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Cuyahoga County Justice Center Master Plan Recap: Basis for Recommending Replacement Facility in lieu of renovation/Reuse

Background:

- In March of 2019 a comprehensive planning team led by DLR Group was selected to provide professional services for the development of a Justice System Master Plan
- Over the next 60 days +/- DLR Group and the County and the County's Program Manager negotiated scope and fee for the development of the Justice System Master Plan. Thru this effort hours and cost related to completing a full physical assessment were deleted in favor of using the February 2014 Facility Assessment Report and accompanying May 2014 Planning document as a basis for our assessment of physical conditions.
- In May of 2019 the DLR Group was issued an NTP for the Planning Study
- Workplan is illustrated below



Major Workshop Milestones in our Journey . . .

WORKSHOP 1	Orientation/Organizational Kick-off Meeting Schedule Process Goals & Objectives Fears & Perceptions
WORKSHOP 2	"As-Is" System Assessment Court Operations & Statistics Jail Population Profile Operations Facilities Policy Alternatives
WORKSHOP 3	"Could-Be" System of the Future - Projected Needs & Space Standards - "Could-Be" System Alternative Growth Scenarios Courtroom Types & Organizational Options Jail Operations Models
WORKSHOP 4	Preliminary Operational & Architectural Program & Definition of Alternatives Space Requirements Operational Adjacencies Preliminary Definition of Alternatives
WORKSHOP 5	Preliminary Review of Alternatives Blocking & Stacking Operational Impacts Space Program Impacts
WORKSHOP 6	Refined Alternatives & Comparative Evaluation Objective & Subjective Criteria Operational Considerations Phasing - 30 Year Total Cost of Ownership
WORKSHOP 7	Reconcile Comments, Recommendations, Determine Course of Action Refined Options Refined Comparison Updated Costs Consensus Decision on Path Forward
WORKSHOP 8	Final Program & Master Plan Space Requirements Room Data Sheets Operational Narratives Blocking & Stacking Implementation Approach

Note that throughout this process all recommendations were reviewed by the 12-member Steering Committee which included:

- Presiding Judge, Court of Common Pleas General Division
- Presiding Judge, Court of Common Pleas Family Division
- Presiding Judge, Municipal Court
- County Prosecutor
- County Public Defender
- County Executive
- Representative of County Council
- Representative of City of Cleveland Mayor
- Representative of City Council
- City Clerk of Courts
- County Clerk of Courts
- County Sheriff

All determinations based on recommendations required 10 yes votes out of 12 members.

Physical Conditions Assessment

- DLR Group and consulting team reviewed the 2014 physical assessment report. Physical Assessment Report. The Assessment Report noted the following as of 2014:
 - The overall Facility Condition Index (FCI) which reflects the condition of the complex relative its capital value was noted as .50 or in poor to fair condition, with an unescalated 12-year upgrade cost in excess of \$236M.
 - On a component-by-component basis:

▪ Atrium,	FCI .37 (Fair))	\$13.4M
▪ Courts Tower	FCI .56 (Poor)	\$95.7M
▪ Jail I	FCI .47 (Poor to Fair)	\$59.0M
▪ Jail II	FCI .23 (Fair to Good)	\$15.1M
▪ PAB	FCI .72 (Critical)	\$53.2M
- The team collected data on maintenance expenditures in the complex since 2014. While renovation projects were undertaken for changes in use, limited investment was made in pure maintenance:
 - Cooling Tower Repairs \$160,000
 - PAB HVAC Improvements \$1,500,000
- We also confirmed that typically the annual budget request for facility maintenance by Public Works is generally in the \$20M -\$30M range for countywide building maintenance. However actual annual allocations are only in the \$5 -\$7M range – indicating that there is not sufficient budget to address the identified deficiencies.
- DLR Group’s local consultants did a review of the facility and noted that if anything, conditions had further deteriorated at all facilities,
- We also reviewed the May 2014 Planning study relative to the Justice Center and the Jail. While the planning study put forth options for the Justice Center but did not provide a specific plan for the jail.

The study projected a need for 2,528 beds by 2030, and offered the following commentary regarding jail needs:

Corrections Division

Existing Assigned Space	421,828 DGSF
Additional Space Required	12,779 DGSF
Reassignable	16,128 DGSF
Total Requirement	418,479 DGSF
Additional Need*	0 DGSF

* Assumes diversion programs and off campus bed space acquisition will accommodate increasing bed needs. The current jail housing cannot accommodate an increase in prisoners. There is enough empty space on the fourth floor of the Cuyahoga County Jail such that up to 400 additional beds could be created within the existing facility. In order to accommodate the full bed needs identified, an additional 40,000 to 60,000 DGSF would be needed. The current structure cannot support this additional jail expansion.

Effectively the study did not offer a solution to future need or consider current shortfalls and lack of standards compliance.

Functional Assessment

- A more critical determinant of the potential for reuse of Jail I and Jail II was a functional assessment of the existing jail. The following critical issues were identified based on interviews with both jail staff and outside agencies, observation and recent reports including, Quality Assurance Review conducted by the Department of Justice, US Marshals Service, multiple Department of Rehabilitation and Correction Annual Jail Inspection Update Reports, Clay et.al. v Cuyahoga County et.al, Northern District of Ohio Eastern Division. Key issues identified:
- **Jail Capacity** – Jail had a maximum rated capacity of 1,765 beds at the time of these reports, with a population in excess of 2,400 inmates. In all reports they jail is cited for double and triple celling in rooms designed for single occupancy that do not meet ODRC standards:
 - From ODRC Jail Inspection Reports:
 - 5120:1-8-04 (A) (2) Housing Cells: (a) (Important) Seventy square feet for single occupancy forty-eight square feet in jails constructed prior to 1983.
 - Comments: The jail is exceeding their Bureau Recommended Capacity by bunking additional inmates in single occupancy cells, double occupancy cells, triple occupancy cells, and quadruple occupancy cells.
 - 5120:1-8-04 (A) (2) Housing Cells: (b) (Important) One hundred square feet with seven feet least dimension for double occupancy, stacked bunks, one hundred ten square feet with nine feet least dimension for double occupancy, single bunks.
 - Comments: The jail is exceeding their Bureau Recommended Capacity by bunking additional inmates in single occupancy cells, double occupancy cells, triple occupancy cells, and quadruple occupancy cells.
 - 5120:1-8-04 (A) (2) Housing Cells: (d) (Important) One hundred eighty square feet with nine feet least dimension for quadruple occupancy, two stacked bunks, two hundred fifteen square feet with twelve feet least dimension for quadruple occupancy, single bunks.

- Comments: The jail is exceeding their Bureau Recommended Capacity by bunking additional inmates in single occupancy cells, double occupancy cells, triple occupancy cells, and quadruple occupancy cells.
- 5120:1-8-04 (A) (3) Dormitory Sleeping Space: (a) (Important) Fifty square feet per occupant, except forty-eight square feet in jails constructed prior to 1983, wherein the formula shall be based upon the requirements of paragraph (A)(2)(a) of rule 5120:1-8-04 of the Administrative Code.
- Comments: On the day of the inspection, the jail was exceeding their Bureau Recommended Capacity and was failing to provide the inmates with the required 50 sq. ft. of dormitory sleeping space per inmate.
- From US Marshals Service Quality Assurance Review
 - The number of detainees/inmates exceed the facility's rated bed capacity. The rated bed capacity is 1,765 detainees/inmates however during the Facility Review the detainees/inmates count was 2,420.
- Clay et.al. v Cuyahoga County et.al, Northern District of Ohio Eastern Division
- 30. The Ohio Department of Rehabilitation and Corrections' (ODRC) Bureau of Adult Detention November 2017 inspection found CCCC was not in compliance with Ohio's Minimum Standards for Adult Detention Centers. (ODRC Bureau of Adult Detention Report attached as Exhibit 1.) The inspection revealed that CCCC was in violation of Ohio Admin Code Sections:
 - a. 5120:1-8-04 (A)(4): CCCC was not in compliance with minimum requirements for sufficient space, including day space of "thirty-five square feet per number of occupants occupying the day space at one time" at a "minimum size of one hundred five square feet," as CCCC "exceeded the Bureau Recommended Capacity for their facility and there is not the required amount of day space for each inmate".
 - b. 5120:1-8-04 (B): CCCC was not in compliance with the requirement that seating shall be provided in holding areas, holding cells, housing cells, dormitories, dayrooms and eating areas for each inmate, having "exceeded the Bureau Recommended Capacity for their facility" without "the required amount of seating for each inmate".
 - c. 5120:1-8-04 (F): CCCC was not in compliance with minimum toilet facilities of one operable toilet for every twelve occupants, as CCCC "has exceeded the Bureau Recommended Capacity for their facility and there is not the required amount of toilets for this standard".
 - d. 5120:1-8-04 (G): CCCC was not in compliance with minimum shower facilities "of one operable shower for every twelve occupants, as CCCC exceeded the Bureau Recommended Capacity for their facility and there is not the required amount of showers for this standard".
 - e. 5120:1-8-04 (J): CCCC did not provide "natural light" "in housing units, dorms, cells and/or dayspaces" as "[t]he age, and layout of the existing jail facility does not provide natural light for Housing Unit 4 North".
 - f. 5120:1-8-11 (A): CCCC did not provide "exercise and/or equipment for inmates" or "ensure that inmates are offered at least five hours per week" as CCCC's "current policy, procedures and practices need reinforced to reflect standard and

components specified” and CCCC’s “supporting documentation did not evidence compliance for this standard regarding recreation access for the Inmate Population in Jail 1.”

