trial on bond or under some level of court or County house arrest or courtesy supervision.¹⁴² In addition to these efforts, there are the County's pre-trial supervision programs.¹⁴³ These programs include house arrest with electronic monitoring, courtesy supervision, which includes the strict monitoring of an individual's daily activities with specific reporting requirements, and pre-trial supervision which requires that the released individual report periodically to program staff in advance of scheduled court appearances.¹⁴⁴ These programs are available tools that are used by the stakeholders for the supervision of certain individuals who are out of custody prior to trial. Despite these efforts, the Jail is still routinely overcrowded.¹⁴⁵

In order to understand the issue of overcrowding, the Grand Jury subpoenaed data concerning the individuals housed in the Jail from June 1, 2017 to November 30, 2017. In addition, the Grand Jury enlisted the assistance of a criminologist from UMKC to review the data and report on the types of charges for the inmates housed in the Jail in this timeframe.¹⁴⁶

The reliability of the information concerning the inmates that is entered into the Jail's system, including charges and length of stay, depends on the individual entering that information.¹⁴⁷ It is subject to human error. The testimony of the Jail's witnesses and the criminologist's report show that the Jail's data is not reliable enough to draw fixed conclusions.¹⁴⁸ This means that the Jail's data precludes us from reliably reporting the number of individuals in the Jail at any given moment or to compare the average length of time an inmate charged with a violent or serious crime spends in Jail as opposed to an inmate charged with a non-violent crime.

With these significant limitations in mind, and solely based on the data provided by the Jail, the only statement that can be made is that the Jail reported that 932 new individuals were brought into the Jail with crimes this Grand Jury deemed to be violent or serious State-level offenses between June 1, 2017 to November 30, 2017.¹⁴⁹ These offenses include all forms of homicide, assaults, robberies with the use of a weapon, burglary of an occupied residence, all sex-related offenses, crimes related to children, arson, kidnapping, felonies committed through the use of a weapon, intimidation of witness, possession of fire bomb, and weapons offenses.¹⁵⁰

Even if there was no one in the Jail on day one of this six-month time period, with an alleged maximum capacity of 912,¹⁵¹ the Jail could not house all 932 of the individuals charged with these types of crimes for the full six-month period.¹⁵²

But the Jail was not empty on the first day of the six-month time period that was the subject of the criminologist's review. Rather, according to the daily counts provided by the Jail to Mr. Rowenhorst, the State-level population in May 2017 was above 750. Nonetheless, the newly charged individuals who entered the Jail from June to November 2017 had to go somewhere. Naturally, this means that as new incidents occurred and as new cases were filed, Judges and Prosecutors were forced to repeatedly take measured risks to allow individuals charged with even violent or serious crimes to leave custody and go back out into the community prior to their trial because of space issues. This is precisely the problem presented by the Jail's size and the issue of overcrowding.

This statement was echoed by Mr. Rowenhorst. During his testimony before the Grand Jury, Mr. Rowenhorst explained that suppression is the troubling companion issue to overcrowding in a Jail. Specifically, Mr. Rowenhorst described the issue of suppression as:

"[t]he issue whereby Judges give shorter sentences because the jail is full. Are they lowering bonds when they'd really rather not and releasing somebody on bond or recognizance that they're concerned about[.] Are prosecutors, knowing the jail is full, lightening up on their recommendations[.] [Are] the city police issuing summons rather than making the arrest because the jail is full[.]"¹⁵³

An example of this was given to the Grand Jury from the days of the previously mentioned population control mechanism known as the release matrix:

What [effectively] killed that process was a burglar was released. It was a burglary-in-the-first-degree case and the burglar was released because of the matrix and [after his release, he] killed his witness on his burglary case, which was an elderly woman who survived Auschwitz but she didn't survive her burglary.¹⁵⁴

It is thus not an exaggeration to state that the lack of space in the Jail resulted in at least one victim's death. However, this is not the only incident that we are aware of. The Grand Jury reviewed numerous cases involving instances where an individual was charged with a new crime while released on bond and awaiting trial on a pending case. Point blank: the lack of available space in the Jail forces this County's criminal justice stakeholders (i.e., Court and Prosecutors) to make difficult choices that have real consequences for the citizens of the county.

A review of the aging case reports for State-level cases from December 31, 2017 and March 31, 2018 show that the great majority of the individual cases on those reports involve violent, high-level felonies, including murder, assault, and sexual assault.¹⁵⁵ The vast majority of the remaining cases on those reports involve individuals with mental health concerns who are either awaiting treatment or have been returned to the Jail after evaluation for case disposition. Simply put, in order to safely house people, the Jail needs more space.

Length and Scope of Investigation

Since August 2017, two Grand Juries have examined the Jail for a total timeframe of approximately 8 months. The first Grand Jury began to examine the Jail in August 2017, and concluded its term of service in mid-November 2017. After that, the second Grand Jury began to examine the Jail at the end of November 2017. Collectively there have been hundreds of hours spent examining these issues. Over that course of time, the following witnesses were subpoenaed or contacted to present information:

- CRA (operations Auditor)
- Operations Manager

- Former Jail Director
- Chief Operating Officer
- Inmate Service Coordinator
- Volunteer Jail Chaplin
- Corrections Officer
- Jail Director
- County Executive
- Chief of Staff
- Legislative Auditor
- Legislature Chair
- Legislature's Budget Committee Chair
- Elected Prosecutor
- Assistant Public Defender
- Private Defense Counsel
- Former Finance Director
- Criminologist from UMKC

In addition to publicly available materials, the Grand Jury gathered and subpoenaed various documents and items from:

- James Rowenhorst
- HOK
- Finance Department
- Human Resources Department
- County Legislature
- County's Legislative Auditor
- Department of Corrections ("Jail")
- Department of Public Safety
- Department of Public Works
- Criminologist from UMKC

Lastly, as part of our work, members of the Grand Jury toured the Jail.

Executive Summary

The Jail's problems stem from a systemic failure to plan and/or act to address its well-documented problems. The responsibility for the failures fall on the Jail's management and the County's Administration.

In the fall of 2017, an ongoing special report was produced on the management of jails by an online publication called *American Jails*. The title of that report was, “Core Competencies and Jail Leadership.”¹⁵⁶ The report identifies 22 core competencies for jail leaders. Some of which are:

- Assure organizational accountability,
- Build and maintain positive relationships with external stakeholders,
- Comprehend, obtain, and manage fiscal resources,
- Engage in strategic planning,
- Manage change,
- Obtain and manage human resources,
- Oversee inmate and facility management, and
- Oversee physical plant management.

This Jail has suffered from a failure to properly apply the above “core competencies” in management. There has been little to no action and no clear plan to move the Jail forward into the 21st century.

As citizens, we should not accept excuses for inaction based on the physical layout of the current facility, perceived underfunding, overcrowding, or lack of staffing. The findings in this report should concern us all. More can—and should—be done for the people who work at the Jail and for those who are housed in it. Based on our examination, the following issues impact the conditions and treatment of inmates, and they require immediate action.

A. Failure to Manage Funding

Key Findings:

1. The Jail’s budget has not decreased since 2010,
2. The Jail has failed to properly plan for its funding needs and, as a result, it has spent more than its adopted budget in every year since 2012,
3. The Jail and County Administration has not effectively and timely deployed the funding it has received, and
4. The Jail has failed to formulate a funding strategy to address its staffing and overtime issues.

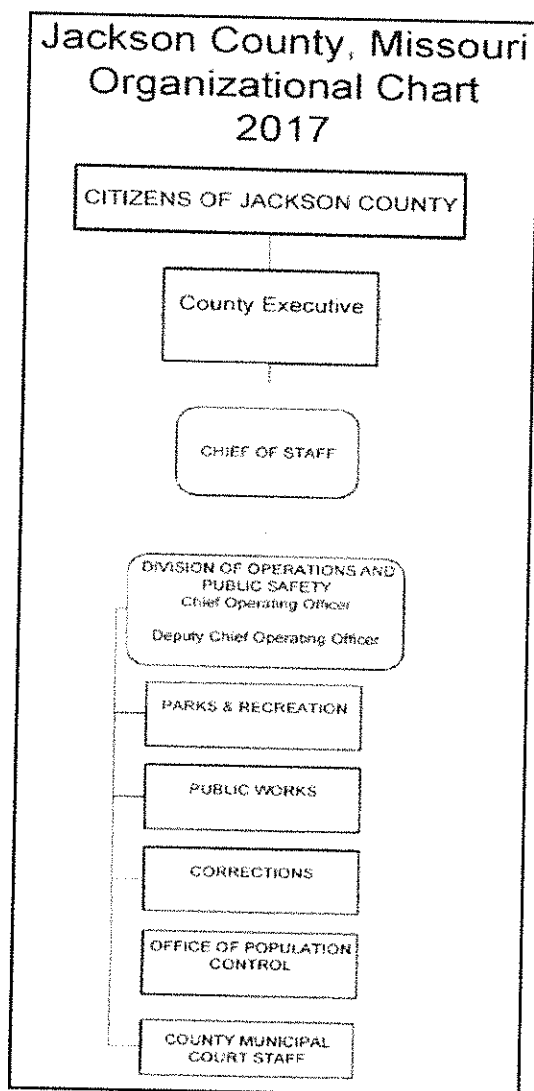
The Jail’s management and the County’s Administration did not accept responsibility for the Jail’s funding. In many ways, the issue of funding is a

largely misunderstood and untold piece of this Jail's recent history. The Grand Jury heard hours of testimony from various members of the Jail's management, the County's administration, and the County Legislature concerning the Jail's budget.

The Jail's management and the County's Administration routinely blamed factors that they believed were outside of their control, such as decisions made by prior administrations or the Legislature's amendments to the County Executive's Budget. For instance, while the County Executive agreed that it was his legal responsibility to manage the Jail and that his goal and objective was to care for the inmates and the staff at the Jail, he distanced himself from the issue of funding for the Jail by stating that the "Legislature really makes most of the decisions."¹⁵⁷

Likewise, the County Executive's Chief of Staff, the County Executive's second-in-command, repeatedly stated that, while he was only generally aware of issues regarding the Jail, he was sure the Legislature's budgetary appropriations were impacting the Jail's success and the Jail's ability to manage its operations.¹⁵⁸ He also disputed the accuracy of the County's organizational chart, which was provided to the Grand Jury by the County.¹⁵⁹ The chart listed him as the conduit of information between the County Executive, who is directly above him, and the Chief Operating Officer and the Jail's Director who are directly below him¹⁶⁰. Naturally, this testimony conflicted with that of the Chief Operating Officer, who stated that information on the operations of the Jail are reported to the Chief of Staff.¹⁶¹

Below is the specific portion of the chart that the Chief of Staff refused to acknowledge:



Similar to the County's Administration, the Jail's management blamed staffing on "bad press" and the Legislature's failure to provide adequate salaries.¹⁶² These witnesses also pointed to the lack of funding by the Legislature as a reason there has been an inability to repair key items at the Jail.¹⁶³

Conversely, the witness from the Legislature pointed at the inability of the Jail's management and the County's Administration to properly plan and operate the Jail's budget.¹⁶⁴ It was apparent that the Legislators believed they had worked to fulfill their duty of providing fiscal oversight to the public funds used to run the Jail.

Based on the available facts, it appeared that the two sides were in conflict. As such, it became clear to this Grand Jury that to understand the issues at hand, a review of the budget and the actions of both sides was required.

i. The Jail's budget has not decreased since 2010.

Budget documents show that the Jail's budget has not decreased or been subject to cuts in this decade.¹⁶⁵ The Grand Jury subpoenaed various financial documents from the County's Finance Department and the Legislature, including the budget requests from the Jail, County budgets from 2010-2018, and publicly available documents. The Jail's budget shows that it is composed of monies from three funds. The bulk of the Jail's budget comes from the General Fund (i.e., the taxes that are paid by County residents or sales taxes) and is supplemented with money from the Health Fund (designated to address health issues for the County's residents), and the COMBAT Tax¹⁶⁶ (i.e., the tax designated to stop substance abuse and violence). While there are no limitation on the amount of funding the Jail can receive from the General Fund or Health Fund, per law, the Jail is not allowed to receive more than 15% of COMBAT Fund.¹⁶⁷ It is also noteworthy that the budget allocation for the Jail is all related to operations and facilities.¹⁶⁸ The Grand Jury was surprised to learn that the cost of litigation for the multiple civil cases pending against the Jail, including the cost of hiring attorneys or paying judgments or settlements, is not included in this budget.¹⁶⁹ Put differently, while we the tax payers will be responsible if the Jail is found liable, the Jail will not bear that cost in its direct budget.

A deeper look at the numbers in following chart demonstrates that since 2010, the Jail's adopted budget has increased from \$20,463,849 to \$28,802,753.¹⁷⁰

In fact, since 2012, the Jail's Budget has increased (budget to budget or year to year) by 24%.¹⁷¹ These findings are similar to those offered by the County's 2015 Task Force.¹⁷²

That 2015 report noted that the Jail's budget increased 45.1% between 2008 and 2015.¹⁷³ Yet, the County Executive's Chief of Staff disagreed with this statement.¹⁷⁴ He testified that he had done his own calculations and would provide those to the Grand Jury.¹⁷⁵ After his testimony, he provided a written memo and various financial documents.¹⁷⁶ In his writing, he noted that he had a different understanding of the "county's historical funding of the [Jail]."¹⁷⁷ His budget analysis, which was based on a County Budget Officer's spreadsheet, included an accounting for "contractual payments by the City of Kansas City for inmates and internal budget practices."¹⁷⁸ In combination with his application of inflation (based on the Consumer Price Index), the Chief of Staff estimates that the budgets actually decreased by 3.75% between 2008 and 2015.¹⁷⁹

There are many problems with the Chief of Staff's response, including his analysis and his rationale. First, the spreadsheet offered as primary support is an analysis of the cost to County to run or operate the Jail.¹⁸⁰ It is not a reference to the actual budgets, which show the monies received by the Jail to run its operations and facilities.¹⁸¹

In addition, the Chief of Staff's references to adjusted budgets in 2008 and 2015 were calculated by inexplicably removing the cost of facility management and monies received by the Jail from the City of Kansas City.¹⁸² Had the Grand Jury sought to understand the impact of the addition of the Municipal and KCPD arrest population on the cost of running the Jail, this information may be relevant. To be clear, the Grand Jury found data that the additional inmate populations have increased the cost of operations.¹⁸³ The budgets and actual monies spent reflect this.¹⁸⁴ But the Grand Jury simply asked the Chief of Staff if he agreed with the County's 2015 Task Force report's statement that the budget increased. The response he provided either directly ignored or evaded the question to support the Administration's argument that the Jail is underfunded.

