Report to

The Vermont Legislature

Women's Replacement Facility Report

In accordance with Act No. 69 of 2023

Section 29 (b)

Submitted to: House Committees on Judiciary and on Corrections and Institutions and the Senate Committees on Institutions and on Judiciary

Submitted by: Alan Cormier, Acting Commissioner, Department of Corrections

Prepared by: Kathy Astemborski, Director of Women's Services, Department of Corrections

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Executive Summary

This report from the Vermont Department of Corrections ("DOC") details the current proposed size and scale for a replacement of the contemporary incarcerative facility for female-identifying individuals in Vermont, Chittenden Regional Correctional Facility ("CRCF").

This report and its supporting documentation details: (1) proposed allocation of beds in correctional and reentry facilities; (2) bed types for specialized populations in each facility; and (3) data and rationale used to inform the size of each facility.

The Department of Corrections looks forward to continuing to refine these draft proposals in the coming months and years with the valued input of subject matter experts, stakeholders, legislators, and those with lived experience.

Bed Counts

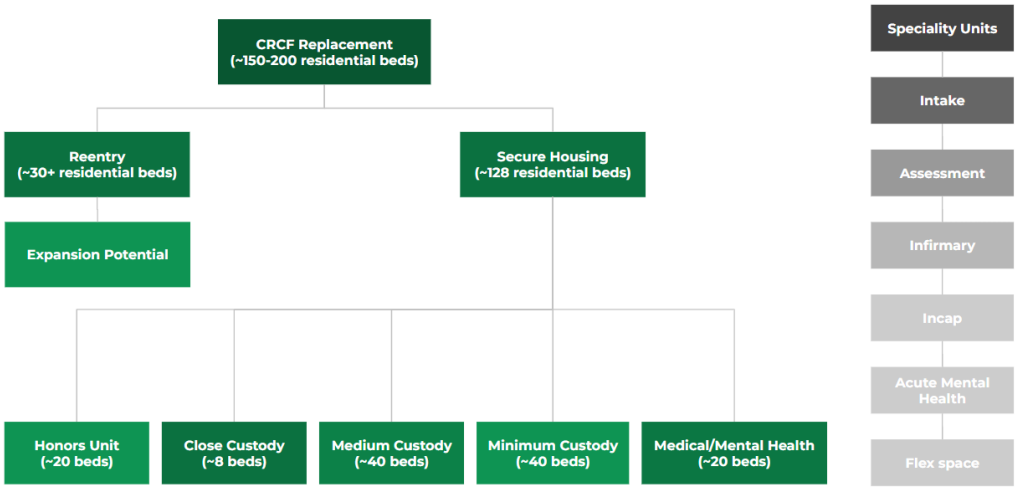
Initial conversations with members of the Women's Facility Stakeholder group, the Department of Buildings and General Services, and contracted architect HOK explored a total residential bed count of between 150 and 200 beds, with a current working estimate of roughly 158 residential beds.

The current capacity of CRCF is 177 beds. The Department of Corrections recorded a recent October 2023 census of 127 individuals housed at CRCF, including a higher-than-average number of pre-trial detainees. Other recent highs include 134 (January 2020) and 157 (June 2018). As of this report, 108 individuals are housed at CRCF, 55 of whom are held awaiting trial as detainees within the jurisdiction of the courts.

The American Correctional Association (ACA) recommends correctional facilities operate at no more than 85% capacity to allow for proper building circulation and operations. The rough bed count estimates were calculated based upon ACA best practices and past, present, and future female population trends and projections.

Additional conversation and project scoping are required to determine the appropriate bed counts and distribution. The Women's Reentry Facility in particular will require additional consideration based on evolving criteria. Initial estimates call for at least 30 beds.

Figure 1.1: 2023 Projected Bed Counts & Distribution



Specialty Beds

Current proposals for the women's replacement facility consider non-residential (temporary) beds dedicated for:

- Intake requiring screening and assessments
- Infirmary
- Incapacitated persons
- Acute mental healthcare
- Flexible space (e.g., airborne pathogen quarantine, temporary bed while awaiting transport)

Reentry Criteria

The Women's Stakeholder Group is actively examining reentry criteria. DOC recently presented the following current population categories for possible consideration:

Non-listed, Non-violent:

- Sentenced, minimum custody
- Sentenced, medium custody
- Detainees (Conviction and Violation Summary [CVS] fewer than 11)

Listed, Violent:

- Sentenced, within 1+ years of release (criteria to be determined)

Potential Factors Impacting Eligibility:

- Release Sensitive Notification (RSN)
- History of major prior institutional escapes
- Designation as potentially predatory as per Prison Rape Elimination Act (PREA) screening procedures
- Major recent disciplinary reviews (DR)

Rationale for Bed Counts

All bed count numbers put forward by the State to date remain preliminary. The State of Vermont must consider the following rationales while determining bed counts and distribution, including the potential long-term and deleterious consequences of underbuilding.

Consideration Criteria:

- Appropriate living space for population and population growth
    - Including short-term volatility and long-term population change
- Recommended 15% ACA capacity buffer
- Ability to separate by classification
- Allocation of operational and staffing resources
- Adequate programming space for reentry and therapeutic needs
- Physical visits and supports
    - Child, parent, and family bonding
- Population churn, specifically detainee population, and effect on facility operations and programmatic success
- Maximal facility operational flexibility (including flexibility for potential closure of units due to severe weather event, routine maintenance, staffing shortages, etc.)
- Gender parity across correctional system, including reentry eligibility for men and potential legal exposure
- Potential future need to house women out of state if population exceeds physical capacity

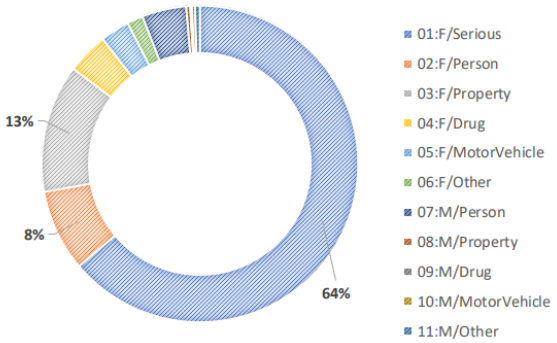
Figure 1.2: HOK Population Data

POPULATION DATA

FEMALE POPULATION							
MONTH	2016	2017	2018	2019	2020	2021	2022
January	151	134	138	150	134	87	92
February	148	137	146	147	128	83	86
March	135	152	157	148	117	89	82
April	134	151	154	142	82	85	88
May	140	148	148	151	77	75	94
June	134	141	157	156	86	94	91
July	139	151	151	149	91	94	93
August	139	154	153	152	88	98	93
September	152	137	156	146	98	103	98
October	156	140	149	146	93	98	104
November	147	140	150	145	84	88	104
December	141	138	146	140	85	86	107
Annual ADP	143	144	150	148	97	90	94
% of ADP	8.13%	8.14%	8.66%	8.47%	6.66%	6.95%	7.22%

The female population averages 7.75% of the system ADP over the last 7 years. This percentage has been increasing over the last 3 years consecutively but remains below the pre-pandemic average.

OFFENSE TYPE



64% of offenders are being held for a felony, serious offence according to point-in-time data from 8/12/22

Supporting Appended Documents

Please see the attached planning material from Stakeholder group presentations and HOK for additional detail on the current state of planning for a new facility.

1. Stakeholder group 06.23.23 presentation slides
2. Stakeholder group 11.08.23 presentation slides
3. HOK 2023 Report
4. HOK population projections

Evaluation of Inmate Population and Development Projections

This Section Addresses 2.2.3 of the RFP

EXECUTIVE SUMMARY

In 2020, the State of Vermont issued a Request for Proposals (RFP) for Architectural Services for a Correctional Facility Feasibility and Conceptual Design Study for the Vermont Department of Corrections. RFP 2.2.3. requested that the Feasibility Study "Evaluate the current inmate population and develop projections of the inmate population and associated bed capacity required for the DOC for the next 10 (ten) years. Compare the numbers to DOC's current and projected inmate population."

The purpose of this document is to provide a detailed review of Vermont's inmate population trends over the past five years, and to provide bed needs projections for facility planning purposes.

It is understood that these trends and projections will be used to assist and support the architectural and engineering team's development and assessment of different facility options for the Vermont DOC.

In 2022, the State of Vermont issued a Request for Proposals (RFP) for Architectural and Engineering Services for a Correctional Facility Development Plan and Women's Re-Entry and Correctional Facility Conceptual Design. RFP section 1.2 requests confirmation of bed populations and updates have been made to the previously completed 2020 report.

REPORT ORGANIZATION

1. Executive Summary — *This section provides an overview of how the report is organized, and the key findings in this report.*

2. Current Inmate Population Trends —*This section provides a review of Vermont's inmate population trends over the past five years. Detailed graphs and data tables are provided to document and illustrate trends, and to provide a baseline for future planning.*

Breakdowns are provided showing the system-wide Average Daily Population (ADP) of inmates held in Vermont's DOC facilities and out-of-state (in Mississippi) under contract. Breakdowns are provided showing the ADP each month by gender (male / female), by location (in-state / out-of-state), and by booking status (detainee / sentenced). A separate breakdown is provided showing the ADP of Federal inmates, as well as the system's high and low inmate population range for each month.

3. Forecast of Capacity Requirements — *Section 3 provides a review of Vermont's statewide population projections, inmate population projections and a forecast of Vermont's correctional capacity requirements for the next ten years. Detailed graphs and data tables are provided to document and illustrate the relevant trends and projections, for facility planning purposes.*

This analysis of inmate trends and projections is intended to support the architectural and engineering team's assessment of Vermont's current correctional facilities, and their assessment of different facility options. This study was conducted in a relatively short time frame, using available data and resources. It is, by necessity, the proverbial "30,000-foot view" of the State's inmate population trends. However, it is hoped that the information presented in this study will help to facilitate the development of more "data-driven" solutions to address and resolve the State's current and long-term need for incarceration facilities.

The extensive data, trends, and issues included in this study also present several opportunities for the State's further analysis — in terms of the State's on-going facility needs, for addressing the underlying factors driving those needs, and for identifying other emerging issues in the criminal justice system which could ultimately impact the State's future need for these facilities.

The criminal justice "system" is complex by its very nature and its competing internal goals. Any detailed analysis of the factors driving the State's need for more incarceration capacity is, inherently, also complex. This report does not attempt to answer the question "Why?" Why did these numbers go down? Why did they go up? What caused this spike in the numbers in that month? The reasons and factors behind these trends are difficult (or impossible) to identify or quantify, are often inter-connected, and beyond the constraints of this limited study — but, again, may provide opportunities for the State's further analysis.

The graphs, data, trend analysis, and other information in this report will aid the State in its efforts to make good decisions regarding Vermont's current and future facility needs.

KEY FINDINGS:

Average Daily Population (ADP) — All Inmates

- Pre-Pandemic — From 2016 through February 2020, Vermont had a total ADP of 1,747 inmates system-wide (including inmates held in-state and out-of-state). During this period, the highest monthly ADP was 1,802 inmates.
- **Early Pandemic** – From March 2020 through December 2022, Vermont had a total ADP of 1,411 inmates system-wide (including inmates held in-state and out-of-state). During this period, the highest monthly ADP was 1,601 inmates.
- **Continued Pandemic — From January 2021 through July 2022, the total number of inmates decreased by 8 percent, to an ADP of 1,299 inmates system-wide. The monthly ADP hit a five-year record low of 1,238 total inmates in April 2021.**
- The graph (figure 1.1) and table (figure 1.2) show the ADP for all inmates.

ADP — Female Inmates

- Pre-Pandemic — From 2016 through February 2020, Vermont had an ADP of 146 female inmates system-wide. During this period, the highest monthly ADP was 157 female inmates.
- **Early Pandemic** — From March – December 2020, the number of female inmates decreased by 38 percent, to an ADP of 90 female inmates system-wide.
- **Continued Pandemic – from January 2021 – July 2022, the number of female inmates remained consistent with the early pandemic with an ADP of 90 inmates. The ADP hit a 7 year low of 75 inmates in May 2020**
- The graph (figure 3.1) and table (figure 3.2) show the ADP for female inmates.

ADP — Out-of-State Inmates

- Pre-Pandemic — From 2016 through February 2020, Vermont held an ADP of 251 inmates out-of-state under contract. During this period, the highest monthly ADP was 283 inmates held out-of-state.
- **Early Pandemic** — From March – December 2020, the number of inmates held out-of-state decreased by 11 percent, to an ADP of 224 inmates held out-of-state.
- **Continued Pandemic – From January 2021 through July 2022, the total number of inmates held out-of-state decreased an additional 35 percent to an ADP of 146 inmates held out-of-state**
- The number of inmates held out-of-state has declined significantly and steadily over the past **48** months, from an ADP of 280 inmates held out-of-state in August 2019, to a five-year record low ADP of **120** inmates out-of-state in **July 2022**.
- The graph (figure 5.1) and table (figure 5.2) show the ADP for inmates held out-of-state.

High / Low Inmate Population Range

- Pre-Pandemic — From 2016 through February 2020, Vermont's daily inmate population ranged between 1,652 – 1,827 total inmates. The system's highest population over the past five years was 1,827 total inmates.
- **Early Pandemic** — From March – December 2020, Vermont's daily inmate population ranged between 1,290 – 1,656 total inmates.
- **Continued Pandemic – From January 2021 – July 2022, Vermont's daily inmate population ranged between 1,265 – 1369 total inmates. The system hit a five-year record low of 1,238 total inmates in April 2021.**
- Peaking Factor — Over the past five years, the highest (peak) population each month exceeded the ADP for that month by an average of 1.5 percent.
- The graph (figure 10.1) and table (figure 10.2) show the highest and lowest inmate population for each month over the past five years.

State Population Projections

- 2019 Projections — The most recent set of statewide population projections were provided by the Vermont Department of Labor. The 2019 projections estimated that Vermont's total population will remain stable, with 625,741 people in the 2010 Census, an estimated 628,688 people in 2020; and 620,480 people in 2030.

Inmate Population Projections

Five different forecasting models were applied to Vermont's inmate population trends over the past five years. Projections were developed using models based on Vermont's (1) ADP of total inmates; and (2) Rate of Incarceration (ROI), or the number of inmates per 1,000 state population.

- *Pandemic Impact Assumptions — For facility planning purposes, it was assumed that Vermont's state-wide total inmate population will:*
  - *Remain at its current pandemic level of approximately 1,411 total inmates for the next six to 12 months: and*
  - *Then rebound and build back up to its pre-pandemic level of approximately 1,747 total inmates, over the following six to 12 months.* **At the issuance of this report in 2020, the pandemic continued into 2022, with new strains emerging. As a result, the expected increase to pre-pandemic numbers did not occur within 6-12 months. It is believed an increase in the ADP will occur within the next 12-24 months, and within that time an additional assessment of the system ADP to further refine the expected system capacities, refer to part 3 for additional information.**
- *The results of Model 1 (the Average ADP Projections) are recommended as the baseline inmate population projections, for facility planning purposes. This model sets a benchmark of* **1,747 inmates**, *based on the ADP over the 50-month period preceding the current pandemic.*
- *The graph (figure 11.1) and table (figure 11.2) show Vermont's total inmate population over the past five years, and the results from all five projection models for the next ten years.*

Forecast of Capacity Requirements

- *To estimate the total number of beds needed, two factors must be considered:*
  - *A peaking factor, to accommodate routine peaks in the inmate population; and*
  - *A classification factor (or "management" factor), to provide sufficient capacity to separate and segregate different types of inmates. Additional capacity is needed to provide enough beds to allow for the separation of males and females, to separate inmates by custody classification, and to allow for further segregation for administrative and disciplinary purposes.*
- *Total Beds Needed — For facility planning purposes, it is suggested that Vermont will need a total of approximately 2,055 – 2,184 beds system-wide, to support its inmate population over the next ten years. These estimates are*

based on the projected ADP representing 80 – 85 percent of the total beds needed, to accommodate routine peaks in the inmate population, and to provide sufficient capacity to separate different types of inmates.

Current System Capacity

The six in-state correctional facilities currently have a combined capacity of **1,579 beds**.

The out-of-state contract for housing inmates in Mississippi has a "contract capacity" for **350 beds** *— although the DOC does not have the "budget capacity" to support that level of utilization. Combined, the Vermont correctional system currently (technically) has a capacity of* **1,929 beds**.

Comparison of ADP, Existing Capacity, and Projected Bed Needs

Average Daily Population	Current Capacity	Projected Bed Needs
ADP During Pandemic *March 2020 – July 2022* 1,248 Male Inmates + 90 *Female Inmates* **1,338* Total Inmates** ***A 5% reduction from 2020 report** ***Pre-Pandemic ADP*** *Jan. 2016 – Feb. 2020* *1,601 Male Inmates* *+ 146 Female Inmates* ***1,747 Total Inmates***	*177 CRCF* *118 MVRCF* *219 NERCC* *(NERCF + CWCC)* *433 NSCF* *255 NWSCF* *+ 377 SSCF* *1,579 In-State Facilities* *+ 350 Out-of-State Contract* *1,929 Total Beds*	*"80% Rule" = 2,184 Beds* *"85% Rule" = 2,055 Beds* *2,055 – 2,184 Total Beds* *Pre-Pandemic ADP = 80 to 85% of total beds needed, to accommodate routine peaks in the population; and to provide sufficient capacity to separate genders, to separate inmates with different security requirements, and to allow for disciplinary or administrative segregation.*

Figure 1.1

2. CURRENT INMATE POPULATION TRENDS

This section provides a review of Vermont's inmate population trends over the past ***seven*** *years. Detailed graphs and data tables are provided to document and illustrate trends, and to provide a baseline for future planning.*

Breakdowns are provided showing the system-wide Average Daily Population (ADP) of inmates held in DOC facilities and held out-of-state (in Mississippi) under contract. Breakdowns are provided showing the ADP each month by gender, by location, and by booking status. A separate breakdown is provided showing the ADP of Federal inmates, as well as the system's high and low inmate population range for each month.