Clearly, documented conditions along with the planning teams review of the facility indicated that the facility was operating above its official rated capacity.

- Single cells particularly in Jail II are double celled on a regular basis.
- Multi-purpose Rooms have been converted to triple cells – with no natural light.
- Dayspace does not support the level of increased capacity
- Shower ratios (operational) do not support increased capacity.

It was clear from the beginning that the purpose of this project on the behalf of the County, the Steering Committee, Stakeholders and Advocates was “to provide safe, humane & standards compliant jail capacity for Cuyahoga County”. With this in mind, the planning team assumed that future vision should be in compliance with ODRC standards and should reflect best practices in jail planning and operations and should provide constitutional conditions of confinement. Therefore, all planning proposals endeavored to comply fully with standards. Not only is this the right thing to do in the eyes of the Steering Committee it also provides the County with the best defense relative to ongoing and future litigation. Hence continued double-celling of Jail II and triple celling of former multi-purpose rooms in Jail I was not considered as an acceptable tenet for planning going forward.

Staffing. Operations & Programs & Housing Unit Size – All reports identify staffing shortages as an issue impacting operations and delivery of programs and services. This is repeatedly stated in the US Marshals Service Quality Assessment, ODRC Jail Inspection Reports and Clay et.al. v Cuyahoga County et.al. In fact, ODRC prepared a Staffing Analysis study in April of 2019, and the US Marshal Quality Assurance Review noted:

“Review of the CCCC’s annual staffing analysis reveal essential posts and positions are not identified; currently, there are 96 correctional officer vacancies. As a result of a high vacancy rate and excessive staff call outs, the CCCC’s daily operation is greatly impacted regarding providing for detainees’/inmate’s basic needs. To address staffing shortages and call outs CCCC implemented a “Red Zone” system whereby detainees/inmates are confined to their cells for periods of 27+ hours and not let out during times they normally have access to dayrooms, showers, telephones, and outside recreation areas. A housing unit logbook and detainee/inmate interviews indicate the “Red Zone” system was in effect in one housing unit for 12 days in a row. CCCC does not have a policy or written directive outlining specific procedures for the “Red Zone” system.

Clay et.al. v Cuyahoga County et.al further amplified this issue:

“The USMS report also identified 96 corrections officer vacancies, indicating severe understaffing. The report states, “as a result of the high vacancy rate and excessive staff call outs, the CCCC’s daily operation is greatly impacted regarding provision for detainees’/inmates’ basic needs.”


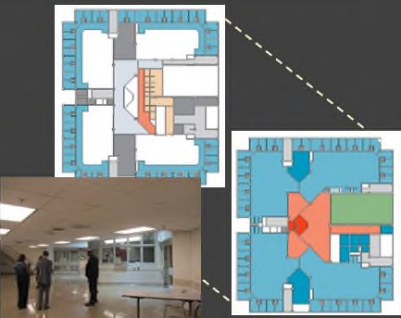
Throughout Clay and other reports there is continued evidence and discussion of lack of access for people in custody to programs and services – due to staffing shortfalls.

This was further confirmed thru interviews and discussions with Stakeholders, the private bar, community and faith-based service providers and others.

Our functional analysis identified the following facility issues which exacerbate and contribute to this situation:

- Housing Unit Size: ODRC Standards allow up to 60 beds per staffing position in minimum and low medium security and up to 48 beds per staffing position in other security classification levels.
 - Housing units in Jail I are typically 24 beds (with minor increases thru conversion of increased to 29 +/-). These housing units in effect are half the size allowed by standards and for some classifications almost a third. The size of the housing units effectively has a significant impact on staffing requirements. 28 units are 29 inmates or less. This represents a total demand for 28 additional positions or 140 officers with shift relief and contributes to staffing shortfalls as when shift staffing is short, housing must be staffed and therefore less staff is available for escort, programs, and services. In total there are currently 66 housing pods in Jails I & II.
 - Housing units in Jail II are rated at a capacity of 24, however as noted previously they are double celled to 48, which meets the staffing standard. However, if ODRC or the court does in fact impose single celling, additional posts would be required to be staffed to maintain capacity in new or expanded facilities. This would impact 16 housing units requiring 16 additional positions or 80 officers with shift relief.

Overview of Current Housing

Jail 1

- Capacity 1,341 beds
- 785 Cells/921 Beds
- 420 Dormitory Beds
- Primarily Small units
- 20 Units of 24/25 Cells- 28/29 Beds
- Limited Program Space on the floor
- No program space on the unit
- Movement required for medical, recreation, visiting, treatment
- No real outdoor access
- No natural light in dayrooms

Jail 2

- Capacity 1,131 beds
- 480 Cells/960 Beds
- 171 Dormitory Beds
- Primarily Small Units
- 16 Units of 24 Cells- 48 Beds
- Program Space on the floor
- No program space on the unit
- Limited movement required for medical, recreation, visiting, treatment
- No natural light in dayrooms

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- Control Rooms – Jail I and Jail II combined have 14 housing control rooms, plus 2 master control rooms and floor/housing control rooms. The housing control rooms alone require 68.8 correctional staff with shift relief.

- Centralization of services – virtually all services in Jail I are centralized requiring escorted movement to all programs and services– medical, mental health, recreation, visiting, attorney visiting, court movement etc. Jail II does provide for non-contact visiting on the mezzanine level and an outdoor exercise room on each floor shared by four housing units. Other services are centralized, with medical services provided in Jail I. Escort and supervisions staff is required for people in custody to access programs and services in both facilities.



- Integration of the two facilities – facilities are only connected at the fourth level further exacerbating movement and access to programs and services, as well as reducing emergency response times.

A key consideration is the fact that when shift staffing is below full complement, housing, control, Intake, Medical and other areas of the jail must be staffed for operations. Since housing and control require a minimum of 80 staff, and additional positions must be staffed for operation, escort, program, and services staffing are significantly reduced. As noted above this results in inmates being confined to their cells 24/7 under the “Red Zone” system. This not only denies inmates access to programs and services mandated by ODRC standards and constitutionally guaranteed, but it also results in frustration, incidents, and staff burn-out from excessive overtime.

The County is continually in the process of recruiting to fill vacant positions, but to the point of time this study was completed continue to suffer significant shortfalls in staffing. As a baseline for comparison, if housing reflected state allowed ratios and the facility was capable of operating in full direct supervision mode, 42 fewer positions would be need per shift, or a total with shift relief of 208 officers would be required – greatly enhancing the ability to operate in full accordance with standards and constitutional conditions of confinement.

NB: This is one of the best examples ever of how the facility configuration can negatively impact all aspects of operations. The demands for the increased number of “must staff” positions significantly impact safety,

security and program and service delivery when there is a shortfall in staffing either due to vacancies or more specifically significant reductions in shift staffing for various reasons.

