



City of Grand Island

Tuesday, August 14, 2012

Council Session

Item G21

#2012-216 – Approving Memorandum of Understanding with Hall County for Temporary Holding on Inmates and Detainees

Staff Contact: Steve Lamken

Council Agenda Memo

From: Steven Lamken, Police Chief

Meeting: August 14, 2012

Subject: Emergency Inmate Sheltering Memorandum of Understanding

Item #'s: G-21

Presenter(s): Steven Lamken, Police Chief

Background

The Hall County Department of Corrections has requested the use of the vehicle sally ports as a temporary location to transfer prisoners in the event that the correctional facility would need an emergency evacuation. The Police Department supports this Memorandum of Understanding to assist HCDC.

Discussion

Hall County Department of Corrections is requesting support in the use of the sally port area of the Law Enforcement Center as an emergency evacuation site for prisoners. Prisoners would be transferred to the Law Enforcement Center and held in a secure area until such time they could return to the correctional facility or a more permanent location could be provided. The Department of Corrections would maintain responsibility and supervision of the prisoners during an evacuation. The Police Department would assist in a prisoner evacuation if requested.

The sally port area of the Police Department is a secure area and can provide prisoner access to toilet and drinking water while remaining in a secure area separate from Police Department and Sheriff's Office operations. The Police Department supports the approval of this Memorandum of Understanding for the temporary holding of inmates and detainees.

Alternatives

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:

1. Move to approve
2. Refer the issue to a Committee
3. Postpone the issue to future date
4. Take no action on the issue

Recommendation

City Administration recommends that the Council approve the Memorandum of Understanding for the temporary holding of inmates and detainees.

Sample Motion

Move to approve the Memorandum of Understanding with Hall County for the temporary holding of inmates and detainees.

**MEMORANDUM OF UNDERSTANDING
BY AND BETWEEN
THE COUNTY OF HALL AND THE CITY OF GRAND ISLAND, NEBRASKA
FOR TEMPORARY HOLDING OF INMATES AND DETAINEES**

THIS AGREEMENT is made and entered into this ___ day of _____ 2012, by and between the County of Hall, Nebraska, a body politic and corporate and a political subdivision of the state of Nebraska, hereinafter referred to as the “County,” and the City of Grand Island, Nebraska, a municipal corporation within the state of Nebraska, hereinafter referred to as the “City.”

WHEREAS, the County operates the Hall County Jail (hereinafter “County Jail”), under the direction and control of the Hall County Board of Corrections and the Hall County Department of Corrections (hereinafter “Department of Corrections); and

WHEREAS, the County Jail is utilized for pretrial and post-trial detention of persons charged or convicted of criminal offenses and persons detained therein who are in the custody and control of the United States Department of Homeland Security, Immigration and Customs Enforcement; and

WHEREAS, it is necessary and desirable for County to have in place a plan and available facilities for temporary emergency detention of persons in the event of a fire or other event which necessitates the evacuation of detainees from the County Jail; and

WHEREAS, due to its proximity and to the County Jail and the adaptability to securely hold detainees on a temporary basis when necessary due to an emergency, the County desires to utilize the sally ports at the Grand Island-Hall County Public Safety Center (hereinafter “Safety Center”) for such detention ; and

WHEREAS, City, though this Agreement, desires to authorize the use of the Safety Center for such use, and under such conditions, as set forth below.

NOW, THEREFORE, County and City mutually agree as follows:

1. This agreement shall have a term commencing upon the date of execution by the parties and may be terminated by either party, for cause or for no cause, upon written notice given not less than 90 days prior to the date of termination.
2. In the event of a fire or other emergency requiring the evacuation of detainees held at the County Jail, the Department of Corrections is authorized to hold detainees temporarily within the sally ports located at the Safety Center until they may be relocated to the County Jail or housed at another correctional facility.
3. While detained at the Safety Center detainees shall remain in the legal and physical custody of the Department of Corrections, which is responsible for providing for the safe and secure

detention and care, including nutrition and medical care and treatment, of its detainees.

4. County shall use its best efforts to relocate its detainees to the County Jail within a reasonable time following abatement of the emergency or shall transfer detainees to another correctional facility if the County Jail cannot be reoccupied within a reasonable time.
5. Upon request of the County Corrections Director or his designee, the Grand Island Police Department and the Hall County Sheriff are authorized to provide law enforcement officers to assist in the secure and safe detention of detainees during evacuation, holding at the Safety Center, and relocation to the County Jail.
6. Notices to the City shall be provided to the City Clerk; notices to the County shall be provided to the County Clerk.

**Executed this ___ day of _____,
2012.**

City of Grand Island, Nebraska

by: _____
Jay Vavricek, Mayor

**Executed this ___ day of _____,
2012.**

**Hall County Board of Supervisors and
Hall County Board of Corrections**

by: _____
_____ Chairman
County Board of Supervisors and
Hall County Board of Corrections

RESOLUTION 2012-216

WHEREAS, the Hall County Department of Corrections is in need of a formal agreement for a location for the temporary holding of inmates and detainees, and

WHEREAS, the Law Enforcement Center is located close to the corrections facility, and

WHEREAS, the Law Enforcement Center has facilities that can be used for the purpose of the temporary holding of inmates and detainees,

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the Memorandum of Understanding between Hall County and the City of Grand Island for the temporary holding of inmates and detainees is approved.

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Adopted by the City Council of the City of Grand Island, Nebraska, August 14, 2012.

Jay Vavricek, Mayor

Attest:

Brenda Sutherland, Acting City Clerk

Approved as to Form	☒ _____
August 16, 2012	☒ City Attorney