PART I Health and Life Safety Assessment of the City County Building



The Dane County Public Protection & Judiciary Committee





OVERVIEW OF THE REPORT

- Preliminary Data Analysis
- Health and Life-Safety
 - Major Code Issues
 - Major Safety Issues
 - Detention Hardware Problems
 - M/E/P/T Systems
 - Costs
- PREA
 - Overview w/costs
- Restrictive Housing
 - Overview w/costs







INTRODUCTIONS



David Way



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Jan Horsfall





THE TEAM

- Extensive team experience in jail operations and assessments
 - Programming
 - Medical/Mental Health
 - Physical Plant and life safety analysis
 - Operational and staffing analysis
 - PREA analysis
 - Restrictive housing analysis
 - Logistics
 - Cost benefit analysis
 - Staffing
 - Capital and operating costs
 - Program Update and Concept Development





MEAD & HUNT - LOCAL & NATIONAL EXPERIENCE



OREGON IDAHO

WYOMING

NEBRASKA IOWA

OREGON IDAHO

WYOMING

NEBRASKA IOWA

OREGON

NEW YORK

NEW YOR

NEW YORK

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NEW YORK

NEW

- WI Based firm in business since 1900
- 550 employees nationwide, 225 in Dane County
- Team of Engineering Correctional Experts
 - Structural
 - Mechanical
 - Plumbing/Fire Protection
 - Electrical
 - Technology
 - Security Electronics
 - Detention Equipment
- Experienced in over 6.7M SF & \$1.4B of Correctional space
- 47 Facilities in U.S., 31 in State of Wisconsin





POTTER LAWSON LOCAL EXPERIENCE





- Dane County's oldest design firm
- Worked with 25Wisconsin Counties
- Justice group \$360,000,000 of experience
- Involved in the community
- Vested interest in Dane County and this project







PULITZER/BOGARD & ASSOCIATES NATIONAL EXPERIENCE





National Expertise in Planning and Programming of Justice Facilities and County Criminal Justice Needs Assessments

- Completed Projects in 40 States
 - Programmed \$2.5 Billion+ in Correctional Facilities
 - 50+ County Detention Planning and Needs Assessments since 2000
 - **Jail Population Management**
- Trainers for the National Institute of Corrections

Firm History

- Started in 1995
- Principal & Associates minimum of 30 Years of Hands On Experience
- Criminal Justice Planning, Detention Operations and Medical / Mental Health and Law



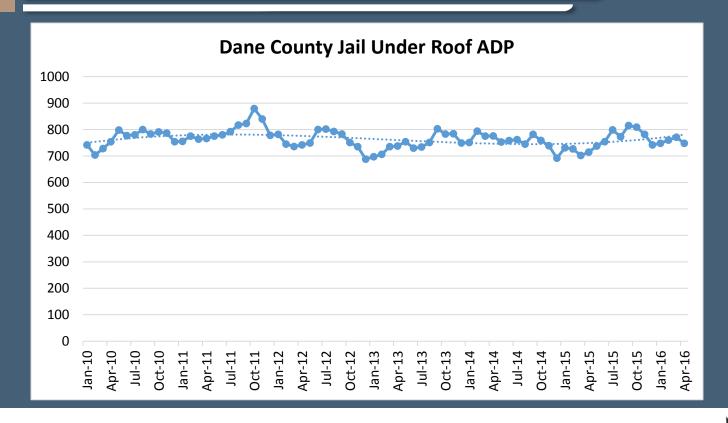




- Jail Population Statistics & Projections
- Criminal Justice Work Group Recommendations
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 - Analysis of Diversion Opportunities
- Conclusions







Numbers do not include individuals in diversion programs. In 2015, 117 individuals on a daily basis were in a DCSO diversion program. Additional people are in other programs.



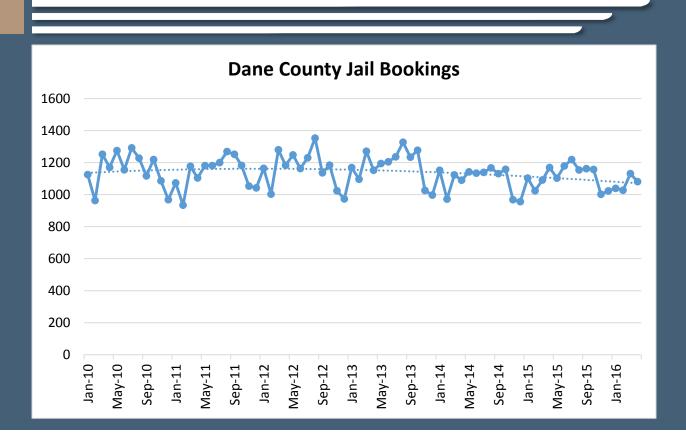




- Jail Populations Driven By:
 - Bookings
 - Average Length of Stay (ALOS)
- ALOS for Dane County for this analysis calculated by taking all released individuals and taking the average of everyone's custody time
 - Mean average
 - Median average

