

June 14th, 2023

Chad Peterson, Chair

Cass County Commission

211 9th St. S.

Fargo, ND 58103

Commission Chair Peterson,

Captain Frobig has spent a number of hours conducting and compiling the following information in reference to daily housing rates at the Cass County Jail. The following is information that he has put together for the commission's consideration.

CASS COUNTY JAIL

Per-Diem Cost Study

June 2023

Capt. Andrew Frobig, Jail Administrator

Synopsis

This cost study was conducted for the purpose of determining and proposing appropriate daily rates for prisoner housing to take effect in 2024. The methodology used was to consider all expenses incurred to operate the adult jail facility, and all expenses incurred to provide for necessary care and custody of the inmate population. An accurate determination of actual "days served" (inmate days) was obtained using billing data.

These expenses and inmate days have been compiled separately for both 2021 and 2022, in order to determine the gross cost to the county for operating the jail.

No costs or revenues associated with the jail commissary program, inmate phone system, or 24/7 Alcohol Monitoring program are included in this study, as those are all funds and expenses that are accounted for separately in the county budget.

The results of this study show that the actual expense to the county for housing prisoners in 2021 was \$110.34 per inmate day, and the cost for housing prisoners in 2022 was \$114.38 per inmate day.

Background Information

The current rate for federal prisoners is \$75 per day, based on a contract that was last negotiated to take effect in 2013. Any rate increase would need to be via a specific contract renegotiation, but this study would be used to support that renegotiation.

The current rate charged to other counties, to the State of ND, and to local municipal courts is \$85. That rate was established in January of 2020. The only existing and up to date contract that currently exists with any entity is with the State of ND. Older contracts exist with several counties and municipalities, dating as far back as the early 2000's, but none of those contracts contain language that accurately reflects more recent and current practices, responsibilities, or costs. An increase in the rate would be a good time to revise and renew such contracts with each entity that wishes to house prisoners at Cass County.

Entities that authorize placement into the Community Supervision Unit are charged \$50 per day.

Other entities that we rent beds from, namely Grand Forks, Stutsman, and Burleigh Counties, have all indicated that they are raising their rates for 2024, to varying degrees, at or exceeding the \$100 level. This is a cost that Cass County will need to pay if we continue using them to manage our existing capacity issues.

Data Summary

Financial reports for 2021 and 2022 are attached as appendices to this study, but summary information is being provided for convenience. The inmate billing reports are available electronically, and breakdown the actual days billed to each partner entity. For convenience purposes, billing to each entity is referred to in this summary, and referenced by page number to the full electronic report.

A. Jail Budget (101-3510) Expenses

In 2021, the 3510 actual expenses were \$10,839,908.49. Jail-related expenses itemized from the County Administrator's budget were \$948,282.64, for a gross total of **\$11,788,191.13**.

In 2022, the 3510 actual expenses were \$11,609,268.93. Jail-related expenses itemized from the County Administrator's budget were \$1,141,779.26, for a gross total of **\$12,751,048.19**.

The jail budget (3510) expenses include staff salaries, benefits, and training expenses. It includes contracted services for inmates such as medical, psychiatric, and food, and other expenses for supplies, equipment, repairs, technology licenses and maintenance, communications equipment, vehicles, and other costs necessary to remain operational and compliant with laws and standards.

The County Administrator's budget for jail-related items includes facility utilities, services such as sewer and waste collection, salary and benefit expenses for one maintenance staff, building and grounds services and supplies, maintenance, repairs, equipment replacement, custodial services, and maintenance vehicles.

B. Inmate Days

While the total number of inmates being booked into jail has substantially dropped over the past two years, the severity of crimes and the average length of stay for those we are holding has increased substantially. The average length of stay is now 17 days, and average inmate headcounts are over 300. In 2022 and 2023 we have been renting beds from other facilities in order to ensure enough space remains available to allow for new arrests.

In 2021, the total inmate days served was 106,836.

In 2022, the total inmate days served was 111,469.

Inmate days include time served for criminal offenses, time spent on civil holds such as child support or mental health holds, fugitive warrants, parole violations, probation intermediate measure holds, Immigration detainers, intoxication management holds, and also prisoners assigned to community supervision.

This page provides an annual breakdown of days served by responsible jurisdiction. For the "Cass" designation, all expenses are borne by the county. For all others indicated, we bill for reimbursement at the rate(s) this report is intended to address and determine.