A. Average Daily Population (ADP)

The Average Daily Population (ADP) is the single most important indicator in assessing the need for incarceration beds. The ADP is a statistical calculation used to establish the average inmate population at any given point in time, since the inmate population is constantly in a state of flux, with admissions and releases occurring daily.

For example, during the last month of this study (December 2020), Vermont's total inmate population ranged from a high of 1,374 inmates, to a low of 1,290 inmates — with an average daily population of 1,338 inmates system-wide.

The following pages provide important planning information on Vermont's inmate population trends over the past five years (2016 – 2020). The data is broken down into:

- *Gender (male / female) on pages 47 - 49*
- *Location (in-state / out-of-state) on pages 50 - 52*
- *Booking status (detainee / sentenced) on pages 53 - 56*
- *All inmates on pages 57 – 58*

ADP by Gender

Male Inmates

Pre-Pandemic — From January 2016 through February 2020, Vermont had an ADP of 1,601 male inmates system-wide (including inmates held in-state and out-of-state). During this period, the highest monthly ADP was 1,655 male inmates (in February 2017).

***Pandemic** — From March **2020** through **June 2022** the number of male inmates decreased by approximately **22** percent, to an ADP of **1,248** male inmates system-wide.*

*The ADP hit a five-year record low of **1,153** male inmates in **April 2021**.*

Female Inmates

Pre-Pandemic — From January 2016 through February 2020, Vermont had an ADP of 146 female inmates system-wide. During this period, the highest monthly ADP was 157 female inmates (in March and June 2018).

Pandemic — From March **2020** through **June 2022**, the number of female inmates decreased by approximately 38 percent, to an ADP of 90 female inmates system-wide.

The ADP hit a five-year record low of **75** female inmates in May **2021**.

The graph and table in figures 2.1 and 2.2 show the ADP for male inmates for each month from 2016 through **2022**. The graph and table in figures 3.1 and 3.2 show the ADP for female inmates for each month from 2016 through **2022**.

Average Daily Population (ADP) — Male Inmates (2016 – 2022)

Includes male inmates at all facilities, in-state and out-of-state.

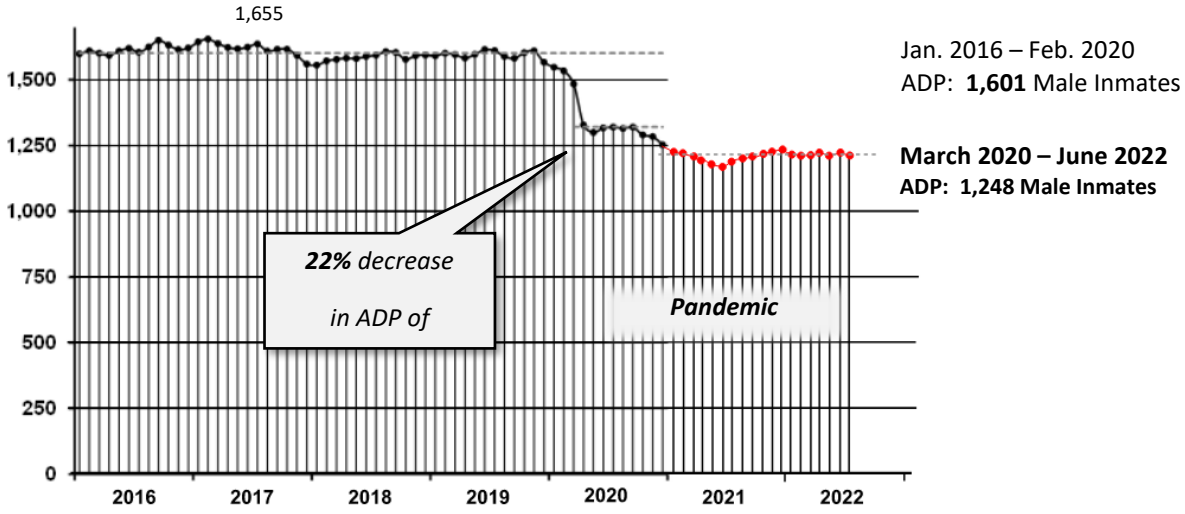


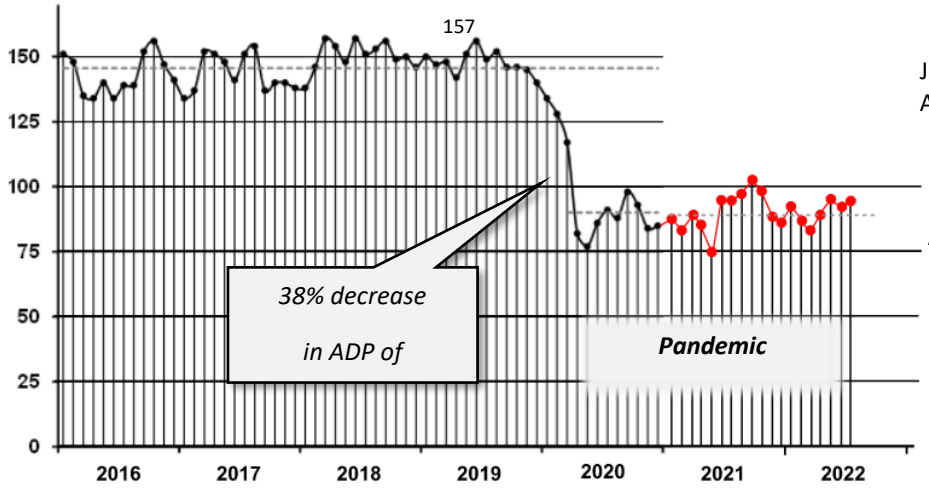
Figure 2.1

Month	*2016*	*2017*	*2018*	*2019*	*2020*	2021	2022
January	*1,599*	*1,644*	*1,556*	*1,592*	*1,548*	**1,219**	**1,219**
February	*1,610*	*1,655*	*1,572*	*1,601*	*1,534*	**1,197**	**1,211**
March	*1,601*	*1,638*	*1,578*	*1,596*	*1,484*	**1,185**	**1,212**
April	*1,593*	*1,623*	*1,583*	*1,583*	*1,328*	**1,153**	**1,225**
May	*1,609*	*1,618*	*1,581*	*1,597*	*1,300*	**1,294**	**1,217**
June	*1,620*	*1,624*	*1,589*	*1,615*	*1,317*	**1,171**	**1,201**
July	*1,605*	*1,636*	*1,594*	*1,611*	*1,320*	**1,188**	
August	*1,625*	*1,609*	*1,607*	*1,589*	*1,315*	**1,190**	
September	*1,650*	*1,616*	*1,604*	*1,582*	*1,320*	**1,197**	
October	*1,632*	*1,616*	*1,578*	*1,603*	*1,290*	**1,222**	
November	*1,615*	*1,593*	*1,592*	*1,610*	*1,284*	**1,228**	
December	*1,621*	*1,560*	*1,594*	*1,567*	*1,253*	**1,222**	
Annual ADP	***1,615***	***1,619***	***1,586***	***1,595***	***1,356***	**1,206**	**1,215**

Figure 2.2

Average Daily Population (ADP) — Female Inmates (2016 – 2022)

Includes female inmates at all facilities.



Jan. 2016 – Feb. 2020
ADP: **146** Female Inmates

March 2020 – June 2022
ADP: **90** Female Inmates

Figure 3.1

Month	*2016*	*2017*	*2018*	*2019*	*2020*	2021	2022
January	*151*	*134*	*138*	*150*	*134*	**87**	**92**
February	*148*	*137*	*146*	*147*	*128*	**83**	**96**
March	*135*	*152*	*157*	*148*	*117*	**89**	**82**
April	*134*	*151*	*154*	*142*	*82*	**85**	**88**
May	*140*	*148*	*148*	*151*	*77*	**75**	**94**
June	*134*	*141*	*157*	*156*	*86*	**94**	**91**
July	*139*	*151*	*151*	*149*	*91*	**94**	
August	*139*	*154*	*153*	*152*	*88*	**98**	
September	*152*	*137*	*156*	*146*	*98*	**103**	
October	*156*	*140*	*149*	*146*	*93*	**98**	
November	*147*	*140*	*150*	*145*	*84*	**88**	
December	*141*	*138*	*146*	*140*	*85*	**86**	
Annual ADP	***143***	***144***	***150***	***148***	***97***	**90**	**89**

Figure 3.2

In association with

ADP by Location

In-State Inmates

Pre-Pandemic — From January 2016 through February 2020, Vermont held an ADP of 1,496 inmates at its in-state DOC facilities. During this period, the highest monthly ADP was 1,552 inmates held in-state (in September 2016 and August 2018).

Pandemic — From March **2020** through **June 2022**, the number of inmates held in-state decreased by approximately **24** percent, to an ADP of **1,178** inmates held in-state.

The ADP hit a five-year record low of **1,076** inmates held in-state in **April 2021**.

Out-of-State Inmates

Pre-Pandemic — From January 2016 through February 2020, Vermont held an ADP of 251 inmates out-of-state under contract. During this period, the highest monthly ADP was 283 inmates held out-of-state (in October 2017).

Pandemic — From March **2020** through **June 2022**, the number of inmates held out-of-state decreased by approximately **54** percent, to an ADP of **129** inmates held out-of-state.

It should be noted that the ADP of inmates held out-of-state has declined significantly and steadily over the past **35** months, from an ADP of 280 inmates held out-of-state in August 2019, to a five-year record low of **123** inmates out-of-state in **May 2022**.

The graph and table in figures 4.1 and 4.2 show the ADP for inmates held in-state for each month from 2016 through **2022**. The graph and table in figures 5.1 and 5.2 show the ADP for inmates held out-of-state for each month from 2016 through **2022**.

Average Daily Population (ADP) — In-State Inmates (2016 – 2022)

Includes all inmates at all in-state facilities.

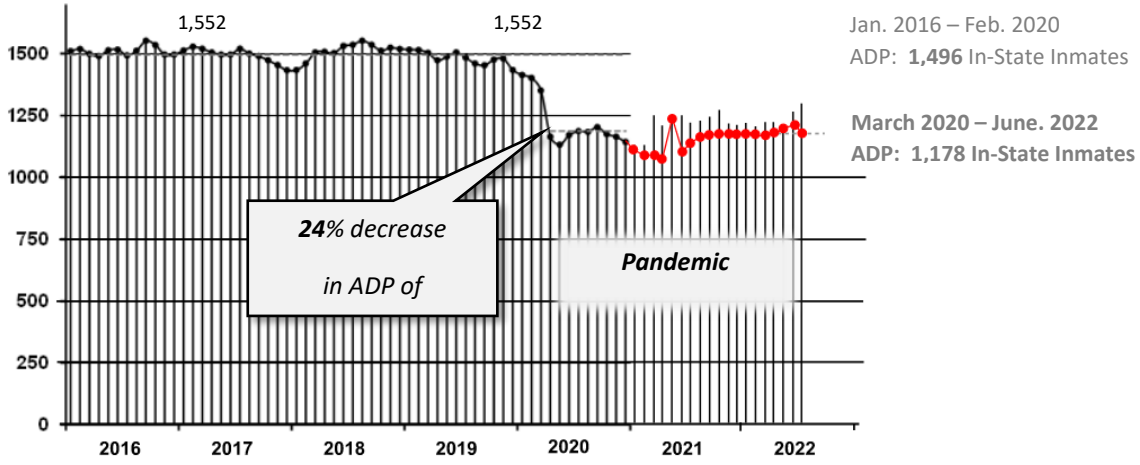


Figure 4.1

Month	*2016*	*2017*	*2018*	*2019*	*2020*	2021	2022
January	*1,510*	*1,513*	*1,434*	*1,516*	*1,414*	**1,122**	**1,174**
February	*1,519*	*1,528*	*1,460*	*1,515*	*1,402*	**1,100**	**1,162**
March	*1,499*	*1,520*	*1,505*	*1,503*	*1,351*	**1,106**	**1,167**
April	*1,490*	*1,505*	*1,508*	*1,473*	*1,164*	**1,076**	**1,186**
May	*1,514*	*1,496*	*1,502*	*1,488*	*1,132*	**1,211**	**1,188**
June	*1,516*	*1,496*	*1,531*	*1,505*	*1,171*	**1,111**	**1,190**
July	*1,493*	*1,520*	*1,536*	*1,484*	*1,187*	**1,128**	
August	*1,512*	*1,500*	*1,552*	*1,460*	*1,184*	**1,139**	
September	*1,552*	*1,490*	*1,536*	*1,453*	*1,203*	**1,155**	
October	*1,535*	*1,473*	*1,512*	*1,476*	*1,175*	**1,171**	
November	*1,496*	*1,454*	*1,524*	*1,480*	*1,164*	**1,174**	
December	*1,496*	*1,433*	*1,519*	*1,434*	*1,143*	**1,171**	
Annual ADP	***1,511***	***1,494***	***1,510***	***1,482***	***1,223***	**1,139**	**1,177**

Figure 4.2

Average Daily Population (ADP) — Out-of-State Inmates (2016 – 2022)

Includes all inmates held in Mississippi.

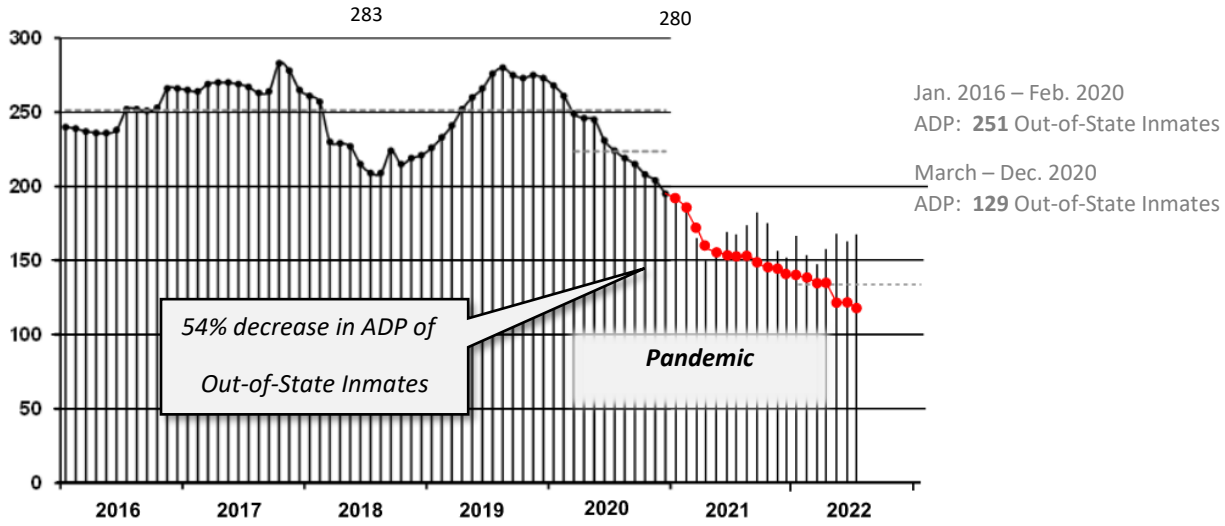


Figure 5.1

Month	*2016*	*2017*	*2018*	*2019*	*2020*	2021	2022
January	*240*	*265*	*261*	*226*	*268*	**184**	**137**
February	*239*	*264*	*257*	*233*	*261*	**180**	**135**
March	*237*	*269*	*230*	*241*	*249*	**168**	**127**
April	*236*	*270*	*229*	*252*	*246*	**162**	**127**
May	*236*	*270*	*227*	*260*	*245*	**158**	**123**
June	*238*	*269*	*215*	*266*	*231*	**154**	**123**
July	*252*	*267*	*209*	*276*	*224*	**154**	
August	*252*	*263*	*209*	*280*	*219*	**149**	
September	*251*	*264*	*224*	*275*	*215*	**145**	
October	*253*	*283*	*215*	*273*	*208*	**145**	
November	*266*	*278*	*219*	*275*	*204*	**142**	
December	*266*	*265*	*221*	*273*	*195*	**137**	
Annual ADP	***247***	***269***	***226***	***261***	***230***	**157**	**127**

Figure 5.2

ADP by Booking Status

Sentenced Inmates

Pre-Pandemic — From January 2016 through February 2020, Vermont had an ADP of 1,313 sentenced inmates system-wide (including inmates held in-state and out-of-state). During this period, the highest monthly ADP was 1,358 sentenced inmates (in February 2016).