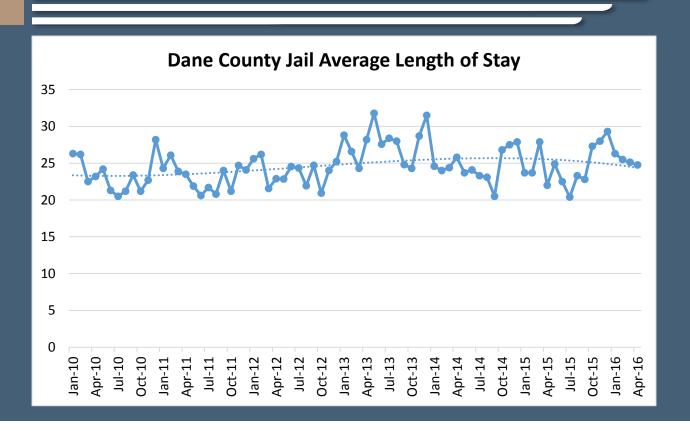
















Overall ALOS Analysis

	Males	Females	Total		
Mean	25.6	15.4	23.4		
Median	4	3	4		
Inmates	52,227	14,142	66,369		

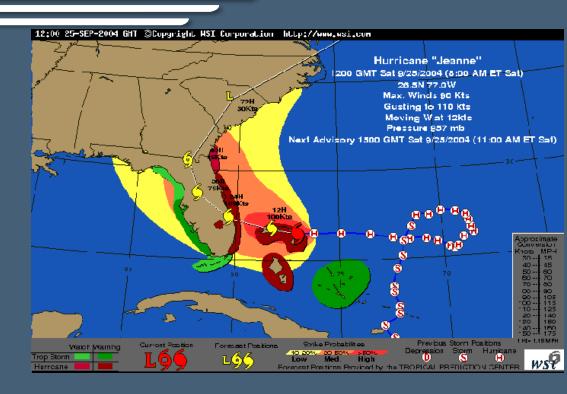
	Black	White	Other	Total	
Mean	27.6	21	19.8	23.4	
Median	5	3	3	4	
Inmates	24,644	40,271	1,454	66,369	





JAIL POPULATION FORECAST

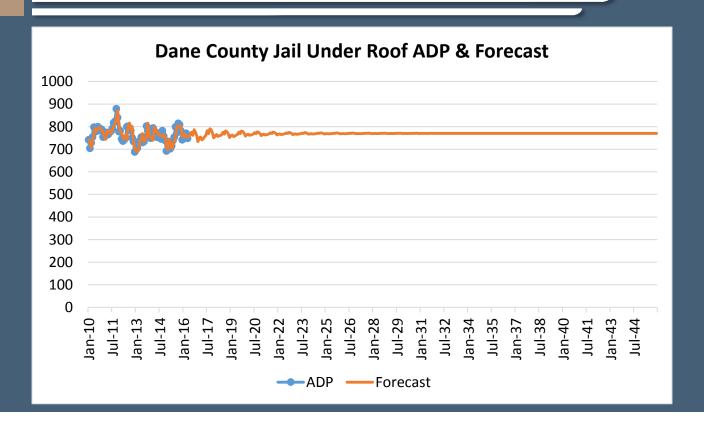
- All forecasts assume that nothing changes from when forecast produced
- As with weather forecasting, unforeseen events may impact accuracy
 - Public Policy Changes
 - Population Changes