2021

| <u>Jurisdiction</u> | <u>Days Served</u> | <u>Appendix Reference</u> |
|----------------------|--------------------|---------------------------|
| Cass | 84,729 | (Page 702) |
| Fargo Municipal | 2,942 | (Page 787) |
| Fargo Detox | 333 | (Page 842) |
| West Fargo Municipal | 239 | (Page 857) |
| WF Detox | 24 | (Page 976) |
| US Marshals | 13,463 | (Page 916) |
| DOCR Parole | 494 | (Page 924) |
| DOCR | 3861 | (Page 971) |
| Other counties | 278 | (Various) |
| US BOP | 346 | (Page 926) |
| Fargo GPS | 97 | (Page 981) |

Total 2021 **106,836**

2022

| <u>Jurisdiction</u> | <u>Days Served</u> | <u>Appendix Reference</u> |
|----------------------|--------------------|---------------------------|
| Cass | 91,181 | (Page 779) |
| Fargo Municipal | 5,495 | (Page 862) |
| Fargo Detox | 324 | (Page 973) |
| West Fargo Municipal | 463 | (Page 1022) |
| WF Detox | 17 | (Page 1093) |
| US Marshals | 13,179 | (Page 1089) |
| DOCR Parole | 192 | (Page 1099) |
| DOCR | 52 | (Page 1109) |
| Other Counties | 316 | (Various) |
| US BOP | 66 | (Page 1102) |
| Fargo GPS | 244 | (Page 1106) |
| Total 2022 | 111,469 | |

Past and Future Variables

The past two years' data was used for this analysis simply because of the significant volatility of related factors since costs were last assessed to take effect in 2020. Many factors have influenced inmate headcounts, length of stay, and expenses to the point that comparing all four years of data would be of little value.

Actual expenses have come in well under budget amounts for the past few years, mostly due to staffing vacancies. Minimum staffing levels have been maintained using overtime, which has saved money on benefits, but increased expenses for training and recruiting. Salaries are lower than budgeted as staff replacements are hired at the bottom of the salary schedule. As this factor stabilizes, we will likely see salary and benefit expenses come more in line with projected budgets, and we will see less availability for overtime coverage as staff longevity increases their leave banks and usage.

2020 and 2021 provided significant grant money to offset expenses related to the COVID pandemic. We will likely see fewer expenses and lower quantities of certain PPE and cleaning products, but these needs will be offset by the inflationary costs of such supplies.

Inmate intake numbers significantly dipped starting in 2020, mostly due to COVID, which in turn caused court delays, which in turn led to a higher number of warrants and lengthier stays in jail for those on

pre-trial status. The net result was that while intake numbers reduced by 20-30%, the length of stay nearly doubled, and the average daily population continued to steadily increase.

Intake numbers were also artificially suppressed during 2021 and 2022, due to a booking expansion and renovation project that cut our available intake space by more than half while that project was in progress.

An independent consultant study was commissioned in 2021 to project inmate population growth. So far in 2023, we are maintaining in line with the projected population for 2026, so we are effectively running populations three years earlier than projected.

During 2024, it will be necessary to recruit, hire, and eventually train additional staff in preparation for the opening of new housing construction that is projected to be available in the spring of 2025. A significant investment in additional staff will be necessary to manage and operate up to 192 additional beds. While this unit was designed and projected to meet our needs until 2033, we expect that there will be an initial surge of intakes when those beds become available as we work through a backlog of unserved warrants, before tapering off and coming more in line with population projections.

Also, during 2024, we will be planning and implementing a conversion of medical staffing, by taking on full responsibility for inmate health services and staffing due to the expressed desire from Public Health to end our existing arrangement for contracting these services. This will significantly increase costs for recruiting, hiring, and training staff, as well as for peripheral services such as medical records and other elements that are currently obtained or utilized through existing public health resources.

Conclusion

There is clearly a justifiable and warranted need to reconsider the costs associated with housing prisoners, and the rates that we charge other entities to hold, process, and care for prisoners on their behalf.

This report establishes the actual costs incurred to operate the jail. It does not suggest what the new rate should be. Other entities that we work with are increasing their costs as well in 2024, and we have taken those cost increases into account in preparing our 2024 operating budget for the jail, but I have no data to reflect how they arrived at their individual rates for 2024.

Inflationary costs have been extreme over the past two years, and while there does seem to be some relief recently, the fact remains that current inflation is still nearly double what it was as recently as three years ago before the sharp rise experienced in 2021 and 2022.

We continue to struggle with recruiting and hiring. As of the date this report is prepared, our current vacancies at the jail stand at 17. While we have exceeded 20 vacancies at points during the past two years, during the past 4 we have never achieved fewer than 12 vacancies.

Historically, vacancies have been 5 or fewer at any given time. The difficulty in finding qualified and willing staff is an established reality, given the changes in the workforce, and increases and modifications to wages, salaries, and bonuses offered by private entities, which government struggles to keep up with and must plan well in advance. Despite all efforts to address this shortage, we have made little lasting progress in meeting our staffing needs, and this will only be compounded by the need to increase our staffing in about 18 months. Finding a way to attract and retain sufficient staff, which we

have so far been unsuccessful in accomplishing over the past 4 years, is a critical need that will likely require an additional and ongoing financial investment.

Suggested Motion

“Move to allow the Cass County Sheriff’s Office to raise the daily Cass County Jail Housing Rate from \$85.00 to \$120.00 per day per Inmate.”

Sincerely,

Jesse Jahner
Cass County Sheriff