The County was a willing participant in condensing the local corrections population, the Jail was unprepared to supervise the number of inmates that it would be taking on. In 2012, an already limited number of COs took on the

management of approximately 150 municipal inmates¹⁸⁵. In 2015, with little change in the COs employment numbers, the Jail took on the management of KCPD arrests.¹⁸⁶ The addition of these populations to an already overcrowded and understaffed jail was problematic not only for operations, specifically at intake, but also for funding. While the actual cost of care for an inmate per day is over \$100 dollars, the contract for the housing of these new populations allocated only \$55 per day per inmate.¹⁸⁷

In addition, the booking and intake of KCPD arrests require the use of significant resources. For example, in 2016, the Jail logged 7,739 KCPD arrest bookings.¹⁸⁸ For each of these individuals, the Jail has to ensure that the person is fit for confinement; that the person booked is properly identified and classified for safe keeping during an investigation; and, conversely, if they are due to be released, that they are released only after a full background check for other potential law enforcement holds is conducted.¹⁸⁹ These added responsibilities, and the need for additional resources, may have contributed to the higher cost of overtime in 2015 and 2016 and put a significant strain on the resources and funding capabilities of Jail.¹⁹⁰ In November 2016, the inmate additions to the Jail required the department to request additional inmate funding: \$80,000 for food, \$83,100 for medical services, and \$389,000 for utilities.¹⁹¹

The next set of logical questions are: What actions did the Jail's management and the County's Administration take? What plan was put in place? What financial adjustments were made? Regardless of the answers to these questions, the Grand Jury found that there was very little action taken to address these issues.

In fact, the only public actions that we find concerning the Jail's budget in 2017 and 2018 by the Jail's management and the County's Administration is acceptance and public praise by the County Executive.¹⁹² The Grand Jury reviewed the publicly available legislative history on the passed budgets for 2017 and 2018. Despite allegations that the Jail was a priority and that underfunding was an issue, the County Executive did not veto any portion of the budget related to the Jail passed by the Legislature in either the 2017 or 2018 budget.¹⁹³ In fact, in his 2017 State of the County Address, the County Executive publicly praised the amount of funding received by the Jail when he stated that his administration, along with the County Legislature, worked to pass the "largest one-year increase in funding for Corrections."¹⁹⁴

Irrespective of the post-event explanation or theory offered by the Jail's management or the County's Administration, the fact is that the Grand Jury received no information concerning any action against or objection to the Jail's budget. Accordingly, if the Jail's budgets were accepted it is necessary for us to examine whether they were properly planned in light of the known cost of operations and facilities.

- ii. *The Jail failed to properly plan for its funding needs and, as a result, it spends more than its adopted budget.*

In addition to our concerns about the budget's growth are our concerns about the manner and circumstances in which the Jail made its request for funding and its recent annual spending. To understand the issues surrounding the planning of a budget and making a budget request, it is necessary to understand the ways in which funding is requested by the Jail. The County's fiscal year extends from January 1st to December 31st. As a County Department the Jail is subject to the County's budgeting process.¹⁹⁵ The County's yearly budget process starts in the late summer of every year and looks forward to the next fiscal year.¹⁹⁶ It is at that time that the County's Finance Department notifies the Jail to submit its request for expenditures for the following calendar year.¹⁹⁷ This is the Jail's chance to advocate for additional funding by submitting individual request documents.¹⁹⁸ The Finance Department then meets with the County Executive and his Administration to determine what amount will be allocated to the Jail and other County Departments.¹⁹⁹

At this point, the Executive aims to submit his budget, including his administration's determination of the Jail's allocated budget funding to the Legislature.²⁰⁰ The Legislature then holds public hearings with each individual County Department, such as the Jail, to evaluate the County Executive's recommended funding including specific requests for additional funds.²⁰¹ Thereafter, the Legislature returns an amended budget to the County Executive for discussion prior to ultimately approving a budget.²⁰² If the budget discussions do not result in an agreement between the Legislature and the Executive as to the funding in the budget, the Executive can veto the budget passed by the Legislature in its entirety or veto portions of the budget depending on his administration's priorities, relevant funding needs, and available County resources.²⁰³

In addition to this yearly process are the in-year budget requests.²⁰⁴ The Jail (or any department) can go before the Legislature and introduce a resolution and request for legislative approval to use money already funded in the Jail's budget or another County Budget for virtually any item, e.g., overtime or repairs to cell doors.²⁰⁵

Setting aside the numbers budgeted for the Jail, the amount of money actually spent by the Jail in recent years illustrates a troubling pattern: a failure to plan. As a result, the Jail spends consistently more than has been officially budgeted, a practice disallowed by all other facets of County Government.²⁰⁶

The adopted 2016 budget for the Jail was \$25,881,500, but by the end of 2016, the Jail had spent \$28,068,039.²⁰⁷ The adopted budget for 2017 was \$28,802,753, which essentially matched the monies actual spent the year before.²⁰⁸ These numbers shed a different light on the County Executive's comments regarding "the largest increase" in funding for the Jail.²⁰⁹ In reality, there appears to be little planning associated with this "increase." Rather, this simply appears to be a budget request based on the actual dollars spent from the year before. Further proof of the failure to plan is that the Jail's actual spending in 2017 exceeded even its "largest increase" by at least \$1,500,000.²¹⁰

This is not just a recent problem. Since 2014, the Jail has spent more than its actual budget in every fiscal year.²¹¹

The Grand Jury examined the 2016 and 2017 requests made by the Jail for funding, and we were provided with information on the presentations detailing the justifications for funding.²¹² The reports indicate that the Jail personnel failed to justify the requests or the amount of funding they sought for given items.²¹³ For example, in some instances, the Grand Jury learned through testimony that when Jail personnel were asked to justify a specific request or an amount of money, they could not answer or provide any information or the information was inaccurate.²¹⁴ Further, there were reports that if a request for funding was denied, Jail personnel failed to follow-up with facts and evidence to supplement the prior presentation and achieve the necessary additional funding.²¹⁵

Furthermore, there is no proof that, thereafter, the County Administration requested additional information from or granted additional funding to the

Jail.²¹⁶ Rather, it seems the County Administration simply allowed the Jail to continue to make in-year budget requests to the Legislature.

In the end, based on our review, it is possible that the Jail believed that more funding was needed to safely and securely operate; however, they failed to adequately justify their requests and further did not provide follow-up information.²¹⁷ This would not be acceptable in any other business or industry and, given the stakes at issue, we should not accept it here.

Another area that demonstrates the lack of proper planning for funding is the management of the reimbursements from the State of Missouri. The State is required to reimburse the County for the housing of inmates who are ultimately sentenced to prison.²¹⁸ The State does so because, once an inmate is sentenced to prison, it is unlikely that he or she will actually serve the number of years to which they are sentenced in the Missouri Department of Adult Institutions.²¹⁹ This is because the person receives credit for time served while in jail prior to trial or plea.²²⁰ The time for which they are credited is also time that is reimbursed to the County.²²¹ The rate per day for a State-level inmate is insufficient.²²² According to the Jail, it costs \$104 to house an inmate per day.²²³ In 2018, the State reimburses \$22 per day per inmate.²²⁴ To date, the County alleges that it is owed over \$2,000,000 from the State in back reimbursements.²²⁵ Nonetheless, an examination of the Jail's records show that the Jail did not receive the reimbursement monies it anticipated from the State in 2012, 2013, or 2014.²²⁶ There are reports that the Jail had billing issues which may have contributed to the lack of reimbursement from the State.²²⁷ Nonetheless, budget documents show that the actual State reimbursements for the Jail in 2015 and 2016 were in excess of the budgeted expectation by the Jail.²²⁸ Put differently, if there were billing issues in prior years, the State reimbursements in 2015 and 2016 provided for the recoupment of sums owed from 2012-2014.²²⁹

Finally, there is the issue of improper budget requests.²³⁰ During his testimony, the Chief of Staff remarked that the Legislature had eliminated over \$300,000 in salaries from the Jail's budget after the County Executive had approved these sums.²³¹ When asked to identify from which fund the proposed monies were to come, the Chief of Staff testified that the proposal was to draw the sums from the COMBAT fund.²³² The Grand Jury questioned the Legislature about this decision.²³³ In response, the Legislature told the Grand Jury that the County's Executive's budget proposal to fund over

\$300,000 in Jail salaries from the COMBAT fund was denied because the total sums requested would have put the Jail over the legal 15% COMBAT allocation limit.²³⁴

iii. *The Jail and County
Administration has not effectively
and timely deployed the funding it has received.*

Additionally, the Grand Jury's examination of the prior budgets show that since 2010, the Jail has spent a minimum of \$1.6 million dollars per year for a total of over \$15 million dollars on upkeep and maintenance of the facilities.²³⁵ The numbers budgeted for facilities and actual money spent did not decrease over this time period.²³⁶ Nonetheless, despite these expenditures, the Jail continued to deteriorate. Given these numbers, it is incumbent on the current leadership to properly plan and continually evaluate the progress of the plan to ensure that dollars are spent appropriately and projects are completed and maintained.

The Grand Jury also examined the Legislature's role in the funding of the Jail during in-year Legislative sessions. A review of Resolutions and Requests for Legislative Action ("RLA") from 2016 and 2017 shows that the Legislature approved every request seeking funding for the Jail.²³⁷ That said, because of the claims raised by the Executive, and his administration, and the Jail's management, the Grand Jury examined what happened following the approval of the Requests for Legislative Action during Legislative sessions in 2016 and 2017.²³⁸ This examination revealed that many delays did occur, but in virtually all cases, the delays occurred because the Legislature was attempting to locate funding within the County's Budget to cover the cost of the Jail's request.²³⁹ The delays were the result of the Jail's management or the County's Administration failure to properly identify funding for the request.²⁴⁰

During this examination, it was revealed that funds were being used without Legislative oversight or approval and that this practice impacted or delayed the identification of funding for the needed Jail's projects. In one instance, the Grand Jury heard testimony and reviewed documents that the County's Chief of Staff, under the guise of an emergency, authorized three transfers in an amount below \$10,000 for Jail Transportation by stating that

doing so would “avoid delay.”²⁴¹ There is no County policy or Charter provision barring the transfer of monies below \$10,000, which is the threshold for Legislative approval (commonly referred to as “9999s” as that figure is just below the stated threshold of \$10,000).²⁴² That said, to accomplish the specific funding need at issue, the Chief of Staff usurped funds outside the Jail Budget under the guise of needing an emergency contract.²⁴³ Curiously, had he simply used the legislative process, there would not have been the need for three transfers and he would have accomplished the financial transaction legitimately.²⁴⁴ Further, the Charter shows that the County Executive is the only administrator that can establish an emergency and, in that instance, he must notify the Legislature.²⁴⁵ That did not occur.

To be clear, the problem here is County Government transparency. Irrespective of the intent or the goal in that specific instance, the repeated and intentional removal of funds without oversight or communication disables the Legislature and the public from understanding how money is being spent, and it blocks the ability of the public to understand whether a County Department is properly planning for its funding needs.²⁴⁶ Put differently, if this action continues, Departments such as the Jail would continue to use money not budgeted to pay for needs and spend in excess of its projected budget without a proper critique of its actual spending. Lastly, it also slows the ability of the Legislature to obtain or verify that there is appropriate funding for the specific requested need.²⁴⁷

Additionally, in some instances funding for Jail projects were approved by the Legislature, funding was earmarked, and the project was then stalled when paperwork made its way to the County Administration. In one instance, a Request for Legislative Action was approved for kitchen repairs at the Jail, funding was earmarked, and a bid expired due to a delay of 90 days in executing the appropriate documents by the County’s Administration.²⁴⁸ In another instance, a Request for Legislative Action was approved and funding was earmarked for cell door repairs.²⁴⁹ That project also waited weeks without any action.²⁵⁰

On December 28, 2017, to expedite funding for Requests for Legislative Action, the Legislature moved to create reserve pools of money specifically dedicated to funding requests for the Jail.²⁵¹ On December 29, 2017, the Jail requested funding to complete a project, citing to monies in the reserve pool.²⁵² The next step would have been a Request for Legislative Action

authored by the County's Administration. However, on January 19, 2018, after seeing that no Resolution or Request for Legislative Action was filed, it was the Legislature that reached out to the County's Administration to move the project along.²⁵³ On January 22, 2018, the County's Administration submitted the Resolution and Request for Legislative Action.²⁵⁴

iv. The Jail has failed to formulate a funding strategy to address its staffing and overtime Issues.

The inability to effectively plan is further exemplified by the issue of staffing. The Grand Jury heard hours of testimony on staffing deficiencies.²⁵⁵ During the testimony, the Grand Jury was repeatedly told that corrections staffing has decreased across the country, and the inability to pay COs here precludes the Jail from being fully staffed.²⁵⁶ We agree that our COs are underpaid in comparison to other local jails and COs in other states.²⁵⁷ But the failed efforts to try to solve this issue demonstrates the problems with management.

The Jail has asserted that it has been understaffed since at least 2007, yet there is no discernable plan to recruit competent personnel, nor have resources been dedicated to recruiting.²⁵⁸ The Grand Jury requested the recruitment plan for the Jail.²⁵⁹ Not including the cover, the document is an outline that is approximately 3 pages long.²⁶⁰ It references 2017 efforts only.²⁶¹ It includes no data or research from industry related sources.²⁶² Further, despite the number of management staff at the Jail, no one is solely dedicated to recruitment.²⁶³ Furthermore, and not surprisingly, the testimony before the Grand Jury about the actual recruitment efforts was not consistent with the outline provided. Rather, a single Lieutenant is obligated to split time between operations duties and recruitment.²⁶⁴ In fact, in 2007, the Center for Innovative Public Policies, Inc, published a paper titled, "The Future is Now: Recruiting, Retaining, and Developing the 21st Century Jail Workforce."²⁶⁵ In the report, the authors identified the concerns that many Jails have in recruiting qualified staff and identified that, in many cases, qualified Jail staff was the product of "fortuitous luck or inadvertent circumstances [rather] than the intentional outcome of farsighted planning or strategic initiatives." Considering the Jail's focus on this issue as a specific barrier to success, its efforts to address it are lacking. Like the facilities

referenced in the study, the Jail appears content to wait for “luck or inadvertent circumstances” to solve the problem.

