

JPR-Franklin County Citizens' Complaint

SUGGESTED COMMITTEE QUESTIONS

Complaint 1: Dual Leadership & Salaries

(Improper for taxpayers to support two leaders of DOC simultaneously)

1. Who is the ultimate decision maker for the proposed prison project? Who made the determination that this was the best site of all considered? - 1
2. Profiri - What was the justification for you to continue to receive pay post dismissal for cause?
3. Profiri - Can you provide documentation of the scope, deliverables, or job description for your "Senior Advisor" role? - 1
4. Watson - Did the Governor's office consult the Board of Corrections before creating or filling this position?
5. Watson - Is there an ideal model for increasing bed space that is more efficient than this proposal that the BOC would prefer or also consider?
6. Why does Secretary Wallace defer questions to you in many cases? Is it because she lacked expertise, or because you still carry operational authority? - 1
7. Was the duplication of salaries reviewed by Legislative Audit or the Office of Personnel Management for compliance?
8. Profiri - Given your experience building prisons, have you frequently encountered situations where a public entity purchased a property without first determining if there was sufficient utility access or the capability of delivering the access at the location to meet the needs of the project intending to be built?

Complaint 2: Consultant vs. DOC Staff

(Improper use of taxpayer funds by paying Vanir while relying on unqualified state staff)

9. Who made the final site selection decision and what specific criteria was weighted in making this decision?
10. Who within the State will be responsible for ensuring no duplication of services and no overcharges for the variety of entities proposed to be key stakeholders in this project? -1

11. What specific deliverables did Vanir provide in exchange for the \$16.5M contract?
-1
 12. Why did the State not extend the purchase agreement to allow for Vanir, the soon to be hired Owner's Representative, to use their expertise to represent the owner in site selection? -1
 13. If state staff were not the trained professionals in this type of development's site selection, who authorized this committee to substitute for specialized expertise?
 14. We have been repeatedly told that Vanir's estimate for this project is all inclusive. How can we trust that given the very public estimate to bring municipal water to the facility vs. onsite well water? What are we sacrificing in return in terms of bedspace if it is all inclusive?
 15. Has the state received full value for the Vanir contract, or will there be clawbacks/re negotiations?
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Complaint 3: Expenditures Without Appropriation

(Spending on the project before funds were secured or approved)

16. What authority allowed the DOC or DBA to obligate funds before legislative appropriation? -1
 17. How much did the state spend on the committee site selection if state employee time is considered and who authorized those expenditures prior to hiring an Owner's Representative with construction expertise?
 18. Given this project was publicly promoted before appropriation was secured, how does this align with Arkansas procurement law requiring secured funding before committing public resources? -1
 19. Has this spending created pressure on legislators to "approve after the fact" rather than evaluate on merit? -1
 20. Is there a spending threshold related to deliverables that would stop you from further spending on this project? As other states have experienced, for you is there "a point of no return" when spending taxpayer dollars? *Arkansas doesn't have to repeat the same mistakes as other states*-1
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Complaint 4: Due Diligence Failures on Property

(Failure to properly study the site before purchase)

21. What are the standard practices for due diligence and site selection related to other major capital projects within the State of Arkansas as a matter of either policy or law? -1
22. Laidlaw, Profiri - For every other site the state expressed interest in, it directed its real estate broker to place the property under an option agreement. Why didn't the state use a broker nor an option agreement for the Franklin County property? And why did the practice change to not use an option contract?
23. Laidlaw, Profiri - Why did the contract not include a contingency based on the soon to be hired Owner's Representative conducting a full, professional feasibility analysis of the site?
24. Profiri, Laidlaw, Johnson - At a legislative committee meeting last week, Sec. Wallace referenced that the state did all of the investigation of the property that it was able to prior to purchasing it. What investigations were done?
 - a. Why were no boring samples taken and the soon to be hired Owner's representative not able to use that information to assess the site prior to close?
 - b. Why was a Phase I not initiated until after close for the same reason? Same question for boring samples?
 - c. Given the known history of the region, why was no Cultural Study conducted prior to close?
 - d. Were any of these prohibited by the purchase agreement the state entered into to buy the property?
25. The Governor recently emailed legislators 864-pages of surveys in connection to the Franklin County property, these included a Phase 1 environmental report, preliminary geotechnical studies, Federal wetland designations review, etc. What steps did the state take to complete those reports prior to purchasing the property? Why did it not conduct these studies prior to close and allow the soon to be hired Owner's Representative to fully professionally assess the site's suitability and constructability prior to close?
26. We've heard several statements indicating the further feasibility studies are on hold pending the legislature's acceptance of the architecture and engineering contract. Why is it necessary for the state to enter into a \$57m design contract prior to determining project site feasibility and assess constructability? And yes, anything can be built for a price, but should it? -1
27. Given staffing and overcrowding are among the top issues for the DOC, why was the "decent commute for employees" abandoned in the final site selection?
28. Is capacity manipulation standard practice?
29. Why has the state provided conflicting and misleading information around cultural resource studies? April and May - JB has specific dates?
30. Laidlaw - Based on the timeline and references within, we know Dir. Laidlaw changed her position stating the site was not viable to ending her critique after an in person meeting on Friday, July 12, 2024. With as much detail as possible, can

you recount the substance of your meeting on Friday July 12, 2024? What in that meeting caused Ms. Laidlaw to change her position? -1