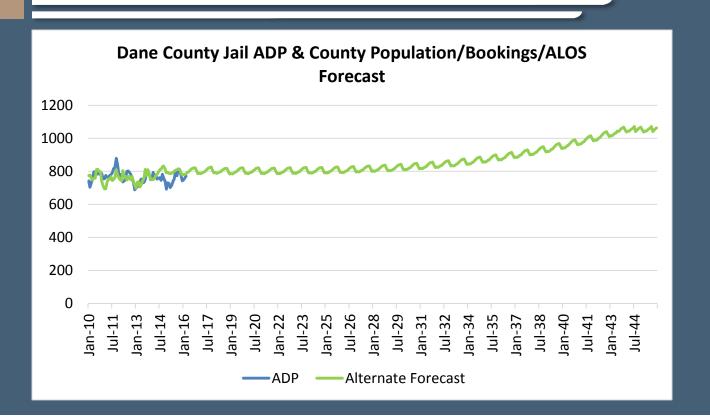
JAIL POPULATION FORECAST







ALTERNATE JAIL POPULATION FORECAST







POPULATION FORECAST BED NEED ANALYSES

Month	Base Projection	With 20% Peaking & Classification	Alternate Forecast	With 20% Peaking & Classification		
Jul-17	782	938.4	813	975.14		
Jul-21	773	927.6	811	973.3		
Jul-25	771	925.2	817	979.9		
Jul-29	771	925.2	831	996.7		
Jul-33	770	924	863	1,035.5		
Jul-37	770	924	916	1,099.1		
Jul-41	770	924	1,000	1,199.4		
Jul-45	770	924	1,061	1,273.1		





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PRETRIAL DEMOGRAPHIC L.O.S. ANALYSIS

- Multiple Length of Stay Committee recommendations regarding racial equity in terms of length of stay
- Analyzed how long individuals remain in pretrial status
- Key consideration is to make fair comparisons
- Overall, black inmates stay in pretrial status 76% longer than white inmates
 - Mean: 21 days vs 12 days
 - Median: 3 days vs 2 days
- Lack criminal history data for all inmates
- Tried to make level/comparisons by classification and charge type; did multiple comparisons





PRETRIAL DEMOGRAPHIC L.O.S. ANALYSIS

Inmates with 1 violent charge by 'MAX C' custody level

		Black		White		Other			Total			
	Median	Mean	N	Median	Mean	N	Median	Mean	N	Median	Mean	N
MAXC	19.5	71.1	34	6	48.9	40	2	2.0	1	9	58.4	75
Total	3	10.1	839	2	6.6	1,184	1	2.8	78	2	7.8	2,101

- Overall, black inmates with a single violent charge have a 53% longer pretrial time
- Black inmates with a single violent charge and released on bail have a pretrial time nearly 3 times as long as similarly situated white inmates
- In nearly all of our comparisons, black inmates had longer pretrial LOS





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DEMOGRAPHIC ANALYSIS OF BAIL AMOUNTS

Rationale

- Length of Stay Committee's 8th Recommendation
- Concern regarding racial disparity in bail amounts

Method

- Analytical strategy is to take each individual charge and compare the average bail amounts for the charges
- For all charges in the entire dataset, there was no statistically significant difference between the races
- In order to have a more statistically robust comparison, selected charges that had at least 30 instances for both comparison groups
- 100 individual charges emerged for comparison by race





DEMOGRAPHIC ANALYSIS OF BAIL AMOUNTS

Results

- Across the 100 charges:,
 - 11 had higher median bail amounts for black inmates
 - 31 in which white inmates had higher median bail amounts
 - 58 charges had the exact same median
- Statistical tests failed to find a statistically significant difference in bail amounts between black and white inmates on a per charge basis
- However, length of stay was higher for blacks in 83 of those
 100 charges
- No attempt made to control for criminal history or other factors; the study is simply a charge by charge comparison in terms of race





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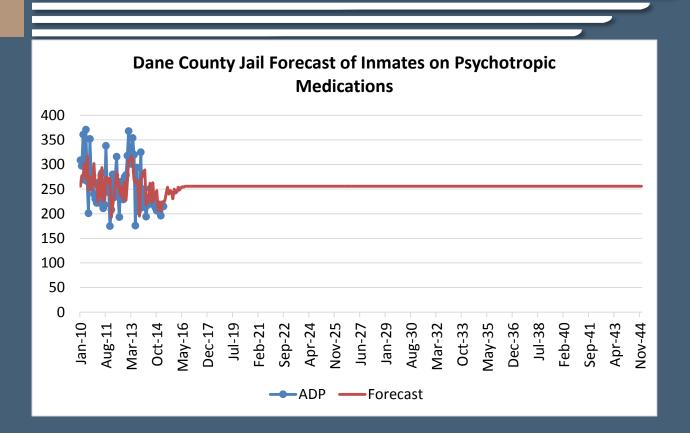
MENTAL HEALTH POPULATION ANALYSIS

- Measured in 2 ways:
 - Using institutional classification (doesn't catch all inmates)
 - Using psychotropic medication counts (doesn't tie to jail data)
- Significant differences between this population and the overall jail population
 - More black inmates
 - Inmates are a bit older (35 years vs. 31 years)
 - Median ALOS is 8 days instead of 4
 - Top most serious charge category is supervision violation (overall population most serious charge category = violence)