Equally troubling is the issue of an absence of any viable annual staffing plan. Mr. Rowenhorst, a national Corrections’ industry expert, stated that, without this critical document, a facility could not ascertain the number of officers or staff actually needed to safely and securely operate its jail.²⁶⁶ This failure was noted in an August 2017, report.²⁶⁷ As of this writing, no such plan exist.²⁶⁸ In fact, when the Auditor requested a copy of the annual staffing plan in mid-2017, he was provided 2 pages.²⁶⁹ A standard annual staffing plan for a facility that is comparable to this Jail is 100s of pages and lays out in great detail the specific duties of each staff member and the time within which they are required to complete their specific duties.²⁷⁰ The importance of such a plan cannot be overstated.²⁷¹ Without it, the jail does not know how many COs it needs and can only speculate, without data, as to what additional personnel may be needed.²⁷²

During Mr. Rowenhorst’s audit, he also calculated that, based on the hours of operation, the number of full-time correction officers needed was 282.²⁷³ The issue of inadequate staffing and budget are further exemplified by a review of the Jail’s budget request documentation for 2018.²⁷⁴ In those documents, submitted months after the completed audit, the Jail failed to budget for the correct number of full-time corrections officers.²⁷⁵ In short, it would appear not only does the Jail not understand its staffing problem, it has not started to create a plan to understand or address this issue. The lack of an annual staffing plan also has real time ramifications for the day-to-day operations of the Jail. With an annual staffing plan, operations could be evaluated and decisions could be made to stretch thin resources to cover critical needs. For instance, there may not be a need to staff minimal security areas at night at the same level as a maximum security areas. Simply put, it is difficult to credibly claim that you are looking to address staffing when you have failed to adequately understand or evaluate how your staffing works.

The absence of a plan and the continued course of inaction is evident from a review of the budget. Since 2010, the Jail has increased the budgeted number of Jail staff by 70 positions.²⁷⁶ In 2012, after the addition of the municipal inmate population, 15 part-time CO positions were added.²⁷⁷ In 2016, 30 full-time CO spots were added to address the KCPD arrest population.²⁷⁸ Nonetheless, those 30 positions have never been filled.²⁷⁹

Furthermore, while we are sure that additional COs would certainly help, without a cohesive staffing plan, it is not documented what the additional personnel would be used for or where they would be stationed. Instead, as staffing remains vacant, the salary savings from budgeted positions were shifted and used to pay the escalating cost of overtime.²⁸⁰

The issue of overtime has consistently plagued the Jail. Currently, the COs make \$12.60 per hour, approximately \$8.00 less than the comparable jails in the area.²⁸¹ There are pay incentives that increase the base pay after six months by 2%. At twelve months, the CO pay is increased to approximately \$15.00 and after 5 years the COs are eligible for incentive-based compensation.²⁸² All the while, there is no limit to overtime.²⁸³ The COs base pay was scheduled to be increased to \$15.00 per hour at the beginning of 2018.²⁸⁴ As of this writing, the Grand Jury understands that this increase has been approved. Currently, the COs work a 12 hour shift.²⁸⁵ Within a two week span, COs are required to work three 12 hour shifts with one 4 hour mandatory overtime shift in week one and then four 12 hour shifts with at least one 4 hour mandatory overtime shift in week two.²⁸⁶ Overtime is minimally regulated in that all COs must have access to it.²⁸⁷ It is not unusual for a CO to work more than one extra overtime shift; in fact, it is common.

Since 2010, the Jail has consistently under-budgeted for overtime in that the actual money spent exceeds the budget sums.²⁸⁸ Nowhere was this more troubling than in 2015 and 2016.²⁸⁹ In both years, the Jail overtime projections fell short of the actual sums spent by approximately \$2 million.²⁹⁰ In 2016 alone, the County was forced to transfer \$2.4 million to cover the total cost of overtime which resulted in a total expenditure of \$3.7 million for salaries.²⁹¹ In response, the Legislature attempted to track overtime month to month in 2017.²⁹² In the end, the Legislature, of its own accord, advised Jail personnel that they were going to run out of budgeted funds for overtime at the end of 2017's 3rd quarter.²⁹³ When the Legislature asked Jail personnel how much they would need to fulfill its salary obligation for the 4th quarter, Jail administration did not have a projection.²⁹⁴ Instead, in a rather unusual step, the Jail requested the assistance of the Legislative's auditor in coming up with a projection.²⁹⁵

As of mid-March 2018, the Jail has spent approximately \$874,000 on overtime and, once again, the Jail is expected to exceed its budgeted allocation by at least \$1,000,000.²⁹⁶

The Jail's response to the rising cost of overtime is to point to overcrowding. They argue that overcrowding requires more COs at all times. However, this argument is not supported by the documents reviewed by the Grand Jury. For example, in 2016, the Jail spent over \$3,700,000 on overtime.²⁹⁷ This sum was \$600,000 more than the amount spent in 2015, yet the average daily population increased by only 2% (or a little over 20 inmates) from 2015 to 2016.²⁹⁸

The Jail recognizes that excessive overtime is an issue; however, the administrative officers appear unable to assume accountability for it and work towards a cost effective solution. This paralysis has allowed for abuses and rising costs to persist.²⁹⁹ In one instance of stunning testimony, the Grand Jury learned that a CO worked 80 hours of regular time and 80 hours of overtime.³⁰⁰ During his testimony, the County Executive stated he was aware that overtime was an issue and that the 12 hour shift was not helping curb overtime costs.³⁰¹ When asked why it has not been changed, he stated that the COs liked the 12 hour schedule.³⁰²

In January 2017 and again in September 2017, the County's Administration requested that COs salaries be raised to \$15.00 per hour.³⁰³ This proposal was based on the Administration's belief that an increase would attract additional COs and allow for the retention of others.³⁰⁴ The Legislature expressed concerns over the financial ability of the County to sustain the funding for that increase and requested that the monies identified for the increase come from a plan set forth in the Jail's 2018 budget which would allow for the Jail to plan out their budget needs.³⁰⁵

The issue of \$15.00 per hour increase is not simple. Any raise to the lowest class of employee naturally impacts the salaries and compensation packages (e.g., healthcare) for the employees above the class identified for an increase. This theory is called compression. As such, the raise offered by the County's Administration would likewise necessitate increases to other grade levels of COs such as longer serving officers. This in addition to the increased spending in overtime and utilities, an area in which the Jail's budget was

projected to have a \$500,000 shortfall in 2017, raised serious concerns about funding.³⁰⁶

Moreover, because of the amount of overtime money expended on top of the base salary for virtually all COs, the actual CO salary is not \$12.60 an hour. To be clear, we do not believe that these individuals are making more than they deserve or that they should be subject to salary cuts. Rather, we only write to report that there are serious concerns about the financial stability of the Jail given the projected cost of the \$15.00 salary increase and the continued increase in overtime spending. In addition, the Grand Jury has concerns regarding the safety of the 12 hour shifts. With a 4 hour overtime period, this shift model requires COs to work up to at least two 16 hour day shifts in a two week period in an environment where they are understaffed, outnumbered, and unarmed.³⁰⁷ The Jail's management and the County's Administration must work with the CO's Union to examine this issue which is vital to the CO's health and safety and the County's financial security.

From 2013-2017, the DOC averaged 242 active COs.³⁰⁸ This represents four years of data, including years that cover the additions of the municipal and KCPD arrest populations that have added to the staffing needs. This information is available and can be used to plan out a financial strategy for raises and to address the staffing needs that would curb overtime. However, to date, there is no indication that this has been accomplished. As such, once again, the Jail has not shown that it understands what is driving its overtime costs. This will continue to subject the County to further unplanned and unbudgeted spending.

B. Failure to Plan for Safety and Security

Key Findings

1. The Jail's fire and emergency evacuations are not practiced, and
2. The Jail's struggles to supervise inmates.

Since 2015, the safety and security of the Jail has been a matter of public discussion. There have been several reported instances of violence among inmates, guards have been assaulted, and inmates have gained access to cell door keys and contraband to commit crimes inside and outside the Jail.

The Jail must be safe and secure for inmates, staff, and the public. This means the facility should strive to be prepared for emergencies and be free

from violence. The below discussion details some of the more concerning findings by the Grand Jury concerning the safety and security of this facility.

i. The Jail's fire and emergency evacuations are not practiced.

In June 2017, a fire engulfed the Grenfell Tower in West London claiming the lives of seventy one residents.³⁰⁹ Of the failures identified from the investigation of that fire were low water pressure, radio problems, and fire extinguishers that had not been tested for 12 months.³¹⁰

On any given day, the Jail incarcerates approximately 900 inmates who are locked behind doors. On any given day, an emergency may occur that would necessitate the evacuation of all of these individuals plus the buildings staff and volunteer civilians. There are no state regulations or codes that the Jail is required to follow for fire and emergency safety. Likewise, the Jail is not required to undergo a building inspection.³¹¹ That means that in the event of an emergency, an evacuation of the people in that facility rests entirely on the Jail's preparedness and planning.

The evacuation plan is extremely detailed, but given the limited staff and inability to practice, there are substantial questions as to whether the Jail can feasibly execute a mass evacuation in a safe, orderly, and timely fashion. Although national standards require the Jail to conduct fire/evacuation drills quarterly, the Jail has conducted one set of fire/evacuation drills since mid-2016.³¹² Between mid-2016 and late 2017, the Jail conducted "pop" evacuation drills. These drills were conducted by a sergeant or lieutenant who would quiz the on-duty CO about the method by which he/she would seek to evacuate inmates in the event of an emergency.³¹³ Moreover, an examination of the logs from the drills conducted in the fall of 2017 illustrates deeper issues.

Setting aside that the drills appear to be responsive to the questions posed by the Grand Jury to Jail's management and the County's Administration as opposed to a measured plan strictly focused on facility safety, the recent set of drills are also under documented and demonstrate critical problems.³¹⁴ The fire drill report sheets show an inability to find working keys to open staircases to exit the facility.³¹⁵ Other sheets showed delays in getting inmates out of living spaces because inmates were confused about what to do during a drill.³¹⁶

There were also concerns about testing extinguishers that had not been tested in six months and others where the extinguishers were near expiration.³¹⁷ Extinguishers should be checked and tested monthly.³¹⁸ Fortunately, these were not real emergencies that necessitated a mass evacuation, there are serious unanswered questions about the ability of this Jail to handle a critical emergency. For instance, there are no reports showing that the sprinkler system has been recently tested. Further, there are mechanical doors that have issues opening, keys for certain doors that have to be found, and fire safety equipment, including the fire suppression system and sprinklers that should be regularly inspected.³¹⁹

In the mid to late 1990s, the Jail conducted regular fire drills during the time that the Jail sought and ultimately achieved ACA Accreditation.³²⁰ By all accounts, it does not appear that the building has been recently inspected by the Fire Department and the Grand Jury learned that Jails are exempt from such examinations.³²¹ In the 1990s, the building was certified for fire safety by the Fire department. Irrespective of its accreditation status, the Jail must return to this model of fire safety. The health and welfare of the COs and Inmates, and potentially first responders, demands that the Jail address this issue immediately before tragedy strikes.³²²

ii. *The Jail struggles to supervise inmates.*

In his August 2017 report, Mr. Rowenhorst noted that there were multiple areas of concern regarding inmate supervision. Among those areas are:

- Graffiti prominent in housing units,
- Inability to inspect and ensure inmate living spaces are clean and safe,
- Inmates found with extra uniforms hidden under their mattresses, and
- Reports of fights in common spaces in areas that cameras cannot capture.³²³

In his testimony before the Grand Jury, Mr. Rowenhorst reported that on a visit to the Jail, he observed only 2 COs on a floor with 190 inmates³²⁴. He explained that this ratio made it nearly impossible to provide any of the normal correction functions required of COs.³²⁵ Mr. Rowenhorst stated that a properly functioning Jail should have COs who are able to predict and stop critical incidents because they are constantly examining and supervising inmate behaviors.³²⁶ He further explained that the reliance on cameras to

monitor inmates is insufficient as cameras can only capture and record an event; they cannot stop it.³²⁷

While the Jail has taken steps to care for the safety of its COs, the Grand Jury still has concerns. In the fall and early winter of 2017, after Mr. Rowenhorst's audit, two different guards were assaulted by inmates. In one instance, a CO entered the module believing that only one inmate was out of his cell.³²⁸ In fact, there were multiple inmates out of their cells.³²⁹ And in the other incident, an inmate attacked a guard who was left alone and isolated.³³⁰ The COs must feel safe to enter the modules and supervise the inmates. However, in situations where the ratio of COs to inmates is as high as 2 to 190, the COs are reduced to being cameras in that they are left to observe an event and react after.³³¹

Next, there are no intercoms in cells and many of the call boxes in the visitation spaces are not functional.³³² The limited CO staff conducts well-being checks every 29 minutes but in between that time inmates should be able to receive help when necessary.³³³ In 2016, male inmates somehow secured keys from guards.³³⁴ They used those keys to exit their cells and enter the female housing area.³³⁵ Two female inmates were assaulted in their cells. Criminal charges were thereafter filed.³³⁶ This was not the only incident of violence publicly reported at the Jail.³³⁷

With limited staff, the inmates at the Jail and the civilians who visit the jail have an inconsistent expectation that they can call for help, let alone receive help, in the event of an emergency.³³⁸ In testimony on this issue, the Jail's response was essentially to point to the limitations of the Jail's buildings lay out, funding, and its lack inadequate of staffing. Those are not acceptable answers to account for the safety of the public, staff, and the inmates.

Another pressing issue that impacts the safety of the inmates and Jail staff is the issue of contraband. There were reports of rampant drug use, and possession of prohibited cell phones and other forms of contraband in the Jail.³³⁹ It was reported to the Grand Jury that contraband flows through the Jail in virtually every possible way, including through the mail, by compromised COs and staff, and in items passed during visitation.³⁴⁰ Not only do these items and others cause harm to inmates but they also cause

harm to the public. As noted, it is believed that the use of illegally possessed cell phones caused the murders of victims/witnesses in pending cases.³⁴¹

The Jail has taken recent steps to address contraband, such as the hiring of private security and working with law enforcement partners to conduct routine searches of the Jail.³⁴² In June 2017, a joint task force of state, county, and federal law enforcement was used to remove contraband and those responsible for bringing these items into the Jail facilities.³⁴³ Recently, the Jail's new director worked with the Sheriff's Department to conduct a search of the Jail. Considering the complaints of the Jail regarding its staffing, these joint efforts, using external resources, should happen more often.³⁴⁴

By all accounts, remarkably, the Jail staff does the best it can with what it has. They make good decisions, often times under extreme stress, to triage their needs and care for the inmates as best as they can. There is no doubt that the hard working men and women in the Jail care about the safety and security of the facility, however they are not receiving all of the support they need. It is time that the Jail's management and County's Administration give them that help.

Jail Staff, including the COs, must be given the tools to succeed. That means formal training should come before on the job training.³⁴⁵ There should be a true commitment to recruitment. And finally, an annual staffing plan must be written and put into action.

While we do not disagree with the County Executive's statement that "things happen in a Jail," we do not believe that we should sit back and accept things happening.³⁴⁶ Our standard should be to work to stop things from happening in our Jail.