Best Practices

- Best Practices workshops were held related to both planning for the Courts and the Detention Center. These workshops were first held with user group representatives for stakeholder feedback and were subsequently share with the Steering Committee at the September Meeting.
- Relative to the Jail, the Best Practices were targeted at responding to functional and operational shortcomings identified through the functional evaluation namely appropriate staffing levels, access to programs and services and quality of environment for people-in-custody and staff alike: Best practices shared with the Stakeholders and Steering Committee included:
 - Housing
 - *Direct Supervision recommended as basis for Programming & Master Planning*
 - *Service Delivery at the Housing Unit for Reduced Movement*
 - *Commissary/Medical Kiosks*
 - *Decentralized Programming*
 - *Recreation*
 - *Medical Triage*
 - *Dining*
 - *Visiting*
 - *Multiple Classifications & Personal Space Use of Sub-dayrooms*
 - *Multi-Occupancy Cells/Subdayrooms*
 - *Housing Unit Size(s)/mix*
 - *Rear Chase/Borrowed Light*
 - *Quality of Environment*
 - Intake/Assessment/Transfer/Release
 - Special Needs Housing & Services
 - Facility Zoning & Organization
 - Video & In-Person Visiting
 - Staff Services & Training
 - Jail Information Systems
 - Integrated Electronic Security Systems
 - Support Services

Housing Practices to Consider



- Direct Supervision recommended as basis for Programming & Master Planning
- Service Delivery at the Housing Unit for Reduced Movement
 - Commissary/Medical Kiosks
 - Decentralized Programming
 - Recreation
 - Medical Triage
 - Dining
 - Visiting
- Multiple Classifications & Personal Space Use of Sub-dayrooms
- Multi-Occupancy Cells/Sub-dayrooms
- Housing Unit Size(s)/mix
- Rear Chase/Borrowed Light
- Quality of Environment

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These best practices became the foundation for planning for the future for a system that reflected respect for the human dignity of inmates and staff alike, provided increased operational efficiencies and resolved long standing concerns related to standards compliance, constitutional conditions of confinement and operational shortcomings of the existing facilities documented in study after study after study.

Capacity for Planning

The planning team did a detailed System Assessment related to determining the future capacity for planning, led by Ms. Karen Chinn. This Assessment included:

- Summary of Jail Population Growth Trends and Profile Characteristics – a detailed review of historic Growth trends from 2009 -2019. During this time the ADP peaked at 2,343 in 2018 but declined to 2,091 in 2019. It also documented the inmate profile, length-of stay, offense type, and provided a comparison to national trends.
- Factors Driving Jail Population - via data analysis and interviews with providers developed a summary of what was driving the Jail Population in Cuyahoga County:
 - *Lack of centralized booking.*
 - *Lack of comprehensive pre-trial screening and services using validated risk assessment, and identification for alternative dispositions (veterans, mental health, drug courts or mental health diversion).*
 - *Multiple jurisdictions/courts setting bond (no unified risk assessment tool or bond schedule)*
 - *Population (8% to 10%) in jail for Violation of Probation—technical not new offense. Excessive length of supervision can result in violations and increased lengths of stay in jail.*
 - *Homeless population (NO PR bond without verified address in Common Pleas)*
 - *Time lapse between jail admission and release on bond, connection into a specialty court, and availability of identified treatment bed.*
 - *High percentage of people in jail that cannot make small amount of bail as reported in the PJI study, and when adding court costs there is high percentage of people in jail that do not have the capacity to pay.*
 - *Lack of an approach to jail population management – jail “expeditor” or “client advocate” position that would focus on daily review of the jail population to expediate processing. Barriers, such as the lengthy process to clear warrants, could be eliminated with assistance of trained staff to navigate the system and move cases through the jail.*
 - *Increasing admissions have a greater impact on average daily population detention population versus length of stay.*
 - *Substantial increase in opioid and heroin addiction in Ohio.*
 - *Insufficient mental health and substance abuse treatment in the jail. Community service providers have been working to map the very significant overlap of jail population with mental health, substance abuse, homeless, developmental disability services, and employment assistance populations and services in the community.*
 - *Medications for managing mental health and other treatment needs in the community are often disrupted (or changed without consultation of providers in the community) in the jail. This can result in poor outcomes for the mental health population in the jail. The average length of stay in jail in 2018 was 30 days, but the average length of stay for the mental health population was 117 days.*

- Lack of programming and interviewing space in the jail, and limited access for service providers, the Public Defender & the Defense Bar in the jail due to control by jail administration and CO's.
 - Low level offenders (Felony 4 and 5) that are in jail.
 - MAT Services (Medication Assisted Treatment) are lacking in the community and in the jail.
 - Insufficient capacity of residential treatment options (shelters, residential treatment, mental health diversion and treatment, sober living homes) especially for offenders charged with sex offenses and arson.
- Summary of System Assessment / Forecast of Future Capacity Requirements as a Basis for Jail Planning This information informed a range of projections of future capacity needs. This was also coupled with strategies for jail population management. Four projections were developed for consideration by the Steering Committee
 - High Growth Forecast Models
 - Moderate Growth Forecast Models
 - Low Growth Forecast Model, and
 - Systemic Change Forecast Models

Forecast of Future Capacity Requirements and Basis For Planning

High, Medium, Low Growth Scenario Forecast Models

- **High Growth Forecast Models:**

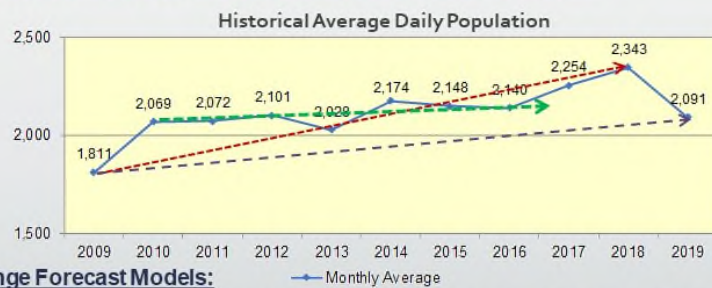
These models use **2009 to 2018 growth patterns, high incarceration rate (2018), and high 2018 average daily population of 2,343 inmates** as the base for the forecast.

- **Moderate Growth Forecast Models:**

These models use **2009 to 2019 moderate growth patterns, moderate incarceration rate (2019), and 2019 average daily population of 2,091 inmates** as the base for forecast.

- **Low Growth Forecast Models**

These models use **2010 to 2016 low growth patterns, 2010 to 2016 average incarceration rate of 1.67, and the 2010 to 2016 ADP of 2,105 inmates** as the base for forecast.



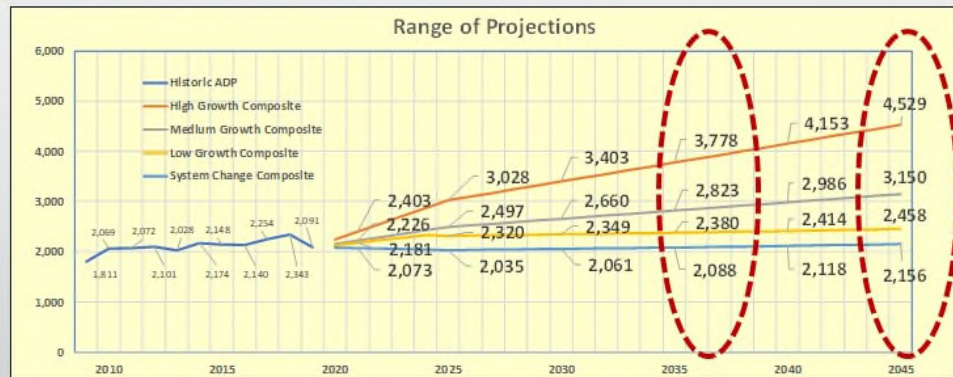
- **System Change Forecast Models:**

These models use **the low growth patterns of 2010 to 2016 and the 2010 to 2016 ADP of 2,105 as the base for forecasting, but assume 10%, 15% or 20% reductions in ADP in the jail due to implementation of criminal justice system changes and alternatives to incarceration.**

Forecast of Future Capacity Requirements and Basis For Planning

Range of Projections:

INMATE POPULATION FORECAST MODELS					
	2025	2030	2035	2040	2045
High Growth Forecast Models					
Composite - Average of Forecast 1 & 2	2,752	3,093	3,434	3,775	4,116
+ 10% Peaking/Classification	275	309	343	378	412
Bedspace Estimate	3,028	3,403	3,778	4,153	4,529
Moderate Growth Forecast Models					
Composite - Average of Forecast 1 & 2	2,269	2,418	2,566	2,714	2,863
+ 10% Peaking/Classification	227	242	257	271	286
Bedspace Estimate	2,497	2,660	2,823	2,986	3,150
Low Growth Forecast Models					
Composite - Average of Forecast 1 & 2	2,109	2,135	2,163	2,194	2,235
+ 10% Peaking/Classification	211	214	216	219	223
Bedspace Estimate	2,320	2,349	2,380	2,414	2,458
System Change Forecast Models					
Composite - Average of Forecast 1 & 2	1,850	1,873	1,898	1,925	1,960
+ 10% Peaking/Classification	185	187	190	193	196
Bedspace Estimate	2,035	2,061	2,088	2,118	2,156



The Steering Committee then unanimously passed the following Determinations, which became the foundation for planning.