Early Pandemic — From March through December 2020, the number of sentenced inmates decreased by approximately 20 percent, to an ADP of 1,052 sentenced inmates system-wide. The ADP of sentenced inmates has declined significantly and steadily over the past 14 months, from an ADP of 1,316 sentenced inmates in November 2019, to a five-year record low of 960 sentenced inmates in December 2020.

Detainees

Pre-Pandemic — From January 2016 through February 2020, Vermont had an ADP of 434 detainees (unsentenced inmates) system-wide. This includes both State detainees (inmates held on State charges) and Federal inmates. During this period, the highest monthly ADP was 465 detainees (in September 2018).

Early Pandemic — From March through December 2020, the number of detainees decreased by approximately 17 percent, to an ADP of 359 detainees system-wide. The ADP hit a five-year record low of 311 detainees in May 2020.

Federal Inmates

Pre-Pandemic — From January 2018 through February **2022** Vermont held an ADP of 56 Federal inmates in its corrections system. During this period, the highest monthly ADP was 65 Federal inmates (in November 2019).

Pandemic — From March **2020** through **June 2022**, the ADP of Federal inmates decreased to a three-year record low of 38 Federal inmates in May 2020 and has then increased steadily each month through the end of the year, back to its pre-pandemic level.

The graph and table in figures 6.1 and 6.2 show the ADP for sentenced inmates for each month from 2016 through 2020. The graph and table in figures 7.1 and 7.2 show the ADP for detainees, followed by a graph and table in figure 8.1 and 8.2 showing the ADP of Federal inmates.

Average Daily Population (ADP) — Sentenced Inmates (2016 – 2020)

Includes all inmates at all facilities, in-state and out-of-state.

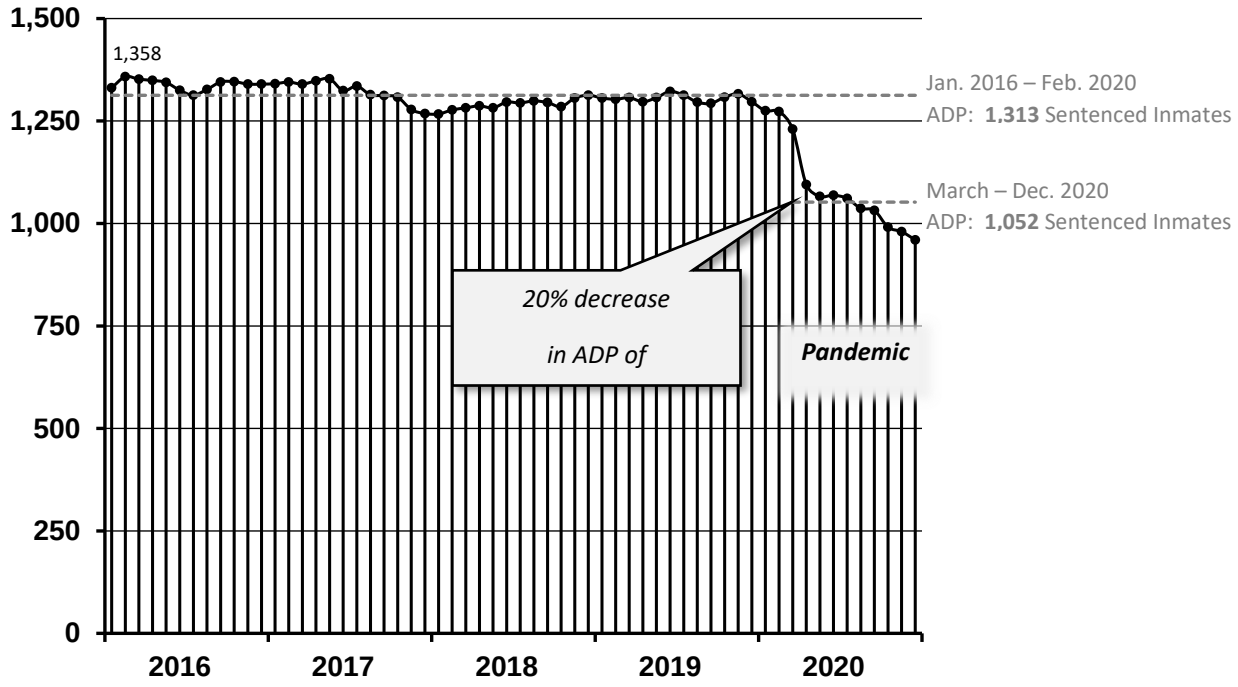


Figure 6.1

Month	2016	2017	2018	2019	2020
January	1,331	1,341	1,267	1,306	1,275
February	1,358	1,345	1,277	1,303	1,273
March	1,352	1,340	1,282	1,307	1,230
April	1,349	1,348	1,287	1,297	1,095
May	1,344	1,353	1,282	1,307	1,066
June	1,325	1,324	1,296	1,322	1,069
July	1,313	1,335	1,294	1,313	1,061
August	1,327	1,314	1,299	1,296	1,037
September	1,345	1,312	1,295	1,293	1,032
October	1,346	1,308	1,285	1,308	991
November	1,340	1,278	1,306	1,316	980
December	1,340	1,268	1,313	1,297	960
Annual ADP	**1,339**	**1,322**	**1,290**	**1,305**	**1,088**

Figure 6.2

Average Daily Population (ADP) — Detainees (2016 – 2020)

Includes all detainees at all facilities, including State detainees and Federal inmates.

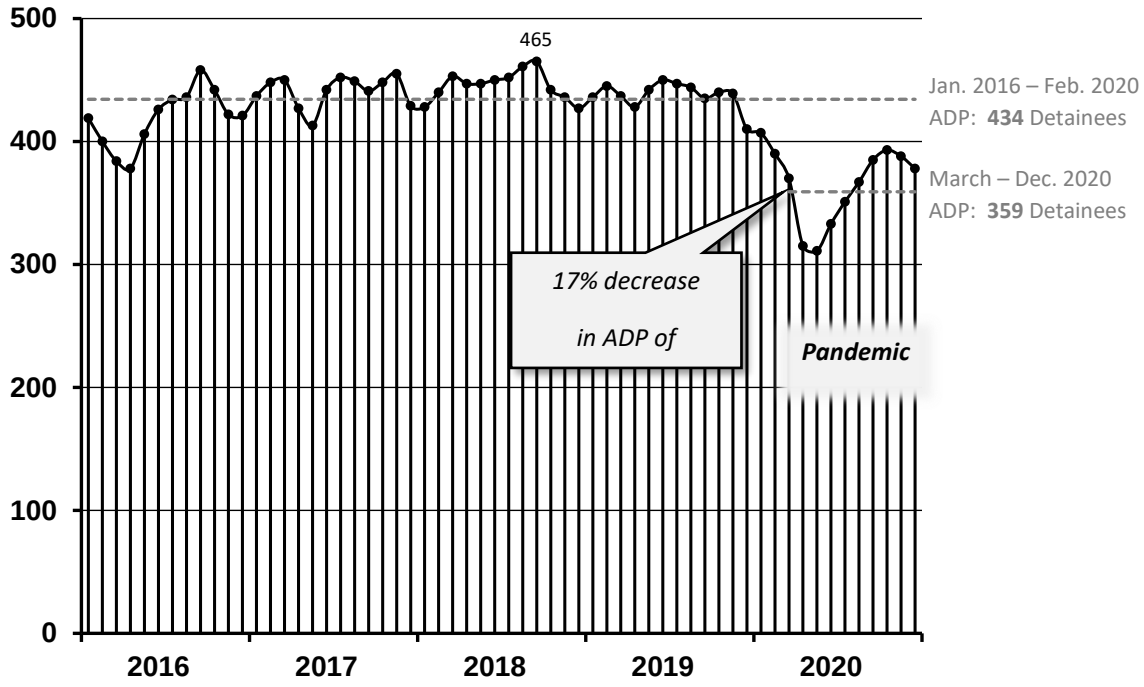


Figure 7.1

Month	2016	2017	2018	2019	2020
January	*419*	*437*	*428*	*436*	*407*
February	*400*	*448*	*440*	*445*	*390*
March	*384*	*450*	*453*	*437*	*370*
April	*378*	*427*	*447*	*428*	*315*
May	*406*	*413*	*447*	*442*	*311*
June	*426*	*442*	*450*	*450*	*333*
July	*434*	*452*	*452*	*447*	*351*
August	*436*	*449*	*461*	*444*	*367*
September	*458*	*441*	*465*	*435*	*385*
October	*442*	*448*	*442*	*440*	*393*
November	*422*	*455*	*436*	*439*	*388*
December	*421*	*429*	*427*	*410*	*378*
Annual ADP	***419***	***441***	***446***	***438***	***365***

Figure 7.2

Average Daily Population (ADP) — Federal Inmates (2018 – 2022)

Includes all federal inmates at all facilities.

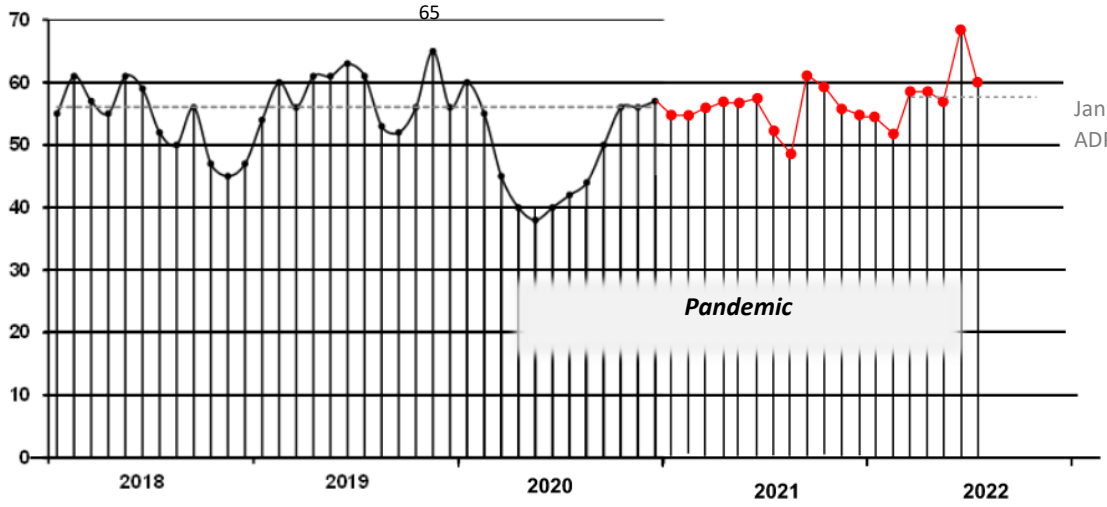


Figure 8.1

Month	*2018*	*2019*	*2020*	2021	2022
January	*55*	*54*	*60*	**54**	**56**
February	*61*	*60*	*55*	**54**	**52**
March	*57*	*56*	*45*	**55**	**59**
April	*55*	*61*	*40*	**56**	**59**
May	*61*	*61*	*38*	**56**	**57**
June	*59*	*63*	*40*	**57**	**66**
July	*52*	*61*	*42*	**52**	
August	*50*	*53*	*44*	**49**	
September	*56*	*52*	*50*	**61**	
October	*47*	*56*	*56*	**59**	
November	*45*	*65*	*56*	**55**	
December	*47*	*56*	*57*	**46**	
Annual ADP	***54***	***58***	***48***	**55**	**58**

Figure 8.2

ADP for All Inmates

Pre-Pandemic — From January 2016 through February 2020, Vermont had a total ADP of 1,747 inmates system-wide (including inmates held in-state and out-of-state). During this period, the highest monthly ADP was 1,802 inmates (in September 2016).

Pandemic — From March through **June 2022**, the total number of inmates decreased by approximately 26 percent, to an ADP of **1,339** inmates system-wide.

The ADP hit a five-year record low of **1,238** total inmates in **April 2021**.

The graph and table figures 9.1 and 9.2 show the ADP for all inmates for each month from 2016 through 2022.

Average Daily Population (ADP) — All Inmates (2016 – 2022)

Includes all inmates at all facilities, in-state and out-of-state.

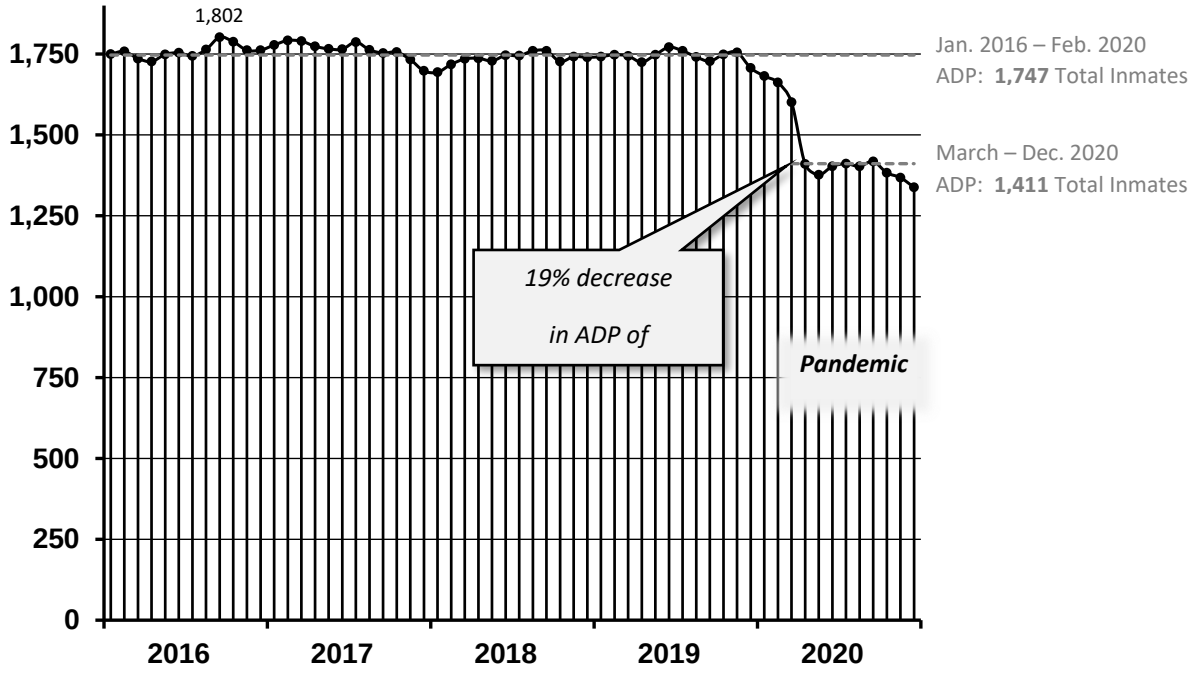


Figure 9.1

Month	*2016*	*2017*	*2018*	*2019*	*2020*	2021	2022
January	*1,750*	*1,778*	*1,694*	*1,742*	*1,682*	**1,306**	**1,311**
February	*1,758*	*1,792*	*1,718*	*1,748*	*1,662*	**1,280**	**1,297**
March	*1,736*	*1,790*	*1,735*	*1,744*	*1,601*	**1,274**	**1,294**
April	*1,727*	*1,774*	*1,737*	*1,725*	*1,410*	**1,238**	**1,313**
May	*1,749*	*1,766*	*1,729*	*1,748*	*1,377*	**1,369**	**1,311**
June	*1,754*	*1,765*	*1,746*	*1,771*	*1,403*	**1,265**	**1,313**
July	*1,744*	*1,787*	*1,745*	*1,760*	*1,411*	**1,282**	
August	*1,764*	*1,763*	*1,760*	*1,741*	*1,403*	**1,288**	
September	*1,802*	*1,753*	*1,760*	*1,728*	*1,418*	**1,300**	
October	*1,788*	*1,756*	*1,727*	*1,749*	*1,383*	**1,316**	
November	*1,762*	*1,733*	*1,742*	*1,755*	*1,368*	**1,316**	
December	*1,762*	*1,698*	*1,740*	*1,707*	*1,338*	**1,308**	
Annual ADP	***1,758***	***1,763***	***1,736***	***1,743***	***1,453***	**1,295**	**1,307**

Figure 9.2

B. High / Low Inmate Population Range

While the ADP is used for measuring inmate population growth over time, it is important to recognize that, in reality, the State's actual inmate population fluctuates up and down — above and below the *average* — based on the number of inmate admissions and releases, which occur on a daily basis. Therefore, data was also examined on the range between the highest (peak) and lowest inmate population each month.

Over the past five years, the total number of inmates in Vermont's corrections system (including inmates held in-state and out-of-state) ranged from:

1,704 to 1,827 inmates in 2016

1,675 to 1,823 inmates in 2017

1,680 to 1,779 inmates in 2018

1,661 to 1,778 inmates in 2019

1,290 to 1,698 inmates in 2020

1,238 to 1,316 inmates in 2021

1,294 to 1,313 inmates for the first six months of 2022

Pre-Pandemic — From January 2016 through February 2020, Vermont's daily inmate population ranged between 1,652 and 1,827 total inmates. The system's highest population during this period (1,827 total inmates) occurred in September 2016.

Pandemic — From March 2020 through **June 2022**, Vermont's daily inmate population ranged between **1,238 and 1,698** total inmates. The system hit a five-year record low of **1,238** total inmates in **April 2021**.

Peaking Factor — Over the past five years, the highest (peak) population each month exceeded the ADP for that month by an average of 1.5 percent.