MENTAL HEALTH POPULATION FORECAST







MENTAL HEALTH POPULATION ANALYSIS

Conclusions

- Pronounced ALOS disparity between this population and jail as a whole
- Growth projection is flat
- Reducing ALOS makes significant step toward altering projection
- Based on charge type and severity, there are diversion opportunities within the population
- Significant need for better data





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PROBATION HOLDS ANALYSIS

- Length of Stay Work Group recommendations 7 and 9 ask for analysis regarding individuals charged with a violation of probation
- Method selected inmates with release disposition of 'HDD' and a Probation or Parole charge or Extended Sanctions

	Black	White	Other	Total	
Mean ALOS	22.3	18.1	11.7	20.0	
Median ALOS	7	6	5	7	
Inmates	3,076	3,103	100	6,279	





PROBATION HOLDS ANALYSIS

- Difference in LOS by race marginally significant for VOP only inmates
- Introduction of an additional charge increases the difference

	Black		White		Other		Total	
	Mean Median		Mean	Median	Mean	Median	Mean	Median
VOP Only	15.3	6	13.2	5	10.7	5	14.2	6
More Than 1 Charge	52.8	43	45.5	38	52.5	52.5	49.5	41
Total	22.3	7	18.1	6	11.7	5	20.0	7





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FUGITIVE SAFE SURRENDER

- Establishes opportunities for people with active warrants to turn themselves in at a safe place
- Used in a variety of cities nationwide in special programs
- Is NOT a jail diversion tool or amnesty program
- Whole key is how many people appear
 - Wide variation in numbers
 - May actually increase jail population on front end
 - Best case scenario impact is 5 inmates





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DIVERSION STUDY

- Sample of 20% of all cases going to Initial Appearance in 2013
- Began with 564 cases and evaluated them for eligibility for diversion
- Eliminated inappropriate cases
 - Individuals with violent charges
 - Sex offenders
 - People with active detainers
 - Inmates with prior failures to appear for court
- 137 cases remained





DIVERSION STUDY

- For the remaining 137 cases, jail day savings were calculated based on the assumption that all of these cases could be released at Initial Appearance
- Overall impact for all cases would be 17 inmates on the jail's under roof Average Daily Population
- In addition, an assessment was made about the possible impact of holding Initial Appearance on weekends
- The impact would be 5 inmates on the jail's Average Daily Population assuming all individuals are released
- It is unrealistic to expect that <u>each</u> of these individuals can be released





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RESPONSIBLE JAIL POPULATION MANAGEMENT

- Accomplishing a stable jail population without diminishing public safety requires commitment and cooperation of the key stakeholders in the criminal justice system
 - Requires leadership to foster compromise
 - Requires effective data analytics to maximize opportunities
 - Diversion analysis indicates there is no 'low hanging fruit'
 - Ultimately, the best opportunity is probably to reduce timelines between court events





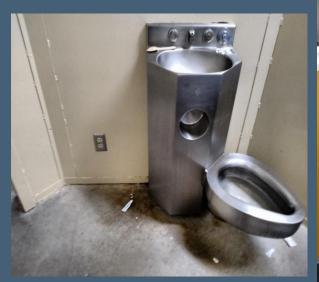
CONCLUSIONS

- Dane County has done a good job managing the jail's population
- Best forecast indicates under roof jail population will remain stable
- However, a competing forecast indicates that the jail population may increase due to overall growth of Dane County's population
- Steps should be taken to continuously monitor and manage ALOS to ensure the jail's population stays in check
- A variety of analyses spawned by the Criminal Justice Work Groups provide opportunities for system improvement





CCB Health and Life-Safety Analysis











PART 1 SCOPE: WHY ARE WE HERE?

To answer the question:

Is the cost of renovating the City County Building Jail (CCB) so prohibitive as far as capital cost, operational cost and lost opportunity that it is not a viable option moving forward?

- Perform a detailed analysis of CCB
- Recommendations to mitigate life and health safety concerns in the CCB
- Recommendations to reduce or greatly eliminate the use of solitary confinement
- Recommendations for bringing the jail into compliance with the Prison Rape Elimination Act (PREA)





PART 2 SCOPE

- Analyze the cost of adjusting the 2014 Master Plan
- Bring the jail system up to current jail standards, applicable state and federal codes and regulations, and inmate health and safety needs.
- Present two (2) options to this committee
- Evaluate the final recommendations of the Public Protection and Judiciary Workgroups (Mental Health and Solitary Confinement, Length of Stay, and Alternatives to Arrest and Incarceration) released in September 2015.
- Predicted reductions in jail population resulting from the recommendations will be incorporated into the two options presented.