Determination #4:

The Steering Committee determines that there are significant opportunities to reduce the population of the jail through a systemic approach to jail population management and reforms consistent with our commitment to public safety. We therefore determine that planning should proceed based on an assumption of a rated capacity for the jail of no less than 1,600 beds with a support core planned for no more than 2,400 beds.

We recognize that these are bold initiatives but believe that this reflects current national trends and with a concerted effort of all parts of our justice system is achievable. However, should circumstances change, we further determine that the planning for the jail should allow for an incremental adjustment upward or downward within this range to a maximum capacity up to the 2,400 beds based on projections thru the year 2045.

Determination #5:

The Steering Committee determines that significant evidence exists nationally to indicate that criminal justice system reform initiatives, if implemented, can reduce jail capacities significantly with no negative impact on public safety. Many of the reform initiatives will require (or will be enhanced through) the construction or renovation of jail facilities to reflect best practices, but implementation of many of the key reform initiatives can begin immediately.

Implementation of jail population reduction strategies does not come without cost, but actual cost in human capital and jail operating and construction costs will be significantly reduced if reform strategies are implemented, and the jail population is reduced. We therefore determine that funding for jail population management initiatives should be given equal weight to funding for an improved Justice Center.

Refer to Attached Excerpt from September 17, 2019, Steering Committee Presentation for additional detail on initial definition of alternatives.

Alternatives Considered

From September thru November the DLR Planning Team worked on developing alternatives. Pulitzer/Bogard and Associates worked with Cuyahoga Corrections to develop an operational and architectural program for the jail based on an initial rated capacity of 1,600 with an operational capacity of 1,350, with core services to support expansion to 2,400 beds. Dan Wiley & Associates worked with the Court and Court Stakeholders to develop a program for the courts and related agencies.

Neither of these programming efforts presupposed an answer and were designed to allow the development of alternatives that embraced reuse, renovation, renovations & additions, or new construction.

DLR Group worked to develop a range of alternatives for consideration by the Steering Committee with the goal of reducing the alternatives to the top three for refinement and detailed analysis.

The Alternatives were first outlined for the Steering Committee at their November 21, 2019, Meeting. In broad terms three major alternatives preliminarily identified ranging from Maximum Reuse to Full Replacement:

1. Expand, Renovate or Replace Consolidated Justice Center in-place
2. Relocate Jail to a new site; Renovate or Replace Courts & Related Agencies in-place
3. Develop New Court & Jail facilities on New Site(s)

The purpose of this presentation and meeting was to assure that the range of alternatives for consideration reflected the thoughts, concerns, and input of the entire Steering Committee. After presentation and discussion, it was agreed that the alternatives as presented reflected an appropriate range of choices from which the Steering Committee could narrow the range for more detailed development.

Refer to Attached Excerpt from November 21, 2019, Steering Committee Presentation for additional detail on initial definition of alternatives.

In December of 2019, the DLR Planning Team presented a comparative analysis of the alternatives for informational purposes only, the intent being to review again at the January meeting and decide the top three

alternatives for more detailed development. At the December Meeting, an anonymous straw poll was taken to provide Steering Committee members with a sense of how their peer reacted to the range of alternatives¹.

This presentation provided additional comparative information at a high level for informed decision making. Note that prior to the Steering Committee meeting, that Working Group meetings were held with all Stakeholders, open to participation by staff. Again, it looked at the full range of alternatives summarized as follows:

- 1 Expand, Renovate or Replace Consolidated Justice Center in-place**
 - 1a – Maximum Reuse (*Jail II, Court Tower, PAB & Old Courthouse*) – Limited Courts Consolidation (*Domestic Relations Remains in Old Courthouse*)
 - 1b – Maximum Reuse (*Jail II, Court Tower & PAB*) – Full Courts Consolidation
 - 1c – Partial Reuse (*Jail II & Court Tower*) Rebuild on Existing Site, Full Courts Consolidation
 - 1d – Full Replacement
- 2 Relocate Jail to a new site; Renovate or Replace Courts & Related Agencies in-place**
 - 2a – Relocate Jail to a new site, Expand/Renovate Courts in-place
 - 2b – Relocate Jail to a new site, Replace Courthouse in-place
- 3 Develop New Court & Jail Facilities on New Site(s)**
 - 3a – New Courthouse & Jail on New Urban Site
 - 3b – New Courthouse & Jail on New Campus Site
 - 3c – New Courthouse on New Urban Site; New Jail on separate Campus Site

This presentation provided additional factual data for consideration including common elements to all Alternatives:

VII. Summary Review & Discussion of Range of Development Alternatives

Common Elements to all Preliminary Alternatives

- Jail I must be replaced
 - Operationally inefficient – small housing units
 - Excessive inmate movement
 - Physical condition
 - Lack of program space on housing floors
 - Lack of facilities for attorney, family visiting
 - Lack of space/access for CBO programs
 - Inadequacy of support functions – Intake/Central Booking
- Jail II will require major renovations

¹ Please contact the County or County's Program Manager for to review polling results.

Additionally, for informed decision-making an economic analysis was presented related to the staffing inefficiencies identified in the functional evaluation

Are there Operational Savings Associated with Replacement?

Preliminary Analysis

*Based on Rated Capacity of 1,600 Beds, Operational Capacity 1,360 Beds +/-
Core Sized to Support 2,400*

- **Housing Staffing***
 - Jail I & II currently have 66 Housing Units staffed on a 24/7 basis:
 - 5.1 staff per housing unit with relief = 336.6 Correctional FTE's
 - Proposed program provides 41 Housing units staffed on a 24/7 basis:
 - 5.1 staff per housing unit with relief = 209.1 Correctional FTE's
 - Net Savings
 - 5.1 staff per housing unit with relief = **(127.5)** Correctional FTE's
 - @ \$75,000 per position annual savings = **(\$9,562,500)**

**Estimated Savings assume that current staffing plan is adequate for operations and all positions filled;*

Are there Operational Savings Associated with Replacement?

Preliminary Analysis

*Based on Rated Capacity of 1,600 Beds, Operational Capacity 1,360 Beds +/-
Core Sized to Support 2,400*

- **Control Room Staffing***
 - Jail I has five floor control rooms staffed 24/7:
 - 5.1 staff per housing unit with relief = 25.5 Correctional FTE's
 - Jail I has one floor control rooms staffed 12/7:
 - 5.1 staff per housing unit with relief = 2.5 Correctional FTE's
 - Jail II has eight housing control rooms staffed 24/7
 - 5.1 staff per housing unit with relief = 40.8 Correctional FTE's
 - Proposed program is based on Main Control operating access at key security barriers remotely:
 - Net Savings
 - 5.1 staff per control room with relief = **(68.8)** Correctional FTE's
 - @ \$75,000 per position annual savings = **(\$5,160,000)**

**Estimated Savings assume that current staffing plan is adequate for operations and all positions filled;*

Are there Operational Savings Associated with Replacement?

Preliminary Analysis

*Based on Rated Capacity of 1,600 Beds, Operational Capacity 1,360 Beds +/-
Core Sized to Support 2,400*

• Housing Staffing Savings	(\$ 9,562,500)
• Control Room Staffing Savings	(\$ 5,160,000)
• Close Euclid & Bedford Jails	(\$ 9,995,741)
• <u>Out-County Placements</u>	(\$ 2,336,000)
• Initial Estimate Possible Savings*	(\$27,058,500)

Estimated Debt Service

Tax Exempt Bonds	3.50%	4.00%
• \$700M Project Cost	\$ 39,455,000	\$ 41,955,000
• \$800M Project Cost	\$ 45,090,000	\$ 47,950,000

Preliminary estimate of savings equates to 56% to 68% of estimated annual debt service for total project

*Estimated Savings assume that current staffing plan is adequate for operations and all positions filled;

This information was viewed as compelling by many of the Steering Committee members, who were not aware of the impact of issues such as housing unit size, number of control rooms, service delivery and similar best practices on annual operational costs.

Refer to Attached Excerpt from December 18 Steering Committee Presentation for additional detail on initial definition of alternatives.

