4/22/03

BZA 16998

EXHIBIT 1

ZONING COMMISSION
D.C.
2003 APR 11 AM 11:20

BZA
Case No. 16998
Exhibit No. 1

Board of Zoning Adjustment
District of Columbia
CASE NO. 16998
EXHIBIT NO. 16A1

DISTRICT OF COLUMBIA BOARD OF ZONING ADMINISTRATION

Board of Zoning Administration Hearing - Monday, April 14, 2003

In the matter of : **Ward 5 and Advisory Neighborhood Commission (ANC5B) & Bannum Halfway House/ Community Correction Center**

RE: 2210 Adams Place, NE, Square 4259, Parcel 154/81

ANC5B DOCUMENT LIST

Exhibit #	Description	Dated
1	Letter to: M. Johnson, Zoning Admin. Bldg & Land Reg. Admin, DCRA; From: Carolyn Brown, Holland & Knight, LLP	12/11/00
2	Letter to: O. Bello, Acting Zoning Admin. Bldg. & Land Reg. Admin; DCRA; From: Carolyn Brown, Holland & Knight, LLP	11/26/01
3	Statement of Work: Community Corrections Center	Jan 2000
4	Video: Ward 5 Meeting : Campbells definition Halfway House/ Community Corrections Center	03/05/00
5	Letter to: D. Clark, Director, DCRA; From: V. Orange Ward 5 Councilmember	01/13/03
6	Letter to: S. Ambrose, Chair Committee on Consumer and Regulatory Affairs - Councilmember	01/15/03
7	Letter to Councilmember Orange fo Ward 5; from : D. Clark, Director DCRA	01/31/03
8	Letter to D. Clark, Director, DCRA; from: Donald Temple, Esq, Citizens for a Safe Ward 5 Counsel; cc: to All DC Councilmembers, Kathleen Hawksawyer of Bureau of Prisons, and Charles Maddox, DC Inspector General	02/07/03
9	Zoning Commission for the District of Columbia Notice of Public Hearing: Case No. 02-21 (Text Amendment - CBRFs in the C-M Districts)	12/16/02 @ 6:30pm
10	Letter to Donald Temple, Esq, Citizens for a Safe Ward V Counsel; from: Denzil Noble, Acting Administrator and cc: D. Clark, T. Lewis, and R. W. Kelly	02/21/03

I:\activecases\Cases (open)\Ward 5\TRO APPLICATION\EXHIBITL.WPD

BZA
Case No. 16998
Exhibit No. 16

Exhibit #	Description	Dated
11	Bannum Center Application for Construction Permits on Private Property	10/09/02
12	Letter to Carol Mitten, Chair Zoning Commission; from Jim Graham, Councilmember Ward 1 and cc: Darren Jones	11/0102
13	Map of Area Surrounding the Bannum site at 2210 Adams Street, NW	03/07/03
14	Articles: Re: Community Opposition to Halfway House	2000 -2003
15	Certificates of Occupancy	
16	Iona R. Whipper Home, Inc. Ltr to Deputy Mayor for Public Safety & Justice ; ltr to Congresswoman Eleanor Holmes Norton	07/08/2002
17	Letter to: Steven E. Sher, Director Zoning and Land Use Services D.C. Zoning Commission - from: Norman M. Glasgow, Jr. of Holland & Knight, LLP	05/07/2002
18	Letter to Cathy Bellow, Operation Director at Bannum, Inc. - from: Councilmember Vincent Orange	04/10/2001
19	Transcript from DC Superior Court Hearing	03/11/2003
20	Video: Ward 5 Halfway House Opposition Meeting	2003

Government of the District of Columbia

ZONING COMMISSION

AGENDA
Regular Meeting
1146th Meeting Session (4th of 2003)
Monday, April 14, 2003, @ 1:30 P.M.
Office of Zoning Hearing Room
441 4th Street, N.W., Suite 220
Washington, D.C. 20001

I. PRELIMINARY MATTERS.....Mr. Bastida

NONE

II. ACTION ON MINUTES.....Mr. Bastida

A. Public Meeting Minutes (draft) of February 24, 2003 (1144th Session)

B. Public Meeting Minutes (draft) of March 10, 2003 (1145th Session)

III. STATUS REPORT.....Office of Planning

A. Office of Planning Monthly Status Report

IV. HEARING ACTION.....Mr. Bastida

A. Z.C. Case No. 03-04 (Meridian Hill Condominium)

B. Z.C. Case No. 03-05 (U.S. Department of Transportation)

C. Z.C. Case No. 03-11 (Columbia Hospital – Square 25)

D. Z.C. Case No. 03-15 (Bennett Carreer Institute)

V. PROPOSED ACTION.....Mr. Bastida

A. Z.C. Case No. 02-17 (5401 Western Avenue)

B. Z.C. Case No. 02-32 (Georgetown – Performing Arts Center)

C. Z.C. Case No. 03-01 (Takoma)

D. Z.C. Case No. 02-35 (Building Height)

E. Z.C. Case No. 02-34 (Optical Transmission Nodes)

F. Z.C. Case No. 02-44 (Retail Arcades)

VI. FINAL ACTION.....Mr. Bastida

A. Z.C. Case No. 02-51 (1616 Rhode Island Avenue, N.W. – Time Extension))

B. Z.C. Case No.03-08/99-02M (1000 K Street, N.W. – Time Extension)

C. Z.C. Case No. 00-04 (Further Minor Modifications to Zoning Regulations)

VII. CONSENT CALENDAR.....Mr. Bastida

A. Z.C. Case No. 03-14 (Petition from ANC 3F to Amend Section 3202.5(a))

VIII. LEGISLATIVE REPORT.....Mr. Bastida

NONE

IX. LITIGATION.....Mr. Bastida

NONE

X. CORRESPONDENCE.....Mr. Bastida

NONE

XI. REPORT OF THE SECRETARY.....Mr. Bastida

A. Reminder Schedule

XII. OTHER BUSINESS.....Mr. Bastida

A. New Cases Filed:

1. Z.C. Case No. 03-11 (High Street Columbia, LLC – Map Amendment, Square 25, Lot 806)

2. Z.C. Case No. 03-12 (Capper/Carrollsburg Venture, LLC, *et al.* – PUD & Map Amendment, Carrollsburg Dwellings)

3. Z.C. Case No. 03-13 (Capper/Carrollsburg, LLC, *et al.* – PUD, Carrollsburg Dwellings)

4. Z.C. Case No. 03-14 (ANC 3F – Text Amendment, Section 3202.5(a) of 11 DCMR)

5. Z.C. Case No. 03-15 (Bennett Beauty Institute – Map Amendment, 700 Monroe Street, N.E.)

B. Orders Published:

1. Order No. 02-25 (Z.C. Case No. 02-25 – University of Notre Dame)

Alberto P. Bastida, AICP
Secretary to the Zoning Commission
Office of Zoning

cc: Linda Cropp, Chairman
Council of the District of Columbia

Law Offices
HOLLAND & KNIGHT LLP

2100 Pennsylvania Avenue, N.W.
Suite 400
Washington, D.C. 20037-3202

202-955-3000
FAX 202-955-5564
www.hklaw.com

Atlanta
Boston
Bradenton
Chicago
Fort Lauderdale
Jacksonville
Lakeland
Melbourne
Mexico City
Miami
New York
Northern Virginia
Orlando
Providence
San Francisco
St. Petersburg
Tallahassee
Tampa
Washington, D.C.
West Palm Beach
Representative Offices
Buenos Aires
Tel Aviv

December 11, 2000

MARY CAROLYN BROWN
202-862-5990

Internet Address:
mcbrown@hklaw.com

VIA HAND DELIVERY

Mr. Michael Johnson
Zoning Administrator
Building and Land Regulation
Administration
D.C. Department of Consumer and
Regulatory Affairs
941 North Capitol Street, N.W.
Washington, D.C. 20002

Re: 2210 Adams Place, N.E., Square 4259, Parcel 154/81

Dear Mr. Johnson:

This office represents Bannum, Inc. ("Bannum"), a company that provides residential rehabilitation services to individuals referred by appropriate committing authorities. Bannum proposes to lease the property at 2210 Adams Place, N.E. (Parcel 154/81 in Square 4259) for use as a residential Community Corrections Center under a contract with the U.S. Department of Justice. Individuals are referred to the facility either directly by the court system, under a conditional release from the parole commission or through a transfer from a federal institution in order to make the transition back into society.

The property at 2210 Adams Place, N.E. is located in the C-M-2 District. Under section 801.7(k) of the zoning regulations, a "[t]emporary detention or correctional institution on leased property for period not to exceed three (3) years" is permitted as a matter of right in the C-M District. Accordingly, Bannum's proposed use of the property as a residential Community Corrections Center can be established as a matter of right at the Adams Street location.

If you concur with our interpretation of this section of the zoning regulations, kindly indicate so by signing on the line provided below.

Thank you for your assistance with this matter.

Very truly yours,

Carolyn Brown

Carolyn Brown

I concur:

12/11/00

Michael Johnson Date
Zoning Administrator

WAS1 #895142 v1

EXHIBIT 2

Law Offices
HOLLAND & KNIGHT LLP

2099 Pennsylvania Avenue, N.W.
Suite 100
Washington, D.C. 20006-6801

202-955-3000
FAX 202-955-5564
www.hklaw.com

Atlanta
Boston
Bradenton
Chicago
Fort Lauderdale
Jacksonville
Lakeland
Los Angeles
Melbourne
Miami
New York
Northern Virginia
Orlando
Providence
St. Petersburg
San Antonio
San Francisco
Seattle
Tallahassee
Tampa
Washington, D.C.
West Palm Beach

International Offices:
Buenos Aires*
Mexico City
Rio de Janeiro
São Paulo
Tel Aviv*
Tokyo
*Representative Offices

November 26, 2001

MARY CAROLYN BROWN
202-862-5990

Internet Address:
mcbrown@hklaw.com

VIA HAND DELIVERY

Mr. Olutoye Bello
Acting Zoning Administrator
Building and Land Regulation
Administration
D.C. Department of Consumer and
Regulatory Affairs
941 North Capitol Street, N.W.
Washington, D.C. 20002

Re: Temporary Correctional Facilities

Dear Mr. Bello:

This office represents Bannum, Inc. ("Bannum"), a company that provides residential rehabilitation services to individuals referred by appropriate committing authorities. Bannum proposes to lease property in the C-M or M District for use as a Community Corrections Center ("CCC") under a contract with the U.S. Department of Justice. Individuals are referred to the facility directly by the court system either to serve their entire sentence in confinement at the CCC or to complete their confinement at a CCC after a portion has been served as a federal institution.

Under section 801.7(k) of the D.C. Zoning Regulations, a "[t]emporary detention or correctional institution on leased property for period not to exceed three (3) years" is permitted as a matter of right in the C-M District, and by extension, in the M District. Accordingly, Bannum's proposed use of the property as a residential Community Corrections Center can be established as a matter of right in the C-M and M Districts for a period not to exceed three years.