C. Failure to Clean and Maintain

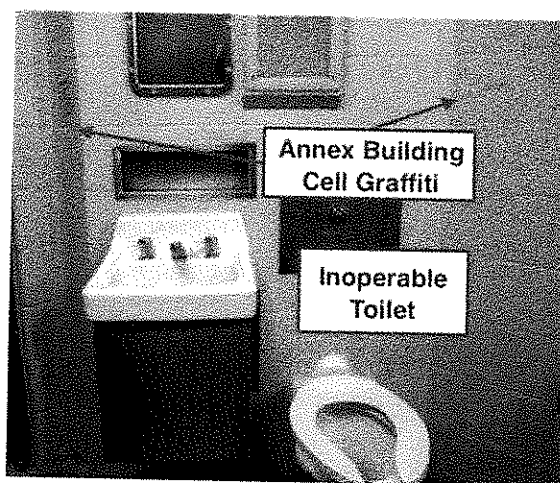
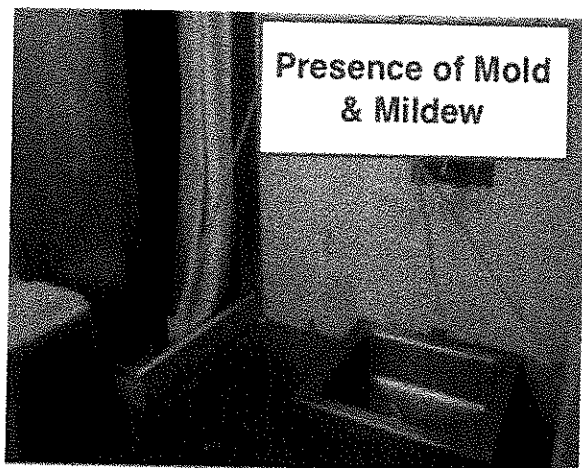
Key Findings

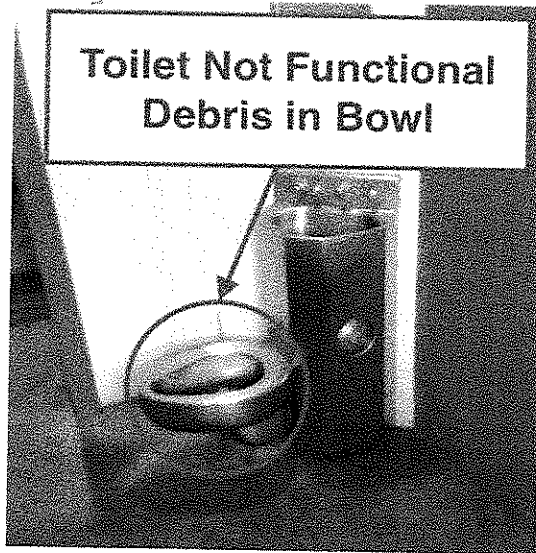
1. The cleaning of inmate living spaces is not properly managed and as a result those spaces are dirty and inmate wellness is at risk, and
2. The maintenance of the facility has been neglected and as a result the facility is in disrepair.

This Jail cannot function properly unless it is clean. Cleanliness and working facilities are necessary for the efficient running of any business. When the business is the housing of human beings, it is critical that management work to make sure these needs are met.

- i. *The cleaning of inmate living spaces is not properly managed and as a result those spaces are dirty and inmate wellness is at risk.*

We are disappointed to report that this process revealed sinks with standing water, toilets that do not flush, persistent leaks that cause hazardous wet floors, caked feces on toilets, and mold in showers. Testimony and documents also showed persistent complaints about the lack of clean clothes or bedding. These issues are a product of failing to upkeep the facilities and failing to hold those accountable who are responsible for doing so. These photographs illustrate some of the examples of our findings on cleanliness:





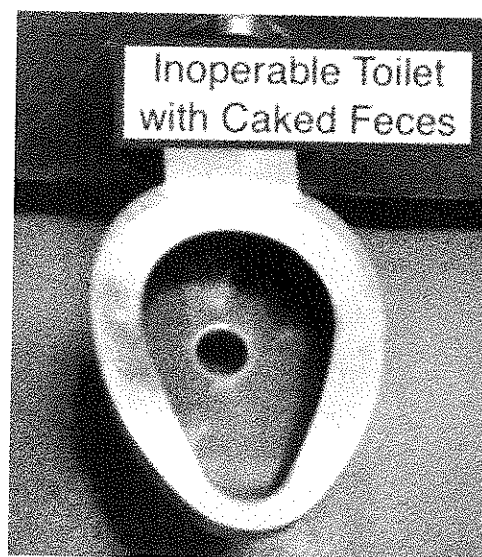
It is important to the members of the Grand Jury that we all understand the circumstances facing our fellow citizens inside the Jail. Regardless of the reason for an individual's placement in the Jail, there is no excuse for inhumane conditions of confinement. Likewise, the staff and COs at the Jail deserve a clean and hygienic environment in which to work.

Subpoenaed documents reviewed by the Grand Jury show that the Jail was concerned about cleanliness and attempted to make it a goal for the facility in 2007.³⁴⁷ A decade later, in 2017, the CRA Audit conducted by Mr. Rowenhorst made several findings concerning the lack of cleanliness at this facility.³⁴⁸ Specifically, that audit noted that the modules were not clean and that the inmates made complaints that they were not provided cleaning supplies to clean their living spaces.³⁴⁹ Those findings also noted several maintenance issues with toilets, sinks, and showers which caused standing water and leaks.³⁵⁰

In February 2018, members of the Grand Jury toured these facilities and similarly found that cleanliness remains an issue. Some of the observations from that tour include: (i) standing water inside of inmate living spaces; (ii) shower curtains ripped off of hooks causing wet flooring; (iii) a broken toilet with trash in an occupied cell; (iv) filthy water fountains; (v) trash inside of inmate cells; (vi) discolored or dirty bed sheets; (vii) dirty bins used for holding clean laundry; (viii) carcasses from dead birds and trash in the outdoor recreation space on the top floor of the Tower; and (ix) the scattered, disorganized, and unsecure storing of inmate property.³⁵¹

Yet, when confronted with findings such as these, the Jail's management and County's Administration detailed the difficulty they encounter in managing an overcrowded facility while being understaffed and underfunded. In addition, some witnesses agreed that the Jail had cleanliness issues but disputed the extent of the conditions.³⁵² For example, the Chief Operating Officer, despite never personally examining the interior cells at the Jail, informed the Grand Jury that he did not agree with the CRA Audit findings that there were caked feces on toilets at the Jail.³⁵³ Rather, he offered that the calcified and discolored substance on the toilet was likely hardened water.³⁵⁴ Even assuming that the opinion offered by the Chief Operating Officer is correct, that position still demonstrates the problem at hand.³⁵⁵ If water deposits were allowed to become hardened to the point that it made the Jail's toilets appear to resemble caked feces, one cannot claim that personnel are routinely maintaining or cleaning adequately. Additionally, if hard water was the predominate issue then it is fair to assume that ALL the toilets should show signs of calcification. This was not the case.

Nonetheless, the subpoenaed photographs from the HOK Facility Condition Assessment and a photograph from HOK's published report to the County Executive showing what appears to caked feces on two separate toilets:³⁵⁶



In addition, the first of the above pictures depicting the caked feces also shows the unsanitary conditions for one of the showers that inmates have access to.

We disagree with the Chief Operating Officer's assessment. In addition, we urge the County's Administration, including the County Executive to do what we have done and tour the Jail, specifically the inmate living spaces.³⁵⁷ We hope that their direct observations of the conditions will motivate them to action.

Beyond the concern that we should all have about the facility's cleanliness is the concern we should have for the amount of money budgeted and spent on this area by the Jail. From 2010-2016, the Jail budgeted approximately \$190,000 annually for cleaning supplies.³⁵⁸ In that same period, the Jail spent over \$1,300,000 on cleaning supplies, yet the Jail's physical appearance does not remotely reflect this expenditure.³⁵⁹

A companion issue to funding is that of planning. The preliminary findings on cleanliness by Mr. Rowenhorst in mid-2017 moved the County to enter a contract to power wash the inmate living areas of the jail.³⁶⁰ That project started in August 2017.³⁶¹ That contract costs the tax payers of this County approximately \$207,512.³⁶² Yet, despite this cost, the Jail's plan to maintain cleanliness after the completion of that project is to utilize inmates to clean the inmate spaces.³⁶³ The inmate plan will be divided into two parts.³⁶⁴ On a daily basis inmates can request cleaning supplies to clean their area and, approximately one time per week, an inmate worker cleaning crew led by a single Jail employee, the inmate service coordinator, will use stronger chemicals to conduct a deeper cleaning of all inmate spaces across the three buildings.³⁶⁵

The Grand Jury had an opportunity to meet the inmate service coordinator that leads the inmate worker cleaning crews.³⁶⁶ Our time with her illustrated her hard work, passion, and dedication to her job, the Jail, and the people in it.³⁶⁷ Her testimony was inspirational and shows the best of what this Jail could and should be.³⁶⁸ That said, she cannot do this alone and she needs help and support from management. The known problem with this proposed follow-up cleaning plan is that there are not enough COs to safely patrol the inmate spaces and ensure that the inmates clean sufficiently. Moreover, in 2018, the Grand Jury heard testimony that despite their requests, inmates do not receive cleaning supplies that would allow them the means to clean their individual spaces.³⁶⁹ Yet the Jail continues to use this model thus demonstrating an inability to properly evaluate their present circumstances and make appropriate and necessary changes.

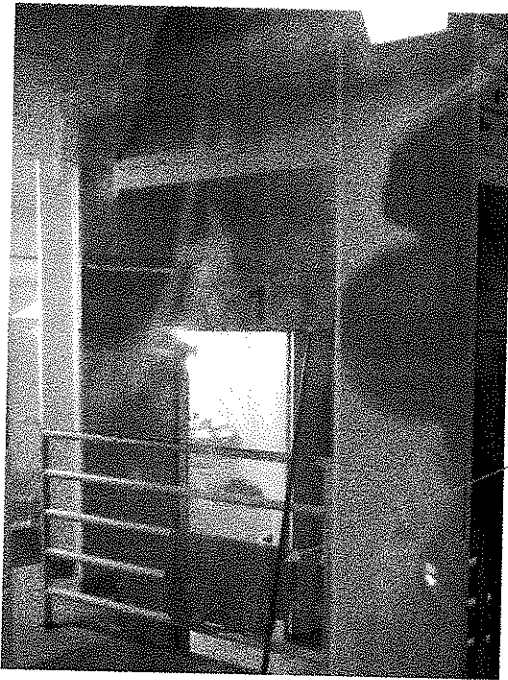
In addition to the cleanliness of the facility is the issue of inmate cleanliness. Inmates should have a reasonable expectation that their clothes and bedding will be washed routinely and that they will be allowed to shower regularly. In 2016, the Jail received grievances like this concerning requests for clean bedding:

“From June 20th through and including Aug[ust] 7th[,] I didn’t receive any clean linen. On August 12th, I went on [a] food strike and got attention. I needed to receive clean sheets. I had large bumps on my back I felt from not being clean.”³⁷⁰

There were other complaints from other inmates who also did not receive clean bedding or clean clothes.³⁷¹ Another inmate’s grievance detailed that clothing was only changed once every two weeks.³⁷² In one specific report, the Grand Jury learned that an inmate waited 4 months to simply receive a set of clean sheets and that the sheets he was sleeping on had become black with dirt by the time they were returned.³⁷³ Likewise, in 2016, multiple inmates made complaints about the infrequent ability to shower.³⁷⁴ One grievance detailed that an inmate was not allowed to shower for ten days.³⁷⁵

In 2018, the Grand Jury heard testimony related to the cleanliness of the Jail. Similar to the documentation in 2016, multiple witnesses detailed that inmates are not regularly allowed to (or feel safe to) shower, and because of the inconsistent providing of clean laundry, many inmates turn to doing their own laundry and hanging their laundry in common areas to dry.³⁷⁶

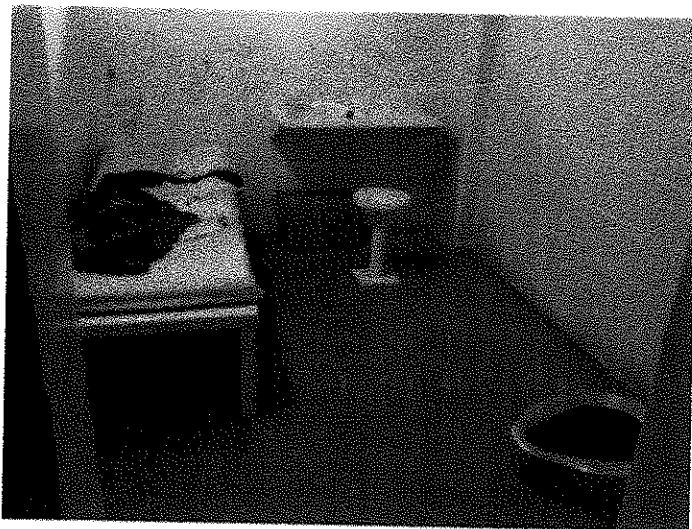
The below subpoenaed picture from the HOK Facility Conditions Assessments vividly demonstrates this use of common area for the drying of clothes:



This picture shows inmate clothes hanging on a rail from the efforts of inmates to do their own cleaning and laundry.

Most work places strive to establish cleanliness in the hopes of building a productive and efficient work place. However, cleanliness in a jail is not just about productivity and efficiency, but rather safety and security. We urge the Jail to strengthen its policies on cleanliness and address its policies on hazardous waste. The Grand Jury was advised that employees only receive minimal training on the housing and disposal of hazardous waste.³⁷⁷ The Jail must also address cleanliness to stop the spread of infectious diseases in order to safely maintain its inmate population and staff. But this is not just an inmate issue, it is a financial issue. The medical care for the inmates at the Jail is paid for by our tax dollars and therefore if the Jail does not address these issues, we will be forced to continually absorb these cost.³⁷⁸

Furthermore, the inability to manage the cleaning of inmate spaces sends the message that the Jail and its COs do not consider it to be a priority and they are not in charge of the inmate spaces. Thus, this is also a security issue. One example of this is graffiti which is prevalent throughout the inmate spaces in the Jail as identified in the below picture from the HOK Condition Facility Assessment.³⁷⁹



This picture is an example of the graffiti in an individual cell.

As Mr. Rowenhorst noted in his testimony, this is a problem because:

[i]t's the image it portrays that -- that the inmates are in control of the housing units because they can put anything on the walls they want to put there. That's -- which, again, relates to poor supervision. Inmates should never control their housing unit, the officer's in control at all times.³⁸⁰

It is clear from the above findings that the Jail's cleanliness issues were and are known. Yet, the Jail has struggled to achieve the goal it set over a decade ago seemingly through inaction. There is perhaps no greater example of this than the issue of mattresses. The CRA report and other sources indicated that in 2017, many inmates were provided mattresses that were cracked (i.e., unable to be sanitized) and not suitable for use.³⁸¹ Mr. Rowenhorst immediately worked with Jail staff to hand out new mattresses that were located in the Jail warehouse but were never taken out of the package or distributed to the inmates.³⁸² The fact that mattresses were available but not provided is another example of the issues with management.³⁸³

- ii. *The maintenance of the facility has been neglected and as a result the facility is in disrepair.*

The Jail's facilities have been failing for some time. There is no clear maintenance or preventative maintenance plan. The HOK Facility Conditions Assessment conducted in the summer of 2017 rated the Tower as "poor to failed," the Annex as "poor," and the RCC as "poor to failed."³⁸⁴ There

have been significant dollars expended for facility repairs and cleanliness, yet, the Grand Jury routinely heard and even observed that the Jail is in disrepair from years of neglect.