On January 23, 2020, the Steering Committee convened to shortlist alternatives. The presentation was essentially the same as given in December. At the outset of the meeting, the Steering Committee agreed that since this was not a determination but rather a narrowing of options the top three options would be refined and analyzed in greater detail.

The three alternatives with the highest number of yes votes were:

- **Option 3c** – New Courthouse on New Urban Site; New Jail on Separate Campus Site **12 yes 0 no**
- **Option 2a** – Relocate Jail to a New Site, Expand/Renovate Courts in-place **9 yes 3 no**
- **Option 3b** – New Courthouse & Jail on New Campus Site **8 yes 4 no**

All options related to Expand, Renovate or Replace the Justice Center in Place were not recommended by votes ranging from **0 yes, 12 no to 1 yes, 11 no**. Judge Brendan Sheehan who voted yes or a Maximum reuse alternative including Jail II, Court Tower and PAB, appealed to the Committee to include this option at least as a baseline for comparison to be able to answer the question if asked in the future why renovation was not considered.

The Steering Committee agreed to expand the comparison to four options in response to this request, but it is noted that initially only Judge Sheehan voted yes on 2 of the 4 alternatives in Group 1 - Expand, Renovate or Replace the Justice Center in Place

Refer to Attached Excerpt from January 23, 2020, Steering Committee Presentation for additional detail on initial definition of alternatives.

Refined Alternatives

Based on the January Determination by the Steering Committee, the DLR Group Planning Team embarked on the process of refining the options to provide more detailed information for decision-making. This process was planned to include both Stakeholder Working Groups to allow for broad participation and input as well as periodic updates to the Steering Committee. Unfortunately, this process was impacted by the COVID-19 Pandemic. The DLR Group Planning Team continued to develop options and to hold Working Group Meetings virtually with Stakeholders. Workshops and Steering Committee Meetings were scheduled and then delayed due to COVID-19 impacts and eventually the project was put on hold, due to the impact of the pandemic on the Stakeholders.

In the fall of 2020, the Project was restarted. As noted in agenda/invitation for the October 01 Steering Committee Meeting,

At the request of the Stakeholders, the process has been bifurcated and the analysis of jail options has proceeded independent of the Courts due to the impact of COVID-19 on court operations and the restart of the trial calendar. This discussion & presentation will include the following items:

- a. Review of Issues Related to Feasibility of Continued Use of Existing facilities;**
(This was not determined to be a viable option by the Steering Committee, but we believe it is advisable to have this discussion as a basis for eventually reaching a determination on the optimum approach to providing detention capacity for Cuyahoga County.)
 - i. Reuse of Jails I & II*
 - ii. Reuse of Jail II + New Remote facility*
- b. Summary review of Jail Program**
- c. Option 2a, 3b, 3c (Jail Component Only): New campus Jail on a site outside of the Downtown Cleveland Central Business District**
- d. Option 1b (Jail Component Only): New Facility to Replace Jail I Adjacent Justice Center, + Reuse of Jail II**
- e. Review and Comparative Evaluation of Jail Options – Subjective & Objective Criteria**
- f. Review & discussion of Site Criteria related to Options 2a, 3b & 3c should the Steering Committee determine that the best course of action is a new jail on a new site.**

Essentially the bifurcated project resulted in this phase of the study becoming a comparison of Jail Expansion and Renovation options vs. construction of a new jail on a new site (Option 1b vs. Options 2a, 3b & 3c.

While initially Option 1b was defined as a new annex plus renovation of Jail I input from Stakeholders who were advocating for reuse/renovation resulted in two additional variations being considered:

- Continued Use of Jail I & Jail II - *Based on efforts to reduce the jail population in response to the COVID-19 Pandemic a question has been raised regarding the feasibility of renovating and reusing Jail I & Jail II in lieu of replacement.*
- Split Jail System - *Based on efforts to reduce the jail population in response to the COVID-19 Pandemic a question has been raised regarding the feasibility of renovating and reusing Jail II for Pre-trial Holding with continued use of the Courts Tower & building a new Jail for Sentenced/Longer Term Population & Overflow*

An initial presentation of the comparative evaluation of the original options as well as analysis of the above was presented to the Steering Committee on October 1, 2020. Additionally, as part of this meeting anonymous polling was done to provide all with a sense of the general reactions of members of the Steering Committee.² This presentation also included further discussion regarding the ability to reduce the jail population based on lessons learned during COVID-19, such as suspending cash bail and cite and release for additional offenses.

Some key findings from the October 1, 2020, presentation (excerpt attached):

- Regarding planning for a reduced population, the Steering Committee felt that many of the short-term measures would not be continued into the future and that planning should continue based on a rated capacity of 1,600 (operational capacity 1,350) with core services and planned expansion if and when necessary to 2,400 beds. It was noted that if the Justice system could reach an ADP of 1,350 that would be a substantial reduction from the past ten years history.
- The presentation also included a review of the jail program and comments from Stakeholders from the Jail Program Visioning session. As presented key tenets of the program included:
 - Initial Capacity 1,600 Bed Rated Capacity, 1,350 Bed Operational Capacity
 - Core Services planned to expand to 2,400 Bed Rated Capacity, 2,040 Operational Capacity
 - *Service Delivery at the Housing Unit – Reduce Inmate Movement; Enhance Access to Programs & Services*
 - *Housing Unit sizes as Appropriate to Classification within the parameters of ODRC Standards*
 - *Creation of Decentralized Management Clusters, including Management & Treatment Staff*
 - Collocate Medical Services with Medical Housing
 - Collocate Mental Health Services with Mental Health Housing
 - Incorporation of Enhanced Intake/Transfer/Release & Central Booking
 - Provide Staff, Visitor and Official Visitor/Attorney Parking

The three items in italics are viewed as critical factors for future success:

- ***Service Delivery at the Housing Unit – Reduce Inmate Movement; Enhance Access to Programs & Services; Service delivery at the housing unit significantly reduces the need for***

² Please contact the County or County's Program Manager for to review polling results.

escort staff and enhances inmate access to programs and services. Additionally direct supervision housing staff not only supervise the housing unit, but they are also responsible for outdoor recreation at the unit, access to video visiting, medical triage, and a wide range of services – without the need for escort staff.

- **Housing Unit sizes as Appropriate to Classification within the parameters of ODRC Standards** – As noted before the size of the housing units in Jail I 24 +/- significantly impact staffing requirements vs. ODRC standards of 48 -60 depending on classification. Also as noted if ODRC mandated compliance with standards, Jail II would be similarly impacted.
- **Creation of Decentralized Management Clusters, including Management & Treatment Staff** – This is an important concept in addressing many of the underlying issues noted in terms of operations, standards compliance and safety and security. The program reflected a Unit Management approach to operations, with clusters varying from 116 to 272 beds. The intent is to decentralize management and treatment staff to the clusters, providing better command staff overview of operations hour to hour and increased access to treatment for the inmate population. This concept was developed to specifically respond to deficiencies noted in numerous studies - including, Quality Assurance Review conducted by the Department of Justice, US Marshals Service, multiple Department of Rehabilitation and Correction Annual Jail Inspection Update Reports, Clay et.al. v Cuyahoga County et.al, Northern District of Ohio Eastern Division cited previously
- Regarding the **Continued use of Jail I & Jail II** based on population reduction as a result of lessons learned during COVID-19 the following conclusions were reached:
 - **Continued Use of Jail I & II is not viewed as a viable option:**
 - Available capacity 1,594 rated capacity, operational capacity 1,355 – ASSUMING THAT ODRC ALLOWS CONTINUED DOUBLE CELLING OF JAIL II
 - Minimum Construction Cost: \$ 180 M +
 - Renovations = Project Costs in excess of 32.5% or Minimum of \$ 238.8 M+
 - Unrealized Operational savings of \$ 14.72 M/yr.
 - Population Currently exceeds operational capacity of Jails I & II
 - No option for additional capacity except reopening Bedford, Euclid or using out-of-County placement – historic cost in excess of \$12 M/yr.
 - Continued movement of offenders to programs & services – safety, security, staffing & health concerns
 - Significant compromises in program responsiveness and operations
 - Extended construction/development schedule
 - Potential costs of alternate housing to allow renovations
 - Even after significant expenditures, Jail I & Jail II will not meet contemporary and evidence-based best practices

It was also pointed out that it was doubtful if ODRC would grant a long-term variance for double-celling as double-celling of Jail II has been repeatedly cited as a deficiency in Jail inspection reports.