If you concur with our interpretation of this section of the zoning regulations, kindly indicate so by signing on the line provided below.

Thank you for your assistance with this matter.

Very truly yours,

Carolyn Brown

Carolyn Brown

I concur:

OLUTOYE BELLO 11/28/01

Olutoye Bello Date
Acting Zoning Administrator

WAS1#1035851 v1

EXHIBIT 3

ATTACHMENT A

STATEMENT OF WORK

(SOW)

COMMUNITY CORRECTIONS CENTER

(CCC)

JANUARY 2000

TABLE OF CONTENTS

CHAPTER 1
Administration and Organization 6
CHAPTER 2
Personnel 10
CHAPTER 3
Facility 21
CHAPTER 4
Life/Safety 25
CHAPTER 5
Sanitation & Environment 29
CHAPTER 6
Electrical Safety 31
CHAPTER 7
Hazardous Materials 32
CHAPTER 8
Pest Control & Waste Management 35
CHAPTER 9
Referral and Intake Processing 36
CHAPTER 10
Programs 41
CHAPTER 11
Discipline 63
CHAPTER 12
Administrative Remedy 73
CHAPTER 13
Food & Medical Services 74
CHAPTER 14
Records and Reports 81
CHAPTER 15
Release Preparation 84
CHAPTER 16
Escape Procedures 88
CHAPTER 17
Serious Illness, Injury, or Death 90
CHAPTER 18
USPO Cases 91
CHAPTER 19
Research and Evaluation 93
CHAPTER 20
BOP Inspections 94
CHAPTER 21
Cost Reimbursements 99
CHAPTER 22
Sexual Abuse Intervention 100

List of Attachments

AUTHORIZATION TO RELEASE CONFIDENTIAL INFORMATION . Attachment A

INITIAL INTAKE FORM . . . . . Attachment B

CASE NOTES . . . . . Attachment C

URINALYSIS PROCEDURES . . . . . Attachment D

PROHIBITED ACTS AND DISCIPLINARY SEVERITY SCALE . . Attachment E

FOOD GUIDE PYRAMID . . . . . Attachment F

EXPLANATION OF TERMS . . . . . Attachment G

LIST OF BOP FORMS
(provided by CCM)

NAME OF FORM	Chapter Reference
ADMINISTRATIVE REMEDY FORMS	12
APPLICATION FOR VOLUNTEER SERVICE	2
AUTHORIZATION TO OPERATE A MOTOR VEHICLE	10
CENTER DISCIPLINE COMMITTEE (CDC) REPORT (CCC'S)	11
COMMUNITY BASED PROGRAM AGREEMENT	9
DUTIES OF STAFF REPRESENTATIVES (CCC'S)	11
FURLOUGH APPLICATION - APPROVAL AND RECORD	10
FURLOUGH QUESTIONNAIRE - OUT OF SENTENCING DISTRICT	10
INCIDENT REPORT (CCC'S)	11
INMATE RIGHTS AT CENTER DISCIPLINE COMMITTEE HEARING	11
NOTICE OF CENTER DISCIPLINE COMMITTEE HEARING (CCC'S)	11
PASS REQUEST AND APPROVAL	10
QUESTIONNAIRE - SENTENCING DISTRICT	10
URINE SAMPLING PROGRAM (CCC'S)	10
WAIVER OF CCC DRUG TREATMENT REQUIREMENT	10
WAIVER OF APPEARANCE (CCC'S)	11

INTRODUCTION

The Bureau of Prisons (BOP) provides community-based residential and nonresidential correctional services through contractual agreements with state, county and city governments and private corrections contractors. These contractors provide services which include employment and residence development and other self-improvement opportunities to assist federal offenders in becoming law-abiding citizens.

1. OBJECTIVE. The objective is to establish a Community Corrections Center (CCC) that provides comprehensive community-based services for offenders, i.e., offenders who are in the custody of the BOP, United States Attorney General, or under the supervision of the United States Probation Office (USPO).

2. STATEMENT OF WORK (SOW). The SOW sets forth the contract performance requirements for the management and operation of a CCC for federal offenders. The contractor shall ensure that the CCC operates in a manner consistent with the mission of the BOP. The mission is to protect society by confining offenders in the controlled environments of prisons and community-based facilities that are safe, humane, cost efficient and appropriately secure, that provide work and other self-improvement opportunities to assist offenders in becoming law-abiding citizens.

3. PLACEMENT OF OFFENDERS. Only the Community Corrections Manager (CCM) can approve a federal offender's placement at a CCC.

4. CONTRACTOR'S RESPONSIBILITY. The contractor shall furnish all personnel, management, equipment, supplies and services necessary for performance of all aspects of the contract. Unless explicitly stated otherwise, the contractor is responsible for all costs associated with and incurred as part of providing the services outlined in this contract.

5. BOP'S PHILOSOPHICAL BASE. The BOP can successfully carry out its mission because its operations are firmly grounded in a set of common values and functional goals. A clear vision of the BOP's organizational and individualized responsibilities exist among employees. The BOP, as an organization, has a "culture" – a set of values and shared attitudes that guide staff's actions. These values are a source of pride and professionalism to all employees, as they see them reflected in safe, humane and cost effective operations, and in the fair treatment of offenders. The following values are important for contract employees to understand, because they describe some of the major portions of the BOP's culture.

- Sound Correctional Management – The BOP maintains effective security and control of its offenders in CCC facilities utilizing

the least restrictive means necessary. This approach is the essential foundation of all sound correctional management programs.

• Correctional Workers First – All BOP employees share with contract employees a common role as correctional workers and a mutual responsibility for maintaining safe and secure facilities and for modeling society's mainstream values and norms to offenders.

• Promotes Integrity – The BOP firmly adheres to a set of values that promotes honesty, integrity, and professionalism in order to ensure public confidence in its programs. These values also include the agency's prudent use of its allocated resources.

• Recognizes the Dignity of All – Recognizing the inherent dignity of all human beings and their potential for change, the BOP treats offenders fairly, is responsive to their needs, and affords them opportunities for self-improvement to facilitate successful re-entry into the community. The BOP recognizes that offenders are incarcerated as punishment, not for punishment.

• Community Relations – The BOP recognizes and facilitates the integral role of the community in accomplishing the BOP's mission. The BOP also works cooperatively with other law enforcement agencies, the Courts, and other components of the Government. BOP staff visit regularly with CCC contract employees to exchange information on areas of mutual concern. CCCs have proven to be invaluable in maintaining a productive link between the institution and the community in which it is located.

• High Standards – The BOP requires high standards of staff integrity, safety, security, sanitation, and discipline, which promotes a physically and emotionally sound environment for both staff and offenders.

One of the most important things a contract employee can do – for offenders and for society – is to motivate offenders to take advantage of self-improvement opportunities while confined. Contract employees also have an important responsibility to provide a model of mainstream values and standards to offenders in their daily lives and their work in the community. These elements – helping and motivating – call for a caring attitude toward offenders, one that sensibly meshes with the BOP's responsibility to protect society with the joint role the BOP has with the community and offender during the rehabilitation process.

Contract employees need to be firm but fair, humane but careful, in their interactions with offenders. It is possible to maintain security without compromising humane offender care.

Corrections is an important part of the rehabilitative process — offering the programs and services that can help offenders when they return to the community. Offenders should be provided information on these programs, presented in a way that encourages and motivates them to participate.

The CCC has an obligation to provide offenders with an opportunity to acquire the "tools" for self-improvement and law-abiding behavior upon release. Offenders must participate in maintaining family and community ties, through correspondence, visitation and planning for eventual release through participation in pre-release classes and other programs. They have the obligation to honor their debts and begin payment while confined. Each offender is personally responsible for taking advantage of available CCC programs.

These are important guiding principles for contract employees. They provide direction for decisions that carry out the BOP's mission. They also are the foundation of many expectations that the BOP will place on contract employees throughout performance of the contract.

6. CONTRACT PERFORMANCE. All services and programs shall comply with the SOW; the U.S. Constitution; all applicable federal, state and local laws and regulations; applicable Presidential Executive Orders (E.O.); all applicable case law; and Court Orders. Should a conflict exist between any of the aforementioned standards, the most stringent shall apply. When a conflict exists and a conclusion cannot be made as to which standard is more stringent, the BOP shall determine the appropriate standard. The contractor shall comply with and implement any applicable changes to BOP policy, Department of Justice (DOJ) regulation, Congressional mandate, Federal law or E.O.

Should the BOP invoke such changes, the contractor retains rights and remedies to equitable adjustment under the terms and conditions of the contract.

BOP reserves the right to enter into negotiations with the contractor to change the conditions or procedures in this SOW and contract.

BOP reserves the right to have various staff monitor contract performance. The BOP reserves the right to conduct announced and unannounced inspections of any part of the facility at any time and by any method to assess contract compliance. The BOP may investigate any incident pertaining to the performance of this contract. The contractor shall comply and cooperate with the BOP on all investigations, monitoring visits, inspections and inquiries.

The contractor shall report all criminal activity related to the performance of this contract to the appropriate law enforcement investigative agency, e.g., Federal Bureau of Investigation, United States Marshals Service, state and local authorities, and immediately notify the CCM of the report. The contractor shall immediately report to the CCM any person or agency requesting to use an offender in any investigation.

The contractor shall submit any request for contract changes through the CCM to the Contracting Officer (CO) for approval.

Should electronic media, e.g., the Internet, be used by the contractor, the contractor shall manage the information in accordance with Federal law, regulations and policies of the U.S. Department of Justice and BOP. Offenders shall not have direct access to the Internet in the facility.

The BOP Internet web page (WWW.BOP.GOV) is available to the contractor as a resource for information.

7. SCOPE OF WORK. The contractor shall comply with all requirements in this SOW and other reference documents as indicated. The technical proposal is incorporated into the contract unless otherwise stated in the contract or defined by the CCM.

The contractor has affirmative responsibility to ensure proper management and oversight of their program. Absentee ownership shall not mitigate program integrity, responsiveness or responsibility.

The contractor shall protect, defend, indemnify, save and hold harmless the United States Government, the BOP and its employees or agents, from and against any and all claims, demands, expenses, causes of action, judgements and liability arising out of, or in connection with, any negligent acts or omissions of the contractor, its agents, subcontractors, employees, assignees or any one for whom the contractor may be responsible.

The contractor shall also be liable for any and all costs, expenses and attorneys fees incurred as a result of any such claim, demand, cause of action, judgement or liability, including those costs, expenses and attorneys fees incurred by the United States Government, the BOP and its employees or agents. The contractor's liability shall not be limited by any provision or limits of insurance set forth in the resulting contract.

In awarding the contract, the Government does not assume any liability to third parties, nor will the Government reimburse the contractor for its liabilities to third parties, with respect to loss due to death, bodily injury, or damage to property resulting

in any way from the performance of the contract or any subcontract under this contract.