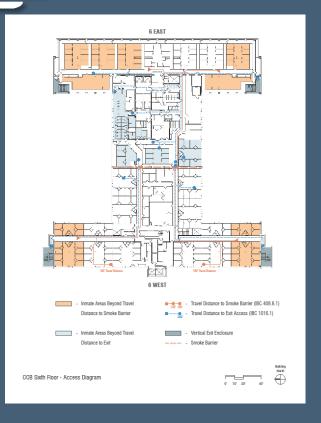






CCB JAIL PLACES INMATES & STAFF LIVES AT RISK

- Fire Containment Risk
 - Exiting Exceeds Travel Distance 220/365 beds
 - Lack of Engineered Smoke Control System
 - Smoke Compartments
 - Construction of some walls do not meet fire code
 - 6th floor visitation area exceeds allowable exiting distance
 - 6th floor public visitors' emergency egress is through the secure perimeter
- Doors and Locks Don't Work (video)
 - Failed and failing hardware
 - Power Sliders do not meet NFPA Standard for remote operation
 - Inmates Trapped in their Cells in emergency









CCB JAIL PLACES INMATES & STAFF LIVES AT RISK

- Bar/Grille Cell Fronts/Walls
 - Pose suicide risk (78 recorded self-harm events in 2015, 97% occurred in the CCB excluding those on 15 min watches in the PSB)
 - Do not meet fire code exit access corridor requirements
- Cells and Dayrooms
 - Do not meet DOC space requirements
 - 117 of 338 cells
 - Would lose tremendous amount of space if renovated to accommodate square foot requirements

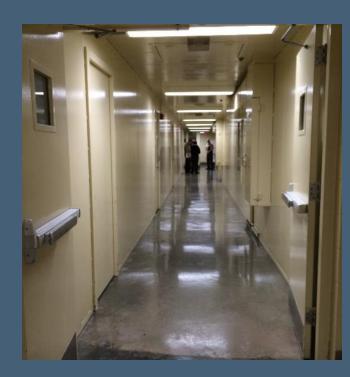






Major Safety Issues

- The linear intermittent supervision model has not been accepted as a design/management style since the 1970s.
 - Observation is difficult, both visually and audibly.
 - Limited sightlines inhibit observation of inmates throughout the CCB as most of the cells are not within view of the deputies
 - Staff and inmate safety is compromised
 - The linear design poses a challenge for the management of inmates
 - The ability of the staff to provide regular wellbeing checks is limited



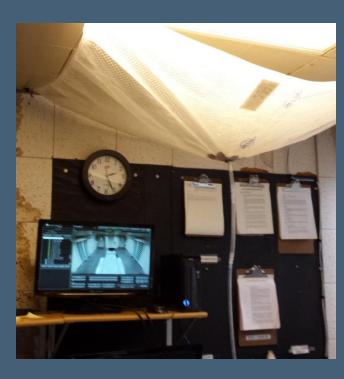






Health Concerns

- Likely existence of:
 - asbestos
 - lead paint
 - lead in water
 - mold
 - vermin
 - pests

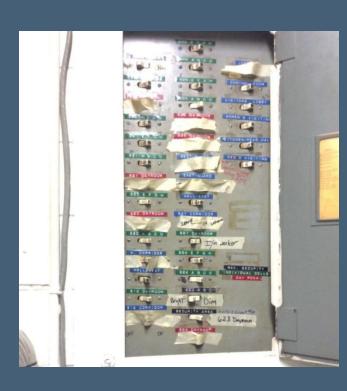






M/E/P/T System Issues

- The CCB is in need of continuous repair and service due to the age of the building.
- Repairs are made more difficult as parts are hard to find and/or are obsolete.
- Fail-safe functions at doors that are not operational for life-safety exiting for both staff and inmates
- Video Surveillance System is outdated and is in need of replacement













M/E/P/T System Issues

- The CCB HVAC duct system is extremely dirty and in need of a thorough cleaning (health issue)
- Fire Pump is original (60+ yrs) and in need of replacement
- Water pumps 60+ yrs old need replacing
- Plumbing/piping wearing out, costly to replace in an operational jail facility
- Elevators are not Barrier-Free Accessible and are in need of replacement