Throughout this process, the Grand Jury has heard hours of testimony and reviewed hundreds of pages of documents related to the maintenance issues at the jail. There are documented issues in this facility regarding the functioning of multiple core systems involving plumbing, electrical, and mechanical. In some cases, the documentation in question dates back to 2006 and continues up to and through the 2017 Audits by CRA and HOK.³⁸⁵

During the February 2018 tour of the facility by the members of the Grand Jury, we observed that: (i) there were elevators that did not work, and working elevators that were remarkably slow which caused safety concerns for Jail staff; (ii) there was hanging and exposed wiring throughout the building, including at the site of call/intercom boxes; (iii) there was flooding or standing water; and (iv) there were doors, including some cell doors, that were unlatched, and came open and had to be pushed shut by Jail staff. These problems remain.³⁸⁶

The Grand Jury is stunned that many of these problems/issues have been allowed to persist without any accountability for those tasked with completing the designated actions. Perhaps the best example of this is the Jail's cell doors.

It is critical that the Jail ensures that its cell doors are fully operational. They should lock and open as needed. The Grand Jury reviewed documentation showing that, as early as 2006, the Jail was aware of the issues related to both its hinged (swinging) doors and its sliding vestibule doors.³⁸⁷ The specific issue is that the cell door manufacturer had gone out of business by the late 1990s making it difficult to find parts to repair doors that have been in use 24/7 for 22 years.³⁸⁸

In 2007, it was estimated that retrofitting of or adapting the door's current mechanical structure to allow for modern repair parts to be used and replacement of door operating mechanisms would cost \$2.8 million.³⁸⁹ While the 2007 documentation identifies the problems and the cost, it is unclear whether anything was done to begin the necessary repairs.³⁹⁰ Four years later, in 2011, the County's Administration published a Five-Year Capital

Improvement Plan which included a proposed budget stream to address the cell doors through the use of existing funds.³⁹¹

In September 2017, the Jail published a monthly report identifying the status of certain projects, including the repair of cell doors.³⁹² This document identified 859 total detention doors 488 of were designated for Retrofitting.³⁹³ As of release of this September 2017 report, the repair or retrofitting of all 488 doors were reported as complete. According to that document, this effort was completed in phases: Phase I (123 doors) was completed in early 2015 at an unidentified cost, Phase II (144 doors) was completed in 2016 at a cost of \$848,781, and Phase III (221) completed in July 2017 at a cost of \$1,302,643. As of the release of this September 2017 report, the cell door project was deemed completed.³⁹⁴

Regardless of this report, in late summer 2017, monies were again set aside for cell doors repairs. This time \$579,326 was approved by the legislature.³⁹⁵ Furthermore, in October 2017, the public works department published a report of ongoing projects at the Jail and other departments.³⁹⁶ The projects listed included cell door repairs.³⁹⁷ This document, identified 44 doors (swinging) and 88 Safety Corridor Doors (sliding) that required lock mechanisms.

Stripping away the details, it would appear that the Jail should have been aware of issues regarding its doors and should have been proactively planning and maintaining this critical piece of Jail machinery. Yet, the documentation shows that there was a gap of eight years between the 2007 memo and the completion of the first part of door project in 2015.

The HOK Facilities Condition Assessment identified that even a full repair of the facilities would not guarantee that the current Jail structure could comply with current building code nor would this facilities' layout allow for compliance with current accreditation standards.³⁹⁸

Not surprisingly, we have heard a familiar chorus: "build a new jail." Similar solutions were offered in the late 1990s and the late 2000s. However, the path to a new Jail, a task which the County's facility assessment priced at approximately \$180 million in September 2017, is far from immediate or certain.³⁹⁹ By all accounts it will be four or five years until a new Jail is open. As such, repairs that are critical and necessary to the operation of this Jail are crucial and the need is immediate.

Believing that a new facility was inevitable, the Legislature requested a list of health and safety items from HOK that needed repairs and which would allow for this facility to function for the needed time period. The list of repairs was priced at \$16 million by HOK.⁴⁰⁰ The County Administration's proposal to pay for those repairs was the taking on of debt in the form of an issuance of a bond.⁴⁰¹ However, the bond amount discussed by the County Administration was \$30 million and only \$16 million of that funding was allocated to the Jail.⁴⁰² The subpoenaed documentation from the Legislature shows their discomfort with the Administration's proposal.⁴⁰³ That proposal, according to the Legislature, would have caused decades of debt and approximately \$3.6 million in interest owed by the tax payers to repair a facility that cannot be brought up to code or accredited.⁴⁰⁴ In addition to this, the Legislature questioned the pricing of the repairs and the lack of plan by the County's Administration to service the debt on their proposed bond.⁴⁰⁵ Ultimately, the Administration's proposal was deemed dead on arrival by the Legislature.

In the end, the Legislature Chair, the Legislative Auditor, members of the County's Administration, DOC's management, and the County's Public Works Department began to examine alternatives to pay for the necessary repairs.⁴⁰⁶ That process identified that health and safety projects could be completed for \$7,000,000. These parties then began to meet weekly to address an action list. Despite the initial optimism about these meetings, it has become clear that the Jail and County's Administration continue to struggle to follow through.⁴⁰⁷

Once again, cell doors are the best example of this. Per the documents identifying the various repairs that are in progress, as of April 19, 2018, portions of the cell door project that were funded by the Legislature in late summer 2017, have not begun.⁴⁰⁸ Even more troubling than the seemingly never ending delay in fixing the doors is that the documents show that the Jail inexplicably failed to budget for an electrician to install some of the doors. As of the writing of this report, it is unclear whether this issue has been remedied or whether this failure to account for the cost of installation will further delay the project.

To be clear, it is entirely possible for parts to break and machinery to fail. Those things happen to businesses regularly. In those moments, it is not unusual or unheard of for a business to find monies to cover repairs. This is

different. The Jail regularly identifies projects that are critical to their operations and somehow those projects are not completed. That is unacceptable. The inability to plan, budget, and act is preventing this Jail from operating and properly caring for its facilities thereby leaving the people who work in the Jail, those who are housed there, and members of the public who visit the Jail in unsanitary and unsafe conditions.

Conclusion

The final paragraph of the Jail's mission statement states that:

The Jackson County Department of Correction is accountable for its operations, through the County Executive, to the citizens of Jackson County. The Department recognizes its obligation to use the County's resources wisely in a law abiding and cost-effective manner. To maintain an effective Criminal Justice System, the Department of Corrections is dedicated to working collaboratively, as an equal partner, with all the agencies that make up that system.⁴⁰⁹

Actions speak louder than words. For far too long, our County's government has talked about the Jail. However, we, like many of the citizens of this County, were unaware of the depth of the problems surrounding this Jail. And so, because of the importance of this topic and significance of the change that can happen, we took our duty seriously.

In the course of this investigation, one of our fellow grand jurors passed away. Chad Gold was a small business-owner and a father of two young boys. Without fail, he moved personal and business appointments to be available to hear testimony and review documents concerning this investigation. He took immense pride in this task. We believe that he wanted us to see it through and do it right. We write this report for people like Chad, people who care about this community and want to see a safer Jackson County. We also write for the people who work in the Jail and for the inmates who are housed there and who need help. The time for action is has long passed. Those in charge of the Jail have significant work to do. With this challenge there must be hard working leadership evidenced that the County is up to the task of running a new Jail.

We challenge our County Government to move past politics or elections. This is about the safety and financial viability of our County. We urge the

Jail, County Administration, and County Legislature to work cohesively without animus. We cannot afford inaction, miscommunication, or finger pointing when it comes to the operations and maintenance needs of this Jail. The corrections needs of this County include funding this Jail for the next 5 years and finding funding for a new Jail after that. Additionally, the management of the Jail must be addressed to ensure that we do not carry endemic practices into a new facility.

There must be a renewed focus on accountability and putting action plans into place that can measure the progress of Jail in areas such as funding, cleanliness and maintenance, and safety and security.

Recommendations for the Management of Funding Issues

- *A Review of the County's Financial Policies,*
- *A Review of the DOC's Budgeting Practices, and*
- *A Review of Staffing Strategies, including Operations, recruitment, and overtime.*

We urge County Government to review and, where necessary, enact financial policies that allow for transparent oversight and timely reporting of all funds, even discretionary funds. It is imperative that we account for spending to ensure that it is available to address the Jail which is central to our public safety.

The County's Administration has publicly stated that the Jail is a priority. We need to see demonstrable actions that support these public statements. The Administration should help this crucial department receive the funding it needs to support its operations and facilities. Likewise, the Jail must address its budgeting practices, specifically regarding planning. This Department should be able to support its budget requests and the failure to achieve funding should be met with a plan of action, rather than passing the issue to another year. Lastly, the Jail should conduct an audit of its budgeting and spending practices to ensure that the problems concerning its funding do not reoccur.

For staffing, a plan should be put in place that includes: (i) the creation of an annual staffing plan which will determine what the full staffing needs of this facility are; (ii) a research-based recruitment protocol and assigned

personnel solely dedicated to this task; and (iii) a policy must be created that curbs overtime.

Recommendations on Cleanliness and Maintenance

- *A Review of the Protocol/Policy for Cleaning Inmate Spaces, and*
- *A Review of the Protocol for Planning and fulfilling Repairs.*

Cleanliness must be addressed. Upon the completion of the remediation project, a protocol must be put in place to ensure that cells are regularly inspected and that inmates receive clean laundry and clothing. It is unacceptable for the Jail to expect a single cleaning crew to maintain the cleanliness of this facility.

Regarding the maintenance of the facilities, the meetings discussing the ongoing repairs to health and safety items should be public. A citizen oversight committee should be put in place. For years there has been a lack of transparency for the monies spent on this Jail. The repair of the facilities with public monies should be tracked by the public. The public should have an understanding of the funding needs and the proposed source of the funding for repairs. The public should also receive updates and status reports on the repairs they have paid for.

Recommendations on Safety and Security

- *A Review of Frequency and Manner in which Fire and Emergency Evacuation Drills are conducted,*
- *A Review of Fire Suppression and Sprinkler Systems, and*
- *A Review of all Available Alternative Staffing Options.*

The Jail should immediately explore all available options for rehearsing and planning the evacuation of the Jail. In addition, there should be documented regular testing of the fire suppression systems and sprinklers. The Jail should also work to ensure that the facilities undergoes a comprehensive review by the local Fire Department.

Until the staffing issue is resolved, the Jail should also explore alternative means of addressing what they believe are shortfalls. This includes the hiring or contracting with private security companies for assistance in transportation or in patrolling the Jail. The additional bodies would allow COs to work on corrections tasks and lessen the high ratio of inmates to COs.

The Jail should also continue to jointly work with law enforcement to address the issue of contraband.

Recommendations on Overcrowding

Overcrowding should not be simply accepted. First, the Jail should work to understand this problem. This means that the Jail's data issues must be corrected so that reliable information can be extracted about who is in the Jail, what they are charged with, and how long have they stayed. This data will allow for an examination of any inefficiencies in our local criminal justice system.⁴¹⁰ Furthermore, the Prosecutor's Office should implement protocols to review the bonds they request. This can help the Jail by ensuring that they are not working to process and classify an individual charged with an offense who will soon be released after court review.

Lastly, the Grand Jury heard testimony concerning the addition of bunks or additional beds to cells. The feasibility of this idea should be explored to take inmates out of common spaces and allow COs the opportunity to use those spaces to patrol the modules and check on the welfare of inmates.

Looking Forward

Our final recommendation is that the Court convene another Grand Jury 1 year after the filing of this report to determine if necessary improvements have been made to the conditions of the Jail and the treatment of inmates. We believe that this report should be used as the baseline for determining what changes have been made.

As of this report, the Grand Jury understands that a feasibility study has been funded and is set to begin. We understand that this study will help the County understand its corrections needs in advance of planning to build a new facility. Based on the historic population needs of this County, it is clear that we need a larger facility to safely and securely house inmates in the interest of our public safety. That said, we hope that this study is not just about numbers. The Prosecutor testified about the idea of a Jail that allows individuals to work their way into privileges, such as less restrictive housing arrangements and work release. We heard testimony about facilities that have areas that can readily treat individuals suffering from mental health issues. These are worthy goals that need to be achieved. They should be part of the discussion of a new Jail.

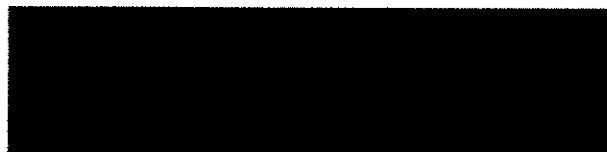
In the end, while there are serious concerns that must be addressed, there is also plenty of reason for hope. We started this report by stating that this is about people. The Grand Jury has had the opportunity to meet the Jail's new director and members of her staff including the inmate service coordinator and a new corrections officer. These individuals give us all hope and we are certain there are many more employees who are of the same caliber.

With support and help, we believe these dedicated public servants can reform this Jail.

Respectfully Submitted,



Foreperson, Grand Jury



Deputy Foreperson, Grand Jury



Grand Juror



Grand Juror



Grand Juror



Grand Juror



Grand Juror



Grand Juror



Grand Juror

[REDACTED]

Grand Juror

[REDACTED]

Grand Juror

[REDACTED]

Grand Juror

[REDACTED]

Grand Juror

[REDACTED]

Grand Juror

¹ The Prosecutor's Office requested that this review be conducted. The Court then approved of the review of the Jail's conditions and the treatment of inmates at the Jail.

² Sections 221.300 and 540.031 of the Missouri Revised Statutes (2017).

³ Testimony of Public Defender, March 9, 2018 and Testimony of Private Criminal Defense Attorney, March 9, 2018.

⁴ Id.

⁵ Testimony of Elected County Prosecutor, February 16, 2018.

⁶ Id.

⁷ Id.

⁸ The \$120,000,000 figure does not account for all of the expenditures concerning the Jail. This is because the current budgeting system allows for the use of reserve funds without immediate reporting. Subpoenaed Documents from Finance, and Subpoenaed Documents from Legislative Auditor.

⁹ Testimony of James Rowenhorst, September 15, 2017. This sentiment was echoed by others. Testimony of Public Defender, March 9, 2018, and Testimony of Private Defense Attorney, March 9, 2018.