The contractor shall be responsible for all litigation, including the cost of litigation, brought against it, its employees or agents for alleged acts or omissions. The CO shall be notified in writing of all litigation pertaining to this contract and provided copies of any pleadings filed or said litigation within five working days of the filing. The contractor shall provide the CCM copies of all documents. The contractor shall cooperate with Government legal staff and/or the United States Attorney regarding any requests pertaining to federal or contractor litigation.

The contractor shall develop operational policies and procedures that follow the requirements contained in this SOW and to generally accepted correctional practice as defined by the COTR.

Except as otherwise provided for in this SOW, all federal offenders shall receive the same treatment and services.

EXPLANATION OF TERMS

AVERAGE MONTHLY POPULATION (AMP) - The contractor adds the days invoiced on the monthly bill for three consecutive months and divides by three to determine the AMP.

BUREAU OF PRISONS (BOP) - A component of the Department of Justice responsible for federal offenders sentenced to a term of imprisonment.

BOP INTERNET HOME PAGE - www.bop.gov

CALIFORNIA TECHNICAL BULLETINS - The California Bureau of Home Furnishings and Thermal Insulation enforces California statutes and regulations governing upholstered furniture, bedding, and thermal insulation industries.

The bulletins referenced in the SOW are published by the California Bureau of Home Furnishings and Thermal Insulation. The Bureau of Home Furnishings and Thermal Insulation are available by contacting the following address: 3485 Orange Grove AVE; North Highlands, California, 95660; (916) 574-2041.

COMMUNITY CORRECTIONS CENTER (CCC) - The location in which the Contractor's programs are operated; also called facility, center, community treatment center (CTC), or a halfway house. A CCC is considered a penal or correctional facility.

COMMUNITY CORRECTIONS MANAGER (CCM) - The BOP employee responsible for all functions, programs and services related to Community Corrections within a judicial district(s).

COMMUNITY CORRECTIONS MANAGEMENT CENTER ADMINISTRATOR (MCA) - The BOP employee who supervises the CCM. The MCA exercises responsibility for Community Corrections operations and programs within a geographical area originally covering more than one CCM office.

COMMUNITY CORRECTIONS REGIONAL ADMINISTRATOR (CCRA) - The BOP employee responsible for all Community Corrections functions, services and operations within a region.

COMMUNITY CORRECTIONS REGIONAL SAFETY SPECIALIST (CCRSS) - a BOP staff member responsible for contract compliance with county, city, state, federal and national safety policies.

COMPREHENSIVE SANCTIONS CENTER (CSC) - The location in which the Contractor's programs are operated; also called facility or a halfway house. A CSC is considered a penal or correctional facility.

CONTRABAND - Contraband will be considered anything not authorized for retention by the facility rules and regulations or not issued by authorized staff.

CONTRACT AWARD - The date the Contracting Officer signs the contract.

CONTRACT EMPLOYEE - Contract employee means individuals hired by the contract to perform the services required by the SOW. The terms contract employee, employee, staff and contract staff are used interchangeably throughout this document.

CONTRACT OVERSIGHT SPECIALIST (COS) - The BOP employee who, under the direction of the CCM, inspects and monitors contract compliance.

CONTRACTING OFFICER (CO) - A BOP employee with the authority to enter into, administer, negotiate, award, cancel and/or terminate contracts, and make related determinations and findings on behalf of the United States Government.

CONTRACTING OFFICER'S TECHNICAL REPRESENTATIVE (COTR) - A BOP employee ordinarily a CCM, designated in writing by a CO to act as an authorized representative in monitoring and administering a contract. Acts as technical liaison between the Contractor and the CO. (See Section G of the solicitation for an expanded outline of these authorities and responsibilities.)

CONTRACTOR - The individual, partnership, corporation or other legal entity who has been awarded a contract by the BOP. ("contractor employees," "staff," "provider" and "contractor" are used interchangeably throughout this document.) All staff from the Chief Executive Officer (CEO) level to line staff are included.

DISABILITY - Person with a disability has a permanent physical or mental impairment that substantially limits one or more major life activities; has a record of such an impairment; or is perceived as having such an impairment.

DISCIPLINE HEARING OFFICER (DHO) - A BOP employee responsible for conducting fact-finding hearings covering alleged acts of misconduct and violations of prohibited acts including those acts which could result in criminal charges.

EMERGENCY - Any significant disruption (e.g., adverse weather, bomb threat, disturbances, escape, fire, hostage, work or food strike, etc) of normal facility procedures, policy or activity.

ELECTRONIC MONITORING EQUIPMENT - Equipment which monitors a federal offender's compliance with the CSC Electronic Monitoring Program's conditions. The program has a system of accounting for an offender at all times, including verification of activities, reporting of tardiness and/or absences from required services or activities, as well as other program violations.

HOME CONFINEMENT - Home Confinement is a generic term used to cover all circumstances in which a federal offender is required to remain at home during non-working hours of the day.

INDIGENT - Indigent is a condition an offender experiences when they are physically or mentally disabled and impoverished to the point that they are temporarily unable to earn money. Participation in the CSC

should remedy this situation and assist the offender in becoming self-sufficient.

INMATE - (see resident)

INVESTIGATING OFFICER. Refers to the disciplinary process. The term Investigating Officer refers to an employee of supervisory level who conducts the investigation concerning alleged charge(s) of offender misconduct. The Investigating Officer may not be the employee reporting the incident, or one who was involved in the incident in question.

NFPA, NATIONAL FIRE PROTECTION ASSOCIATION - The National Fire Protection Association (NFPA), headquartered in Quincy, Massachusetts, USA, is an international, nonprofit, membership organization founded in 1896 to protect people, their property and the environment from destructive fire. The mission of NFPA, which was organized in 1896, is to reduce the burden of fire on the quality of life by advocating scientifically based consensus codes and standards, research and education for fire and related safety issues.

The codes referenced in the SOW are available by contacting NFPA at the following address: 1 Batterymarch Park Quincy, MA 02269-9101 USA Telephone: (617) 770-3000 Fax:(617)770-0700; Customer Sales Department at 800-344-3555; Internet Home Page: NFPA.ORG

OSHA, OCCUPATIONAL SAFETY & HEALTH ADMINISTRATION - regulates occupational safety and health standard which requires conditions, or the adoption or use of one or more practices, means, methods, operations, or processes, reasonably necessary or appropriate to provide safe or healthful employment and places of employment.

OFFENDER - (see resident)

OFFEROR - The individual, partnership, corporation or other legal entity who submits a proposal in response to the BOP's needs outlined in a solicitation.

PROGRAM STATEMENT (P.S.) - A BOP written directive that establishes policy procedures in a given area. (Available on BOP Internet web page.)

PRELIMINARY SITE INSPECTION - One BOP scheduled, on-site inspection of the offeror's facility and location (place of performance) for evaluating the proposed site.

PREOCCUPANCY INSPECTION - One BOP scheduled, on-site inspection of the Contractor's place of performance to ensure facility repairs or renovations have been completed and minimum programmatic requirements have been met so performance may begin.

PRE-TRIAL DEFENDANT - ordinarily means a person awaiting trial, being tried, or awaiting a verdict. The term "pre-trial inmate" also includes a person awaiting sentence after having pleaded or been found guilty when the BOP has not received notification of conviction.

PRE-TRIAL SERVICES OFFICER (PSO) - An officer of the federal court responsible for supervising federal defendants, before trial or sentencing, as directed by the federal court. PSOs are more common in large metropolitan areas. U.S. Probation Officers (USPOs) function in the capacity of a PSO in most judicial districts. The terms USPO and PSO may be used interchangeably throughout this document about pre-trial service defendant responsibilities.

PRISON LITIGATION REFORM ACT (PLRA) - For the purpose of this SOW, the CCM will identify PLRA case to the contractor with specific instructions. Specific requirements are outlined in the chapters on Programs and Discipline.

REASONABLE COSTS - The costs of travel (airfare, rental car, etc.) and per diem allowances for United States Government travel, as set forth in the federal Travel Regulations.

REGIONAL TRANSITIONAL DRUG ABUSE TREATMENT COORDINATOR (REGIONAL T-DATC)
- The BOP employee who is responsible for placing offenders in Transitional Drug Abuse Treatment (TDAT), procuring treatment, monitoring treatment providers, certifying bills, ensuring quality control, and performing liaison activities among federal institutional programs, U.S. Probation, and contract community treatment providers.

REGISTERED DIETICIAN (RD) - RD means that a person has completed academic and experience requirements established by the Commission on Dietetic Registration, the credentialing agency for American Dietetic Association (ADA).

RESIDENT - federal inmate, inmate, prisoner or offender. The terms resident, inmate, prisoner and offender are used interchangeably throughout this document.

ROUTINE MONITORING
- The BOP's scheduled and unscheduled, on-site inspection visits to the Contractor's facility to evaluate performance.

Facilities with an average daily population of federal offenders of 15 or fewer, there will be at least one full monitoring and at least two unannounced interim monitoring visits every 18 months.

Facilities with 16 to 30 federal offenders will have at least one full monitoring and at least two unannounced interim monitoring visits every 12 months.

Facilities with 31 or more federal offenders will have at least one full and three unannounced interim monitoring visits every twelve months.

TYPES OF OFFENDERS - The BOP places several types of offenders in a CSC. There are many variables which determine the type and how an offender is placed and programed in a CSC. To avoid confusion, the contractor should consider two broader categories, BOP and USPO cases. It is important to understand which case the offender is assigned

because of the differences in programing. The CCM will provide direction in this regard.

Confinement of all BOP cases are reimbursable. Confinement of USPO cases are reimbursable except pre-trial defendants. The CCM can answer questions regarding reimbursable offenders.

a. Direct Court Commitment. Direct court commitment offender is a BOP case when a U.S. District Court Judge or Magistrate Judge has imposed a short sentence of confinement (ordinally a year or less) with the recommendation that it be served in a contract CSC or a jail-type location. Direct court commitment also includes cases when a Court imposes a term of imprisonment for the revocation of probation or supervised release.

b. Condition of Supervision Placement. Offenders under conditions of probation or supervision by the Court, or parole or mandatory release supervision by the U.S. Parole Commission may be ordered to reside in a CSC for a period of time. These placements are USPO cases.

c. Community Confinement. Community Confinement offender is under custody and a BOP case who resides in a CSC and participates in gainful employment, employment search efforts, community service, vocational training, treatment, educational programs, or similar facility approved programs as a condition of supervised release or probation.

d. Intermittent Confinement. Intermittent Confinement offender is under custody and a BOP case who resides in a CSC during nights, weekends, or other intervals.

e. Institution Transfers. Institution transfer is a BOP case who has transferred from a federal institution and is completing the last portion of their sentence.