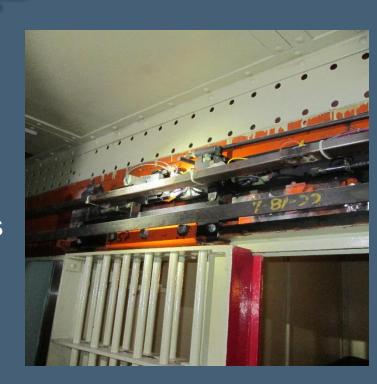


HEALTH & LIFE SAFETY COSTS

IMMEDIATE Concerns

LSC = Life Safety and Health Costs

- Fire/Smoke Barrier and Control
- Replace Failing Detention Hardware
- Replace bar/grille doors and cell fronts





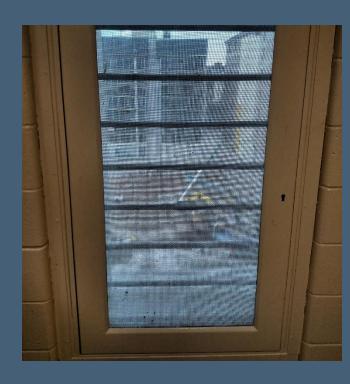


HEALTH & LIFE SAFETY COSTS

Intermediate Concerns

ISC = Intermediate Life Safety and Health Costs

- Detention glazing, windows, walls, ceilings
- Door control and monitoring, video
- Detention fixtures
- Fire Suppression system
- Fire Pump







HEALTH AND LIFE SAFETY COSTS IN THE CCB

- Health and Life Safety Recommendations Costs Implications
 - Estimated \$22.1M in capital and operating costs
 - Up to \$4.6M in annual recurring costs

Catagory	Recurring Costs		Total
Category	No	Yes	iotai
Operating Costs	N/A	\$4,573,688	\$4,573,688
Capital Costs	\$21,974,300	\$91,000	\$22,065,300
Grand Total	\$21,974,300	\$4,664,688	\$26,638,988





"These shortfalls, in part, illustrate how antiquated the facility is and how operating a jail in three separate buildings (one of which is 60 years old) poses ongoing logistical and operational challenges. The ability of the Sheriff's Office to appropriately manage risk in this environment continues to be compromised and is creating a potentially liable situation for the county."

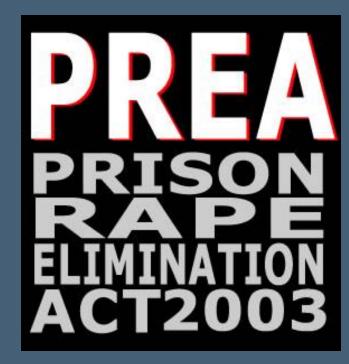
Nathan White – WI DOC Jail Inspector

2015 Annual Dane County Jail Inspection Report





- Prison Rape Elimination Act (PREA)
 - Federal law enacted in 2003
 - Seeks to prevent, detect, and respond to sexual abuse in confinement facilities







- PREA National Standards (PREA standards)
 - U.S. Department of Justice in 2012
 - Applies equally to locally operated facilities such as lockups, jails, juvenile detention centers, and locally operated residential community confinement facilities
 - Intended to operationalize what it means to prevent, detect, and respond to sexual abuse within a correctional environment

PRISON RAPE ELIMINATION ACT



PRISONS AND JAIL STANDARDS

United States Department of Justice Final Rule

National Standards to Prevent, Detect, and Respond to Prison Rape Under the Prison Rape Elimination Act (PREA)

> 28 C.F.R. Part 115 Docket No. OAG-131 RIN 1105-AB34 May 17, 2012







- Penalties for PREA Standards Non-compliance
 - Financial consequences on states, and local facilities that house state or federal inmates
 - DCSO subject to financial penalty for non-compliance
 - Civil liability exposure
 - Crawford v. Cuomo (No. 14-969[2nd Cir. 2015]) U.S. Court of Appeals, Second Circuit cited PREA as one of the sources reflective of the, "clearest and most reliable objective evidence of contemporary values."
- Part 1 Determine how the CCB's physical plant impacts PREA compliance
 - Develop solutions to effectuate compliance by the DCSO





- PREA standards where a facility's physical plant impacts an agency's ability to comply with PREA include:
 - §115.11 Zero tolerance of sexual abuse and sexual harassment; PREA coordinator
 - §115.13 Supervision and monitoring
 - §115.14 Youthful inmates
 - §115.15 Limits to cross-gender viewing and searches
 - §115.18 Upgrades to facilities and technologies
 - §115.42 Use of screening information
 - §115.43 Protective custody