¹⁰ Testimony of Jail Director, March 9, 2018.

¹¹ Id.

¹² Testimony of County Executive, February 9, 2018; Testimony of County Executive's Chief of Staff, February 23, 2018; Testimony of Jail Operations' Manager, October 27, 2017; Testimony of Former Jail Director, October 27, 2017; Testimony of Chief Operating Officer, November 3, 2017; and Testimony of Jail Director, March 9, 2018.

¹³ "Decision and Suit Over Jail," Kansas City Star, April 5, 2007.

¹⁴ CRA Audit Report, August 2017 and Testimony of Jail Director, March 9, 2018.

¹⁵ Testimony of James Rowenhorst, September 15, 2017.

¹⁶ CRA Audit Report, August 2017; Testimony of James Rowenhorst, September 15, 2017; Testimony of Jail Operations' Manager, October 27, 2017; Testimony of Former Jail Director, October 27, 2017; Testimony of Chief Operating Officer, November 3, 2017; and Testimony of Jail Director, March 9, 2018.

¹⁷ Testimony of Jail Director, March 9, 2018.

¹⁸ Testimony of Jail Operations' Manager, October 27, 2017; Testimony of Former Jail Director, October 27, 2017; Testimony of Chief Operating Officer, November 3, 2017; and Testimony of Jail Director, March 9, 2018.

¹⁹ Testimony of County Executive, February 9, 2018; Testimony of County Executive's Chief of Staff, February 23, 2018; Testimony of Jail Operations' Manager, October 27, 2017; Testimony of Former Jail Director, October 27, 2017; Testimony of Chief Operating Officer, November 3, 2017; and Testimony of Jail Director, March 9, 2018.

²⁰ Publicly available documents from www.jacksongov.org/; Subpoenaed Documents from Finance; and Subpoenaed Documents from Legislative Auditor.

²¹ Id.

²² Testimony of County Executive, February 9, 2018; Testimony of County Executive's Chief of Staff, February 23, 2018; Testimony of Legislative Auditor, March 2, 2018; and Testimony of Legislature Chair, February 23, 2018.

²³ Testimony of Legislative Auditor, March 2, 2018; Testimony of Legislature Chair, February 23, 2018; 2017 State of the County Address and Signing Statement from the County Executive, December 22, 2017 which is available at www.jacksongov.org/852/2017-State-of-the-County-Address..

²⁴ Publicly available documents from www.jacksongov.org/; Subpoenaed Documents from Finance; and Subpoenaed Documents from Legislative Auditor.

²⁵ CRA Audit Report, August 2017; Subpoenaed Pictures from HOK; Testimony of James Rowenhorst, September 15, 2017; Testimony of Legislature's Budget Committee Chair, March 2,

2018; Testimony of Public Defender, March 9, 2018; and Testimony of Private Defense Attorney, March 9, 2018.

²⁶ Testimony of County Executive's Chief of Staff, February 23, 2018.

²⁷ Id.

²⁸ Id.

²⁹ Id.

³⁰ www.jacksongov.org/201/Corrections.

³¹ Grand Jury Jail tour, March 1, 2018; CRA Audit Report, August 2017; and HOK Facility Conditions and Assessment Report, August 31, 2017.

³² Id.

³³ Id.

³⁴ Id.

³⁵ Id.

³⁶ Id.

³⁷ Id.

³⁸ Id.

³⁹ Id; CRA Audit Report, August 2017; and Testimony of James Rowenhorst, September 15, 2017.

⁴⁰ Id.

⁴¹ Testimony of Public Defender, March 9, 2018.

⁴² Id.

⁴³ CRA Audit Report, August 2017; Testimony of James Rowenhorst, September 15, 2017; Testimony of Legislature's Budget Committee Chair, March 2, 2018; and Testimony of Public Defender, March 9, 2018. The Grand Jury also received reports that some inmates do not feel safe enough to shower. Testimony of Private Defense Counsel, March 9, 2018.

⁴⁴ Id.

⁴⁵ CRA Audit Report, August 2017; Testimony of James Rowenhorst, September 15, 2017; Testimony of Jail Operations' Manager, October 27, 2017; Testimony of Former Jail Director, October 27, 2017; Testimony of Chief Operating Officer, November 3, 2017; and Testimony of Jail Director, March 9, 2018.

⁴⁶ Id.

⁴⁷ Testimony of James Rowenhorst, September 15, 2017.

⁴⁸ Subpoenaed Documents from the Jail.

⁴⁹ The first documented fire drill in 2017 was on November 10th. This drill took place after the Grand Jury questioned the Jail's witnesses on the issue of fire drills. Testimony of Jail Operations' Manager, October 27, 2017; Testimony of Former Jail Director, October 27, 2017; Testimony of Chief Operating Officer, November 3, 2017; and Subpoenaed Documents from the Jail.

⁵⁰ Subpoenaed Documents from the Jail.

⁵¹ CRA Audit Report, August 2017; Testimony of James Rowenhorst, September 15, 2017; Subpoenaed Pictures from HOK; Testimony of Legislature's Budget Committee Chair, March 2, 2018; Testimony of Public Defender, March 9, 2018; and Testimony of Private Defense Attorney, March 9, 2018.

⁵² Id.

⁵³ Id. The Grand Jury heard testimony that certain spaces in the Jail appeared to have black mold. Testimony of Private Defense Attorney, March 9, 2018 and Testimony of Corrections Officer, March 16, 2018.

⁵⁴ Id.

⁵⁵ Id.

⁵⁶ Id.

⁵⁷ Testimony of Legislature's Budget Committee Chair, March 2, 2018; Testimony of Public Defender, March 9, 2018; and Testimony of Private Defense Attorney, March 9, 2018.

⁵⁸ Id.

⁵⁹ Id.

⁶⁰ Id.

⁶¹ Id and Testimony of Volunteer Jail Chaplin, January 12, 2018.

⁶² Testimony of Jail Director, March 2, 2018; Testimony of Public Defender, March 9, 2018; and Testimony of Private Defense Attorney, March 9, 2018.

⁶³ Testimony of Public Defender, March 9, 2018 and Testimony of Private Defense Attorney, March 9, 2018.

⁶⁴ Id.

⁶⁵ Id.

⁶⁶ The Grand Jury heard testimony concerning the impact of the inability of attorneys to meet with their clients. Testimony from attorneys who represent inmates showed that delays in meeting with a specific client, often led to delays in handling other cases. Put differently, when an attorney invested time waiting for the Jail to afford them a meeting space, that time spent waiting could not be used meeting with other clients. These instances caused delays and prolonged cases. Id.

⁶⁷ Id and Letter from 16th Circuit Judge to Legislature, November 18, 2016,

⁶⁸ Id; Testimony of Public Defender, March 9, 2018; and Testimony of Private Defense Attorney, March 9, 2018.

⁶⁹ Id.

⁷⁰ "Jackson County Jail Crisis Summed up in a Pile of Poop," Kansas City Star, August 10, 2017 and Testimony of Private Defense Attorney, March 2, 2018.

⁷¹ Id.

⁷² Testimony of Correction's Officer, March 16, 2018.

⁷³ Id.

⁷⁴ Id.

⁷⁵ CRA Audit Report, August 2017 and Testimony of James Rowenhorst, September 15, 2017.

⁷⁶ "4 Inmates Charged in Brutal Attack on Jackson County Jail Guard," Kansas City Star, September 27, 2017 and "Jackson County Correction's Officer Seriously Injured by Prisoner," www.kctv5.com/story/36914077/jackson-county-corrections-officer-seriously-injured-by-prisoner, November 23, 2017.

⁷⁷ To avoid confusion between the Missouri Department of Corrections and the Jackson County Department of Corrections, this document will not use the term Department of Corrections. Rather, it will use the term Jail in place of Department of Corrections.

⁷⁸ Jackson County Home Rule Charter, Article 3, Section 5, and Article 4, Section 6. This document is publicly available at www.jacksongov.org/573/Our-Charter.

⁷⁹ www.jacksongov.org/420/County-Legislature.

⁸⁰ www.jacksongov.org/649/Corrections.

⁸¹ This unit is tasked with the movement of inmates in between the Jail and Court, to and from treatment, and to State Correctional facilities. Testimony of Jail Director, March 9, 2018.

⁸² www.jacksongov.org/649/Corrections.

⁸³ 2015 Department of Corrections Task Force Report.

⁸⁴ "Jails Prove a Tough Sell," Kansas City Star, May 5, 1996.

⁸⁵ "Decision and Suit Over Jail," Kansas City Star, April 5, 2007.

⁸⁶ Id.

⁸⁷ Id.

⁸⁸ HOK Facility Conditions and Assessment Report, August 31, 2017.

⁸⁹ Id.

⁹⁰ "Decision and Suit Over Jail," Kansas City Star, April 5, 2007.

⁹¹ Id.

⁹² 2015 Department of Corrections Task Force Report.

⁹³ "Decision and Suit Over Jail," Kansas City Star, April 5, 2007.

⁹⁴ Because of staffing determinations made by the Area 16 Public Defender's Office, this docket no longer exists. Order/Judgment Regarding Third Motion and Suggestions Requesting a Conference to Discuss Caseload Issues Pursuant to Section 600.063 RSMo, Case No. 1716-MC14505.

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- ⁹⁵ Testimony of Elected County Prosecutor, February 16, 2018.
- ⁹⁶ Subpoenaed Documents from the Jail.
- ⁹⁷ 2009 Memorandum of Understanding between the City of Kansas City, Missouri and Jackson County.
[//cityclerk.kcmo.org/LiveWeb/Documents/ViewAttachment.aspx?q=VR13KLFKTRo10uOSwvs%2FFZBhHTMMkzLz9pM78Uv09MpAURt5SNzPgO91z1F%2FXzkogIljpZpe%2BGk%3D](http://cityclerk.kcmo.org/LiveWeb/Documents/ViewAttachment.aspx?q=VR13KLFKTRo10uOSwvs%2FFZBhHTMMkzLz9pM78Uv09MpAURt5SNzPgO91z1F%2FXzkogIljpZpe%2BGk%3D).
- ⁹⁸ Id.
- ⁹⁹ "Jackson County Sticking with Sanders," Kansas City Star, November 3, 2010 and "It took 30 years, but Kansas City police prepare to close outdated jail," Kansas City Star, November 13, 2014.
- ¹⁰⁰ 2014 Contract between the City of Kansas City, Missouri and Jackson County, Missouri.
- ¹⁰¹ "New Jail for Kansas City arrestees opens in Jackson County Detention Center," Kansas City Star, May 7, 2015.
- ¹⁰² 2015 Department of Corrections Task Force Report.
- ¹⁰³ Id.
- ¹⁰⁴ Id.
- ¹⁰⁵ Id.
- ¹⁰⁶ Id.
- ¹⁰⁷ Testimony of Legislative Chair, February 23, 2018.
- ¹⁰⁸ Id.
- ¹⁰⁹ Id.
- ¹¹⁰ Subpoenaed Documents from Finance and Subpoenaed Documents from Legislative Auditor.
- ¹¹¹ Id.
- ¹¹² Testimony of Elected County Prosecutor, February 16, 2018; "4 Inmates Charged in Brutal Attack on Jackson County Jail Guard," Kansas City Star, September 27, 2017; and "Jackson County Correction's Officer Seriously Injured by Prisoner," www.kctv5.com/story/36914077/jackson-county-corrections-officer-seriously-injured-by-prisoner, November 23, 2017.
- ¹¹³ Testimony of Elected County Prosecutor, February 16, 2018.
- ¹¹⁴ CRA Audit Report, August 2017 and Testimony of James Rowenhorst, September 15, 2017.
- ¹¹⁵ HOK describes itself as a "global design, architecture, engineering and planning firm" with expertise in a variety of areas, including the building of government facilities. www.hok.com/about/.
- ¹¹⁶ CRA Audit Report, August 2017.
- ¹¹⁷ "Jackson County Jail is in 'crisis,' consultant tells legislators in special meeting," Kansas City Star August 3, 2017.
- ¹¹⁸ Id.
- ¹¹⁹ During his Legislative testimony, Mr. Rowenhorst indicated that the closing of a floor, including the release of certain inmates, would allow the Jail to better classify or separate the remaining inmates and make more COs available to patrol the Jail. Id. The issue with this course of action is obvious. The closing of the floor means that inmates are released back into our community who were previously deemed to be inappropriate for release.
- ¹²⁰ Id.
- ¹²¹ CRA Audit Report, August 2017.
- ¹²² HOK Facility Conditions Assessment, August 31, 2017.
- ¹²³ Id.
- ¹²⁴ Id.
- ¹²⁵ Id.
- ¹²⁶ Jackson County Executive Announces Jail Task Force, November 14, 2017 Press Release. This document is publicly available at www.jacksongov.org/CivicAlerts.aspx?AID=451.
- ¹²⁷ Testimony of County Executive, February 9, 2018.
- ¹²⁸ Testimony of James Rowenhorst, September 15, 2017.
- ¹²⁹ Id.
- ¹³⁰ Id.
- ¹³¹ Id.

¹³² Id.

¹³³ Id.

¹³⁴ "Decision and Suit Over Jail," Kansas City Star, April 5, 2007.

¹³⁵ Subpoenaed Documents from James Rowenhorst.

¹³⁶ Grand Jury Jail Tour, March 1, 2018; Subpoenaed Documents from James Rowenhorst; Testimony of Jail Operations' Manager, October 27, 2017; and Testimony of Former Jail Director, October 27, 2017.

¹³⁷ Id.

¹³⁸ Id.

¹³⁹ Id.

¹⁴⁰ Testimony of Elected County Prosecutor, February 16, 2018.

¹⁴¹ Id.

¹⁴² Id.

¹⁴³ Id.

¹⁴⁴ Id.

¹⁴⁵ Id.

¹⁴⁶ UMKC Criminologist Report, April 2018.

¹⁴⁷ Subpoenaed Documents from the Jail. One of the potential issues presented by the Jail's data deficiencies is the improper classification of inmates. The data provided to the Grand Jury failed at times to identify relevant inmate information such as most serious charge. Instead, the data would simply identify the most serious charge as "Null." The Jail should work to properly identify and input this important information to avoid improperly classifying inmates, such as housing non-violent inmates with violent inmates.

¹⁴⁸ Testimony of County Executive, February 9, 2018; Testimony of County Executive's Chief of Staff, February 23, 2018; Testimony of Jail Operations' Manager, October 27, 2017; Testimony of Former Jail Director, October 27, 2017; Testimony of Chief Operating Officer, November 3, 2017; Testimony of Jail Director, March 9, 2018, and UMKC Criminologist Report, April 2018.

¹⁴⁹ Subpoenaed Documents from the Jail and UMKC Criminologist Report, April 2018.