UNIVERSAL PRECAUTIONS - as defined by Centers for Disease Control and Prevention (CDC), Department of Health and Human Services, are a set of precautions designed to prevent transmission of human immunodeficiency virus (HIV), hepatitis B virus (HBV), and other blood borne pathogens when providing first aid or health care. Under universal precautions, blood and certain body fluids of all patients are considered potentially infectious for HIV, HBV and other blood borne pathogens.

U.S. PROBATION OFFICER (USPO) - An officer of the United States District Court responsible for supervising USPO federal offenders.

VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT (VCCLEA) - For the purpose of this SOW, the CCM will identify VCCLEA case to the contractor with specific instructions. Specific requirements are outlined in the chapters on Programs and Discipline.

EXHIBIT 4

4

Video

(Campbell)

EXHIBIT 5

COUNCIL OF THE DISTRICT OF COLUMBIA
WASHINGTON, D.C. 20004

through Ex. 14
Correspondence

- Orange
- Temple
- Clark
- Nobe
- Graham

January 13, 2003

Mr. David Clark
Director
Department of Consumer and
Regulatory Affairs
941 North Capitol Street, N. E.
Washington, D. C. 20002

Dear Mr. Clarke:

I am requesting that you immediately place a "stop work" order on building construction taking place on 2210 Adams Place, NE to prevent the inappropriate opening of a 150 bed corrections facility for the purpose of housing 150 inmates by Bannum, Inc. The area is zoned industrial and consequently does not allow for residential use. The contract issued to Bannum by The Federal Bureau of Prisons is for 5 years. The building construction permit issued by your department is a temporary permit for three years. Additionally, Bannum has never presented its proposal to the affected Advisory Neighborhood Commission (ANC) for a vote by the entire body. The ANC is on record as opposing the facility and will participate in a community town hall meeting Tuesday evening, January 21st to oppose the facility.

I have opposed the opening of this facility since I first learned of Bannum's interest in housing inmates in this industrial zone, and have written letters to the Federal Bureau of Prisons stating my opposition. By letter to Councilmember Sharon Ambrose, Chair of the Committee on Consumer and Regulatory Affairs, I have requested that she holds an investigatory oversight hearing on the construction of this facility and the issuance of permits from your department.

Your immediate response to this request is necessary. My Chief of Staff, Estell Mathis-Lloyd, is assisting me in this matter. She can be reached on (202) 724-8067. Her email address is: elloyd@dccouncil.washington.dc.us.

Sincerely,

Vincent B. Orange, Sr.
Councilmember, Ward 5

EXHIBIT 6

COUNCIL OF THE DISTRICT OF COLUMBIA
WASHINGTON, D.C. 20004

January 15, 2003

The Honorable Sharon Ambrose, Chair
Committtee on Consumer
and Regulatory Affairs
Council of the District of Columbia
1350 Pennsylvania Avenue, N. W.
Washington, D. C. 20004

Dear Councilmember Ambrose:

I am forwarding to you a copy of a letter I sent to David Clark, Director of the Department of Consumer and Regulatory Affairs, requesting a "stop work" order on building construction taking place at 2210 Adams Place, NE to prevent the inappropriate opening of a 150 bed corrections facility for the purpose of housing 150 inmates by Bannum, Inc.

I am vehemently opposed to the opening and operation of this facility. First, the area is zoned industrial. Second, Bannum's contract is for 5 years, the permit obtained from DCRA is a temporary permit for three years. Finally, the affected ANC is on record as opposing it.

In addition to requesting a "stop work" order, I am requesting that you, as Chair of the Committee on Consumer and Regulatory Affairs, investigate this matter and hold an oversight hearing to determine why DCRA has issued a permit to construct a residential facility in an industrial zone.

Your immediate attention to this request is appreciated. Thank you.

Sincerely,

Vincent B. Orange, Sr.
Coucilmember, Ward 5

EXHIBIT 7

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Department of Consumer and Regulatory Affairs

Office of the Director



RECEIVED
2003 FEB -4 PM 3:34
COUNCILMEMBER ORANGE

January 31, 2003

The Honorable Vincent B. Orange, Sr.
Ward 5 Councilmember
Council of the District of Columbia
1350 Pennsylvania Avenue NW
Washington DC 20004

Ref: . 2210 Adams Street NE

Dear Councilmember Orange:

This is in response to your letter dated January 15, 2003, in which you asked that a stop work order be placed on construction taking place at the referenced address.

The intended use, a 150-bed community corrections center, is institutional. The property is located in a C-M-2 zone, which permits such a use.

The building permit that was issued for this property (#B425438) does not have a three-year expiration date. However, pursuant to DCMR 11, 801.7 (k), a..."temporary detention or correctional institution on leased property" is limited to a period of use not to exceed three years in a C-M zone, unless a special exception has been approved by the Board of Zoning Adjustment. DCRA will ensure that the certificate of occupancy for this property, when issued, specifically limits the use of this property as a correctional institution to three years, as stated in the zoning regulations.

Do not hesitate to contact me if you have additional questions

Sincerely,

David A. Clark
Director

cc: Theresa Lewis
Denzil Noble
Robert Kelly

941 North Capitol Street, N.E., Suite 9500, Washington, D.C. 20002
Phone: (202) 442-8947 Fax: (202) 442-9445

EXHIBIT 8

Temple Law Offices

1200 G Street, N.W., Suite 370
Washington, D.C. 20005

Telephone (202) 628-1101
Facsimile (202) 628-1149
E-mail: Templepc@aol.com

Donald M. Temple ★ ▶

Associate
Jeanett P. Henry ★ ◆

Of Counsel
Everett Bellamy ◀
Warner Session ★

Admitted District of Columbia Bar ★
Admitted Maryland Bar ◆
Admitted Ohio Bar ◀
Admitted Pennsylvania Bar ▶

URGENT ATTENTION REQUESTED

February 7, 2003

BY HAND DELIVERY

Mr. David Clark
Director
Department of Consumer
and Regulatory Affairs
941 North Capital Street, N.E.
Washington, D.C. 2002

Dear Mr Clark:

Please be advised that I have agreed to represent the Concerned Citizens for Ward 5, Inc. This letter is written on their behalf and underscores their strenuous opposition to Bannum, Inc.'s ("Bannum") efforts to locate a Community Based Residential Facility at 2210 Adams Street, NE without seeking proper zoning approval and appropriate input from its citizens and elected leaders, thereby strategically attempting to circumvent the law. To this end, we are carefully monitoring developments and have been made aware of a January 13, 2002 letter from Councilmember Vincent Orange to you and your January 31, 2002 response. Based upon the record in this matter we urge that the views stated in your response be retracted and further, that you immediately issue a stop work order at this facility until the contractor secures zoning approval, consistent with District of Columbia law.

On or around December 13, 2002 the United States Department of Justice, Bureau of Prisons ("BOP") awarded Bannum a contract to provide a Community Correctional Center in the District of Columbia. In its bid solicitation, the contractor was required to submit "satisfactory proof" in writing that it met all zoning requirements, including documentation from "necessary local officials stating that the contract may be performed at the proposed site(s) in accordance with the current zoning and other requirement of the local jurisdiction."

In response to this requirement Bannum's law firm, Holland & Knight, transmitted a letter dated December 11, 2000 to Michael Johnson, then Acting Zoning Administrator, which stated that Bannum intended to lease the subject property for use as a "Residential Community Corrections

Center ("CCC") under a contract with the Department of Justice. (See Attachment A). It then provided a definition of the CCC that essentially describes a Community Based Residential Facility ("CBRF"). That letter correctly noted that this area is zoned as Commercial Light Manufacturing ("CM-2") and that a "[t]emporary detention or correctional institution on leased property for a period not to exceed three (3) years" was permitted in this District as a matter of right. A CBRF, however, is not a "temporary detention or correctional institution." The letter peculiarly elicited a "concurrence" from the Acting Zoning Administrator with the law firm's "interpretation of this section of the zoning regulations" which Mr. Johnson gave. The same exact concurrence was taken almost a year later when the law firm wrote to Acting Zoning Administrator Olutoye Bello. (Attachment 2). Mr. Carter has discussed this matter directly with Robert Kelly, the present Zoning Administrator, who indicated that the aforementioned two letters were not in the official file on this case and further, that there is no matter of right zoning which permits Bannum's CBCF to be located in this CM-2 zoned area.

According to Title 11 DC Municipal Regulations Section 199, a CBRF is a "residential facility for persons who have a common need for treatment, rehabilitation, assistance, or supervision in their daily living." The Regulations further state: "If an establishment is a community based residential facility as defined in this section, it shall not be deemed to constitute any other use permitted under the authority of these regulations." The Regulations then provide a list of subcategories for this type of facility: adult rehabilitation home, Community residence facility, Emergency shelter, Health care facility, Substance abusers home, Youth Rehabilitation home and a Youth Residential Care home. Unless we are mistaken, the proposed facility is an Adult Rehabilitation Home. As explained to the community it fits no other definition in the Municipal Regulations.

Herein lies the problem. Two District of Columbia Acting Zoning Administrators, for some unexplained reason, did not understand that the CCC facility Bannum proposed to locate in this CM-2 zone was actually a CBRF, *not* a "temporary detention or residential facility." Thus, the facility did not enjoy "matter of right" zoning. Perhaps their repeated concurrences can be attributed to the fact that nowhere in these letters were the terms "Community Based Residential Facility" or "halfway house"referenced. Given their role as gatekeepers of the public interests and that their actions had significant legal implications, it is quite troubling that neither of these officials sought independent legal opinions from DC Zoning Commission attorneys and/or the Office of the Corporation Counsel prior to concurring with a private law firm's statement of the issue and view of the matter. We think that the circumstances surrounding the Zoning Administrators' execution of these two concurrences should be carefully scrutinized by appropriate government officials and agencies, including yourself, because the referenced concurrences and the manner in which Bannum has approached government
approval of the CBRF at issue may violate public policies and District of Columbia law.

One can't help but wonder why BOP's contract review staff accepted DC Zoning Administrators' "concurrences" on non-government stationery in response to an inquiry which never specifically mentioned the term "CBRF" or "halfway house" as satisfactory documentation

of compliance with DC zoning laws. It appears that the Bureau of Prisons procurement staff erroneously relied on these concurrences about broad and non-specific interpretations of the District of Columbia Zoning laws in awarding this contract and also failed consider the affected community's adamant opposition to the location of the facility thus engendering maximum distrust not only of Bannum and the BOP at a time when strong community support is needed most.

If you take no action on this issue, you will effectively sanction the possible circumvention and violation of District of Columbia zoning laws. Councilmember Orange's January 13, 2002 letter requested that you "immediately place a stop work order on this building construction" to prevent an inappropriate opening of the proposed 150 bed facility. Your January 31, 2003 response was woefully inadequate and was based on the same woefully inadequate interpretation of the facts to which former Zoning Administrators Johnson and Bello concurred, to wit, that "the intended use, a 150 bed community correctional center, is institutional." "Institutional" is not the applicable legal standard. Unless retracted, for for the third time the District Government will have failed to uphold its public duty to independently assess the specific proposed use of the property at issue thereby turning a blind eye to what may be a clear violation of District of Columbia zoning laws and circumvention of public interests.