For facility planning purposes, it is important to remember that correctional facilities need sufficient capacity (beds) to accommodate these routine monthly peaks in the inmate population.

The following graph and table in figures 10.1 and 10.2 show the highest and lowest inmate population for each month from 2016 through 2020.

High / Low Inmate Population Range (2016 – 2020)

Includes all inmates at all facilities, in-state and out-of-state.

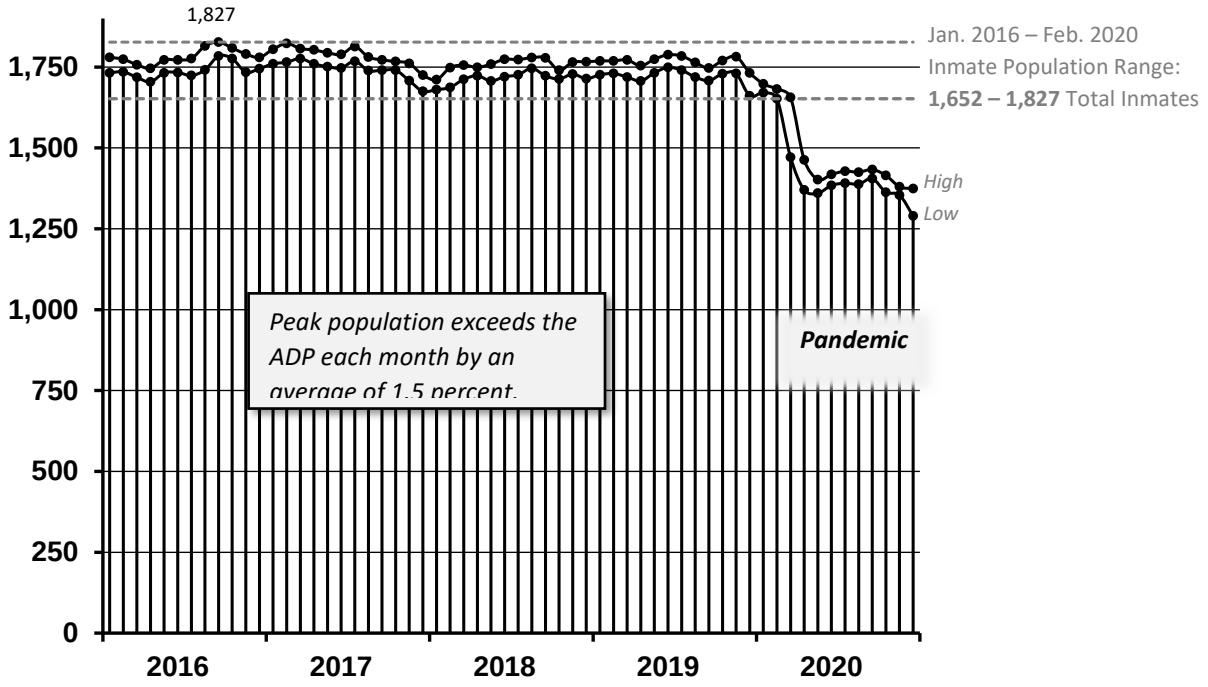


Figure 10.1

Month	2016	2017	2018	2019	2020
January	1,732 – 1,780	1,760 – 1,805	1,680 – 1,711	1,726 – 1,769	1,671 – 1,698
February	1,735 – 1,774	1,765 – 1,823	1,687 – 1,748	1,730 – 1,769	1,652 – 1,682
March	1,718 – 1,757	1,776 – 1,807	1,712 – 1,756	1,719 – 1,772	1,471 – 1,656
April	1,704 – 1,746	1,760 – 1,803	1,723 – 1,749	1,707 – 1,754	1,370 – 1,463
May	1,732 – 1,772	1,751 – 1,794	1,707 – 1,759	1,732 – 1,774	1,360 – 1,402
June	1,733 – 1,772	1,747 – 1,789	1,720 – 1,774	1,749 – 1,788	1,384 – 1,418
July	1,724 – 1,776	1,768 – 1,813	1,726 – 1,773	1,740 – 1,784	1,391 – 1,428
August	1,741 – 1,815	1,739 – 1,781	1,746 – 1,779	1,719 – 1,764	1,388 – 1,425
September	1,784 – 1,827	1,740 – 1,772	1,723 – 1,778	1,708 – 1,747	1,405 – 1,433
October	1,776 – 1,809	1,740 – 1,767	1,713 – 1,740	1,729 – 1,770	1,363 – 1,415
November	1,734 – 1,790	1,708 – 1,761	1,728 – 1,765	1,730 – 1,782	1,354 – 1,380
December	1,745 – 1,780	1,675 – 1,725	1,714 – 1,766	1,661 – 1,732	1,290 – 1,374
Annual ADP	**1,704 – 1,827**	**1,675 – 1,823**	**1,680 – 1,779**	**1,661 – 1,788**	**1,290 – 1,698**

Figure 10.2

3. FORECAST OF CAPACITY REQUIREMENT

This section provides a review of Vermont's statewide population projections and provides inmate population projections and a forecast of Vermont's correctional capacity requirements for the next ten years. Detailed graphs and data tables are provided to document and illustrate the relevant trends and projections, for facility planning purposes.

A. State Population Projections

For the purposes of this study, two sets of state population projections were reviewed — one set developed in 2013, and a second set developed in 2019.

2013 Projections

In 2013, population projections for the State of Vermont were developed by Ken Jones, Ph.D., Economic Research Analyst, Vermont Agency of Commerce and Community Development, and Lilly Schwarz, Community Based Learning Intern, Montpelier High School. These projections were developed with the assistance and oversight of a committee of state agency representatives, who reviewed the methodology and results.

Total Statewide Population — The 2013 projections estimated that Vermont's total population will increase from:

- *625,741 people in the 2010 Census; to*
- *653,575 people in 2020; to*
- *670,073 people in 2030.*

This represents a statewide population increase of 7 percent from 2010 to 2030.

20 to 54 Year Olds — The 2013 projections estimated that the number of 20-to-54-year olds in Vermont (the primary correctional age-at-risk population) will decrease from:

- *294,435 people in that age category in the 2010 Census; to*
- *270,551 people in that age category in 2020; to*
- *261,499 people in that age category in 2030.*

This represents a statewide population decrease of 11 percent in Vermont's primary age-at-risk population from 2010 to 2030.

2019 Projections

The most recent set of statewide population projections were provided in the Vermont Economic Demographic Profile Series in 2019, by the Vermont Department of Labor, Economic and Labor Market Information Division.

With regard to Vermont's population, the report stated as follows:

The 2010 United States Census confirmed a slow rate of growth in the population of Vermont. Since 2000, Vermont's population grew by 2.8% over the ten-year period between censuses, an annual growth rate of less than 0.3%. Comparatively, the United States grew by 9.7% in nominal terms over the same ten-year period.

Vermont's population continues to show a lower rate of growth than the nation, declining slightly in the most recent reported years. According to the Vermont Department of Health, Vermont's population was 623,657 in 2017, a decline of 937 people over the year and 2084 since the 2010 decennial census.

The stagnant population growth can be seen in more detail at the county level. From 2016 to 2017 six Vermont counties experienced population gains while 8 experienced losses. Population gains were primarily concentrated in the northwest corner of the state: Chittenden (+841), Franklin (+110), Lamoille (+4) and Grand Isle (+79). Essex (+54) and Orange (+55) also

experienced minor gains. The largest population losses were concentrated in the southernmost counties: Bennington (-597), Windsor (-396) and Windham (-276) and Rutland (-223). Other counties experiencing losses included Washington (-214), Addison (-183) Caledonia (-169), and Orleans (-22). As a percentage of population, the largest increase between 2016 and 2017 was in Grand Isle where the population increased 1.1%. The largest decline was in Bennington, down 1.6%. ... Burlington is the state's largest city with a 2017 population estimate of 42,239. Burlington is also the center of the state's only Metropolitan Statistical area, the Burlington-South Burlington Metropolitan Statistical Area (MSA).

The next three largest communities are also part of the Burlington – South Burlington MSA. Essex's population of 21,519 makes it the second largest town, followed by South Burlington (19,141) and Colchester (17,282). Rutland city's population of 15,440 makes it the largest town outside of the MSA and outside of Chittenden County. It is followed by Bennington (15,003) and Brattleboro (11,487).

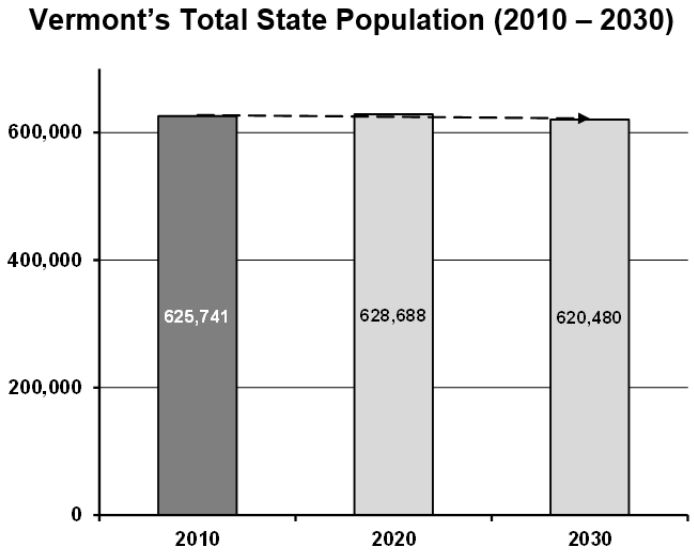
The most striking population statistics involve the aging of Vermont. The state has one of the oldest populations in the nation. Between 2010 and 2017, the age cohort with the largest increase was individuals 65+. This cohort increased by an average of 3,684 people or 3.6% per year. The only other cohorts that grew during the same period were the 55–64-year olds, 1.1% annually and 20–34-year olds, 0.7% annually.

The Northwest part of the state has a smaller percentage of older adults. Chittenden County has the lowest proportion of residents 65 years of age or older (14.5%). Franklin has the second lowest at (15.6%), followed by Lamoille (16.7%), Washington (19.0%) and Addison (19.1%). The highest concentration of residents over 65 is in Essex County (25.3%) followed by Windsor (22.6%).

Twenty-two percent of the populations in Orleans and Windham counties are 65+ years of age.[1]

The 2019 projections estimated that Vermont's total population will remain stable, with:

- *625,741 people in the 2010 Census*
- *628,688 people in 2020*
- *620,480 people in 2030*



[1] Vermont Economic and Demographic Profile Series 2019, by the Vermont Department of Labor, Economic and Labor Market Information Division, page 2.

A. Inmate Population Projections

As part of this study, a number of different commonly used forecasting methodologies were applied to Vermont's inmate population trends in order to estimate the State's future incarcerated population.

A total of five different forecasting models were applied to Vermont's historical inmate population trends over the past five years. Projections were developed using models based on:

- *Average Daily Population (ADP) Trends — Projections based on linear trendlines through Vermont's ADP of total inmates; and*
- *Rate of Incarceration (ROI) — Projections based on the correlation between the number of inmates and the State's population, applied to the State's population projections.*

Other models were also considered, including those based on the Average Length of Stay (ALOS), but were rejected for use here. Since Vermont is a combined correctional system, it includes both detainees (with relatively short lengths of stay), and sentenced inmates (who often have long lengths of stay). In addition, with federal inmates included (who also typically have long lengths of stay), the combined system wide ALOS is of little predictive value for making inmate population projections. ALOS models also rely on trends and projections on the number of bookings and admissions for each inmate group. Ideally, ALOS estimates could be developed for each group (detainees, sentenced, and federal), which could then be combined for system-wide projections. However, these estimates would not necessarily be more reliable, and would require significant data analysis that goes beyond the purposes of this study.

The following is a list and general description of the models that were adapted, tested, and applied to Vermont's inmate population trends in order to estimate the State's future inmate population, and the assumptions on which they are based.

***Pandemic Impact Assumptions —** For facility planning purposes, it was assumed that Vermont's state-wide total inmate population will:*

- *Remain at its current pandemic level of approximately 1,411 total inmates for the next six to 12 months: and*
- *Then rebound and build back up to its pre-pandemic level of approximately 1,747 total inmates, over the following **12 to 24 months.***
- ***Given the duration of the pandemic and the impacts it has had on correctional systems across the county, it is recommended the population numbers be reassessed in 12-24 months (about 2 years) to determine the appropriate system capacity.***

Linear ADP Projections

- ***Model 1. Average ADP Projections** — Projections based on the pre-pandemic ADP of all inmates from January 2016 through February 2020. The model assumes that Vermont's inmate population will return to its pre-pandemic level within two years (by 2023). <u>The results of this model are recommended for facility planning purposes.</u>*
- ***Model 2. ADP Trend Projections** — Projections based on the pre-pandemic ADP <u>trend</u> from January 2016 through February 2020. During this period, the monthly ADP trend declined slightly. The model assumes that Vermont's inmate population will return to the pre-pandemic trend level within two years (by 2023), and then continue to decline slightly.*

Rate of Incarceration (ROI) Projections

- ***Model 3. ROI Projections —** Projections based on the average annual ROI (inmates per 1,000 State population) in Vermont from 2016 through 2019, applied to the <u>2013</u> population projections. The model assumes that Vermont's ROI will remain stable, at the average ROI of 2.7 inmates per 1,000 State population.*

- ***Model 4. Age-at-Risk ROI Projections —*** *Projections based on the average annual ROI from 2016 through 2019 for Vermont's primary correctional age-at-risk population (20-to-54-year olds), applied to the 2013 population projections for that age group. The model assumes that Vermont's ROI will remain stable, at the average ROI of 6.3 inmates per 1,000 State population in that age group.*

- ***Model 5. ROI Projections —*** *Projections based on the average annual ROI (inmates per 1,000 State population) in Vermont from 2016 through 2019, applied to the State's 2019 population projections, developed by the Vermont Department of Labor. The model assumes that Vermont's ROI will remain stable, at the average ROI of 2.8 inmates per 1,000 State population.*

The results of Model 1 (the Average ADP Projections) are recommended as the baseline inmate population projections, for facility planning purposes. This model sets a benchmark of ***1,747 inmates****, based on the ADP over the 50-month period preceding the current pandemic.*

Reasons for selecting the results of Model 1 to use as the baseline for facility planning include the following:

- *Before the pandemic, over the preceding 50 months of data, the total ADP has been flat, showing no discernable trending up or down.*
- *The benchmark set by Model 1 represents the approximate midpoint in the range of results from the other forecasting models.*
- *The ROI model using the State's 2019 projections (Model 5) achieved results that were almost identical to the benchmark established by Model 1.*
- *Two of the ROI models that were based on the 2013 projections (Models 3 and 4) reached results that evenly bracketed those of Model 1 and provided upper and lower parameters that support the use of Model 1 for facility planning purposes.*
- *Using the results of Model 1 as a benchmark is based simply on the continuation of Vermont's own pre-pandemic inmate population volume, without attempting to justify a significant increase — or decrease — in the State's inmate population.*

In developing and analyzing the results from the different forecasting models, it was also noted that the annual Rate of Incarceration (ROI) in Vermont remained very stable over the four years preceding the pandemic in 2020.

The following graph and table in figure 11.1 and 11.2 show Vermont's total inmate population from 2016 through 2020, and the results from all five projection models for the next ten years.

Results of Inmate Population Projection Models

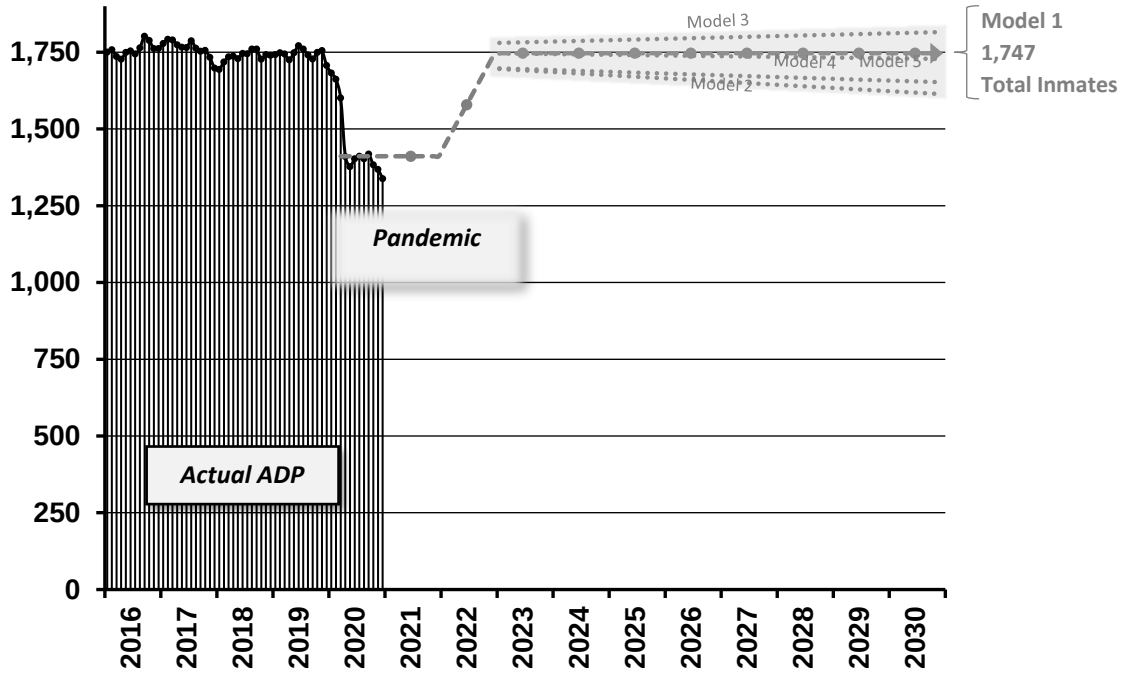


Figure 11.1

Forecast Year	*Year*	*Model 1*	*Model 2*	*Model 3*	*Model 4*	*Model 5*
		Average ADP Projections	*ADP Trend Projections*	*ROI Projections* (2013 Projections)	*Age-at-Risk ROI Projections* (2013 Projections)	*ROI Projections* (2019 DOL Projections)
1	*2021*	*1,411*	*1,411*	*1,411*	*1,411*	*1,411*
2	*2022*	*1,579*	*1,579*	*1,579*	*1,579*	*1,579*
3	*2023*	*1,747*	*1,691*	*1,782*	*1,695*	*1,745*
4	*2024*	*1,747*	*1,680*	*1,787*	*1,689*	*1,743*
5	***2025***	***1,747***	***1,670***	***1,791***	***1,684***	***1,741***
6	*2026*	*1,747*	*1,660*	*1,796*	*1,678*	*1,738*
7	*2027*	*1,747*	*1,649*	*1,800*	*1,672*	*1,736*
8	*2028*	*1,747*	*1,639*	*1,805*	*1,666*	*1,734*
9	*2029*	*1,747*	*1,628*	*1,809*	*1,661*	*1,731*
10	***2030***	***1,747***	***1,618***	***1,814***	***1,655***	***1,729***

Baseline ADP

Figure 11.2

In association with

Notes Regarding Inmate Population Projections

A number of important points must be kept in mind regarding these projections.