A review of the salient standards today indicates:

- The current operational approved rated capacity of the Cuyahoga County Correctional Standards is estimated as 1,883 beds. This number is based on the official rated capacity at the time the Justice Center Master Plan was developed plus 118 dormitory beds then under construction in the former Jail 1 food services area. Note that it is believed that ODRC reduced the 118-bed capacity upon final review, resulting in a capacity something less than 1,883 beds.

This capacity can only be attained by double bunking Jail II. **Double bunking of Jail II and the converted dormitory rooms in Jail I are not in compliance with ODRC Construction/Renovation Criteria for Full-Service Jails currently.**

- ODRC Criteria "F. Multiple occupancy cells may be used for minimum and medium security classifications. These cells must have:
 1. A minimum of 100 net square feet of floor space with the least dimension being 7'-0" for one (1) stacked bunk and a maximum occupancy of two (2) inmates."

Cell area in Jail I & Jail II are 72 SF which clearly does not allow for double-celling.
- ODRC Criteria B. There must be a minimum of one (1) dayroom for each housing unit which:
 1. Provides a minimum of 35 net square feet per inmate excluding shower/toilet area(s) and the circulation space in front of the cells. The circulation space shall be defined by the width of the cell doors.

Dayroom area in Jail II averages 1,100 SF which will not support double-celling as well.

So, this in reality, the issue is not whether or not renovation would reduce the capacity it is factual that if the County submits plans for major renovation that they will have to comply with standards and reduce the capacity to the ODRC approved rated capacity of 1,883 beds +/-.

Moreover, the county may have to get variances for a significant number of the beds in Jail 1 (the over/under bunk rooms as the rooms do not comply with minimum width dimensions).

Finally, one must ask if it is wise for the County to obtain a variance given long-term and current litigation. Compliance with accepted standards is one of the best defenses against conditions-of-confinement allegations.

- Regarding the **Operating a Split Jail System with Jail II Housing Pre-trial Inmates** the following conclusions were reached:
 - **Developing a split two jail system – Jail II as Pre-trial + Long-term/Overflow Jail is not viewed as a viable option:**
 - *Minimum Construction Cost renovations: \$ 40.26 M + Functional Shortfalls/Duplicative Services + Remote Jail + (costs will be in excess of single replacement facility*
 - *Renovations = Project Costs in excess of 32.5% or Minimum of \$ 53.36 M + Functional Shortfalls/Duplicative Services + Remote Jail + Indeterminate*
 - *Capacity of Jail II will only accommodate 43% of the Pre-trial population – 57% will be housed remotely*

- *Potential bifurcation of complimentary programs & services – Central Booking & Medical/Mental Health vs. Pre-trial Housing impacts operations and service delivery*
- *Duplication of services, programs & staffing will increase operational costs*
- *Cost of operating two facilities will increase current operating costs and exceed the cost of a new facility even with daily court transportation*
- Regarding the comparison of constructing a new facility vs. constructing and annex and renovating Jail II, the October 1 presentation included information on both options. Please refer to attached excerpt, but additional information related to the reuse and expansion option is provided below:
 - Initially three site options were considered:
 - PAB Site – PAB site was considered and not pursued as:
 - It was identified as a resource for future Justice Center Office needs under the Courts portion of the study
 - County has made significant investment recently to house Probation and the Probation lab which would have to be relocated
 - City has lease on building for Police use which was planned to be extended based on delays in developing new Police Headquarters
 - Construction would require demolition of the Plaza and two levels of parking to allow for new deep pile foundations required due to increased loading and revised footprint of a Jail Tower; impact on parking – 287 spaces directly below on levels P-1 & P-2, plus spaces lost to create safety buffer;
 - From an urban Design perspective would place a large Jail Tower on the corner of Ontario Street and W St Clair Avenue which may not be responsive to current development patterns.
 - Parking Lot Corner of W 3rd St & W St Clair Avenue – Site was considered but not pursued:
 - 2-4 Housing Units/Floor
 - 11 floors tall (14 stories with mezzanines)
 - Increased staffing costs (More Clusters)
 - Increased vertical movement
 - \$Deep foundations required
 - \$Connecting tunnel or bridge Required
 - Full-Half Block across W 3rd St to the West of the Justice Center 0- This site was used as a basis for the option
 - 4-8 Housing Units/Floor
 - + 6 floor tall (9 stories w/ mezzanines)
 - + Reduced operational costs (fewer clusters)
 - + Better adjacencies Medical/MH
 - - Vertical expansion, shell space or additional site acquisition required for expansion
 - \$Deep foundations required
 - \$Connecting tunnel or bridge Required

- At some point in the process, it was suggested that Jail II may have been planned for vertical expansion. The planning team could not confirm this – there is no mention in the detailed 2014 Assessment. This was discounted as an option based on:
 - Unless expansion was dormitories, floor plan would be small single cell units further exacerbating staffing requirements and operational costs.
 - Vertical expansion typically requires the building to be vacated both to allow for vertical expansion of elevators and stairs as well as mechanical equipment revisions and in order to maintain life safety exiting requirements.
 - In our experience, code changes that are enacted between the time of completion of an existing building and planned expansion can have significant impact on the viability of vertical expansion. Since Jail II was completed, code requirements for seismic resistance specifically have become more stringent for both the building as a Category 4 structure and changes to the seismic risk map which reclassified this area of downtown. Potential impact not only to the expansion but to the existing structure as well in terms of seismic resistance could not be ascertained as part of this master plan study

For these reasons any consideration of vertical expansion of Jail II was not considered as an option.

POSTSCRIPT: Subsequent to our discussion with DLZ we attempted to confirm comments related to vertical expansion of Jail II as suggested during our study. We confirmed that:

- It was confirmed by the Architect-of-Record for Jail II, that it was not planned for vertical expansion. The confusion regarding vertical expansion may have arisen from the original construction of Jail I. At some point in the process, three floors were removed from Jail I due to budget limitations. There may have been a misinterpretation regarding which building this applied to. Quote below is from on-line history of the construction of the original Justice Center.

“Success at the polls in 1970 did not, however, end the challenge of finally building a combined City-County court facility in Cleveland. During the Justice Center’s early development phase, the design by courthouse architects Prindle, Patrick & Partners became the subject of wide-spread criticism. The Plain Dealer, in a September 23, 1972 editorial, labeled it a “WPA design.” The project was rescued only when the architects brought in Pietro Belluschi, a leading Modernist architect, to make design changes. Belluschi proposed adding a three-story Galleria to connect the three buildings for the courts, county jail, and central police station, and eliminating the floor-to-ceiling windows from those buildings and replacing much of it with Spanish pink granite. Problems continued even after the City’s Fine Arts Committee approved Belluschi’s revised design in June 1973. It soon became obvious that \$61 million was woefully insufficient to build the project. **Two floors were shaved from the 25 floors of the Courts Tower and three from the 13 floors of the County Jail**, but project costs nevertheless ballooned to well over \$100 million by 1974, leading the Plain Dealer to call the Justice Center a “boondoggle.” When construction was finally completed in 1976, the price tag was slightly more than \$133 million, more than twice what the voters had approved six years earlier.”

Regardless, this does not change our original determination that vertical expansion was not an appropriate solution for consideration – especially if it applies to Jail I.

- Both the new construction on a new site option and the expand and renovate option were presented in detail in the October 1 presentation. Conceptual diagrams were developed for each Component based estimates were prepared by three independent estimators and then reconciled as a basis for comparison. As indicated in the presentation, construction of a new jail on a new site was found to be the recommended option both in terms of programmatic suitability and costs.