Against this backdrop, The Concerned Citizens for Ward 5, Inc. reiterate Councilmember Orange's January 13, 2003 request that you immediately issue a "stop work" order on this facility and require the contractor to secure the necessary and appropriate zoning approvals required by District of Columbia law. Further delays by the government will only complicate this matter.

Should you wish to more fully understand the volatility and sensitivity of this issue, please feel free to attend our next Community meeting on February 11, 2003. On behalf of the Concerned Citizens of Ward 5, I thank you in advance for your immediate attention.

Respectfully,

Donald M. Temple, Esq.

cc: Councilmember Vincent Orange
Councilmember Sharon Ambrose
Councilmember Linda Cropp
Councilmember Adrian Fenty
Councilmember Kevin Chavous
Councilmember Sandy Allen
Councilmember David Catana
Councilmember Phil Mendelson
Ms. Kathyleen Hawksawyer, Bureau of Prisons
Charles Maddox, D.C. Inspector General

EXHIBIT 9

2002 SEP 23 PM 3:42
D.C. OFFICE OF ZONING

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF PUBLIC HEARING

TIME AND PLACE: **Monday, December 16, 2002 @ 6:30 P.M.**
Office of Zoning Hearing Room
441 4th Street, N.W. - Suite 220
Washington, D.C. 20001

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

Case No. 02-21 (Text Amendment – CBRFs in C-M Districts)

THIS CASE IS OF INTEREST TO ALL ANCs:

On May 7, 2002, the Office of Zoning received a request from Holland & Knight, LLP requesting a text amendment to allow community based residential facilities ("CRRFs") as a special exception in the C-M Districts pursuant to District of Columbia Zoning Regulations, 11 DCMR (July 1995, as amended). The proposed amendments are as:

1. Add a new § 802.10, to read as follows:

802.10 Community based residential facilities in the following subcategories shall be permitted in the C-M-1 and C-M-2 Districts, if approved by the Board of Zoning Adjustment in accordance with the conditions specified in § 3104 of Chapter 31 of this title:

(a) Youth residential care home or community residence facility for up to twenty-five persons, not including resident supervisors or staff and their families;

(b) Health care facility for up to 300 persons, not including resident supervisors or staff and their families;

(c) Emergency shelter for up to 120 persons, not including resident supervisors or staff and their families; and

(d) Youth rehabilitation home, adult rehabilitation home or substance abusers home for up to twenty persons, not including resident supervisors or staff and their families.

(e) In all subcategories, the following standards and requirements shall apply:

ZONING COMMISSION
District of Columbia
Case 02-21
Exhibit 13

Information should be forwarded to the Secretary of the Zoning Commission, Office of Zoning, Suite 210, 441 4th Street, N.W., Washington, D.C., 20001. Please include the number of this particular case and your daytime telephone number. **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

CAROL J. MITTEN, ANTHONY J. HOOD, JOHN G. PARSONS, JAMES H. HANNAHAM, AND PETER G. MAY---------- ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY JERRILY R. KRESS, FAIA, DIRECTOR, AND BY ALBERTO P. BASTIDA, AICP, SECRETARY TO THE ZONING COMMISSION.

EXHIBIT 10

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

Building and Land Regulation Administration
Office of the Administrator

February 21, 2003

Donald Temple Esq.
Temple Law Offices
1200 G Street NW
Suite 370
Washington DC 20005

RE: 2210 Adams Street NE Zone, C-2-M

Dear Mr. Temple:

This letter is in response to your letter dated February 7, 2003, concerning the referenced address. The intended use, a 150-bed community corrections center, is institutional. The property is located in a C-M-2 zone, which permits such a use.

The building permit that was issued for this property (#B425438) does not have a three year expiration date. However, pursuant to DCMR 11, 801.7 (k), a...."temporary detention or correctional institution on leased property " is limited to a period of use not to exceed three years in a C-M zone, unless a special exception has been approved by the Board of Zoning Adjustment. DCRA will ensure that the certificate of occupancy for this property, when issued, specifically limits the use of this property as a correctional institution to three years, as stated in the zoning regulations.

In your letter you indicate that the approval of a construction permit was not consistent with the District of Columbia laws. It would assist us in providing a response if you could provide us with the sections of the codes and or laws to which you refer.

Your concerns involving previous Zoning Administrators' concurrences on non-governmental stationary have been addressed. This practice is no longer used by this office.

Should you have questions, contact me at 442-4455.

Sincerely,

Denzil Noble
Acting Administrator

Cc David Clark
Theresa Lewis
Robert W. Kelly

#166441

EXHIBIT 11



DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BUILDING AND LAND REGULATION ADMINISTRATION

Form BLRA14
(Rev. 4/95)

PERMIT NO. B425438
LOT SQUARE

BUILDING PERMIT/ALTER & REPAIR

CHARGE 154791

PERMIT FEE
$5,385.00

OWNER: YARROW CENTER
ADDRESS: 2210 ADAMS PLACE N.E.
XXXTELEPHONE
NAME&ADDR OF
ZONE ADDRESS:

12/12/97

CHANGE TENANT WAREHOUSE SPACE TO 150 [illegible] CORRECTIONAL FACILITY.
SEPARATE FOR ELEC., SEPARATE PLUMBING & MECHANICAL INSTALLATION PERMITS ARE
REQUIRED. THIS PERMIT DOES NOT AUTHORIZE OBSTRUCTING PUBLIC SIDEWALK WITH
TRUCKS. PRIVATE PROPERTY ONLY.
ZONE: C-2 1 STORY
OWNER'S ADDRESS: SAME

PERMIT

to perform the work described herein at the address shown above under the conditions stated on BOTH sides of this permit. Authorized work and conditions of performance thereof.

THIS PERMIT MUST ALWAYS BE CONSPICUOUSLY DISPLAYED AT ADDRESS OF WORK UNTIL WORK IS COMPLETED.

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
FOR INSPECTIONS CALL: 727-7610
442-4641

L. CLARK
DIRECTOR

OFFICE COPY

Chief, Permit Issuance Branch

By _____
Permits Clerk

01/09/03 13:32 FAX 2027277661 BLRA/PPD

PREFIX	NUMBERS	ZONING DISTRICT	FILE NUMBER	PERMIT NUMBER
Ex. Lot:	Sq. No.:	C-M-2		
H.P.A. No.:	S.O. No.:	Ward No.:	Receipt No.:	Date: / Receipt No.:

★ ★ ★ GOVERNMENT OF THE DISTRICT OF COLUMBIA

BLRA-33 (Rev. 2/97)

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BUILDING AND LAND REGULATION ADMINISTRATION; PERMIT PROCESSING DIVISION (727-7890)

APPLICATION FOR CONSTRUCTION PERMITS ON PRIVATE PROPERTY

(PRINT IN INK OR TYPE; DO NOT WRITE IN SHADED AREAS OR ON PAGE 4)

ERASING, CROSSING OUT, WRITING OVER, OR OTHERWISE ALTERING ANY ENTERED INFORMATION WILL VOID THIS APPLICATION

ENTRANCE TO FILE

(A) ALL APPLICANTS MUST COMPLETE ITEMS 1 THRU 27

1. Address of Proposed Work:	Suite No.:	2. Lot: PARCEL	Square:	4. Application Date:
2210 Adams Place, NE		154/81		10-9-02

5. Owner of Building or Property:	6. Address: (Include Zip)	7. Phone:
BANNUM CENTER	2210 Adams Place, NE	Work: Home:

8. Agent for Owner: (if applicable)	9. Address: (Include Zip)	10. Phone:
151 CATHERINE HARRISON	10616 Brookes Reserve Rd Upper Marlboro, MD 20772	Work: 301 627-8718 Home:

11. Type of Proposed Work (check all applicable boxes):

- ☐ New Building
- ☐ Addition
- ☑ Alteration and Repair
- ☐ Raze Building
- ☐ Retaining Wall
- ☐ Fence
- ☐ Shed
- ☐ Awning
- ☐ Garage
- ☐ Sign
- ☐ Other (Specify) _____

12. Description of Proposed Work:

change tenant warehouse space to 150 bed. community corrections center.

13. Existing Use(s) of Building or Property:	14. Ex. No. of Stories of Bldg.:	15. Ex. No. of Dwelling Units:	Official Use Only: Miscellaneous FEE $ By: Date:
warehouse	1	0	
16. Proposed Use(s) of Building or Property:	**17. Prop. No. of Stories of Bldg.:**	**18. Prop. No. of Dwelling Units**	
Community Correction center	1	150 beds	

19. Starting Date of Work:	20. Completion Date of Work:	21. Method of Removing Construction Debris:	22. Does the proposed work involve disturbing the earth or razing a building?
ASAP		☑ Pick-up Truck ☐ Dumpster ☐ Other (specify):	☐ Yes, answer q. 23 ☑ No, SKIP q. 23-27

23. Is the area of disturbed earth more than 50 sq. ft.?	24. Soil Erosion Control Methods:	25. Area of Offsite Drainage:	26. No. of Footings or Columns:	27. Size of Footings or Columns:
☐ Yes, answer q. 24-25 ☐ No, SKIP q. 24-25		sq. ft.		sq. ft.

ALWAYS SIGN THE APPLICATION ON PAGE 3 (SECTION I).

Complete Section B if the proposed work is new building, addition or alteration. (Page 2)
Complete Section C if the proposed work is razing a building. (Page 2)
Complete Section D if the proposed work is a retaining wall. (Page 2)
Complete Section E if the proposed work is a fence. (Page 3)
Complete Section F if the proposed work is a shed/garage. (Page 3)
Complete Section G if the proposed work is an awning. (Page 3)
Complete Section H if the proposed work is a sign. (Page 3)

267 e4-97a

OFFICIAL USE ONLY

	R	E	H	A	C
M					
P					
S					

PLANS

EXHIBIT 12

JIM GRAHAM
COUNCILMEMBER, WARD ONE
COUNCIL OF THE DISTRICT OF COLUMBIA
WASHINGTON, D.C. 20004

1350 Pennsylvania Avenue, N.W.,
Suite 406
Washington, D.C. 20004

202-724-8181
202-724-8109 fax

jgraham@dccouncil.washington.dc.us

Chair,
Human Rights, Latino Affairs &
Property Management Subcommittee

1st Vice Chair,
Board of Directors, WMATA/Metro

November 1, 2002

D.C. OFFICE OF ZONING
2002 NOV -6 AM 9:59

Carol Mitten, Chair
Zoning Commission
441 4th Street NW, Room 210
Washington, DC 20001

Re: Case No. 02-21 TA (Text Amendment - CBRFs in C-M Districts)

Dear Ms. Mitten:

I am writing to oppose the text amendment proposed in Case No. 02-21 TA. If approved, this proposal would allow large, emergency homeless shelters of up to 120 beds and all other types of Community Based Residential Facilities to be located in commercial-light manufacturing (C-M) and general industrial (M) zone districts throughout the District of Columbia. Ward One has its fair shar of CBRFs, and I would oppose any amendment that would allow them in expanded zones, especial since many C-M and M zone districts are located in or near residential neighborhoods.