First, inmate population projections are different from capacity requirements. As discussed in the following section, the facility needs more capacity (beds) than the average projected inmate population in order to accommodate routine fluctuations (peaks) in the facility's population, and for inmate classification and management purposes (to separate and segregate different types of inmates).

Second, the State's actual inmate population constantly fluctuates (zigzags) above and below the trendlines. For facility planning purposes, the State should use the inmate population projections to look at where the current trends are leading in five to ten years (instead of in the next year or two).

In the development of inmate population projections, analogies can be drawn with the "spaghetti" models used to graphically show the projected path of a hurricane on a weather map. Several different models are used. Each is a legitimate, tested forecasting model, but each model is driven by different key factors, and their own assumptions regarding the impact of those factors on the projected path of the hurricane. Typically, several models all point in the same general direction, so their results are combined to estimate the hurricane's most likely path. These spaghetti models also typically show the projected path along a "cone of uncertainty" which gets broader the further out in the future.

Third, a note of caution must be made when using historical data to predict the future. Many states have underestimated their true facility needs by relying on past inmate population trends. Arrest decisions, prosecution policies, and sentencing practices all have an impact on the size of Vermont's inmate population. As new and additional beds become available, these policies and practices can change, resulting in even greater demands for incarceration capacity.

Finally, it is important to view inmate population projections within an appropriate context. The projections are based on the State's actual inmate population trends since 2016. At any given time during this period, Vermont's actual inmate population has been the result of a unique combination of factors within the criminal justice system that affect (1) admissions, (2) releases, and (3) the length of stay — all of which have been impacted, to some extent, by the combined efforts of law enforcement, prosecution, and the courts.

The inmate population projection trendlines in the preceding graph should not be viewed as hard, straight, and unwavering lines. They are simply a graphic illustration of where the inmate population is heading, given the State's current trends, for facility planning purposes. There are a variety of forces that are pushing the line up (or pushing up the rate of growth), and at the same time, there are forces pushing down on the line (or holding down the rate of growth). Any significant change in this balance will have an impact on the State's future incarceration facility needs.

Obviously, inmate population projections are not an exact science. There are a multitude of ever-changing variables, both tangible and intangible, that can directly impact the size of the State's incarcerated population. Vermont's changing population, public attitudes toward crime, changes in criminal penalties, law enforcement practices, sentencing policies, and crime rates will all have a direct impact on the State's future inmate population and the State's need for additional facility capacity. Nonetheless, it is believed that the inmate population projections presented here provide reasonable parameters for facility planning purposes.

B. Bed Needs Projections

The next step in the facility planning process involves estimating the total amount of incarceration capacity (beds) needed to support the projected inmate population. The average daily population (ADP) is just that — an average. In reality, the system's actual inmate population fluctuates above and below that average. Therefore, to estimate the total number of beds needed, two factors must be considered — a peaking factor, and a classification factor (or "management" factor).

Peaking Factor — All correctional populations fluctuate to a certain extent. Inmate populations go up and down every day, based on the number of inmate admissions and releases.

Classification Factor — There must be sufficient capacity for inmate classification and management purposes to separate and segregate different types of inmates. Additional capacity is needed to provide enough beds to allow for the separation of males and females, to separate inmates by custody classification (minimum, medium, or close custody), and to allow further segregation for administrative and disciplinary purposes. Additional capacity may also be needed for special management purposes, such as an infirmary, suicide-prevention cells, etc.

Peaking Factor

As noted in the preceding section, over the past five years, the highest (peak) population each month exceeded the ADP for that month by an average of 1.5 percent. This is a very low peaking factor, created in part because of Vermont's combined correctional system (instead of the typical county jails and state prisons).

In the four years that preceded the pandemic (2016 – 2019), the system-wide ADP in Vermont varied each month within a tight range from 1,694 to 1,802 total inmates. Even the daily high/low inmate population fluctuations ranged between 1,661 and 1,827 inmates during this period.

Therefore, for the purpose of estimating the system-wide bed needs, no special adjustments (increases) are needed beyond those necessary for accommodating routine population peaks.

The "80/85 Percent Rule"

While it is clear that a correctional facility and correctional system need more beds than its ADP (in order to accommodate routine peaks and to allow for inmate classification and separation), there is no commonly accepted methodology for estimating the total amount of incarceration capacity (beds) that will be needed to support the inmate population projections.

For facility planning purposes, many consultants and Departments of Corrections across the country recommend using the "the 80 percent rule" or the "85 percent rule" to estimate the amount of capacity (beds) needed to routinely accommodate its inmate population. That is, a correctional facility should be considered "full" when 80 – 85 percent of its beds are occupied. This formula typically allows for sufficient additional capacity to accommodate routine peaks in the inmate population, and to provide for the separation of males and females, and to further separate inmates with different security or programmatic requirements. When the occupancy level exceeds 80 to 85 percent of capacity, it becomes progressively more difficult to accommodate the routine peaks in the inmate population, and to properly place inmates into an appropriate housing area consistent with their classification and behavior.

Although frequently used by planners and architects, the "80 percent rule" and the "85 percent rule" are not really "industry standards." They would perhaps be better described as a "general guideline" for facility planning purposes.

Although the concept is sound, there is no real empirical science behind the 80 or 85 percent figure. While the average peaking factor can be calculated, there is no valid way to quantify the amount of additional capacity needed for classification and management purposes. (Various factors may influence whether a correctional facility needs more additional capacity for inmate classification and management, or less additional capacity, but it is difficult to quantify.) Therefore, this general guideline is useful for facility planning purposes.

Total Beds Needed

Applying the "85 percent rule" to the benchmark ADP of 1,747 total inmates, it is estimated that Vermont will need an incarceration capacity of 2,055 beds. Applying the "80 percent rule," it is estimated that Vermont will need an incarceration

capacity of 2,184 beds. Therefore, for facility planning purposes, it is suggested that Vermont will need a total of approximately 2,055 to 2,184 beds system-wide, to support its inmate population over the next ten years.

Current System Capacity

The six in-state correctional facilities currently have a combined capacity of 1,579 beds. The out-of-state contract for housing inmates in Mississippi has a "contract capacity" for 350 beds — although the DOC does not have the "budget capacity" to support that level of utilization. Combined, the Vermont correctional system currently (technically) has a capacity of 1,929 beds.

The table in figure 12.1 shows the breakdown of the existing in-state facilities' capacity and out-of-state contract capacity.

Vermont DOC Facility Capacities

Facility	*Abbrev.*	*Location*	*Capacity*
In-State Correctional Facilities			
Chittenden Regional Correctional Facility	*CRCF*	*South Burlington*	*177*
Marble Valley Regional Correctional Facility	*MVRCF*	*Rutland*	*118*
Northeast Regional Correctional Complex (NERCF + CWCC)	*NERCC*	*St. Johnsbury*	*219*
Northern State Correctional Facility	*NSCF*	*Newport*	*433*
Northwest State Correctional Facility	*NWSCF*	*St. Albans*	*255*
Southern State Correctional Facility	*SSCF*	*Springfield*	*377*
Total In-State			***1,579***
Out-of-State Contract Capacity			
Tallahatchie County Correctional Facility	*TCCF*	*Tallahatchie, MS*	***350***
Total Capacity (*In-State + Out-of-State)*			***1,929***

Figure 12.1

Inmate Population, Existing Capacity, and Projected Bed Needs

The graph and table in figures 13.1 and 13.2 provide a side-by-side comparison of:

- *The system-wide ADP before and since the pandemic.*
- *The current correctional system's capacity*
- *The bed needs projections*

Comparison of ADP, Existing Capacity, and Projected Bed Needs

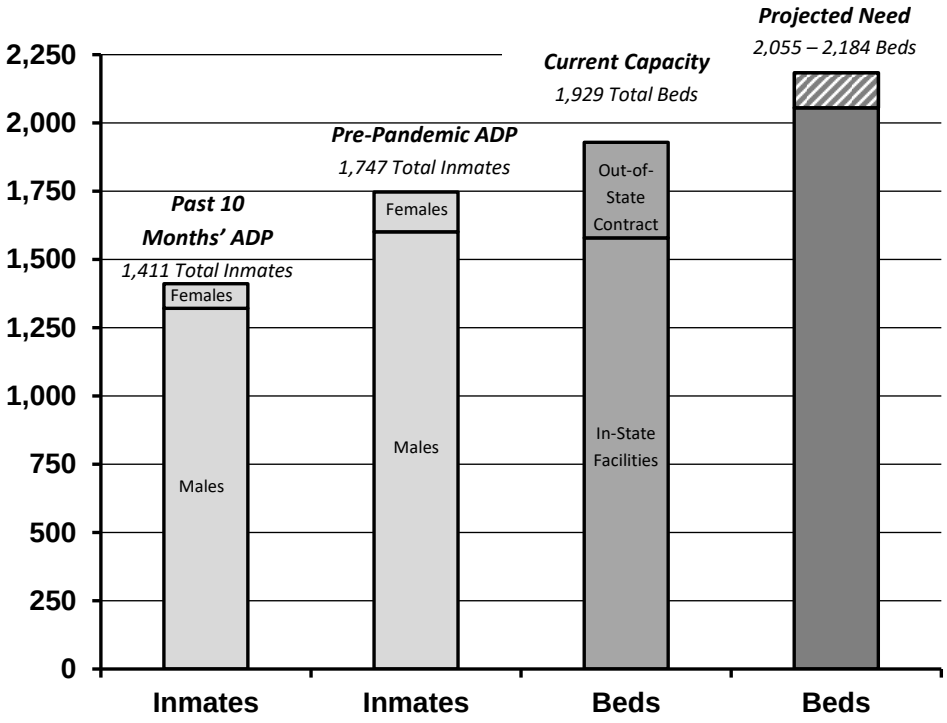


Figure 13.1

Average Daily Population	*Current Capacity*	*Projected Bed Needs*
ADP During Pandemic *March 2020 – July 2022* 1,248 Male Inmates *+ 90 Female Inmates* **1,338* Total Inmates** ***A 5% reduction from 2020 report** ***Pre-Pandemic ADP*** *Jan. 2016 – Feb. 2020* *1,601 Male Inmates* *+ 146 Female Inmates* ***1,747 Total Inmates***	*177 CRCF* *118 MVRCF* *219 NERCC (NERCF+CWCC)* *433 NSCF* *255 NWSCF* *+ 377 SSCF* ***1,579 In-State Facilities*** *+ 350 Out-of-State Contract* ***1,929 Total Beds***	*"80% Rule" = 2,184 Beds* *"85% Rule" = 2,055 Beds* ***2,055 – 2,184 Total Beds*** *Pre-Pandemic ADP = 80 to 85% of total beds needed, to (1) accommodate routine peaks in the population; and (2) provide sufficient capacity to separate genders, to separate inmates with different security requirements, and to allow for disciplinary or administrative segregation.*

Figure 13.2

In association with

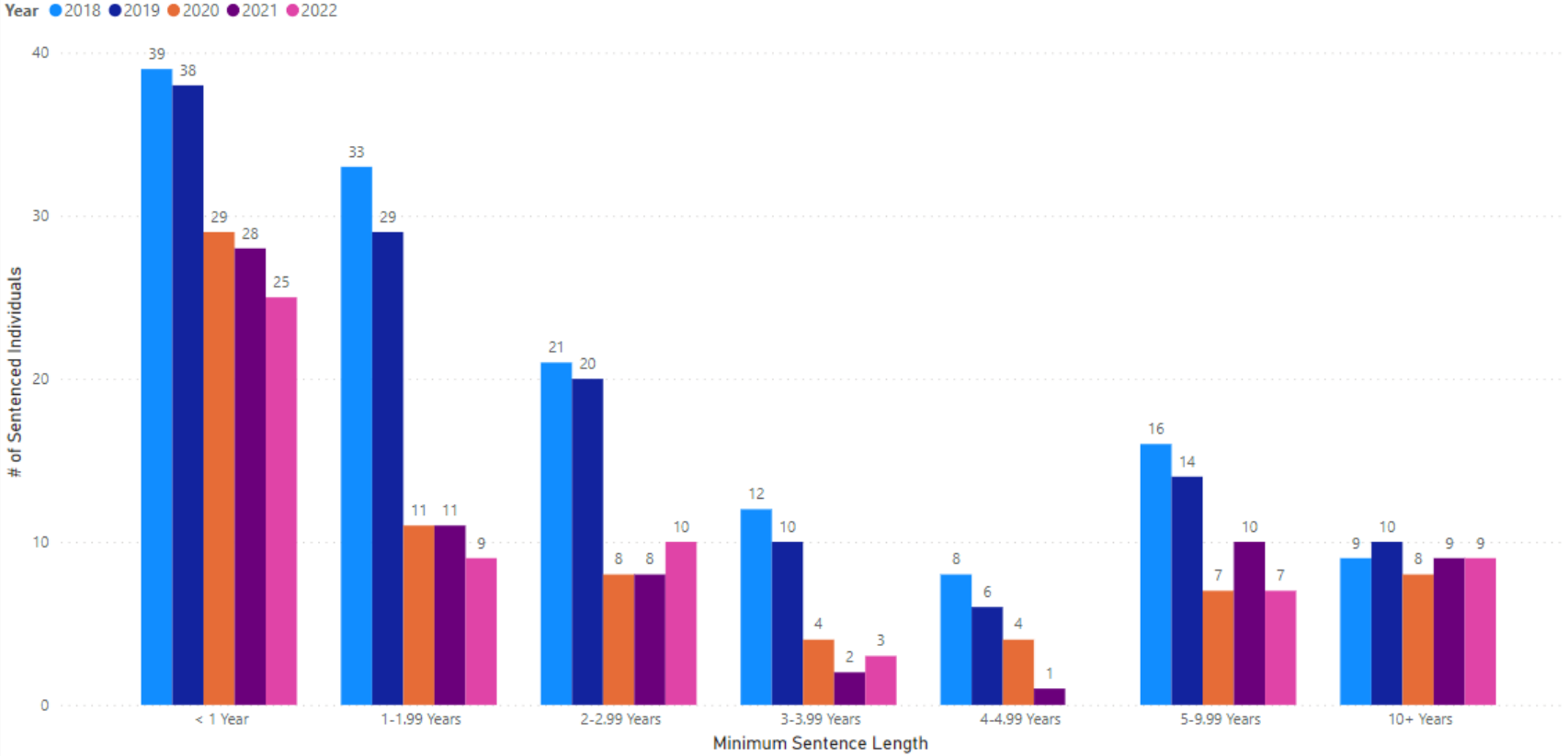
Women's Facility Stakeholder Meeting

June 23, 2023

AGENDA

- Introductions
- Letter of Intent
- BGS Update on Legislative Funding and HOK report
- Brainstorming on Re-entry facility criteria
- Inclusion of women attending from CRCF
- Next meeting date: 9/22/23 at 1:00

CRCF: Sentenced Incarcerated Individuals Minimum Sentence Lengths by Snapshot Date*