Key Findings

Linear design, small cellblocks (4-8 beds, average), poor sightlines, and blind spots

















- Key Findings
 - Locations where inmates are together unsupervised











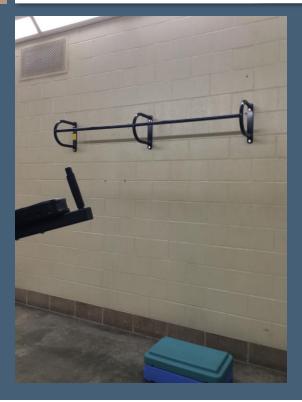
Key Findings

Isolated areas where sexual abuse can occur undetected











Key Findings

 Present staffing levels are insufficient to assure completion of activities/tasks related to PREA compliance







- Key Findings
 - The CCB, as presently designed and configured, makes compliance with PREA standards problematic, difficult, and costly
 - Compliance requires immediate corrective action
- Developed 25 Recommendations in 3 Categories
 - 1. Operational Practices
 - 2. Staffing
 - 3. Capital Improvement





- Recommendation examples include:
 - Policy and procedure modifications such as increasing staff interaction with inmates
 - Hire a minimum of 65 additional staff to provide direct observation of the inmate population, a 92% increase in CCB staffing
 - Increase visibility into all areas of the CCB including the conversion of 49 cells to showers





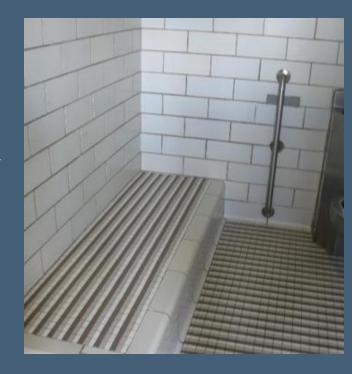
- PREA Recommendations Costs Implications
 - Estimated \$19.8M in capital and operating costs
 - Up to \$16.5M in recurring costs = \$165 million
 over 10 years
 - \$3.2M in one-time costs

Catagory	Recurring Costs		Total
Category	No	Yes	IOtal
Operating Costs	\$1,143,135	\$16,531,401	\$17,674,537
Capital Costs	\$2,083,463	N/A	\$2,083,463
Grand Total	\$3,226,598	\$16,531,401	\$19,758,000





- Use of "Solitary Confinement"
 - Restrictive Housing (RH) is the more inclusive term
 - Use of RH has recently been a major topic of concern throughout the U.S.







- National Perspective
 - Reviewed and incorporated recommended approaches proposed in numerous reports and position statements
 - Department of Justice
 - American Bar Association
 - American Correctional Association
 - Society of Correctional Physicians
 - Large County Jails facing same issue

U.S. Department of Justice Report and Recommendations Concerning the Use of Restrictive Housing



FINAL REPORT

January 2016





- Reviewed Operational Procedures and Practices
 - Who is subject to RH placement
 - Length of time in RH
 - Criteria for RH assignment
- Analysis presented concerns that may be contributing to excessive RH and, inadvertently, to some disparate impacts affecting inmates of color
 - Vague placement criteria
 - Excessive staff discretion
 - Insufficient review criteria





- Extensive Data Analysis
 - Data analysis based on randomly drawn statistically valid sample of RH placements across two years
 - The concerns identified were largely borne out by new data.
 - Data documented frequency of RH placement
 - Disciplinary placements
 - Mental Health placements
 - Other factors
 - These factors were cross-analyzed against the race of the inmates placed in RH.



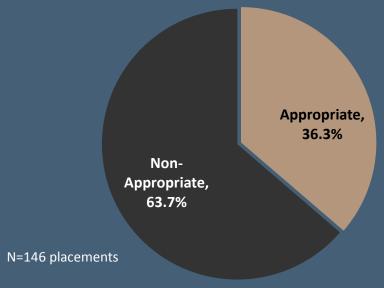


DANE COUNTY RESTRICTIVE HOUSING PLACEMENTS

Why?

There is no other suitable housing within the Dane County Jail System

	Placement Reason	%
Appropriate	Disciplinary Sanction	23.3%
Appropriate	AC Review - Behavioral	12.3%
Appropriate	Pre-Hearing Detention	0.7%
Non-Appropriate	Suicide Watch/Observation	14.4%
Non-Appropriate	AC Review - Mental Health	13.7%
Non-Appropriate	Medical Observation	16.4%
Non-Appropriate	Medical Segregation	7.5%
Non-Appropriate	Mental Health Observation	5.5%
Non-Appropriate	AC Review - Voluntary	2.7%
Non-Appropriate	Mental Health Segregation	2.7%
Non-Appropriate	Protective Custody	0.7%







- Key Findings:
 - Inmates spend a mean of 11 days and median of 5 days in RH.
 - Mental health inmates have the highest length of stay.