¹⁵⁰ UMKC Criminologist Report, April 2018. The criminologist determined that there were 932 individuals brought into the Jail with a violent State-level offense by evaluating the offense listed by the Jail under the most severe charge in the Jail's system. Id. This 932 does not include the individuals who violated their probation or parole after being charged and ultimately convicted of a felony. Id.

¹⁵¹ It is worth noting that the operational capacity limit is 754. CRA Audit Report, August 2017.

¹⁵² This 932 does not include the individuals who violated their probation or parole after being charged and ultimately convicted of a violent crime. UMKC Criminologist Report, April 2018. According to the Jail's data, in that time frame, there were 1,187 bookings involving probation/parole violators and some of those individuals were convicted of violent crimes. Id. Lastly, according to the Jail's data, there was 1,240 non-violent bookings in reviewed time period. Id. While these charges include crimes such as simple drug possession, it also includes crimes which could impact the safety of our streets such as the sale or distribution of drugs and individuals who have escaped or failed to appear for a criminal proceeding, some of which involve violent charges in other jurisdictions. Id.

¹⁵³ Testimony of James Rowenhorst, September 15, 2017.

¹⁵⁴ Testimony of Elected County Prosecutor, February 16, 2018.

¹⁵⁵ Aging Case list from December 31, 2017 and March 31, 2018.

¹⁵⁶ www.americanjail.org/content.asp?contentid=228.

¹⁵⁷ Testimony of County Executive, February 2, 2018.

¹⁵⁸ Testimony of County Executive's Chief of Staff, February 16, 2018.

¹⁵⁹ Id and Subpoenaed Documents from Human Resources.

¹⁶⁰ Id.

¹⁶¹ Id; Testimony of Chief Operating Officer, November 3, 2017; and Testimony of Jail Director, March 2, 2018.

¹⁶² Testimony of County Executive, February 9, 2018; Testimony of County Executive's Chief of Staff, February 23, 2018; Testimony of Jail Operations' Manager, October 27, 2017; Testimony of Former Jail Director, October 27, 2017; Testimony of Chief Operating Officer, November 3, 2017; and Testimony of Jail Director, March 9, 2018.

¹⁶³ Id.

¹⁶⁴ Testimony of Legislature Chair, February 23, 2018; Testimony of Legislative Auditor, March 2, 2018; and Testimony of Legislature's Budget Committee Chair, March 2, 2018.

¹⁶⁵ Publicly available documents from www.jacksongov.org/; Subpoenaed Documents from Finance; and Subpoenaed Documents from Legislative Auditor.

¹⁶⁶ COMBAT's official name in budget documents received by the Grand Jury is the "Anti-Drug Tax." Because it is commonly referred to as COMBAT, that name will be used in this document.

www.jacksoncountycombat.com/27/About-Us

¹⁶⁷ Memorandum Regarding Interview with Former Finance Director, April 6, 2018.

¹⁶⁸ Id.

¹⁶⁹ Id. The Jail's litigation cost, including fees, expenses, settlements, and judgments, are outside their budget. These expenditures come from the self-insurance trust fund. This fund is a pool of money that is shared by County Departments.

¹⁷⁰ Id and Subpoenaed Documents from Legislative Auditor.

¹⁷¹ Id.

¹⁷² 2015 Department of Corrections Task Force Report.

¹⁷³ Id.

¹⁷⁴ Testimony of County Executive's Chief of Staff, February 23, 2018.

¹⁷⁵ Id.

¹⁷⁶ Chief of Staff's Supplemental Response to GJ Testimony, provided on March 28, 2018.

¹⁷⁷ Id.

¹⁷⁸ Id.

¹⁷⁹ Id.

¹⁸⁰ Id.

¹⁸¹ Id.

¹⁸² Id.

¹⁸³ Subpoenaed Documents from the Jail; Subpoenaed Documents from Finance; and Subpoenaed Documents from Legislative Auditor.

¹⁸⁴ Id; publicly available documents from www.jacksongov.org/; Subpoenaed Documents from Finance; and Subpoenaed Documents from Legislative Auditor.

¹⁸⁵ 2009 Memorandum of Understanding between the City of Kansas City, Missouri and Jackson County and 2014 Contract between the City of Kansas City, Missouri and Jackson County. Subpoenaed Documents from Finance.

¹⁸⁶ Id.

¹⁸⁷ The Grand Jury heard conflicting testimony from witnesses from the Jail and County Administration regarding the cost per inmate per day. Nonetheless, the testimony and information before the Grand Jury shows that the cost is over \$100 per day and that cost includes personnel costs (i.e., salaries) and non-personnel cost (i.e. contracts, supplies, and utilities). Testimony of County Executive, February 9, 2018; Testimony of County Executive's Chief of Staff, February 23, 2018; Testimony of Jail Operations' Manager, October 27, 2017; Testimony of Former Jail Director, October 27, 2017; Testimony of Chief Operating Officer, November 3, 2017; Testimony of Jail Director, March 9, 2018; and Subpoenaed Documents from Legislative Auditor.

¹⁸⁸ Many of these bookings are temporary. The KCPD has 24 hours from the time the individual is taken into custody to investigate and seek the filing of criminal charges. If no charges have been filed within 24 hours, the person must be released. If the person is charged, they may be granted bond and release or, depending on their charge, they may be undergo further vetting for placement within the municipal or State-level populations. Subpoenaed Documents from James Rowenhorst.

¹⁸⁹ Testimony of Jail Director, March 2, 2018.

¹⁹⁰ Publicly available documents from www.jacksongov.org/; Subpoenaed Documents from Finance; and Subpoenaed Documents from Legislative Auditor.

¹⁹¹ Id.

¹⁹² Id.

¹⁹³ Id and Signing Statement from the County Executive, December 22, 2017 that is publicly available at www.jacksongov.org/DocumentCenter/View/4613/Signing-Statement-5052.

¹⁹⁴ 2017 State of the County Address. This document is publicly available at www.jacksongov.org/852/2017-State-of-the-County-Address.

¹⁹⁵ Testimony of County Executive, February 9, 2018; Testimony of County Executive's Chief of Staff, February 16, 2018; and Testimony of Legislative Auditor, March 2, 2018.

¹⁹⁶ Id.

¹⁹⁷ Id.

¹⁹⁸ Id.

¹⁹⁹ Id.

²⁰⁰ Id.

²⁰² Id.

²⁰³ Id.

²⁰⁴ Id.

²⁰⁵ Id.

²⁰⁶ Testimony of Legislative Auditor, March 2, 2018 and Subpoenaed Documents from Legislative Auditor.

²⁰⁷ Publicly available documents from www.jacksongov.org/; Subpoenaed Documents from Finance; and Subpoenaed Documents from Legislative Auditor.

²⁰⁸ Id.

²⁰⁹ Id and Memorandum Regarding Interview with Former Finance Director, April 6, 2018. In the 2016 Jail budget, the former County Executive earmarked over a million dollars for salaries. Memorandum Regarding Interview with Former Finance Director, April 6, 2018. The intention was to use those funds to create a career path for corrections officers to boost employee retention. Id. In addition, the 2016 County budget also earmarked over a million dollars for the Jail to use on building repairs (e.g., cell doors) and vehicles (vans). Id. These monies were in addition to the monies already marked for normal operations and facility maintenance at the Jail. Id. The 2017 County budget was the first for the current County Executive. Id. The 2017 adopted budget was approximately \$2.8 million more than the 2016 adopted budget, the increase was not specifically designed to address a future planning need nor was it based on a strategic plan to address any deficiency identified by the 2015 task force. Rather, the increase in the adopted budget reflected an attempt to budget for the actual amount spent in 2016. Id. Despite an adopted 2016 budget of only \$25,881,500, the Jail spent \$28,068,039 in that fiscal year. Id. The adopted budget in 2017 was \$28,802,753, a number that essentially covered the cost of operations based on what was spent in the previous year. Id. Based on reports from the Former Finance Director and the budget documents, the increase in food cost, an increase in the cost for the Jail's medical contract, and the high cost of overtime contributed to the additional expenses and the greater need for monies to cover expenses. Id.

²¹⁰ Id.

²¹¹ Memorandum Regarding Interview with Former Finance Director, April 6, 2018; publicly available documents from www.jacksongov.org/; Subpoenaed Documents from Finance; and Subpoenaed Documents from Legislative Auditor.

²¹² Id.

²¹³ Testimony of Chief Operating Officer, November 3, 2017; Testimony of Jail Director, March 9, 2018; Testimony of Legislature's Budget Committee Chair, March 2, 2018; Testimony of Legislative Auditor, March 2, 2018; and Subpoenaed Documents from Legislative Auditor.

²¹⁴ Id.

215 Id.

216 Id.

217 Id.

218 Id.

219 Id.

220 Id.

221 Id.

222 Id.

223 Id.

224 Id.

225 Id.

226 Id and Chief of Staff's Supplemental Response to GJ Testimony, provided on March 28, 2018.

227 Memorandum Regarding Interview with Legislative Auditor, April 5, 2018.

228 Chief of Staff's Supplemental Response to GJ Testimony, provided on March 28, 2018.

229 Id.

230 Testimony of County Executive's Chief of Staff, February 16, 2018.

231 Id.

232 Id.

233 Testimony of Legislative Auditor, March 9, 2018.

234 Id.

235 Publicly available documents from www.jacksongov.org/; Subpoenaed Documents from Finance; and Subpoenaed Documents from Legislative Auditor.

236 Id.

237 [//jacksonco.legistar.com/Calendar.aspx](http://jacksonco.legistar.com/Calendar.aspx); Testimony of County Executive, February 9, 2018; Testimony of Legislative Chair, February 23, 2017; and Testimony of Legislative Auditor, March 2, 2018.

238 Testimony of Legislative Auditor, March 2, 2018; Subpoenaed Documents from Legislative Auditor; Subpoenaed Documents from Purchasing; and Subpoenaed Documents from Legislative Chair.

239 Id.

240 Id.

241 www.jacksongov.org/DocumentCenter/View/4577/2018-Budget; Subpoenaed Documents from Finance; Subpoenaed Documents from Legislative Auditor; and Testimony of Legislative Auditor, March 2, 2018.

242 Id.

243 Id.

244 Id.

245 Id.

246 The funding priorities of an administration should mirror their public statements. This Administration has repeatedly stated that the Jail is a priority. In addition, as noted, we heard allegations from the County's Administration that the Jail was underfunded. Nonetheless, a truck purchased for the Chief of Staff using six different fund transfers from six different County accounts totaling over \$30,000. "At odds over finances, Frank White and county legislature agree on need for audit," Kansas City Star, January 3, 2018. These transfers were "9999s" and were therefore conducted without the review or approval of the County Legislature. Id. Thus, this action stopped the Legislature from reviewing whether these funds should be applied to Jail projects or set aside for future Jail needs. Id and Jackson County Budget for FY2018 which is available at www.jacksongov.org/DocumentCenter/View/4577/2018-Budget.

247 There is a serious communication gap between the County Administration and the Legislature. This is perhaps best exemplified by the testimony received by the Grand Jury concerning the 2017 audits. Among the allegations the Grand Jury heard were the County Administration's failure to report HOK's findings during the course of their audit to the Legislature thereby breaching a verbal

agreement between the two sides to share information concerning their respective audits. Testimony of County Executive, February 9, 2018; Testimony of Legislative Chair, February 23, 2018; Testimony of Legislative Auditor, March 2, 2018; Subpoenaed Documents from Legislative Chair; and Subpoenaed Documents from Legislative Auditor. According to testimony, the Legislature alleges that it made Mr. Rowenhorst available to the County Administration during their audit. In addition, there were serious allegations that the County Administration co-authored the projected cost of repairing the Jail or building a new Jail. Id. Irrespective of these allegations, these two governmental entities must repair their relationship and jointly focus on this Jail.

²⁴⁸ Subpoenaed Documents from Legislative Auditor.

²⁴⁹ Id.

²⁵⁰ Id. It should be further noted that documents were subpoenaed from the County's Purchasing Department. These documents confirm that funding was earmarked and approved by the Legislature for various projects the Jail deemed important for their operations. Id. These include cell doors, kitchen repairs, floor repairs, and plumbing flush valves. Id. The County's Purchase documents show that in these instances, after funding was approved by the Legislature, the Jail was consistently slow or delayed in acting for weeks on the earmarked funds. Id.

The issue of transportation, i.e., taking inmates to and from Court, illustrates another notable example of the Jail's struggles to address a known issue. The Jail's Management and the County's Administration knew that contracting with a third-party for the Jail's transportation needs would allow for the reassignment of previously assigned transportation COs. Id. Put differently, using an outside source for transportation would give the Jail more staff. Subpoenaed Documents from Purchasing and Subpoenaed Documents from Legislative Auditor. The Jail and the County's Administration blame the inability to complete this task on the Legislature's failure to provide them funding. In his written supplement to the Grand Jury, the Chief of Staff noted that the County posted a request for proposal on December 11, 2017 and that the "adopted budget did not appropriate funds to support the awarding of a contract." Chief of Staff's Supplemental Response to GJ Testimony, provided on March 28, 2018. However, the December 11th request for proposal was not the first proposal posted for transportation. The Chief of Staff's supplement did not indicate that the Jail first posted a proposal for transportation on August 23, 2017. On October 5, 2017, a bid was received from this request for proposal. Subpoenaed Documents from Purchasing. The timing of this bid would have allowed for the County's Executive and his Administration to build this contract's cost into their 2018 budget as this bid was received before the November 15th budget deadline. But that did not happen. Rather, one the day after this August 23 request for proposal, as previously noted, the Chief of Staff, via email, called an emergency to access funds outside of the Jail's budget to use for transportation. www.jacksongov.org/DocumentCenter/View/4577/2018-Budget. The October 5, 2017 bid was rejected and on December 11, 2017, the Jail posted a second request for proposal. That proposal received bids but because there was no funding earmarked in the 2018 Budget, incredibly this project has not moved forward.

Subpoenaed Documents from Purchasing and Subpoenaed Documents from Legislative Auditor.

²⁵¹ Id.

²⁵² Id.

²⁵³ Id.

²⁵⁴ Id.

²⁵⁵ Testimony of County Executive, February 9, 2018; Testimony of County Executive's Chief of Staff, February 23, 2018; Testimony of Jail Operations' Manager, October 27, 2017, Testimony of Former Jail Director, October 27, 2017; Testimony of Chief Operating Officer, November 3, 2017; and Testimony of Jail Director, March 9, 2018.

²⁵⁶ Id.

²⁵⁷ Subpoenaed Documents from Human Resources.

²⁵⁸ Id; Testimony of James Rowenhorst, September 15, 2017; and Testimony of Jail Director, March 9, 2018.