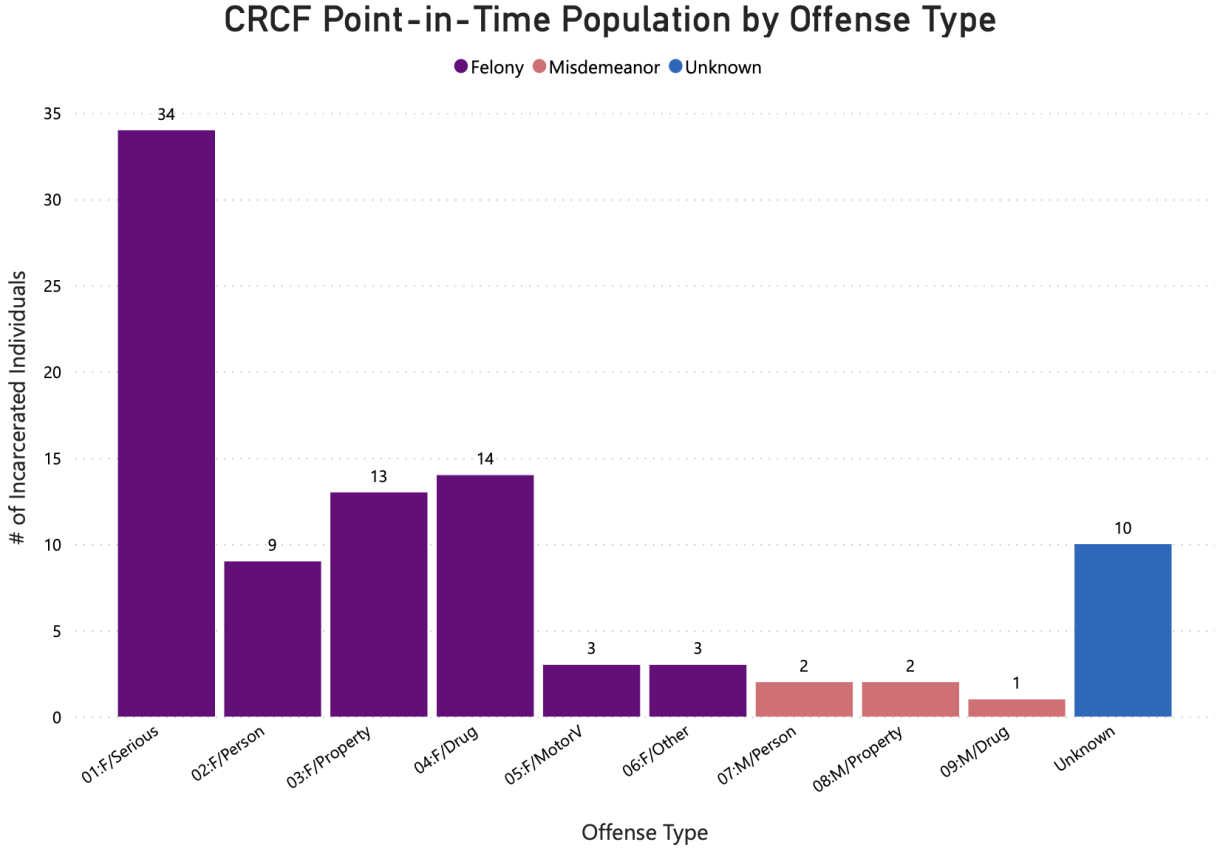
*Snapshot dates were from June 30th at 10pm each year.
The same individual may be included in multiple years.

05/31/2023

Point-in-Time Date

91

Total CRCF Population



Crime Categories

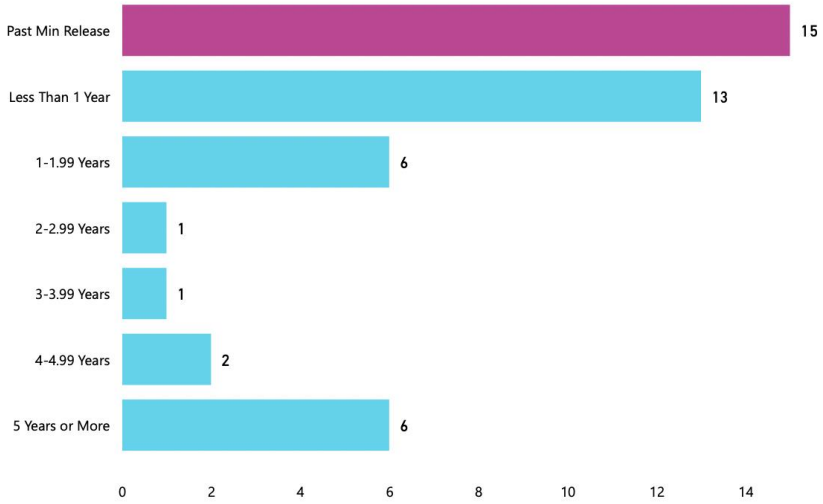
1. **Serious (felony):** Aggravated Assault, Aggravated Sexual Assault, Murder
2. **Person (felony):** Assault and Robbery, Lewd and Lascivious
3. **Property (felony):** Burglary Occupied, Grand Larceny, Arson
4. **Drug (felony):** Dealing, Trafficking, Possession and Sale
5. **Motor Vehicle (felony):** DUI #3 or more
6. **Other (felony):** Obstruction of Justice, Fugitive
7. **Person (misdemeanor):** Domestic Assault, Simple Assault
8. **Property (misdemeanor):** Unlawful Trespass, Retail Theft
9. **Drug (misdemeanor):** Possession of Drugs
10. **Motor Vehicle (misdemeanor):** Careless and Negligent Operation
11. **Other (misdemeanor):** Violations of Conditions of Release

VT Department of Corrections:
CRCF Sentenced Only Population Minimum Release Information 5/31/2023*

44

Sentenced ONLY Incarcerated Individuals (No Detained, Hold Status)

Sentenced Only Population: Time to Minimum Release Date | N= 44



15

Sentenced ONLY Incarcerated Individuals Held Past Minimum Release Date

Sentenced Only Population: Reason for Incarceration Past Minimum Release Date | N= 15

Reason	Count	Percent
Furlough Violation/Inappropriate for Furlough	11	73.3%
Pending Other Charge(s)	3	20.0%
Refusing Furlough/Mandated Services	1	6.7%
Total	**15**	**100.0%**

Furlough Violation/Inappropriate for Furlough: Returned from community supervision for a fixed length of time due to a technical violation, or "interrupting" release to furlough due to individual's behavior/risk to community

Pending Other Charge(s): Ex: Violation of supervision that results in new charge

Refusing Furlough/Mandated Services: Refusing services required by sentence or furlough placement

*Note: Daily Counts are accurate as of 8pm on the date listed.

VT DOC Returns from Community Supervision

7/01/2022-05/23/2023*

34	23	10
Total Returns*	Total Releases*	Total Still Incarcerated*

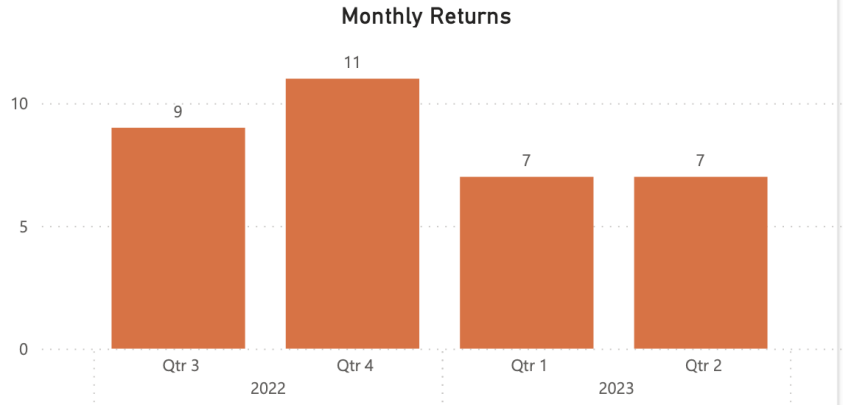
Women's Facilities

Facilities**

Men's Facilities

Women's Facilities

***Facilities designate housing by gender, although any gender (including transgender, intersex, non-binary), may be housed at any facility based on logistics, safety and wellness concerns.*



26	76.5%
Unique Individuals Returns*	of total returns are unique individuals

6	26.1%
Released Individuals Incarcerated over 90 days*	of releases where incarceration was 90 days or longer*

32.4%
of total returns are currently still incarcerated*

52.9%
of return violations resulted in new charges*

*As of 05/23/2023. These numbers are taken from a point-in-time snapshot from the dates between 07/01/2022-05/23/2023.

VT DOC Returns from Community Supervision

7/01/2022-05/23/2023*

34

Total Returns

Released: *Individuals returned from community supervision and then released from incarceration*

Still Incarcerated: *individuals returned from community supervision and are still incarcerated at a VTDOC facility*

Facilities**

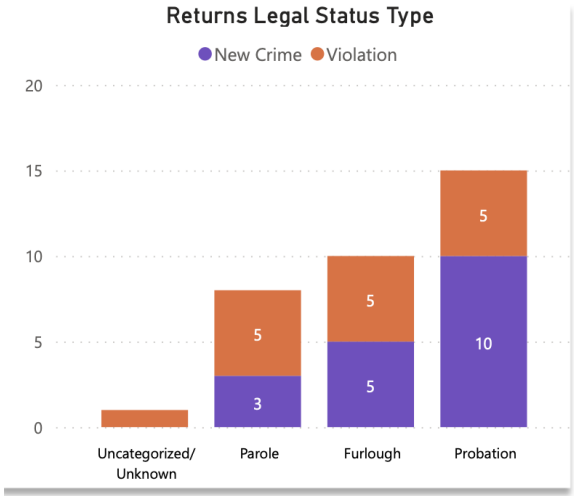
Men's Facilities

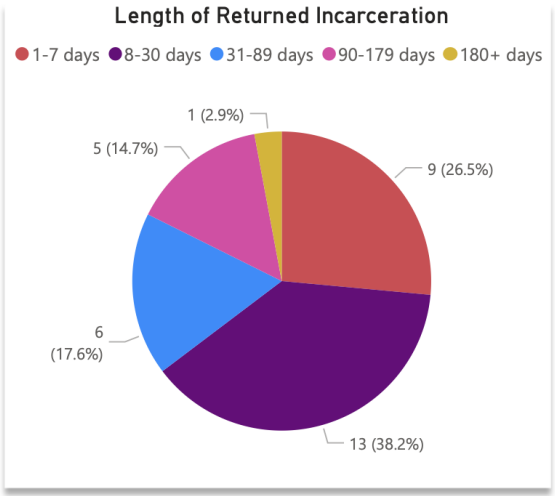
Women's Facilities

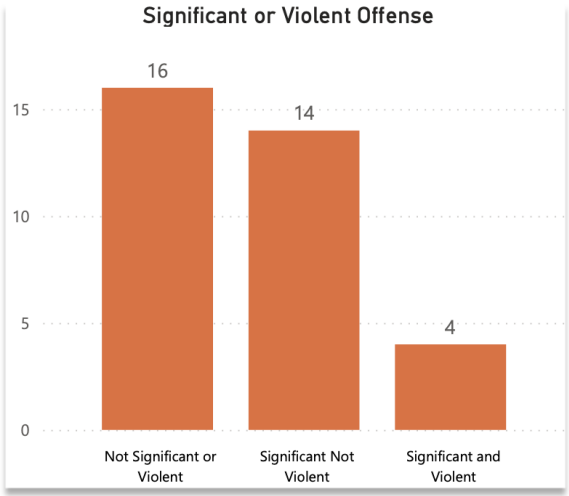
Status

Released

Still Incarcerated



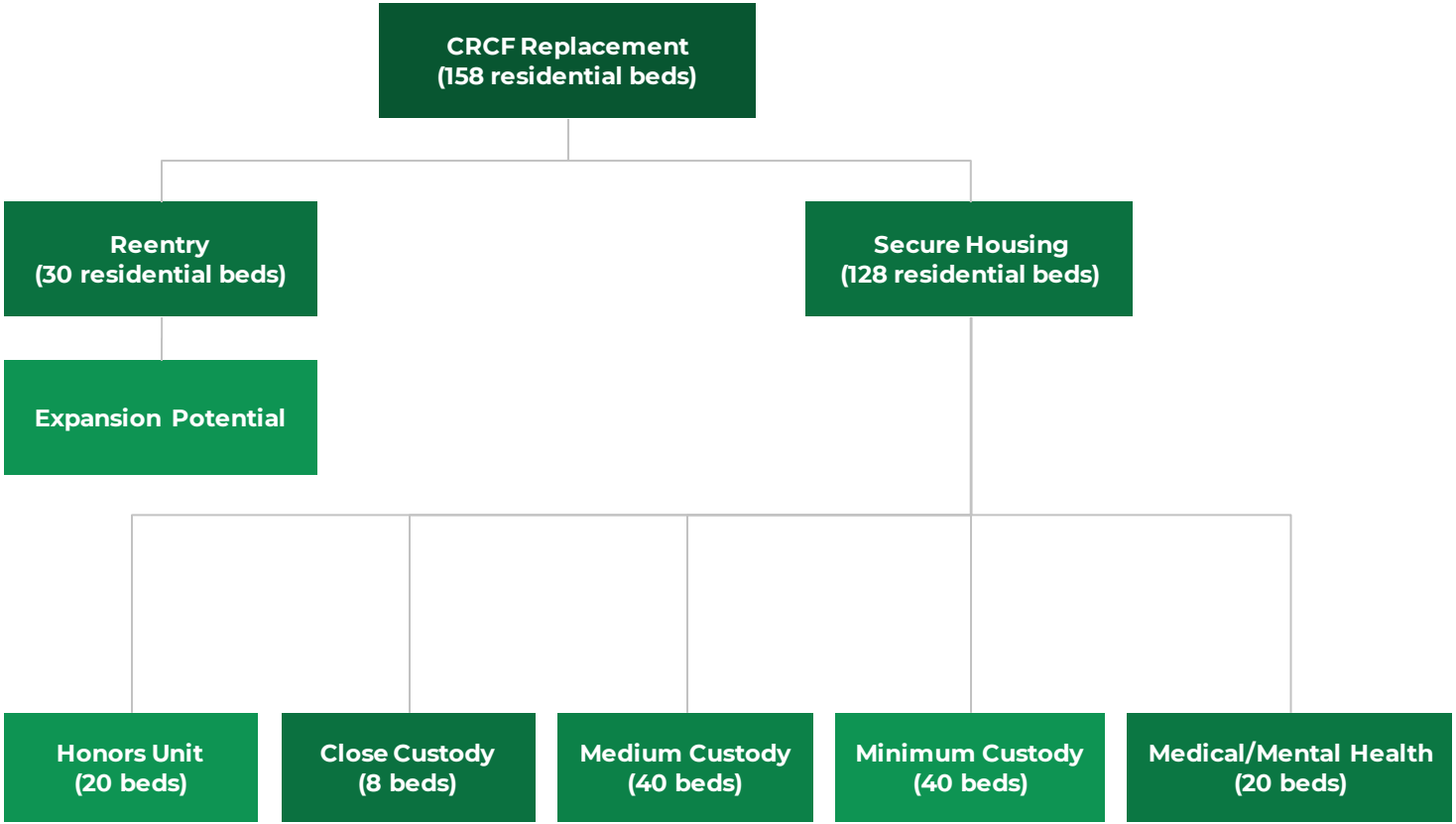


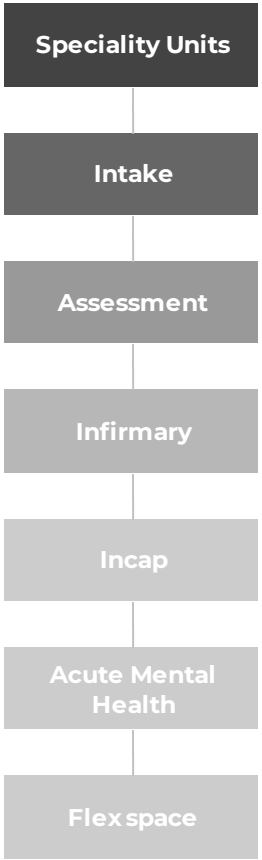


*As of 05/23/2023. These numbers are taken from a point-in-time snapshot from the dates between 07/01/2022-05/23/2023.