31. Johnson - On July 22nd, you sent your colleagues an email stating that site selection was done. Between July 3rd and that email, what site studies were completed at the property? Were any of the criteria developed weighted and results documented in justification of the site's final selection?
32. Laidlaw, Profiri - For several potential site locations other than Franklin County, the state's strategy was to meet with local officials prior to moving forward with the site assessment? What caused the state to abandon that practice with the Mill Creek Mountain site? -1
33. Profiri, Laidlaw, Johnson - In consideration of the most critical criteria, this site only meets one - the distance requirement from other DOC facilities - why were all other critical criteria such as proximity to a US Highway with preference to I-40 access, minimum standards for workforce availability, site accessibility to critical infrastructure, etc. abandoned as a primary criteria for the project?
34. Did anyone in state leadership have personal or financial ties to the property seller or agents involved?
35. Why were outdated workforce and infrastructure figures relied upon instead of commissioning updated studies?

General / Workforce / Governance

(Questions not tied to a single complaint)

36. Is there any documentation of site evaluations that used the established quantifiable criteria on each site then weighted each against all other sites?
37. Is there a list of the top sites selected and a documentation of the criteria's score or what was considered at each site? Is there documentation showing this analysis for the Franklin County site selected?
38. Why were communities that do want facilities in their communities and/or offered donated land for the prison not given first considerations?
39. Benny, Profiri, Wallace - If all of Arkansas prison facilities were fully staffed and up to code today, what would the state's total bed capacity be?
 - a. How many beds are unavailable due to lack of staffing?
 - b. Benny Profiri, Wallace - How many beds are unavailable due to code standards?
40. Magness - Who from Senior Leadership from the DOC has ultimate authority over this project?
41. Secretary Wallace told residents that the bed type make-up would depend on the state's needs. We have seen preliminary design plans that call for minimum, medium and maximum wings, however the current design contract calls for 2500

dormitory style minimum security and up to 500 double bunk cells. What studies are the state conducting to determine what types of beds will meet its expansion needs? OR is this purely a cost driven decision? Why is it barebones and not addressing our root problem of high recidivism?

42. Johnson - You approached a workforce expert about this, correct? What did the equation show regarding the population surrounding the Franklin County Site? Why dismiss her advice? What factors caused you to ignore a 1/10 rating on the workforce scale? Did you work with DOC hiring experts at any point and if so, what was discussed?
43. Johnson - What is your experience in workforce assessment? Why did the State deviate from the formula you used to assess other sites?
44. Johnson - Why was the total Johnson County population included when only a tiny part of the county's population fell within the 30 mile radius?
45. Why are we choosing a site, whether the combined nearby Metropolitan Statistical Area and the Non-MSA that Franklin County belongs to, of all occupations still scores a 1/10 on the formula used by the state for corrections positions for this facility?
 - a. Was there any workforce analysis performed beyond varying forms of population analysis?
 - b. What industry population were you depending on when using the formula to assess necessary workforce availability?. (What analysis did you do to determine the combined MSA has sufficient saturation in the area).
46. Laidlaw - The state has told us that the reason it had to keep the location a secret from the public and their representatives was to avoid a bidding war on the property. Is that the same reason you misled the legislature on Oct 14 about whether or not a site had been selected for this project? Misled 3 times.
47. Profiri, Johnson, Laidlaw - what caused the state to lower its criteria threshold for what kind of property was sufficient for this project? What exactly about "politics" prevented the states from considering NWA as a location for this project?
48. Profiri - Why has the state abandoned its commitment to community involvement that you outlined to the ALC in November of 2023 and subsequently promised at the Charleston Town Hall?
49. Johnson - Johnson - Was the percentage of the workforce presently employed in the Protective Services professions ever considered in the analysis given Ms. Fay's assumptions were based on the manufacturing industry?
50. Johnson - Did you evaluate alternative sites with equal or better labor supply using that same type of analysis and if so, can you provide a comparison table?
51. Johnson - What formal training or experience do you have in labor economics, workforce modeling or occupational forecasting?
52. What GIS tools did you use to delineate the labor shed capabilities and how was that data used in the labor-market analysis? Did that tool factor in current market percentages of people employed in like positions?

53. Why would you expect the users of a local water system to pay for water for a prison?
 54. Is it fair to say that the manner in which Joe Profiri treated the members of the BOC during his time as Secretary is commensurate with how he is treating the citizens of Franklin County? With indifference, or even contempt?
 55. Has the state done a staffing plan that matches projected inmate population growth with available workforce?
 56. How will the state address the fact that Charleston PD doesn't have police coverage overnight due to staffing shortages?
 57. Has the DOC modeled retention rates for corrections officers in rural vs. urban counties?
 58. Profiri - Why was the public and legislature excluded from the decision-making until after the property purchase was final despite your repeated assurances to the legislature that the community buy-in would be factored into the final decision?
 59. Why was a site on tribal land chosen without consultation regarding McGirt v. Oklahoma implications?
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