This amendment seems problematic for other reasons, including:

- the proposed zoning amendment was initiated by one owner with respect to the proposed use of one property but nevertheless applies city-wide.
- no justification for a city-wide text amendment that dramatically changes the zoning rules for the location of CBRFs has been submitted.
- many residential neighborhoods are currently burdened and adversely impacted by truck traffic, noise, pollution and other effects from activities currently being conduct in C-M and M zone districts.
- districts zoned C-M and M may become dumping grounds for CBRFs because there are no immediate residential neighbors who can watch for zoning violations, illegal uses, and adverse impacts from uses approved by the BZA.

Therefore, I oppose this amendment and request that this letter be considered for the hearing on December 16, 2002.

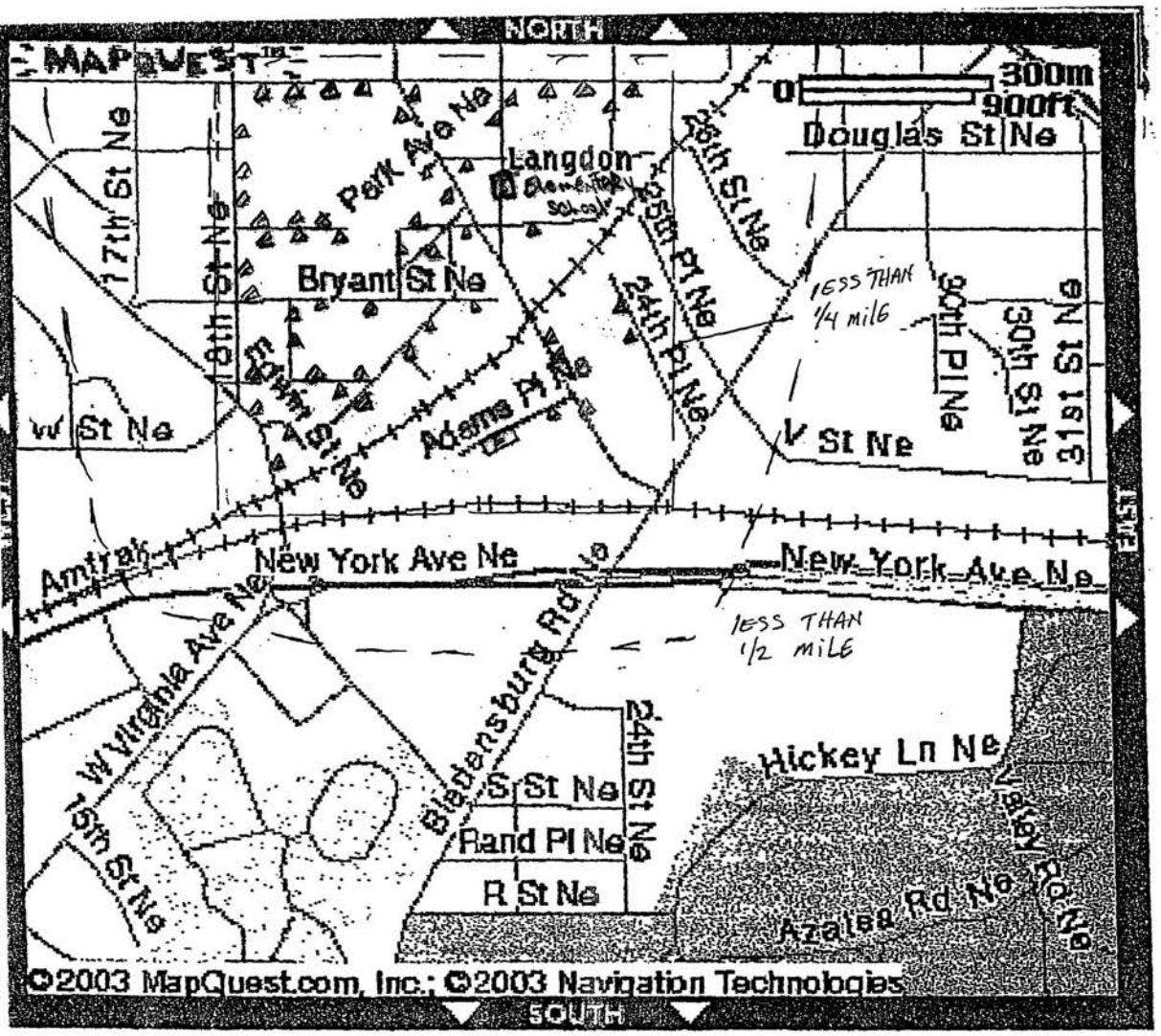
Sincerely,

J. Graham

cc: Darren Jones
JG/db

Zoning Commission
District of Columbia
Case 02-21
Exhibit 19

EXHIBIT 13



▲ Residences

[S] Elementary School

[F] Facility for Disabled

EXHIBIT 14

ARTICLES

Proposed halfway house meets vehement opposition

By Frank Zoretich
Tribune reporter

About 60 people from eight Northeast Heights neighborhoods heard a woman from West Virginia talk Wednesday night about her company's plan to establish a halfway house for federal prisoners near the intersection of San Mateo and Menaul N.E.

None said they liked the idea. Many said, often angrily, that they hated it.

Bannum Inc., a Florida-based company that has contracted with the U.S. Department of Justice to operate such facilities in several other states for the U.S. Bureau of Prisons, is asking the city for a zoning change that would allow it to lease for that purpose an existing office building at 5015 Prospect N.E., just west of San Mateo and a block south of Menaul.

Bannum is said to be one of three companies competing for a five-year federal contract currently held by La Pasada Halfway House, located at 2206 Fourth N.W.

If La Pasada's contract is not renewed, and if Bannum wins the contract and gets the zoning change, the proposed Bannum facility would house 34 federal prisoners, male and female, who have nearly completed their federal sentences or have been ordered to reside at a halfway house in lieu of being sentenced to federal prison.

Cathy Bellew, Bannum's senior operations manager, flew in from West Virginia to attend Wednesday's three-hour community information meeting conducted by city-hired facilitators at First Spanish Baptist Church, 2804 Bel Air Drive N.E.

Bellew said Bannum would accept only low-risk prisoners -- no one with a history of violence or sex offenses. But "people who have sold drugs" could be among those accepted, she added.

She said the residents are required to work 40 hours a week at outside jobs and return each night. Some would be allowed to be gone on weekends.

Halfway houses, she noted, are intended to help enable federal prisoners who have served part of their terms to re-establish work and family ties in the community and otherwise get ready to re-enter normal life.

Bellew said that there have been no

community problems caused by Bannum's facilities in other states.

Residents are subject to drug and alcohol tests, Bellew said. If they violate prohibitions against use of either drugs or alcohol or break any other Bannum House rules, they will be sent back to prison.

She said Bannum liked the Northeast Heights site because it is in a commercial district and it has access to public transportation so residents without cars can get to and from their jobs.

But people attending the meeting -- about half of them raised their hands at one point to indicate they were neighborhood business owners -- said in dozens of ways that they were opposed to Bannum's plan.

They said they feared for themselves, their homes, their children, their businesses and employees and the overall condition of the neighborhood if federal prisoners are moved into a halfway house at the Bannum-proposed site.

"Totally inappropriate," "mind-boggling" and "ludicrous" were among the milder sentiments voiced.

The Environmental Planning Commission is to consider Bannum's zoning-change request on March 16.

© The Albuquerque Tribune.

Users of this site are subject to our User Agreement. Please read it.

This item appeared in The Times & Free Press on Wednesday, August 11, 1999.



Ruby Eberhardt, James Shoulders and Tommy Ashford, from left, discuss attending the City Council meeting Tuesday night where a South Chattanooga halfway house was turned down. Mr. Ashford is president of the Alton Park-Piney Woods Community Coalition.
Staff Photo by Angela Lewis

Neighbors Win; Halfway House Turned Down

By KATHY GILBERT
Staff Writer

Residents of a South Chattanooga neighborhood packed City Hall Tuesday, winning a controversial zoning case. It didn't hurt their cause that the opponent failed to show up for the meeting.

"I'm pleased with the decision," said Debra Maddox, a leader of about 40 Alton Park and Piney Woods residents who attended the meeting.

Swirling around her in the hallway after the decision were jubilant homeowners, cheering a vote that will keep a nursing home from becoming a halfway house.

The absence of representatives from Bannum Inc. of Tampa Bay, Fla., led to a swift, unanimous vote by the City Council to deny their petition.

In July, Bannum proposed to turn a six-acre senior citizens home at 5412 Lee Ave. into a halfway house for 28 nonviolent prisoners. Neighborhood residents crowded a city-county planning commission meeting to protest the move.

Such a home would lower property values, said the members of the Alton Park and Piney Woods neighborhood associations.

And drug use and crime in Alton Park already threaten the area, said James Starling, who lives near the facility. A halfway house could worsen an already depressed area, he said.

Since the prisoners Bannum was proposing to serve already live at the Salvation Army on McCallie Avenue, there is no need to move them to Alton Park, Ms. Maddux added.

"We prefer to keep it residential," Maddox said. "Senior citizens, that's a little different than

criminals."

Bannum argued in July that property values would be unaffected by the halfway house. "We would not accept sexual offenders, rapists, or other violent criminals," Cathy Bellew, an operations manager, said at the time. "We feel the location is ideal because it is fenced in."

Bannum is one of several private prison operators vying for a Federal Bureau of Prisons contract in the Chattanooga area. The bureau has awarded the contract to the Salvation Army for the past 15 years.

But every five years, the doors are thrown open to all contenders, said Kimberly George, community relations director for the Salvation Army.

Bannum and Dismas Charities have both bid on the contract. And both were denied necessary zoning changes by the city this year under intense neighborhood pressure.

Regardless, the Salvation Army believes its chances are strong, Ms. George said.

"We've received several awards of excellence within the last five years," said Ms. George. "We're really proud of that."

Councilman John Taylor, an outspoken opponent of the halfway house, said the project would short-circuit neighborhood redevelopment.

"It's an opportunity for a fresh start," he said. "We have a lot of big things we're working on, and the planning process is crucial."

But others had a simpler reason for opposing the move.

"If it ain't broke, why fix it," Ms. Maddox said.

Today ▪ This week ▪ Archive

Home | Sports | Times & Free Press news | Opinion | Classifieds

---



Home ▪ News ▪ Sports ▪ Classifieds ▪ Cityscape ▪ Goodtimes

Send your comments on this server to the webmaster.

Copyright © 1999, Chattanooga Publishing Co. All rights reserved.
This document cannot be reprinted without express written permission.