Current Minimum Custody: 38

- Murder: **6**
- Manslaughter: **3**
- DUI fatalities: **4**
- Aggravated assault: **3**
- Agg. Sexual Assault on a Child: **1**
- Agg. Assault w/ weapon: **1**
- Lewd & Lascivious (felony): **1**
- Sale of Regulated Drug, Death Resulting: **1**
- Multiple felony drug charges: **9**
- Burglary Occupied/Grand Larceny (felony): **3**
- Unlawful restraint (felony): **1**
- Vulnerable adult, financial exploitation: **1**
- Cruelty to Children/SA: **1**
- Larceny from a person: **2**
- SA/Leaving Scene of accident/14 cts of VCOR: **1**


CRCF Replacement
(158 residential beds)
Reentry
(30 residential beds)
Secure Housing
(128 residential beds)
Expansion Potential
Honors Unit
(20 beds)
Close Custody
(8 beds)
Medium Custody
(40 beds)
Minimum Custody
(40 beds)
Medical/Mental Health
(20 beds)


Speciality Units
Intake
Assessment
Infirmary
Incap
Acute Mental Health
Flex space

Women's Facility Replacement

November 8, 2023

Agenda

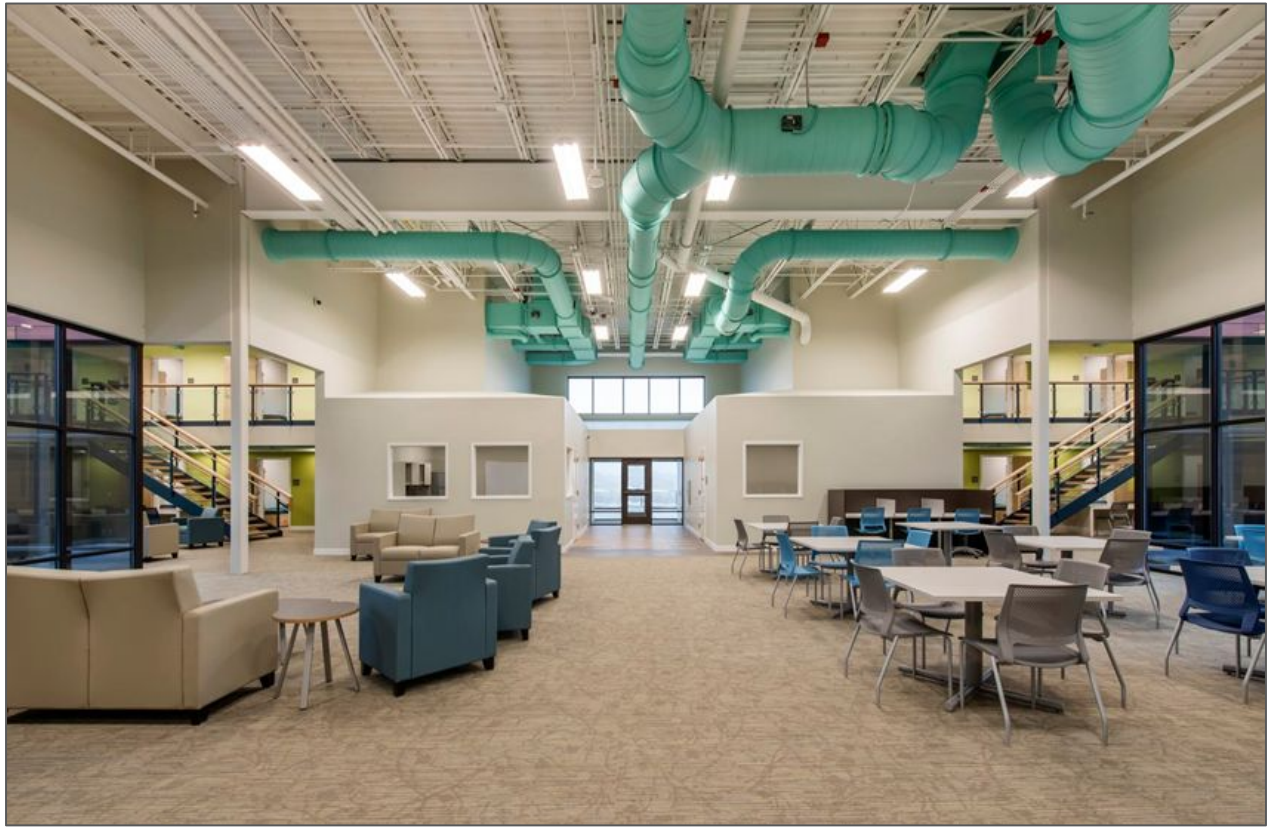
1. Introductions
2. Recap:
    a. Maine Facility
    b. Proposed HOK Designs
3. Population trends (last 90 days)
4. Reentry criteria
5. BGS site updates
6. Discussion in advance of next Legislative Session

Southern Maine Women's Reentry Facility

Southern Maine Women’s Reentry Facility

Southern Maine Women's Reentry Facility

Southern Maine Women's Reentry Facility



Southern Maine Women's Reentry Facility

Southern Maine Women's Reentry Facility

Southern Maine Women's Reentry Facility

Southern Maine Women's Reentry Facility

Southern Maine Women's Facility

1. **SENSORY BOUNDARIES**

   Create permeable membranes within spaces to modulate sensory information.

2. **IDENTITY ANCHORS**

   Create touch-points for personalization.

3. **NESTED LAYERS**

   Create options for interaction and withdrawal.

1 SENSORY BOUNDARIES

Differentiation in ceiling materials, like wood, will add warmth, resonate sound and texture and provide differentiation of space

2 IDENTITY ANCHORS

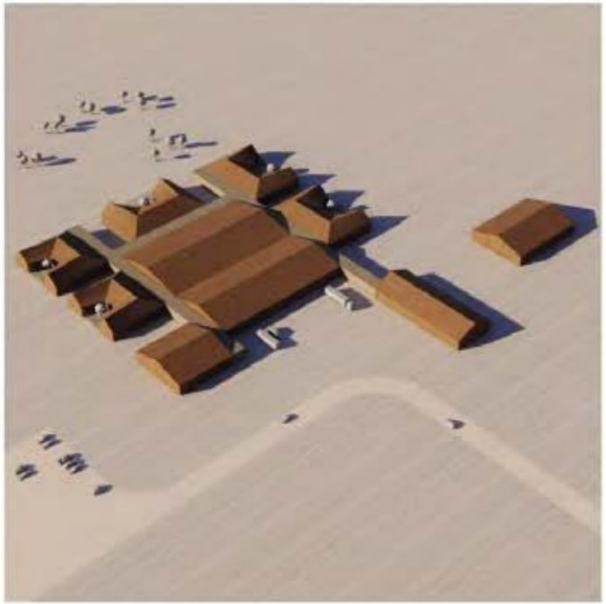
Mural of local landscape to create sense of place and connection to nature.

3 NESTED LAYERS

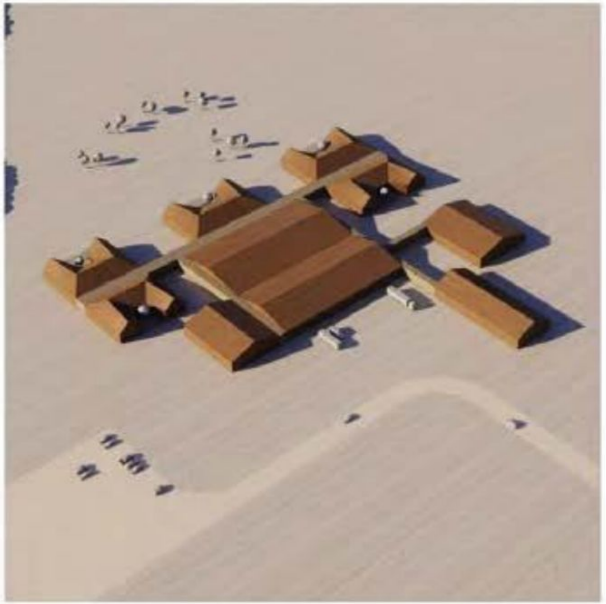
Varying types of non-institutional furniture to break up large space into smaller intimate spaces.

Proposed Designs

A



B



C

CRCF Population: Last 90 Days

CRCF Snapshot Census

November 8, 2023:

- Total detained: 51
- Total sentenced: 56
  - **Total: 107**

Reentry Facility

Non-listed, non-violent:

- Sentenced, minimum custody: **13**
- Sentenced, medium custody: **3***
- Detainees: **12** (CVS less than 11)

Listed, violent:

- Sentenced, within 1 year of release: **12**

Eligibility:

- No RSN (review process)
- No prior institutional escapes (includes override process)
- No PREA potentially predatory
- Disciplinary review (DR) free

BGS Update

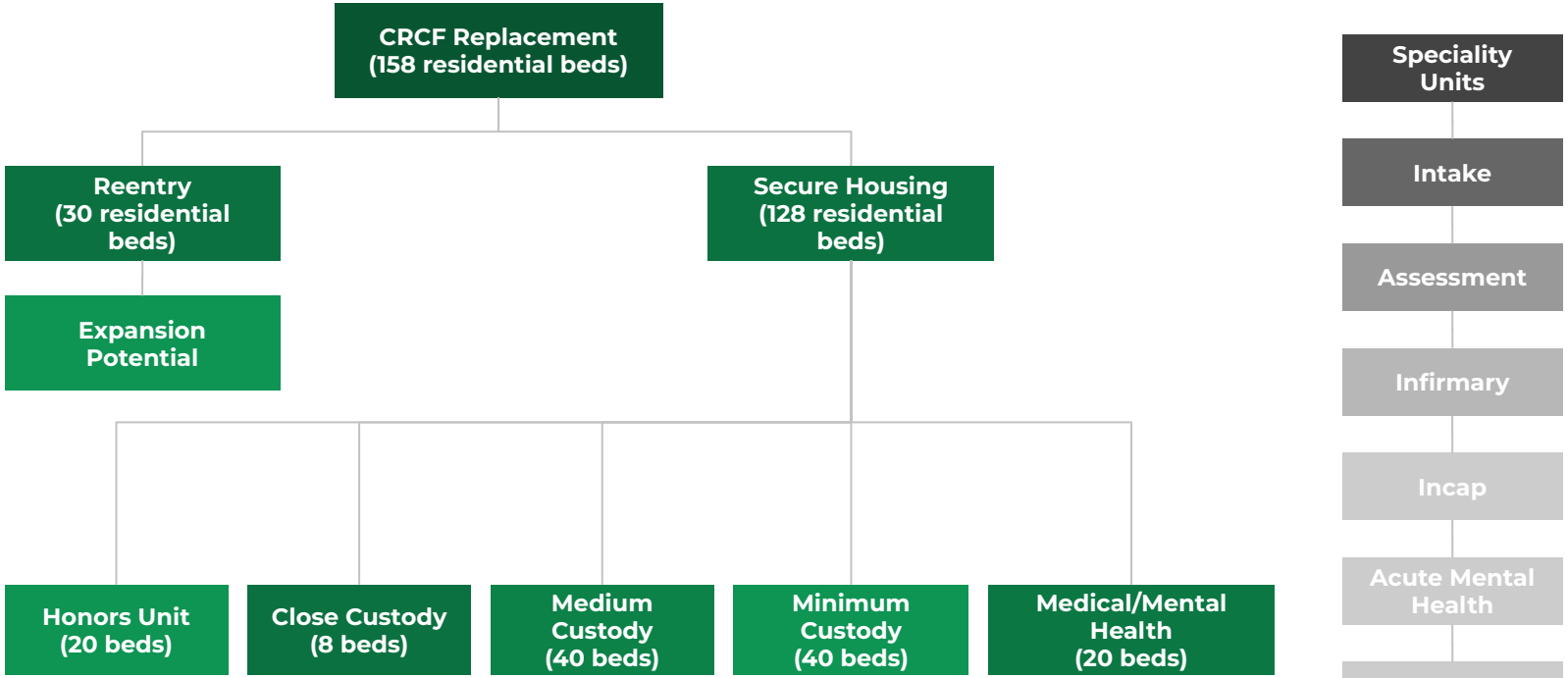
Discussion

- Men's reentry criteria:
  - Parity across system
  - Legal exposure
- Services:
  - How do you see your organization and others engaging in this facility?
- Community custody
- Mandated programming
- Churn and purpose/success of reentry facility:
  - What makes a successful facility?

Next Steps

Appendix

Draft Bed Distribution



Consequences of Underbuilding

Space Constraints

- Inadequate living space for population & population growth (short-term volatility/long-term change)
    - Recommended 15% capacity buffer
- Inability to separate by classification
- Additional needs for expansion
- More facility & planning expenses
- Underallocation of operational & staffing resources

Consequences of Underbuilding

Consequences on Women

- Inadequate programming space for re-entry & therapeutic needs
- Fewer physical visits & supports
    - Strain on child/parent/family bonds
- Necessity of sending women out of state

Proposed Designs

BENEFITS OF CO-LOCATION OF CORRECTIONAL AND RE-ENTRY FACILITIES

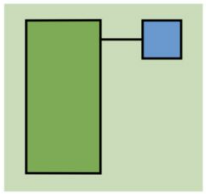
Visual connection between facilities can reinforce goal-setting for individuals for re-unification.

Provides better continuity of care and access to support for released individuals.

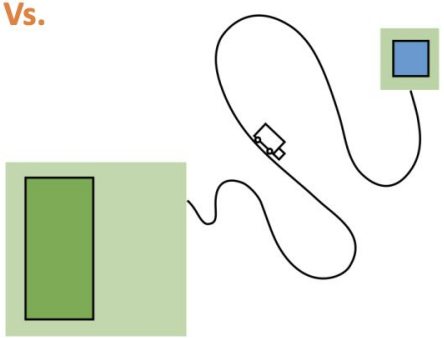
More efficient operation resulting in lower operating costs and reduced staffing:
Average CO vacancy from 12/21to 7/22 was 24% across all facilities.

A single campus would likely require a single accreditations for health services.

A single campus would allow for opportunities to share expensive infrastructure such as:
- Clinical space
- Food service
- Laundry
- Administrative space
- BGS operated maintenance space
- IT/security systems
- Sewage treatment facility
- Backup generators
- Potential to share central utility plant and fuel storage system



Vs.



FEBRUARY 22, 2023

VERMONT

STATE OF VERMONT DEPARTMENT OF CORRECTIONS

H|A HARDY AND ASSOCIATES, LLC

fff freeman | french | freeman

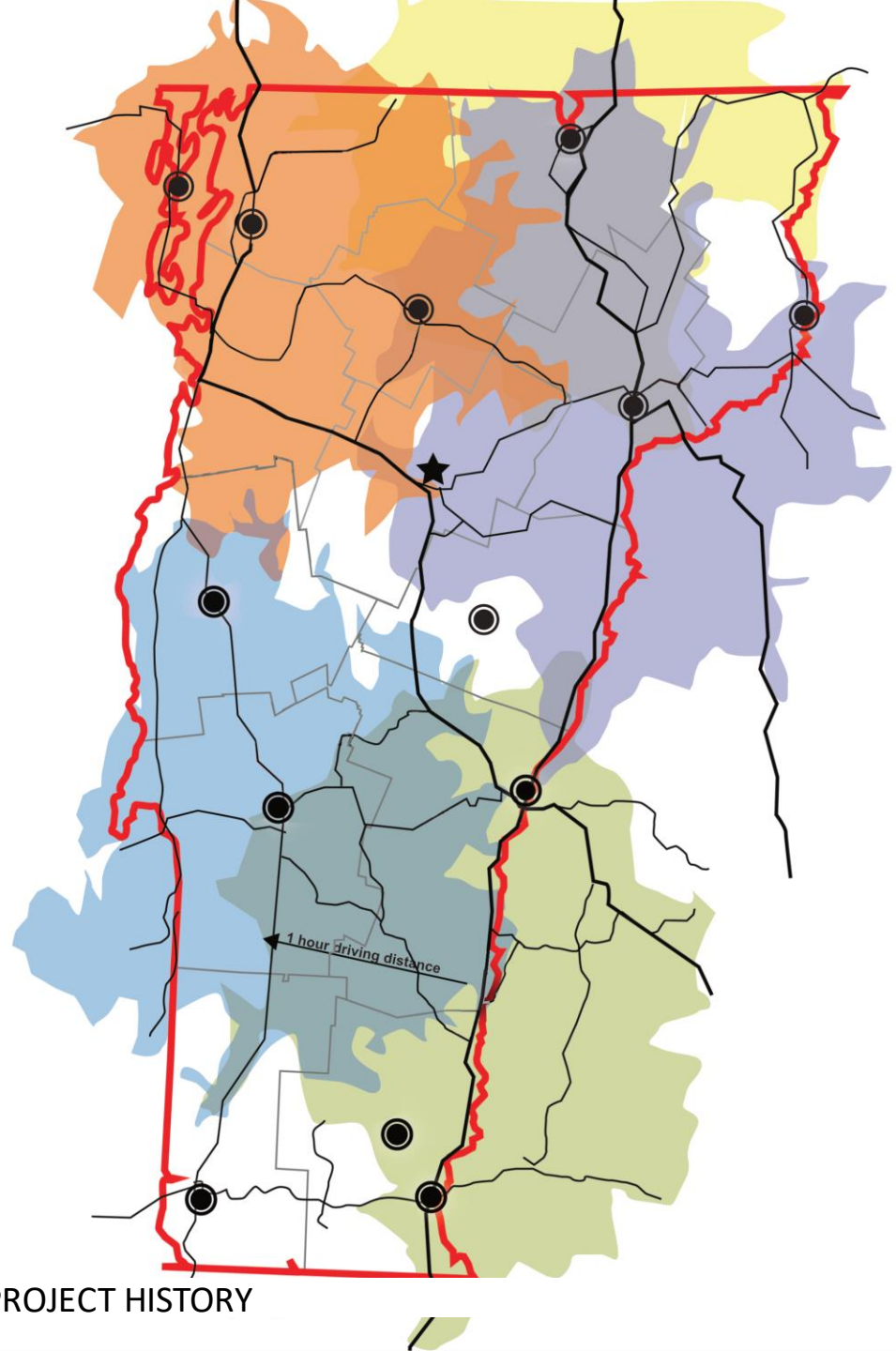
McFarland Johnson

Jeff Goodale

Senior Principle | Director of Justice

Ryan Rohlfs

Senior Associate | Senior Project Architect



From 2020 to 2021, HOK developed a correctional facility feasibility and conceptual design study.

The recommendations made within the 2021 report were a series of strategies to align the Vermont correctional system with the Department of Corrections mission statement.

