



February 26, 2024

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Yellowstone County Commissioners  
Attn: John Ostlund, Chair  
316 North 26<sup>th</sup> Street, Room 3101  
P.O. Box 35000  
Billings, MT 59107

Yellowstone County Sheriff  
Mike Linder  
2323 2<sup>nd</sup> Avenue North  
P.O. Box 35017  
Billings, MT 59107

Dear Commissioners and Sheriff Linder,

Thank you for the Commissioners' letter dated January 30, 2024, confirming your interest in developing a short-term holding facility at the Yellowstone County Detention Facility (YCDF). The Billings City Council has authorized me to provide the following response.

The City of Billings believes that a short-term holding facility of the type generally described in your letter will contribute significantly to the ability of the Billings Police Department to enforce the laws and ensure that the public is safe, and we applaud your efforts to make this facility a reality.

To confirm, this project will primarily hold low-risk offenders who pose a risk to the community but have not been charged with a crime severe enough to warrant detention in the limited space currently available at the main YCDF. This short-term holding facility will be a pre-arraignment hold only, with most inmates being released on a bond and/or GPS monitoring after seeing a judge and some being remanded to the main YCDF. Right now, many of these offenses are going without consequence in our community due to overcrowding at YCDF, contributing to a flagrant disregard of the criminal justice system by persons accused of these crimes.

To expedite the short-term holding facility project and ensure it can be constructed quickly, the City of Billings is prepared to offer the following:

- Transfer to the County of \$500,000, as included in our FY24 budget. These dollars come primarily from the City's allocation of marijuana tax revenues and would be released after the County has signed all necessary contracts with Schutz Foss Architects, P.C. and commenced the design/construction phase of the project.
- An additional transfer of \$1.5 million during fiscal year 2025 and fiscal year 2026 divided equally between those two years. These dollars will likely come primarily from a combination of marijuana tax revenues and general fund appropriations.

In exchange, we request the following:

- The City, County, and Yellowstone County Sheriff's Office (YCSO) will work to develop a written agreement spelling out mutual expectations as soon as possible. This one-time, fixed financial contribution by the City will be contingent on the completion of all 96 beds as proposed by the County's consultant, Schutz Foss Architects, P.C. Neither party will have any obligations until the agreement is approved by all parties and signed. In addition to other issues, the agreement will address the following.
- The County and the YCSO will be solely responsible for the construction, operation, and maintenance of the facility. Any unexpected construction costs would be borne by the County.
- The County and YCSO will indemnify and hold harmless the City of Billings for any claims, errors, or omissions that may arise from the construction, operation, and maintenance, of the facility.
- The County and YCSO will ensure that the Billings Police Department has available to it, for short-term detention, at least 30 beds every 24 hours averaged over time. The beds may be used for the pre-arraignment holding of any non-violent or low-risk offender, without regard for the exact type of charge. These beds are intended to add capacity for this class of offenders, and more serious offenders of the type already being incarcerated shall not count toward this minimum allocation.
  - We understand that the County has concerns about the enforcement of municipal infractions and are happy to discuss a reasonable limitation. The YCSO would retain reasonable discretion to refuse any offender who could not be safely housed in the facility based on normal YCSO operating policies (e.g., due to medical reasons, etc.).
- The County and YCSO will not, at any time now or in the future, seek payment or contribution from the City for post-agreement costs related to occupancy, operations, or maintenance. No party will have any liability to any other party for pre-agreement costs or charges related to occupancy, operations, or maintenance incurred before the agreement is signed.
- The County and YCSO will work diligently to have the short-term holding facility open, for at least 30 beds, no later than 15 months after the County signs a design contract with Schutz Foss Architects, P.C. If the facility is not available for use within

30 days of that completion date, the City will reduce its contribution by \$50,000 per month (or \$1,613 per day) until the facility is operational.

Finally, we note that, while this short-term holding facility is an important and necessary strategy for reducing crime in our community, it is no replacement for an expansion of capacity at YCDF. The City has enjoyed many months of productive conversations with the County and YCSO to develop a planning process and proposal for jail expansion, and we look forward to continuing that partnership. We know the County and YCSO are urgently preparing to meet the need for detention in Yellowstone County, and we pledge to continue our support and collaboration for your work on the larger jail expansion project.

Very truly yours,

A handwritten signature in black ink that reads "William A. Cole". The signature is written in a cursive, flowing style.

William A. Cole, Mayor