- Key Findings Continued:
 - Disciplinary Sanction and AC-Behavioral determinations together constitute only one third of all placements.
 - Suicide watch/observation, AC Review Mental Health, and Medical Observation together comprise some 42% of all placements.
 - Each of these would be appropriately managed in a non-punitive, treatment oriented environment rather than RH





- Key Findings Continued:
 - The three most frequent reasons for Disciplinary RH were failure to follow rules, disrespect and causing a disturbance, which carried average lengths of stay of 4.5 days.
 - While Black inmates comprise 45% of RH placements, they constitute 58% of disciplinary placements and 55% of AC-Behavioral placements.





- Key Findings Continued:
 - 58% of RH placements had a Mental Health diagnosis.
 - 78% of those with mental health diagnoses are diagnosed with Anxiety, Bipolar, Depressive and Psychotic Disorders or Schizophrenia.





Lack of suitable housing options for inmates suffering from serious mental illness







There are 17 recommendations with regard to reducing the use of RH in the Dane County Jail that include

- Modifying policies
- Operational practices
- Physical plant recommendations





- Recommendation Examples
 - Modifying policies such as Administrative Confinement, Jail Rules, Formal Discipline for Serious Violations and Informal Discipline for minor Violations policies.
 - Operational recommendations such as ensuring that there are no mental health contraindications for an inmate to be placed in restrictive housing.
 - Physical plant recommendations such as developing small secure mental health units that ensure access to treatment, programs, and recreation.





- Recommendation Examples
 - The majority of the recommendations can be implemented in a relatively brief period of time.
 - The exception to this is creating a suitable physical environment which will require either extensive renovations of existing space and/or new construction.









- Restrictive Housing Cost Implications
 - Immediately hire a minimum of 8 security personnel
 - Up to \$9,102,260 recurring costs over 10 years
 - \$910,226 per year
 - Capital costs are to be determined as the jail capital needs are defined in the next phase of the study.

Catagory	Recurring Costs		Total
Category	No	Yes	Total
Operating Costs		\$910,226	\$910,226
Capital Costs	TBD	N/A	TBD
Grand Total	TBD	\$910,226	\$910,226





Unsuitable Housing Options
Plus Inadequate Staffing
Can Lead to Tragic Outcomes







OVERALL COST SUMMARY

Cost Summary	Capital	Operating
Cost for the LSC Recommendations	\$13,498,880	\$4,649,188
Cost for the ISC Recommendations	\$8,476,000	\$15,000
Cost for the PREA Recommendations	\$3,226,598	\$16,531,401
Cost for Restrictive Housing	TBD-Future	\$910,226
Total	\$25,201,478	\$22,105,815
Total Cost of All Recommendations	\$47,3	307,293

 These recommendations are not exclusive and cannot be implemented ala carte.





OVERALL COST SUMMARY

Recurring Operating Costs	
Cost for the LSC Recommendations	\$4,649,188
Cost for the ISC Recommendations	\$15,000
Cost for the PREA Recommendations	\$16,531,401
Cost for Restrictive Housing	\$910,226
Total Recurring Costs	\$22,105,815

 Some LSC & ISC recurring costs relate to boarding inmates until the life safety issues are mitigated





CONCLUSION

Summary of Part 1:

- Immediately Implement All Recommendations
 - LSC and ISC
 - PREA
 - Restrictive Housing





CONCLUSION

- Without major reconfiguration or replacement of the CCB, the DCSO will not be able to:
 - Provide suitable housing and care for:
 - Medical/Mental Health Population
 - Protective Custody/Vulnerable Population
 - Youthful Offenders
 - Restrictive Housing Alternatives and Options
 - Provide appropriate Programming Needs
- Major reconfiguration will result in Significant Capacity Loss that cannot be absorbed by the current jail system





"The City County Building (CCB) – Outdated physical plant, and model of remote/intermittent observation and supervision, may increase Dane County's exposure to litigation over inmate self harm."

"Recommendation – Continue with space study to determine how to replace this building, or research major renovations to comply with current and evolving practices in Jail Operations and Corrections."

Wisconsin Municipal Mutual Insurance Company; Consultant, All About Jails

March 2015