Bannum, Inc.
5904 MacCorkle Ave., SW
St. Albans, WV 25177
Phone 304-768-6625
Fax 304-768-6467

Letter from Bannum's Bellew re/ Leg. operations

Cathy Bellew, Operations Director

April 10, 2001

Mr. Vincent Orange, Councilman Ward #5
Washington, DC
441 4th Street, NW, Room 702
Washington, DC 20001

Dear Mr. Orange: CERTIFIED MAIL

The purpose of this letter is to inform you that Bannum has submitted an offer for community corrections center (CCC) or "halfway house", services for federal offenders releasing to the Washington DC area. This action is being taken in response to a request for proposal RFP 200-0593-MA issued by the Federal Bureau of Prisons (BOP). The BOP encourages full and open competition in the procurement of these services; consequently, other offerors may also be responding to this RFP.

As part of the CCC contracting process, the BOP requires that all offerors notify and seek input from the local law enforcement authority and two levels of locally elected government officials. This letter will serve as documentation of partial satisfaction of this requirement.

Bannum has submitted a proposal to the Federal Bureau of Prisons to locate this Federal program at 2210 Adams Place, NE. The proposed property is zoned warehouse and is currently being used for that purpose. Should the above listed property not be zoned for our proposed use, then Bannum will make application for all necessary permits and licenses. These necessary permits and licenses are anticipated to be obtained by July 1, 2001. Presently, the building will only require minor renovations to meet Federal Bureau of Prisons safety requirements by the contract performance date of October 1, 2001. These renovations are scheduled to be completed by October 1, 2001.

The total term of the proposed contract is five years. The estimated requirement specifies one hundred thirty beds for males and no beds for females at the beginning of the contract term, with no scheduled population increases through the five-year contract term. These numbers reflect the BOP's best estimates of bed space needs at this time. However, the proposed site will be able to accommodate up to two hundred and sixty offenders, and the BOP may exceed its original

ATTACHMENT E [1 OF 3]

estimates if there is an unanticipated need for additional bed space in this area. Performance is to begin on October 1, 2001 with contract award approximately 120 days prior to that date.

The BOP has a long history of transferring inmates who are within a few months of release to a contractor-operated CCC for transitional programming. These inmates have often been removed from the community for an extended period of time. Sound correctional practice suggests that CCCs enhance public safety by offering offenders the opportunity to find employment, establish residence, and re-enter the community through a structured, supportive environment.

The BOP takes its responsibility for contract oversight very seriously. Contract language establishes requirements for inmate accountability, programming, life safety, staffing, inmate discipline, urine and alcohol surveillance, and a variety of other areas. These requirements are closely monitored by BOP staff, who provide training and conduct both scheduled and unannounced on-site inspections.

Federal offenders at the CCC will come from three sources: inmates who are transferred from a prison to the CCC for pre-release programming, inmates who are committed directly to the CCC to service short sentences, and offenders under the supervision of the U.S. Probation Office for whom residence at the CCC is a condition of supervision. Nationwide, the average CCC placement is three to four months in length, although longer placements are sometimes made.

Bannum will provide housing and related services to those persons from Washington, DC and the immediate surrounding area that are returning to their homes, family, and friends. Our residents will go to work daily and return to the facility after work to sleep. Then, as long as they are honoring their agreement to qualify for the program, they can go visit their family and friends if they wish. They would then return to the facility on weekday evenings at their individual curfew time. Many residents would be allowed to check out on Friday and would not return again until their Sunday night curfew.

Bannum will monitor each resident's movement in the community by periodic on-site and telephone verification of their employment, educational pursuits, family visits, or other whereabouts. Bannum will assist the resident to find employment if they are not employed by making referrals to local employment agencies and local employers which have expressed interest in employing these residents.

Since this is a period of transition for these persons, Bannum simply assists them in re-establishing employment and family ties, locating suitable housing and preparing to function normally within the community to which they are returning. Bannum also makes referrals to local community agencies as appropriate.

Bannum's personnel monitor the program on a 24-hour basis, but there are no locks, bars, or other physical restraints. Bannum will employ a professional staff to include social workers to monitor and guide the residents through this period of transition.

ATTACHMENT E [2 OF 3]

If a resident violates his agreement to remain in the program by missing curfew, by unexcused absence from work, etc., or if the resident fails to return to the facility or decides to leave the facility without our permission, we cannot and will not stop them. In these cases we simply report the resident to the appropriate Federal authorities. Penalties include a return to incarceration.

Bannum's staff are not peace officers, are not permitted to carry weapons of any kind, and are not authorized to physically restrain any person. Bannum's staff do not wear uniforms or possess any other form of identification or powers than any other citizen of Washington, DC.

For your review, we have attached Bannum's organization and program history and our role and mission statement.

We look forward to servicing Washington, DC and working with you and other Washington, DC officials in establishing this program and ensuring its success.

The BOP is currently evaluating all proposals that were submitted for this RFP. The BOP and Bannum invite you to express your support for or concerns about this proposed CCC facility. Comments may be directed to Michelle D. Aceto, Contracting Officer, Federal Bureau of Prisons, 320 First Street, NW, Washington, DC 20534. The phone number is (202) 307-3069. Please forward a copy of any correspondence to Bannum at our above listed address or fax number.

If I can provide any additional information or be of any further assistance, please let me know.

Sincerely,

Cathy Bellew

Cathy Bellew, Sr. Operations Director

cc: Bannum, Inc
cc: File

ATTACHMENT E [3 OF 3]

[Date Prev][Date Next] [Chronological] [Thread] [Top]

Re: Community Corrections Center

- **To: build-com@spruce.libertynet.org**
- **Subject: Re: Community Corrections Center**
- **From: Janet Berry <jberry@alltel.net>**
- Date: Wed, 13 Sep 2000 18:43:34 -0500
- In-Reply-To: <3.0.6.32.20000913053031.007b5230@michiana.org>

There is a facility of this type in Little Rock, Arkansas, but I don't know the company that runs the facility.

My knowledge of the facility the second hand at best. Needless to say the neighbors were upset at the thought of a prison facility being located in the middle of the city. One of the city directors (when it became apparent the project could not be stopped as the correct zoning already applied) became interested in the project.

She worked out several safeguards with the neighbors. A police detective was assigned at the community contact for the facility, he or someone on his staff was to be available 24/7, if there was a breakout, etc. he was to be notified of the problem, just after a 911 call. He in turn had a neighborhood contact person to call. The neighborhood person would then start a phone tree to notify the area residents (probably before the new reports notified them). Someone from the facility was to make a monthly status report the neighborhood meeting.

To date (about 2 years) there have been no incidents with the facility.

Near by neighborhood is the State Police Headquarters. Their practice was to house prison inmates at the facility who preformed work for the State Police. They had an inmate walk away from the facility about a year ago. They no longer house the inmates at the facility, but they do work there during the day. The above procedure was set up for our neighborhood group, and we receive monthly reports about the inmates from the State Police. We also have had no further incidents.

As a human interest story to the first facility (the federal one) over the summer the police detective assigned responsibility married the facility manager. He has since taken a job as police chief at another city in the county.

If you need additional contact information I can provide phone numbers.

Janet Berry
8013 Mabelvale Cutoff Road
Mabelvale, Arkansas, 72103
501-568-4677 voice
501-569-9895 fax
E-mail: jberry@alltel.net

- **References:**
  - **Community Corrections Center**
    - *From:* Chuck Leone/Kathy Curtis <cleone@michiana.org>

- Prev by Date: **RE: Grantwriter/Speaker needed**
- Next by Date: **Re: Community Corrections Center**
- Index(es):
  - **Chronological**
  - **Thread**

[Date Prev][Date Next] [Chronological] [Thread] [Top]

Community Corrections Center

- **To: build-com@libertynet.org**
- **Subject: Community Corrections Center**
- **From: Chuck Leone/Kathy Curtis <cleone@michiana.org>**
- Date: Wed, 13 Sep 2000 05:30:31 -0500

To the list:

We have just learned that the U.S. Department of Justice has proposed locating a "Community Corrections Center" on a major street at the edge of our neighborhood. The center is to be run by a company called Bannum, Inc., based in St. Albans, West Virginia which has facilities in fifteen other cities, mostly in the South.

The proposal says that 23 residents will be living at the facility, they will all be non-violent offenders and can include transferees from federal prisons completing their terms, direct court commitments to the facility, probationers, parolees and those who may be on pre-trial status.

There is a hearing next week before a local plan commission on the question of rezoning the land for this use and we intend as a neighborhood organization to attend and to comment. We don't know enough yet to take a firm position on the proposal.

Questions:
1. Has anyone had experience with this type of facility in or near residential neighborhoods? What are the problems that show up?
2. Has anyone had experience with Bannum, Inc.?
3. Do these facilities integrate into residential neighborhoods or do they remain isolated from the rest of the neighborhood?
4. Any words of advice?

Chuck Leone
Near Northwest Neighborhood
South Bend, Indiana

- Follow-Ups:
  - Re: Community Corrections Center
    - *From:* Elizabeth Bishop <bishop98@southwind.net>
  - Re: Community Corrections Center
    - *From:* Janet Berry <jberry@alltel.net>

- Prev by Date: **Neighborhood Conference, Louisville, KY: ["Sherece Tolbert" <stolbert@ci.south-bend.in.us>]**
- Next by Date: **Grantwriter/Speaker needed**
- Index(es):
  - **Chronological**
  - **Thread**

[Date Prev][Date Next] [Chronological] [Thread] [Top]

Community Corrections Center

- **To: build-com@libertynet.org**
- **Subject: Community Corrections Center**
- **From: Chuck Leone/Kathy Curtis <cleone@michiana.org>**
- Date: Wed, 13 Sep 2000 05:30:31 -0500

To the list:

We have just learned that the U.S. Department of Justice has proposed locating a "Community Corrections Center" on a major street at the edge of our neighborhood. The center is to be run by a company called Bannum, Inc., based in St. Albans, West Virginia which has facilities in fifteen other cities, mostly in the South.

The proposal says that 23 residents will be living at the facility, they will all be non-violent offenders and can include transferees from federal prisons completing their terms, direct court commitments to the facility, probationers, parolees and those who may be on pre-trial status.

There is a hearing next week before a local plan commission on the question of rezoning the land for this use and we intend as a neighborhood organization to attend and to comment. We don't know enough yet to take a firm position on the proposal.

Questions:
1. Has anyone had experience with this type of facility in or near residential neighborhoods? What are the problems that show up?
2. Has anyone had experience with Bannum, Inc.?
3. Do these facilities integrate into residential neighborhoods or do they remain isolated from the rest of the neighborhood?
4. Any words of advice?