VIII.e. Comparative Evaluation – Subjective Criteria

Comparative Evaluation: Detention Center Development Options		Option 1b: Maximum Reuse Expand/Renovate Justice Center & Jail In-Place; Retain Jail II	Options 2a, 3b & 3c: Relocate Jail to New Remote Site;
Key:			
Highly Responsive/Positive			
Partially Responsive/Positive			
Partially Non-Responsive/Negative			
Not Responsive/Negative			
Subjective Criteria			
Programmatic Suitability			
	Program Responsiveness		
	Future Expansion/Adaptation		
	Operational Efficiency		
	Flexibility (Building Footprint)		
	Quality of Environment		
	Appropriateness of Image		
	Court Transport		
	Ease of Public Access		
Locational Considerations			
	Availability of Staff/Visitor Parking		
	Access to Mass Transit		
	Family Access		
	Attorney Access		
	Emergency Services		
	Neighborhood Compatibility		
	Economic Impact		
Developmental Impacts			
	Site Availability		
	Impediments to Development		
	Construction Logistics		
	Construction Impact on Operations		
	Potential for Phased Development/Expansion		
	Community Support		
	Urban Design/Impact Opportunities		
	Potential for D-B Delivery		

VIII.e. Comparative Evaluation – Objective Criteria

Comparative Evaluation: Detention Center Development Options		Option 1b: Maximum Reuse Expand/Renovate Justice Center & Jail In-Place; Retain Jail II	Options 2a, 3b & 3c: Relocate Jail to New Remote Site;
Key:			
Highly Responsive/Positive			
Partially Responsive/Positive			
Partially Non-Responsive/Negative			
Not Responsive/Negative			
Objective Criteria			
Projected Costs - Jail			
	Construction Cost (Today's Dollars \$M)	\$457.62	\$398.09
	Project Costs (Today's Dollars \$M)	\$106.28	\$93.05
	Total Project Costs (Today's Dollars \$M)	\$563.89	\$491.15
	Potential Site Acquisition Cost	TBD	TBD
Total Potential Cost Jails (Today's Dollars)			
	Potential Initial Cost for Future Expansion	\$70.59	\$0.00
Time To Occupancy/Completion			
	Time to Occupancy - Jail Phase I (yrs.)	3 yrs	3 yrs
	Total Time to Occupancy - Jail (yrs.)	6 yrs	3 yrs
Operational Cost Impact			
	Annual Operational Cost +/- - Jail \$M	-\$7.89	-\$14.72
	Additional Costs Rovers/Movement Staff +/-	TBD ++	TBD --
	Annual Court Transport Costs	\$0.00	\$0.81
	Duplication of Services/Two Buildings	TBD ++	\$0.00
	Net Operational Savings	< -7.89	-\$13.91

VIII.e. Comparative Evaluation – Objective Criteria

Comparative Evaluation: Detention Center Development Options		Option 1b: Maximum Reuse Expand/Renovate Justice Center & Jail In-Place; Retain Jail II	Options 2a, 3b & 3c: Relocate Jail to New Remote Site;
Key:			
Highly Responsive/Positive			
Partially Responsive/Positive			
Partially Non-Responsive/Negative			
Not Responsive/Negative			
Potential Savings Available for Debt Service			
Annual Operating Costs Housing & Control		-\$7.89	-\$14.72
Annual Operational Cost Rovers/Movement		TBD ++	TBD --
Annual Court Transport Costs		\$0.00	\$0.81
Duplication of Services/Two Buildings		TBD ++	\$0.00
Other Savings (Euclid, Bedford Out Placement)		-\$12.33	-\$12.33
TOTAL POTENTIAL AVAILABLE For ANNUAL DEBT SERVICE		<20.22M	>26.24M

- Some key differences between Expansion/Renovation of Jail II & new Construction
 - Expansion/Renovation continues the “Two Building/One Connection” organization of the existing complex.
 - Planning on Urban site is more constrained
 - Site in vicinity of Justice Center will require deep foundations +\$19.1M (NB: one estimator put this cost at \$41.6M)
 - Reduced net operational cost savings - \$7.89M for Expansion/Renovation vs. \$13.91M for New Construction (Includes transportation costs for new jail)
 - Increased time to occupancy – 6 yrs. vs. 3 yrs.
 - Tunnel/Bridge Connector \$4.375M
 - Shell Space for Future Expansion to 2,400 Beds \$70.6M (See above re: caveats about planning for future vertical expansion as applied to existing Jail II)
 - Programmatic and Operational Responsiveness

Refer to Attached Excerpt from October 1, 2020, Steering Committee Presentation for additional detail on initial definition of alternatives.

Final Determination

On November 12, 2020, the Steering Committee met to come to a final determination regarding renovating and Expanding Jail II or developing a new low-rise jail on a new site. This was essentially the same presentation as issued on October 1, 2020, plus two additional considerations:

- **Cost of Doing Nothing** - Stakeholders had asked what s the cost of doing nothing and delaying any further decision? The following excerpts from the presentation address this question:

V. Reason for Acting Now – Cost of Further Delay

Analysis of Cost of Decision to Do Nothing or Retain Existing Facilities				
Required Upgrades from 2014 Study - 2020 Dollars Jail I & II (Circa 1976 & 1995)				
Base Construction Cost - LIMITED UPGRADE (Excludes ADA, Full Renovation/Fixture Replacement, COVID-19 MEP, Functional Shortfalls)				
				\$ 105.20 M
Security Upgrade				\$ 25.00 M
COVID-19 MEP Upgrade - Added Costs				TBD
Functional Shortfalls				N/A
Cost Impact of Phased Renovation while Occupied 20%				\$ 26.04 M
TOTAL CONSTRUCTION COSTS - LIMITED UPGRADE				\$ 156.24 M
Project Costs (Contingencies, Fees, Added Security etc.) - 32.5%				\$ 50.78 M
TOTAL PROJECT COST LIMITED UPGRADE				\$ 207.02 M

Programmed Jail Projects 2020-2024 Capital Plan Submission				
Building	Project	CIP year	Estimated \$	Status
Jail 1 & 2	Jail Camera System Improvements	2019	\$ 305,900.00	In Construction/Installation phase
Jail 2	Kitchen Dishwashing Replacement	2020	\$ 779,289.00	Design Complete - Bid Preparation Phase
Jail 1	6th Floor Attorney Client Visitation Rooms	2020	\$ 235,515.31	Design Complete - Trades Scheduling
Jail 2	Code required Elevator modernization	2020	\$ 3,100,000.00	Design Complete - Bid in November
Jail 1	Housing Unit Column Repairs	2022	\$ 280,000.00	Field Investigation Complete
Unprogrammed Emerging Jail Infrastructure Needs				
Building	Project	CIP year	Estimated \$	Status
Jail 1	Failure of all Sanitary Sewer Wast Piping - Age	TBD	TBD	Evaluation - Deterioration of original cast iron is advanced.
Jail 1	Domestic Water Plan Replacement	TBD	TBD	Deterioration of Storage tanks is being evaluated.
Jail 1 & 2	Roof Replacement	TBD	TBD	Documented age based conditions will require roof replacement soon.
Jail 1 & 2	Housing Units/Cells Fixture Replacement	TBD	TBD	All fixtures are obsolete - will require replacement - parts are difficult.

V. Reason for Acting Now – Cost of Further Delay

Analysis of Cost of Decision to Do Nothing or Retain Existing Facilities		
Equivalent Cost Full Upgrade Based on Recent Project - 2020 Dollars		
		\$ 253.28 M
Clark County, NV Full Phased renovation of circa 1984 Jail - No major programmatic space changes		
\$121.7M, 475,000 SF - Adjusted to 2020 & Cleveland +\$307/SF		
Cost Impact of Phased Renovation while Occupied 20%		
	Incl.	
TOTAL CONSTRUCTION COSTS		\$ 253.28 M
Project Costs (Contingencies, Fees, Added Security etc.) - 20% (D-B)		\$ 50.66 M
TOTAL PROJECT COST UPGRADE EXISTING		\$ 303.93 M
Estimated Annual Debt Service 30 Year Bond @ 3%		\$ 15.37 M
Estimated Equivalent Annual Capital Investment over 10 Year Period w/escalation		\$ 40.06 M
Estimated Time Frame for Full Upgrade at Capital Expenditure Level - \$5M/Yr		60 Yrs
Annual Escalation for Each Year Delay (New Construction 1,600 Beds)		\$ (29.98) M
Unrealized Annual Operational Savings Each Year Delay		\$ (12.33) M+
Cost of Continued Litigation		\$ (?????) M+
Cost Comparison - New 1,600 Bed Jail on New Site		
Total Project Cost		\$ 499.61 M
Estimated Annual Debt Service 30 Year Bond @ 3%		\$ 25.27 M
Less Annual Debt Service Renovate/Upgrade Existing Facilities		\$ 15.37 M
Less Operational Savings		\$ 12.33 M
Net Added Cost to County		\$ (2.43) M

Annual Cost of do-nothing >\$45M

- Clearly there is a significant cost associated with the “do-nothing” alternative

- The planning team was also asked to investigate the impact of developing an expansion and renovation scheme based on reducing the ADP to 1,000 people in custody. The following are illustrations from the presentation

