

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of the Chief Financial Officer

Natwar M. Gandhi
Chief Financial Officer



MEMORANDUM

TO: The Honorable Linda W. Cropp
Chairman, Council of the District of Columbia

FROM: Natwar M. Gandhi
Chief Financial Officer

DATE: July 7, 2003

SUBJECT: Fiscal Impact Statement: Revised “District of Columbia Jail Improvement Act of 2003”

REFERENCE: Bill Number 15-031 as Amended

Conclusion

Funds are sufficient in the proposed FY 2004 through FY 2007 budget and financial plan to implement the revised “District of Columbia Jail Improvement Act of 2003”. Any future unbudgeted costs stemming from implementing the consultant’s recommended population at the Central Detention Facility (CDF)¹ would be at least partially offset by a \$1.43 million set aside in the FY 2004 budget for DOC to procure additional inmate beds.

Background

The proposed legislation would require the Mayor to hire an independent consultant to determine the maximum number of inmates that should be held at the CDF. Depending upon the recommendation provided by the independent consultant, the legislation could have a future fiscal impact. There are also a number of provisions in the proposed act that are already budgeted or will have no fiscal impact on the District’s FY 2004 through FY 2007 budget and financial plan. They include;

- Requiring the CDF to meet the American Correctional Association standards for accreditation within four years of the effective date of this act.

¹ The Central Detention Facility or CDF is also known as the DC Jail.

- Requiring the DC Department of Health (DOH) to inspect the CDF's environmental conditions at least three times a year and to issue an inspection report to the Council within 30 days of each inspection,
- Providing the Council with all internal reports relating to environmental conditions in the CDF,
- Prohibit DOC from releasing prisoners from the CDF between 10 p.m. and 7 a.m.,
- Providing access to members of the Corrections Information Council to conduct inspections of the conditions at the CDF and unmonitored interviews of inmates,
- Maintaining weekend visiting hours at the CDF, implementing a classification system and corresponding housing plan for inmates at the CDF,
- Increasing transportation and court duty costs for the Federal US Marshall Service, and
- Mandating standards for any new housing or facilities purchased by DOC.

Financial Plan Impact

Funds are sufficient in the proposed FY 2004 through FY 2007 budget and financial plan to implement the revised "District of Columbia Jail Improvement Act of 2003". Any future unbudgeted costs stemming from implementing the consultant's recommended population at the Central Detention Facility (CDF)² would be at least partially offset by a \$1.43 million set aside in the FY 2004 budget for DOC to procure additional inmate beds. These costs would be incorporated into the baseline for these years; however, because the financial plan already is closely budgeted, some reduction in other programs may need to be identified to maintain balance in the plan.

To-be-determined inmate population cap at the Central Detention Facility

Because the inmate population cap is not yet known, this fiscal impact statement shows costs and savings on a per inmate level. If a population cap were determined that would reduce the total number of inmates held at the CDF, the following per inmate figures can be used to determine the cap's cost.

The cost of operating the DC Jail has little variance. The only measurable variable cost reduction in our analysis is the number of meals served per day; these run about \$1,100 per inmate per year. CDF would save approximately \$1,100 per inmate per year in food costs if a cap were implemented.

There are a number of ways the District can house inmates over the population cap. The cost of procuring the additional bed space is dependent upon which combination of options is used to house excess inmates.

The District can contract with outside facilities to house excess inmates. According to the US Attorney's office, bed space in Virginia can range from \$58/day/inmate in Rappahanock to \$96/day/inmate in Alexandria. They cite an average of \$82/day/inmate. DOC's transportation costs could increase because of the need to transport inmates across state lines to remote jail

² The Central Detention Facility or CDF is also known as the DC Jail.

locations. The further away from the District the inmate is held, the higher the transportation costs; the District does not have adequate vehicles and personnel to provide transportation of inmates across state lines.

The District can pay to house up to 150 inmates in the Central Treatment Facility (CTF). The CTF is adjacent to the CDF, but is a less secure facility. The CTF has a capacity of 868 with around 150 available beds. The Corrections Corporation of America runs the facility, and is reimbursed \$69.90/day/inmate (\$55 plus \$14.90 for medical). In January 2004 the daily reimbursement will increase to \$71.80; while it may be possible to negotiate a lower rate with more usage, this analysis does not assume a lower rate.

In addition to placement at the CTF and secure jails in other jurisdictions, there are a number of placement options, listed below, that depend on parties outside the D.C. government. These options are outside of the District's control, because a judge, not the DOC, has discretion over an inmate's designation. Employing some of the options listed below may reduce some of the potential future costs of this legislation, particularly the transportation costs.

- 1) Sentencing and designating judges could increase placement in the District's existing diversion programs. For example, certain inmates who need mental health services could be placed in the Department of Mental Health's Options Program.
- 2) Sentencing and designating judges could place additional inmates in the four halfway houses with which the DOC has contracted bed space. Over the last six months, there have been 113 inmates, on average, in halfway houses. The total budgeted capacity at the District contracted halfway houses is 122. The average per day/inmate cost at the District's halfway houses is \$53.73.
- 3) Sentencing and designating judges could increase the use of electronic monitoring.
- 4) The District could release inmates into the community pending trial by the use of posted bonds or of bail (not in use at this time).

Earn ACA Accreditation

The legislation would require the CDF to meet the American Correctional Association standards for accreditation within four years of the effective date of this act (previous version of this Act required ACA accreditation in three years). Only 3% of jails in the country are accredited and older jails, such as the DC Jail, require more intensive work to meet the standards. However, the CDF is currently working to meet these standards via a \$30 million capital improvement project that is expected to be completed during FY 2006. DOC would apply for accreditation in FY 2008, and would incur a triennial \$11,000 accreditation fee. Other ongoing costs of maintaining accreditation will be absorbed as part of normal operating expenditures.

Department of Health Inspections of the CDF

This legislation would require the DC Department of Health (DOH) to inspect the CDF's environmental conditions at least three times a year and to issue an inspection report to the Council within 30 days of each inspection. Until mid-FY 2003, the DOH was required under a US District Court Order to monitor conditions at the DC Jail. Although that court order was lifted this fiscal year, the "jail inspector" position has not been eliminated. As a result, there should be no additional costs for monitoring, because the funds allocated to pay for the jail inspector used to comply with the court order can be used to pay for the jail inspector used to comply with this legislation.

A fiscal impact statement filed on April 25, 2003 on the Central Detention Facility Monitoring Amendment Act of 2003 indicated that there would be costs associated with this provision. After further review, the OCFO has determined that DOH inspections would not have a negative fiscal impact.