Chuck Leone
Near Northwest Neighborhood
South Bend, Indiana

- **Follow-Ups:**
  - Re: Community Corrections Center
    - *From:* Elizabeth Bishop <bishop98@southwind.net>
  - Re: Community Corrections Center
    - *From:* Janet Berry <jberry@alltel.net>

- Prev by Date: **Neighborhood Conference, Louisville, KY; ["Sherece Tolbert" <stolbert@ci.south-bend.in.us>]**
- Next by Date: **Grantwriter/Speaker needed**
- Index(es):
  - **Chronological**
  - **Thread**

[Date Prev][Date Next] [Chronological] [Thread] [Top]

Re: Community Corrections Center

- **To: build-com@spruce.libertynet.org**
- **Subject: Re: Community Corrections Center**
- **From: ANACTIVIST@aol.com**
- Date: Wed, 13 Sep 2000 20:09:12 EDT

I'm surprised that no one from Phoenix has responded. Earlier this year a private company proposed to locate a transitional facility for federal prisoners in the middle of town, on a major street near neighborhoods. The uproar was intense and the city council began to look for ways to keep the 'prison' out. The zoning ordinance was amended (in record time, I think) to prohibit any such facilities from being sited in the city. (There already is one private prison which was built about 5 or 6 years ago, supported by the councilman - at that time - from the district.) The amendment sailed through and - true to their promise - the firm sued the city.

You might want to contact Phoenix's Law Department or the District 4 council representative, Phil Gordon. Or try the city's website (dismal) to see if you can find it online. If you come up with nothing, let me know and I'll try to provide you with better contacts.

Alma Williams
Phoenix, AZ

In a message dated 9/13/00 3:35:26 AM US Mountain Standard Time, cleone@michiana.org writes:

<< To the list:

We have just learned that the U.S. Department of Justice has proposed locating a "Community Corrections Center" on a major street at the edge of our neighborhood. The center is to be run by a company called Bannum, Inc., based in St. Albans, West Virginia which has facilities in fifteen other cities, mostly in the South.

The proposal says that 23 residents will be living at the facility, they will all be non-violent offenders and can include transferees from federal prisons completing their terms, direct court commitments to the facility, probationers, parolees and those who may be on pre-trial status.

There is a hearing next week before a local plan commission on the question of rezoning the land for this use and we intend as a neighborhood organization to attend and to comment. We don't know enough yet to take a firm position on the proposal.

Questions:
1. Has anyone had experience with this type of facility in or near residential neighborhoods? What are the problems that show up?

2. Has anyone had experience with Bannum, Inc.?
3. Do these facilities integrate into residential neighborhoods or do they remain isolated from the rest of the neighborhood?
4. Any words of advice?

Chuck Leone
Near Northwest Neighborhood
South Bend, Indiana >>

- Prev by Date: **Re: Community Corrections Center**
- Next by Date: **Municipal Transportation Planning**
- Index(es):
  - **Chronological**
  - **Thread**

[Date Prev][Date Next] [Chronological] [Thread] [Top]

Re: Community Corrections Center

- **To: build-com@spruce.libertynet.org**
- **Subject: Re: Community Corrections Center**
- **From: Elizabeth Bishop <bishop98@southwind.net>**
- Date: Wed, 13 Sep 2000 12:34:03 -0700
- References: <3.0.6.32.20000913053031.007b5230@michiana.org>

Chuck and Kathy,

Hoo-boy! The kind of facility you are talking about is called (in Wichita) and "Alternative Correctional House." Wichita has established zoning regulations and a licensing procedure specific to these kind of "halfway houses."

I've explained the history of Wichita's development of these guidelines and regs on this list before, so I won't belabor it. Suffice it to say that four years ago there were numerous illegally placed such houses. Today, there are eight licensed facilities. One, called locally the "Halfway House for Adults" is specifically for federal parolees.

Here are a few thoughts from someone who has followed this issue closely.

-Neighborhoods tend to vehemently oppose such houses; it is almost as difficult as siting a solid waste facility
-zoning regs and quidelines/policies need to specifically address the unique nature of these facilities. Such protections might include "density" guidelines to ensure that they won't bunch up in certain neighborhoods, such as (in Wichita's case) near the courthouse and jail. It should address placement near such things as schools and churches. It should address items like parking spaces and delivery access. It should address size; can a ACH facility, for instance, just begin to buy up nearby houses and expand, or should there be a limit in size.
-You are wise to want to check up on the proposed management company of this facility, but don't get too hung up on that angle at first. If a zone change has been requested, focus at first on the change from what to what. Most zone change classifications are in "ranges" of uses. Once that zone change has been accomplished then (barring a protective overlay, private covenant (usually worthless), or other limiting planning tool) any use in that range is fair game. The owner of the property does not have to limit use of the property to the use he/she talked about during the zone change discussion. That's why management is not an issue during zone change discussion. Planning commissions are constantly admonished not to focus on the "reputation" --good or bad--of a particular applicant, but instead to focus on proposed use and it's appropriateness or lack of appropriateness to good planning principles (plus legal constraints).

In Wichita, our process has been thrown in controversy when the single remaining "for-profit" ACH facility decided it simply MUST employ its own residents in order to survive as a "business." Employing one's own residents is not allowed under the licensing standards established by Wichita and Sedgwick County. The "business" first hired a county commissioner to conduct some "PR" work for them. They then took their objection to that one standard to the Sedgwick County Commission which removed themselves from the joint city-county ACH Advisory Board, then changed that one standard for the "unincorporated areas" of the county. Then they
passed a "Resolution" (county uses resolutions instead of ordinances) that is virtually identical to the city's ordinance in each and every instance --except for allowing ACH facilities to employ their own residents.

Now, the Wichita City Council is also considering changing that standard and allowing facilities to employ their own residents. It is also considering doing away with the Alternative Correctional Housing Advisory Board, an oversight committee that worked on developing the current ordinance and standards, and replacing it as a total staff function. In order to do this, the City would have to hire at least one new staff person, perhaps more.

You might want to check on the "hiring their own staff" idea--it is rife with possibilities for exploitation. I could be wrong, but I understand that federal corrections agencies will not place federal parolees in facilities that hire their own residents. Also, our experience with the federal halfway house locally has been a very good one. They appear to have considerable federal oversight and fairly stringent guidelines to follow. The federal parolee facility was not one of the problem sites that brought about Wichita's attempt to address this issue.

There was a recent new article in the Wichita Eagle about this issue. If you're interested, I'll see if I can send it to you. Also, Wichita's current
ordinance is on the City of Wichita website. I'd be happy to send you that URL, if you want.

Sorry for the long post.

Regards, Elizabeth Bishop

Chuck Leone/Kathy Curtis wrote:
> To the list:
>
> We have just learned that the U.S. Department of Justice has proposed
> locating a "Community Corrections Center" on a major street at the edge of
> our neighborhood. The center is to be run by a company called Bannum,
> Inc., based in St. Albans, West Virginia which has facilities in fifteen
> other cities, mostly in the South.
>
> The proposal says that 23 residents will be living at the facility, they
> will all be non-violent offenders and can include transferees from federal
> prisons completing their terms, direct court commitments to the facility,

> probationers, parolees and those who may be on pre-trial status.
>
> There is a hearing next week before a local plan commission on the question
> of rezoning the land for this use and we intend as a neighborhood
> organization to attend and to comment. We don't know enough yet to take a
> firm position on the proposal.
>
> Questions:
> 1. Has anyone had experience with this type of facility in or near
> residential neighborhoods? What are the problems that show up?
> 2. Has anyone had experience with Bannum, Inc.?
> 3. Do these facilities integrate into residential neighborhoods or do they
> remain isolated from the rest of the neighborhood?
> 4. Any words of advice?
>
> Chuck Leone
> Near Northwest Neighborhood
> South Bend, Indiana

- **References**:
  - **Community Corrections Center**
    - *From:* Chuck Leone/Kathy Curtis <cleone@michiana.org>

- Prev by Date: **Grantwriter/Speaker needed**
- Next by Date: **MORE ON ALTERNATIVE CORRECTIONAL HOUSES**
- Index(es):
  - **Chronological**
  - **Thread**

Valley Property Owners Association. An association bylaw prohibits residents from selling or leasing to persons listed on the state's "Megan's Law" sex offender registry. One of the residents has sued challenging the enforceability of the bylaw. The attorney representing the Association defended the bylaw with the following statement:

> Many community associations offer a range of amenities like day care and aerobics classes. It would change life once you knew a sex offender lived inside. Sex offenders are not a protected class. *We are not the government.* If you choose not to associate with a criminal, that is your right. [January 2000 ABA Journal, p. 24. (Italics added)]

5. Bannum, Inc. is a company in the business of operating community treatment centers (CTCs) throughout the United States pursuant to contracts with the Federal Bureau of Prisons (BOP). CTCs are halfway houses for convicted criminals in the last stage of their sentences before release. CTC participants work in the community during the day and reside in a supervised residential facility at night. Often, Bannum has located some CTCs in motels, using the motel rooms both to house CTC participants and for offices to provide the participants with counseling and other support services. BOP's contracts with Bannum are conditioned on the CTCs being in compliance with local zoning.

Bannum received a request from the BOP to submit a proposal for a CTC in the St. Louis area. Bannum investigated and determined to use the Town House Inn in St. Charles as a potential CTC site. St. Charles has a permissive zoning scheme; any use not expressly permitted by the zoning ordinances is prohibited. The Town House Inn is located in a C2 General Business District; the ordinance authorized "hotels, motels or motor lodges" as well as hospitals, convalescent homes, and apartment buildings to be located in a C2 district, but not halfway houses. The zoning ordinance allows "conditional uses" if approved by the Board of Adjustment. The zoning ordinance provides that the Board may approve a "halfway house" as a conditional use within a C2 district.

Bannum did not apply for a conditional use permit to operate its CTC, arguing that the City should treat the CTC as a permitted use in a C2 district. When the City refused to provide BOP with documentation that the CTC was a permitted use under the City's zoning ordinance, the BOP notified Bannum that it was terminating the contract for this particular CTC.

Bannum files suit complaining that the City's zoning ordinance is unconstitutional, both on its face and as applied, because it requires Bannum to apply for a conditional use permit to operate a CTC while other "similar and identical uses of property are permitted as a matter of right in a C2 district and may operate without a conditional use permit." As a result, Bannum argues that the zoning ordinance is "arbitrary and irrational" and violates Bannum's rights under the equal protection clause.

How should the Court resolve Bannum's complaint? Does it matter to the Court's decision whether the prisoners are from the federal prison at Eglin AFB (where the Michael Milkens of the world go to rake sand traps as punishment) or the federal prison at Marion (where drug criminals and other violent felons do their time in decidedly less posh surroundings)? Who should decide whether to locate federal prisoners within a particular area within the City of St. Charles?

6. Missouri is the seventh largest hog-producing state in the country, and hog production is rapidly becoming more and more concentrated, with major producers operating CAFOs ("concentrated animal feeding operations"). Missouri is particularly attractive for such operations -- northern Missouri's deep clay pan soils, low population density and inexpensive land offer a good location for hog waste lagoons and the extensive pasture land in the surrounding areas can effectively use hog waste for land application.