IX.c. Feasibility of Reuse of Jail II if Population Reduced ≤ 1,000 ADP

Base Program at 1,600 Beds Rated Capacity, 1,350 Beds Operational Capacity/ADP	New Jail/New Site			Reduced Size 1,176 Rated Capacity - 1,000 Beds Operational Capacity/ADP									
	No. of Pods	No. of Beds	w/ Expansion Beds	New Jail/New Site			Reduced Size 1,176 Rated Capacity - 1,000 Beds Operational Capacity/ADP						
				No. of Pods	No. of Beds	w/ Expansion Beds	Reuse Jail II		New Construction				
				No. of Pods	No. of Beds	w/ Expansion Beds	No. of Pods	No. of Beds	w/ Expansion Beds	Block & Stack	No. of Pods	No. of Beds	w/ Expansion Beds
Cluster 0 - Medical - Male/Female	4	116	116	4	116	116					4	116	116
10,300 Medical Detox	2	72	72	2	72	72					2	72	72
10,300 Medical Skilled Nursing	2	44	44	2	44	44					2	44	44
Cluster 1 - Reception/Restricted Male & Female	5	192	236	5	192	236					5	192	236
8,100 Reception/Short-term Sent	2	96	96	2	96	96					2	96	96
8,500 Restricted Housing	2	64	96	2	64	96					2	64	96
8,600 Reception/Short-term/Female	1	32	44	1	32	44					1	32	44
Cluster 2 - Mental Health - Male/Female	6	172	204	6	172	204					6	172	204
10,400 Mental Health - Acute	2	44	44	2	44	44					2	44	44
10,400 Mental Health - Subacute	4	128	160	4	128	160					4	128	160
Cluster 3 - GP Minimum - Male	5	300	300	0	0	0	0	0	0	N/A	0	0	0
8,200 GP Minimum	5	300	300	0	0	0	0	0	0	N/A	0	0	0
Cluster 4 - GP Medium/Medical - Male	6	272	272	6	272	272	6	272	272				
8,300 GP Medium	5	240	240	5	240	240	5	240	240	4-9th flr: 1-7th flr			
10,300 GP Medical	1	32	32	1	32	32	1	32	32	1-7th flr			
Cluster 5 - Mixed Female	4	164	172	3	104	112	6	108	120	(B&C) combined			
8,200 GP Minimum	1	60	60	0	0	0	0	0	0	N/A			
8,800 GP Medium/Maximum	1	48	48	1	48	48	2	48	48	A & D 3rd flr			
8,900 GP Special Needs	1	32	40	1	32	40	4	32	40	B&C 3rd flr			
10,300 GP Medical	1	24	24	1	24	24	2	28	32	A&D 2nd flr			
Cluster 6 - GP Maximum - Male	5	240	240	4	192	192	6	144	144	4-5th flr: 2-7th flr	1	48	48
8,400 GP Maximum	5	240	240	4	192	192	6	144	144	4-5th flr: 2-7th flr	1	48	48
Cluster 7 GP Special Needs - Male	6	192	240	4	128	160	4	128	128	4 - 11th flr			
8,900 GP Special Needs	6	192	240	4	128	160	4	128	128	4 - 11th flr			
Total Adult Male/Female	41	1,648	1,780	32	1,176	1,292	22	652	664		16	528	604
Juveniles Charged as Adults	2	16	16	2	16	16	4	20	20	A&B 2nd flr			
TOTAL RATED CAPACITY		1,664	1,796		1,192	1,308		672	684		38	528	604
												1,200	1,288

Reuse assumes ODRC approval for double ceiling Jail II

IX.c. Feasibility of Reuse of Jail II if Population Reduced ≤ 1,000 ADP

Comparative Costs

New Jail on New Site			
Construction Costs			
New Construction Cost		\$ 314,171,828	\$ 478.12
Renovation Construction Cost		\$ -	
Site Development Costs		\$ 7,556,695	\$ 11.50
CONSTRUCTION COSTS		\$ 321,728,523	\$ 489.62
Project Costs			
Fees & Administration	15%	\$ 48,259,278	\$ 73.44
Site Acquisition		TBD	
FFE	2.50%	\$ 8,043,213	\$ 12.24
Contingency - New Construction	5%	\$ 18,901,551	\$ 28.76
Contingency - Renovations	10%	\$ -	
PROJECT COSTS		\$ 75,204,042	\$ 114.45
TOTAL PROBABLE PROJECT COST		\$ 396,932,565	\$ 604.06
Shell 400 Beds		\$ -	
TOTAL PROBABLE COST w/SHELL SPACE		\$ 396,932,565	\$ 604.06

Project Cost Delta: New Construction \$58.4M Less than Reuse + Expansion, assuming equivalent Site Costs (without shell space for Expansion)

New Annex + Jail II Renovation/Reuse			
Construction Costs			
New Construction Cost		\$ 175,034,746	\$ 476.61
Site Development Costs		\$ -	
Deep Pile Foundations		\$ 8,849,016	\$ 24.10
Tunnel/Bridge Connector		\$ 4,375,000	\$ 11.91
Subtotal New Construction		\$ 188,258,762	\$ 512.62
Renovation Construction Cost		\$ 111,952,500	\$ 311.23
Shell & Core Upgrades		\$ 44,122,142	\$ 122.65
Excavation (Phasing)		\$ 24,551,790	\$ 68.25
Site Development Costs		\$ -	
CONSTRUCTION COSTS		\$ 368,885,195	\$ 507.44
Project Costs			
Fees & Administration	15%	\$ 55,332,779	\$ 76.12
Site Acquisition		TBD	
FFE (Based on New)	2.50%	\$ 8,043,213	\$ 11.06
Contingency - New Construction	5%	\$ 11,920,537	\$ 16.40
Contingency - Renovations	10%	\$ 11,195,250	\$ 15.40
PROJECT COSTS		\$ 86,491,779	\$ 118.98
TOTAL PROBABLE PROJECT COST		\$ 455,376,974	\$ 626.41
Shell 400 Beds (Project Costs)		\$ 35,293,432	\$ 297.60
TOTAL PROBABLE COST w/SHELL SPACE		\$ 490,670,405	\$ 580.30

- Note that these costs are still comparable to new construction of 1,600 beds.
- There was no consensus among Steering Committee Members that the population could be reduced to 1,000 – even 1,350 was noted as an optimistic target
- Analysis assumed that ODRC allowed continued double bunking of Jail II which as noted above is not only doubtful, but it may also not be in the County’s best interest related to ongoing litigation related to conditions-of confinement.

After deliberation the Steering Committee voted on Determinations as follows:

Determination 11.12.1: *The Steering Committee determines that it is impractical to renovate or expand existing Jail I or Jail II, and that future jail planning should be limited to consideration of a new jail on a site outside of the Downtown Cleveland core with an initial rated capacity to be determined, but not to exceed 1600 beds, with flexibility for either reduction in initial size or future expansion to a maximum rated capacity of 2,400 beds.*

Passed by Steering Committee 12-0

Determination 11.12.2: *The Steering Committee determines that the preferred remaining options for consideration are for a new jail on a separate site outside of the Downtown Cleveland core and new courthouse within the Downtown Cleveland core (labeled as Option 3C) or a new jail on a separate site and renovation/expansion of the courthouse on the current site (labeled as Option 2A). The Steering Committee determines that further consideration shall not be given to a new combined jail/courthouse facility. (Labeled as Options 3A and 3B).*

Passed by Steering Committee 12-0

Determination 11.12.3: *The Steering Committee determines that the proposed Siting Criteria for the new jail, as agreed to at the Steering Committee Meeting of October 29, 2020, November 12, 2020, is appropriate and that the County should proceed to identify and provide a comparative evaluation of potential sites.*

Passed by Steering Committee 12-0

Determination 11.12.4: *The Steering Committee determines that the County should proceed with planning for the new stand-alone jail, including but not limited to the following steps:*

1. *Initiate the Site exploration/selection process.*
2. *Prepare and issue the RFQ for the jail Criteria Architect.*
3. *Commence work on creation of a capital financing plan and structuring of required agreements with appropriate stakeholders.*

Concurrently, the Steering Committee shall continue and conclude initial planning for the courthouse to allow an informed decision regarding the most appropriate approach for meeting the current and future needs of the courts and related agencies.

Passed by Steering Committee 12-0

Clearly, at the time there was full support for moving forward with a new low-rise jail/campus on a larger site, as all Determinations passed unanimously. The facts speak for themselves, from an economic, operational staffing efficiency and quality of environment a new jail on a new site is the best option ***“to provide safe, humane & standards compliant jail capacity for Cuyahoga County”***

Refer to Attached Excerpt from November 12, 2020, Steering Committee Presentation for additional detail on initial definition of alternatives.