259 Subpoenaed Documents from the Jail.
260 Id.
261 Id.
262 Id.
263 Id and Testimony of Jail Director, March 9, 2018
264 Id.
265 www.bja.gov/publications/cipp_jailworkforce.pdf
266 Testimony of James Rowenhorst, September 15, 2017
267 CRA Audit Report, August 2017.
268 Testimony of Jail Director, March 2, 2018
269 Id.
270 CRA Audit Report, August 2017.
271 Id. For instance, in September 2017, the Jail reports that it lost 19 COs but hired 20 COs for a net gain of 1 position. JCDC Monthly Report, September 2017. Without a staffing plan, it is unclear what the specific concern is with the Jail's current level of staffing or if the departure or net gain of a CO impacts their staffing or operations. Subpoenaed Documents from Chief Operating Officer.
272 CRA Audit Report, August 2017 and Testimony of Jail Director, March 9, 2018
273 Id.
274 Publicly available documents from www.jacksongov.org/; Subpoenaed Documents from Finance; and Subpoenaed Documents from Legislative Auditor.
275 Id.
276 Id.
277 Id.
278 Id.
279 Testimony of County Executive's Chief of Staff, February 23, 2018.
280 Id.
281 Subpoenaed Documents from the Jail.
282 Testimony of Corrections Officer, March 16, 2018.
283 Id.
284 Testimony of County Executive's Chief of Staff, February 23, 2018 and Testimony of Legislative Auditor, March 2, 2018.
285 Id and CRA Audit Report, August 2017.
286 Testimony of Corrections Officer, March 16, 2018.
287 Id.
288 Publicly available documents from www.jacksongov.org/; Subpoenaed Documents from Finance; and Subpoenaed Documents from Legislative Auditor.
289 Id.
290 Id.
291 Id.
292 Testimony of Legislative Auditor, March 2, 2018.
293 Id.
294 Id.
295 Id. The Grand Jury notes that this incident is an example of the benefit of working together. The two sides should continue these efforts with respect to the Jail's funding.
296 Memorandum Regarding Interview with Legislative Auditor, April 5, 2018.
297 Publicly available documents from www.jacksongov.org/; Subpoenaed Documents from Finance; and Subpoenaed Documents from Legislative Auditor.
298 Id.
299 Subpoenaed Documents from Purchasing and Subpoenaed Documents from Legislative Auditor.
300 Testimony of Legislative Auditor, March 2, 2018.
301 Testimony of County Executive, February 9, 2018.
302 Id.

³⁰³ Id.

³⁰⁴ Id and Testimony of County Executive's Chief of Staff, February 16, 2018.

³⁰⁵ Subpoenaed Documents from Finance; Subpoenaed Documents from Legislative Auditor; Testimony of Legislative Auditor, March 2, 2018; and Jackson County Budget for FY2018 which is available at www.jacksongov.org/DocumentCenter/View/4577/2018-Budget.

³⁰⁶ Testimony of Legislative Auditor, March 2, 2018; Subpoenaed Documents from Finance; and Subpoenaed Documents from Legislative Auditor.

³⁰⁷ The National Institute of Correction's website identifies a study concerning a comparison of the 8 hour, 10 hour, and 12 hour shift. [//nicic.gov/shift-length-experiment-what-we-know-about-8-10-and-12-hour-shifts-policing-0](http://nicic.gov/shift-length-experiment-what-we-know-about-8-10-and-12-hour-shifts-policing-0). That study is titled, "The Shift Length Experiment, What we know About 8-, 10-, and 12-Hour Shifts in Policing." Id. It is not unusual for facilities to examine what shift works best for them. Testimony of Corrections Officer, March 16, 2018. It is our understanding that the Jail is currently in the process of reviewing which shift best fits its operations. Testimony of Jail Director, March 9, 2018. It is critical that this study is completed.

³⁰⁸ Subpoenaed Documents from Human Resources.

³⁰⁹ "London Fire: What Happened at Grenfell Tower?" BBC News, July 19, 2017.

³¹⁰ Id.

³¹¹ Testimony of James Rowenhorst, September 15, 2017

³¹² Subpoenaed Documents from the Jail.

³¹³ Id.

³¹⁴ Id.

³¹⁵ Id.

³¹⁶ Id.

³¹⁷ Id and Subpoenaed Documents from the Jail. Because of a lack of maintenance over the years, there are concerns regarding the Jail's fire suppression system based on the HOK Audit. HOK Facility Conditions Assessment Report, August 31, 2017 and Testimony of County Executive, February 9, 2018.

³¹⁸ Id.

³¹⁹ Id.

³²⁰ Subpoenaed Documents from the Jail.

³²¹ Testimony of James Rowenhorst, September 15, 2017

³²² It is also noteworthy that these issues must be continually inspected not only to protect against the loss of life but also to protect against the cost of litigation in the event of critical incident. Such an incident would have the potential to cause significant financial exposure to the County and the tax payers.

³²³ CRA Audit Report, August 2017

³²⁴ Testimony of James Rowenhorst, September 15, 2017

³²⁵ Id.

³²⁶ Id.

³²⁷ Id.

³²⁸ Testimony of Elected County Prosecutor, February 16, 2017; "4 Inmates Charged in Brutal Attack on Jackson County Jail Guard," Kansas City Star, September 27, 2017; and "Jackson County Correction's Officer Seriously Injured by Prisoner," www.kctv5.com/story/36914077/jackson-county-corrections-officer-seriously-injured-by-prisoner, November 23, 2017.

³²⁹ Id.

³³⁰ Id.

³³¹ Testimony of James Rowenhorst, September 15, 2017

³³² CRA Audit Reports, August 2017 and Testimony of James Rowenhorst, September 15, 2017.

³³³ Testimony of Jail Operations' Manager, October 27, 2017; Testimony of Former Jail Director, October 27, 2017; Testimony of Chief Operating Officer, November 3, 2017; and Testimony of Jail Director, March 9, 2018.

³³⁴ Testimony of the Elected County Prosecutor, February 16, 2018.

³³⁵ Id.

³³⁶ Testimony of the Elected County Prosecutor, February 16, 2018 and “Guilty Plea in Case Where Jackson County Jail Inmate was Raped,” Kansas City Star, December 1, 2017.

³³⁷ “Former Jackson County Inmate Says Guard Didn’t Stop Rape, Supplied Attacker With Drugs,” Kansas City Star, May 15, 2017.

³³⁸ Testimony of Jail Operations’ Manager, October 27, 2017; Testimony of Former Jail Director, October 27, 2017; Testimony of Chief Operating Officer, November 3, 2017; Testimony of Jail Director, March 9, 2018; Testimony of Private Defense Attorney, March 16, 2018; and Testimony of Public Defender, March 16, 2018.

³³⁹ Testimony of the Elected County Prosecutor, February 16, 2018; Testimony of Public Defender, March 9, 2018; and Testimony of Private Defense Counsel. By way of example, on April 25, 2018, a former corrections officer pleaded guilty to “smuggling contraband cell phones and other items to inmates at the Jackson County Detention Center.” News Release, Office of the United States Attorney, Western District of Missouri, April 25, 2018.

³⁴⁰ Id.

³⁴¹ Id.

³⁴² Testimony of Jail Operations’ Manager, October 27, 2017; Testimony of Former Jail Director, October 27, 2017; Testimony of Chief Operating Officer, November 3, 2017; and Testimony of Jail Director, March 9, 2018.

³⁴³ “Jackson County Jail Guards Took Bribes to Smuggle Contraband, Feds Allege,” Kansas City Star June 26, 2017.

³⁴⁴ “Jackson County Jail Raid Highlights New Cooperation Between Sheriff and County Executive,” Kansas City Star, January 31, 2018.

³⁴⁵ Multiple witnesses testified about the Jail’s revamped training practices for COs. Nonetheless, the Grand Jury received testimony that a new CO receives a brief training introduction before starting their work on live duty. Thereafter, within one year of their hire, COs undergo a formal academy training. Testimony of Corrections Officer, March 16, 2018.

³⁴⁶ Testimony of County Executive, February 9, 2018.

³⁴⁷ Subpoenaed Documents from the Jail.

³⁴⁸ CRA Audit Report, August 2017.

³⁴⁹ Id.

³⁵⁰ Id.

³⁵¹ Grand Jury Tour, March 1, 2018.

³⁵² Instead of reports from the Jail’s Management, the County Executive reported that he received reports on cleanliness from the CRA (Legislative) Audit. Testimony of County Executive, February 2, 2018.

³⁵³ Testimony of Chief Operating Officer, November 3, 2017.

³⁵⁴ Id.

³⁵⁵ Id.

³⁵⁶ Subpoenaed Pictures from HOK and HOK Facility Conditions Assessment, August 31, 2017.

³⁵⁷ During his testimony, the County Executive testified that while he has gone to the Jail, he has not toured the inmate living spaces. Testimony of County Executive, February 9, 2018.

³⁵⁸ Publicly available documents from www.jacksongov.org/; Subpoenaed Documents from Finance; and Subpoenaed Documents from Legislative Auditor.

³⁵⁹ Id.

³⁶⁰ Testimony of County Executive, February 9, 2018; Testimony of County Executive’s Chief of Staff, February 23, 2018; Testimony of Jail Operations’ Manager, October 27, 2017; Testimony of Former Jail Director, October 27, 2017; Testimony of Chief Operating Officer, November 3, 2017; and Testimony of Jail Director, March 9, 2018.

³⁶¹ Id.

³⁶² Subpoenaed Documents from Finance; Subpoenaed Documents from Purchasing; Subpoenaed Documents from Legislative Auditor; Subpoenaed Documents from Legislature Chair; and Subpoena Documents from Purchasing.

³⁶³ Testimony of Inmate Service Coordinator, January 12, 2018.

³⁶⁴ Id.

³⁶⁵ Id.

³⁶⁶ Id.

³⁶⁷ Id.

³⁶⁸ Id.

³⁶⁹ Testimony of Legislature's Budget Committee Chair, March 2, 2018; Testimony of Public Defender, March 9, 2018; and Testimony of Private Defense Counsel, March 9, 2018.

³⁷⁰ Subpoenaed Documents from James Rowenhorst.

³⁷¹ Id.

³⁷² Id.

³⁷³ Id; Testimony of Legislature's Budget Committee Chair, March 2, 2018; Testimony of Public Defender, March 9, 2018; and Testimony of Private Defense Counsel, March 9, 2018.

³⁷⁴ Id.

³⁷⁵ Id.

³⁷⁶ Id.

³⁷⁷ Testimony of Inmate Service Coordinator, January 12, 2018.

³⁷⁸ Subpoenaed Documents from the Jail and Subpoenaed Documents from the Legislative Auditor.

³⁷⁹ CRA Audit Report, August 2017 and Testimony of James Rowenhorst, September 15, 2017.

³⁸⁰ Id.

³⁸¹ Id.

³⁸² Id.

³⁸³ In his testimony, the Chief of Staff stated that the Jail's staff acted as quickly and efficiently as they could once they were aware of the issue. He also testified that there were not enough mattresses in the facility to replace all the mattresses for every inmate. There are two things that should be noted. First, the mattresses were worn out and gradually broke down over time. There was no single event that caused the need for them to be replaced absent Mr. Rowenhorst's insistence that this be immediately corrected. This is another example of the Jail's inexplicable failure to take care of routine matters. Second, there is startling lack of accountability. Despite the conflicting testimony about how many mattresses were in the facility, it is clear that mattresses were available and not provided when they should have been. Yet no witness from the Jail or the County's Administration could testify that any employee was disciplined for this failure. Testimony of County Executive's Chief of Staff, February 23, 2018.

³⁸⁴ HOK Facility Conditions Assessments, August 31, 2017.

³⁸⁵ Subpoenaed Documents from the Jail; CRA Audit Report, August 2017; and HOK Facility Conditions Assessments, August 31, 2017.

³⁸⁶ Grand Jury Jail Tour, March 1, 2018.

³⁸⁷ Subpoenaed Documents from the Jail.

³⁸⁸ Id.

³⁸⁹ Id.

³⁹⁰ Id.

³⁹¹ Subpoenaed Documents from Chief Operating Officer. This documentation shows that the expenditures and projected expenditures through 2015 and beyond for doors total approximately \$3,400,000. Id.

³⁹² Subpoenaed Documents from the Jail.

³⁹³ Id.

³⁹⁴ Id.

³⁹⁵ Subpoenaed Documents from the Legislative Auditor and Subpoenaed Documents from the Legislature Chair.

³⁹⁶ Subpoenaed Documents from Chief Operating Officer.

³⁹⁷ Id.

³⁹⁸ HOK Facility Conditions Assessment, August 31, 2017. A portion of HOK's work with the County was to conduct an ACA assessment of the facilities. Because of security concerns, including the lay out of the Jail's buildings, that document is sealed and will not be cited. Further, it is doubtful that the Jail can achieve accreditation within the current facility. Testimony of James Rowenhorst, September 15, 2017; Testimony of County Executive, February 9, 2018; Testimony of County Executive's Chief of Staff, February 23, 2018; Testimony of Chief Operating Officer, November 3, 2017, and Testimony of Jail Director, March 9, 2018.

In the same year that the County paid HOK to conduct this ACA assessment, the Jail hired an accreditation manager. The Grand Jury understands that this person's job is to examine the facilities and update the Jail's policies in the future hope of regaining ACA accreditation for Jail. HOK worked on the first of these tasks (facilities) in their assessment and reported its findings on August 31, 2017.

³⁹⁹ HOK Facility Conditions Assessment, August 31, 2017.

⁴⁰⁰ Id and Testimony of County Executive's Chief of Staff, February 16, 2018.

⁴⁰¹ Id.

⁴⁰² Testimony of Legislative Auditor, March 9, 2018; Subpoenaed Documents from the Legislative Auditor; and Subpoenaed Documents from the Legislature Chair.

⁴⁰³ Subpoenaed Documents from the Legislative Auditor and Subpoenaed Documents from the Legislature Chair.

⁴⁰⁴ Id

⁴⁰⁵ Id.

⁴⁰⁶ Testimony of Legislature Chair, February 16, 2018 and Testimony of Legislative Auditor, March 9, 2018

⁴⁰⁷ Although tasked with administering the Jail, the Grand Jury learned that the County Executive and his Chief of Staff, do not regularly attended these meetings. Testimony of Legislature Chair, February 16, 2018 and Testimony of Legislative Auditor, March 9, 2018. Further, it was learned that the Legislature Chair and the Legislative Auditor who did regularly attended the meetings were asked to refrain from attending future meetings. Memorandum Regarding Interview with Legislative Auditor, April 5, 2018.

⁴⁰⁸ Subpoenaed Documents from the Jail; Subpoenaed Documents from the Legislative Auditor; Subpoenaed Documents from the Legislature Chair; Subpoenaed Documents from Chief Operating Officer; Testimony of Chief Operating Officer; November 3, 2017; and Testimony of Former Jail Director, October 27, 2017;.

⁴⁰⁹ Subpoenaed Documents from James Rowenhorst.

⁴¹⁰ Testimony of James Rowenhorst, September 15, 2017.