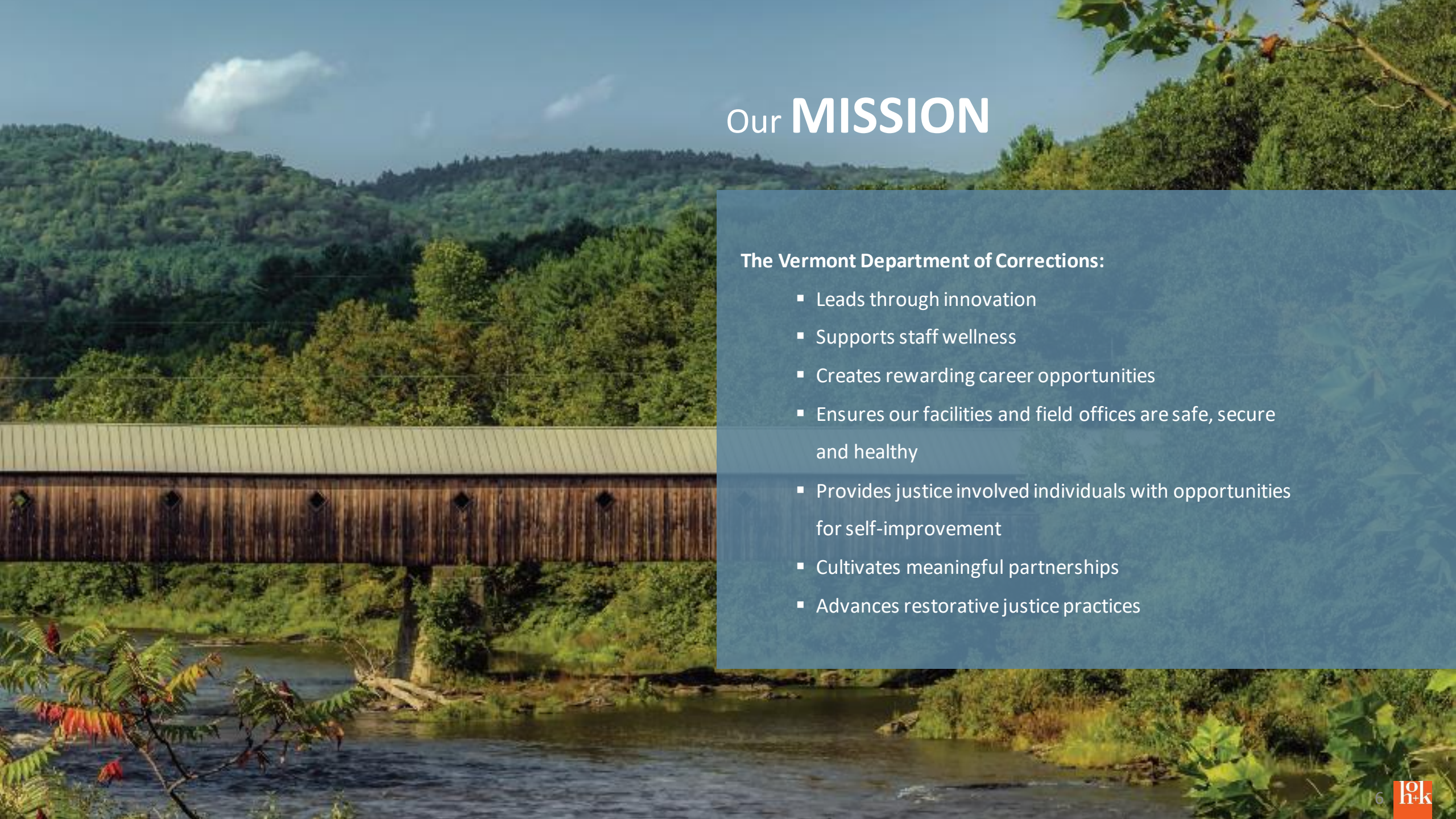
In all strategies, Chittenden Regional Correctional Facility (CRCF) was recommended to be closed and replaced with a new women's facility ideally located in the northwest region of the state.

In 2022, HOK was selected to expand on the work previously completed. This phase includes the programming and conceptual design of a new women's correctional and re-entry facility.

In order to properly develop a new women's facility, the team reviewed the previous projections of the 2021 report and overlaid current female incarceration data.

VISION Statement

"We create safety and equity by seeing potential, supporting change and serving communities."



Our **MISSION**

The Vermont Department of Corrections:

- Leads through innovation
- Supports staff wellness
- Creates rewarding career opportunities
- Ensures our facilities and field offices are safe, secure and healthy
- Provides justice involved individuals with opportunities for self-improvement
- Cultivates meaningful partnerships
- Advances restorative justice practices

VALUES

Accountability | We, individually and collectively, act in accordance with our mission and values in service to our vision

Collaboration | We succeed when we have diverse and equitable partnerships that include our communities and the people in our care and custody

Compassion | We treat everyone with respect and dignity and respond empathetically to people's lived experience.

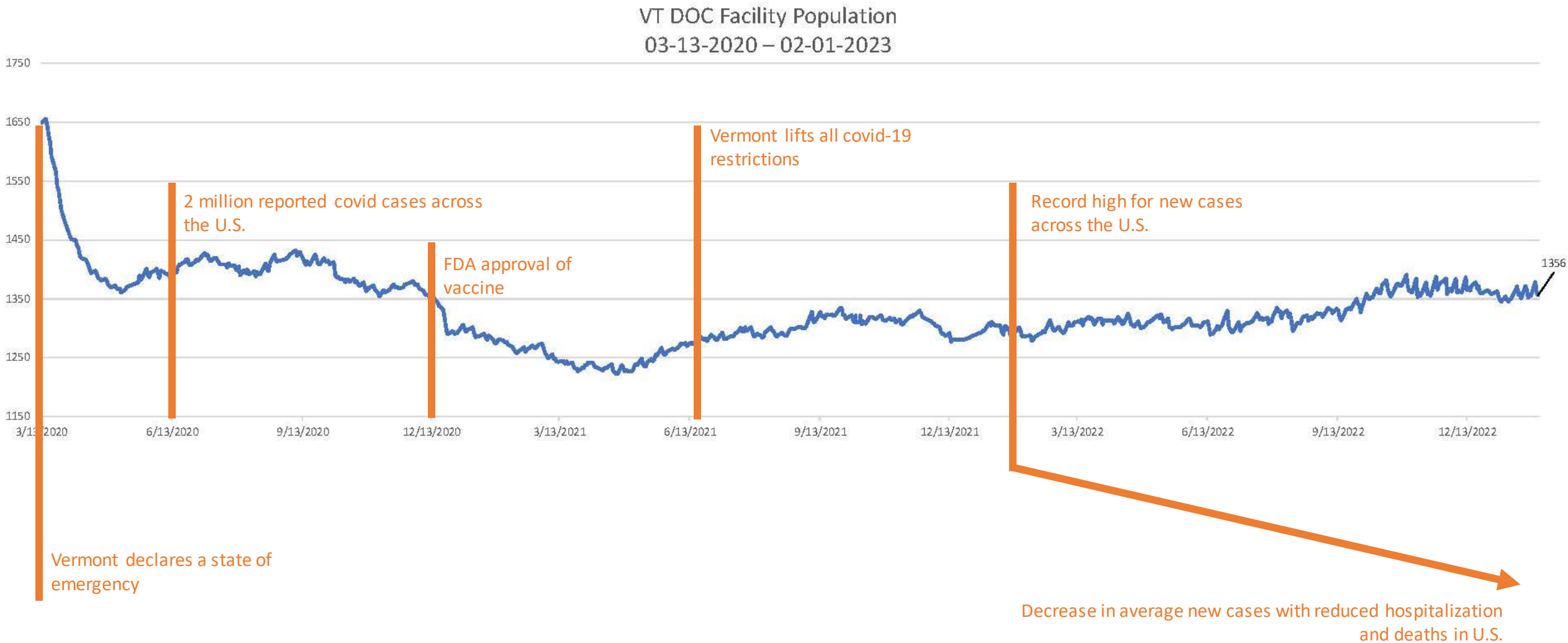
Equity | We address systemic barriers that hinder opportunity and use fair and impartial decision-making.

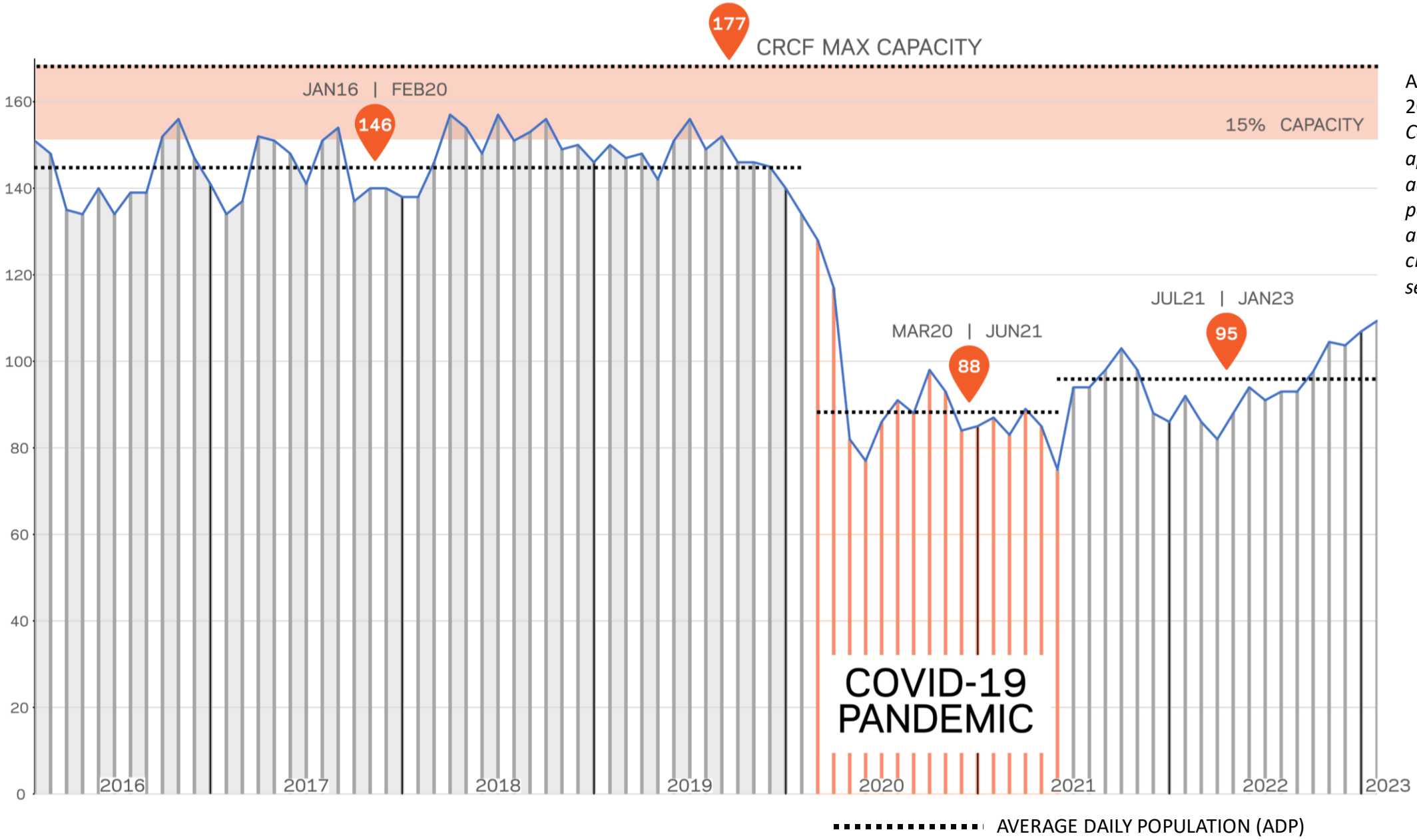
Innovation | We use evolving research, data analysis, and expertise from diverse communities to identify, develop, and implement effective practices.

Integrity | We practice our values in an honest and transparent way.

Safety | We create an equitable culture of physical, emotional, and material wholeness.

Population Data


VT DOC Facility Population
03-13-2020 – 02-01-2023
1750
1650
1550
1450
1350
1250
1150
1356
3/13/2020
6/13/2020
9/13/2020
12/13/2020
3/13/2021
6/13/2021
9/13/2021
12/13/2021
3/13/2022
6/13/2022
9/13/2022
12/13/2022
Vermont declares a state of emergency
2 million reported covid cases across the U.S.
FDA approval of vaccine
Vermont lifts all covid-19 restrictions
Record high for new cases across the U.S.
Decrease in average new cases with reduced hospitalization and deaths in U.S.

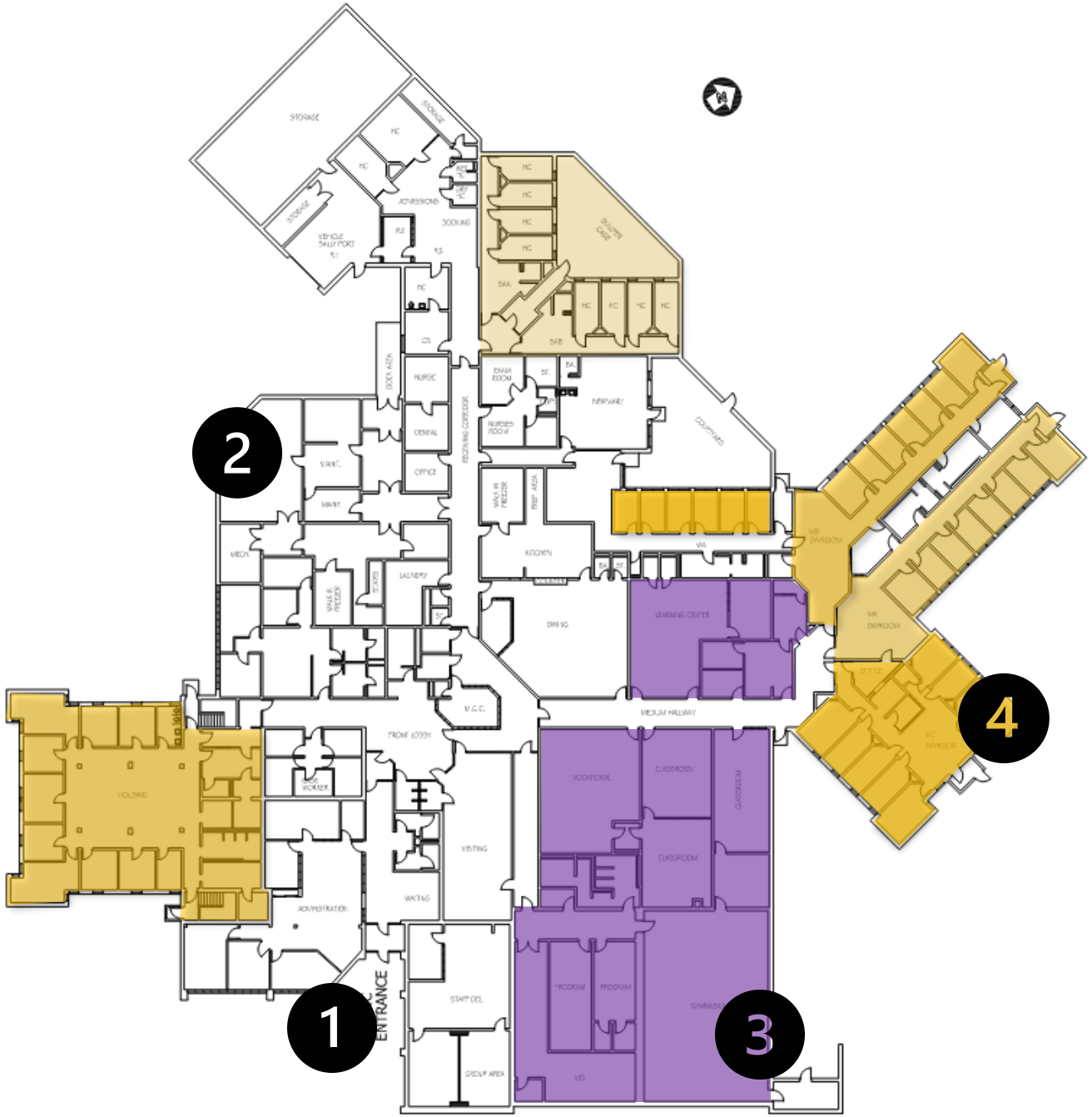


As referenced in the 2021 *Existing Conditions Assessment; applying the 85% rule accommodates routine peaks and allows for additional population classification and separation.*

FEMALE AVERAGE DAILY POPULATION (SENTENCED AND DETAINED)

Chittenden Regional Correctional Facility (CRCF)


CHITTENDEN
REGIONAL
CORRECTIONAL
FACILITY



1. In 2020, the Department of Justice identified several ADA violations that need to be corrected in the coming years.

2. It is estimated to need over $5 million dollars in deferred maintenance. In addition, it is estimated to need $5.5 million in scheduled capital maintenance over the next 10 years.

   Overall, a “Poor” Facility Condition Index per the 2016 assessment which has further deteriorated

3. Inadequate program space

4. Limited housing classification flexibility

   Lack of staff support spaces

   Traditional institutional feel and not gender/trauma informed

   High staff to incarcerated individual ratio. In 2020 there was 1 security staff member to every 1.56 incarcerated individual

CRCF EXISTING CONDITIONS


HC2

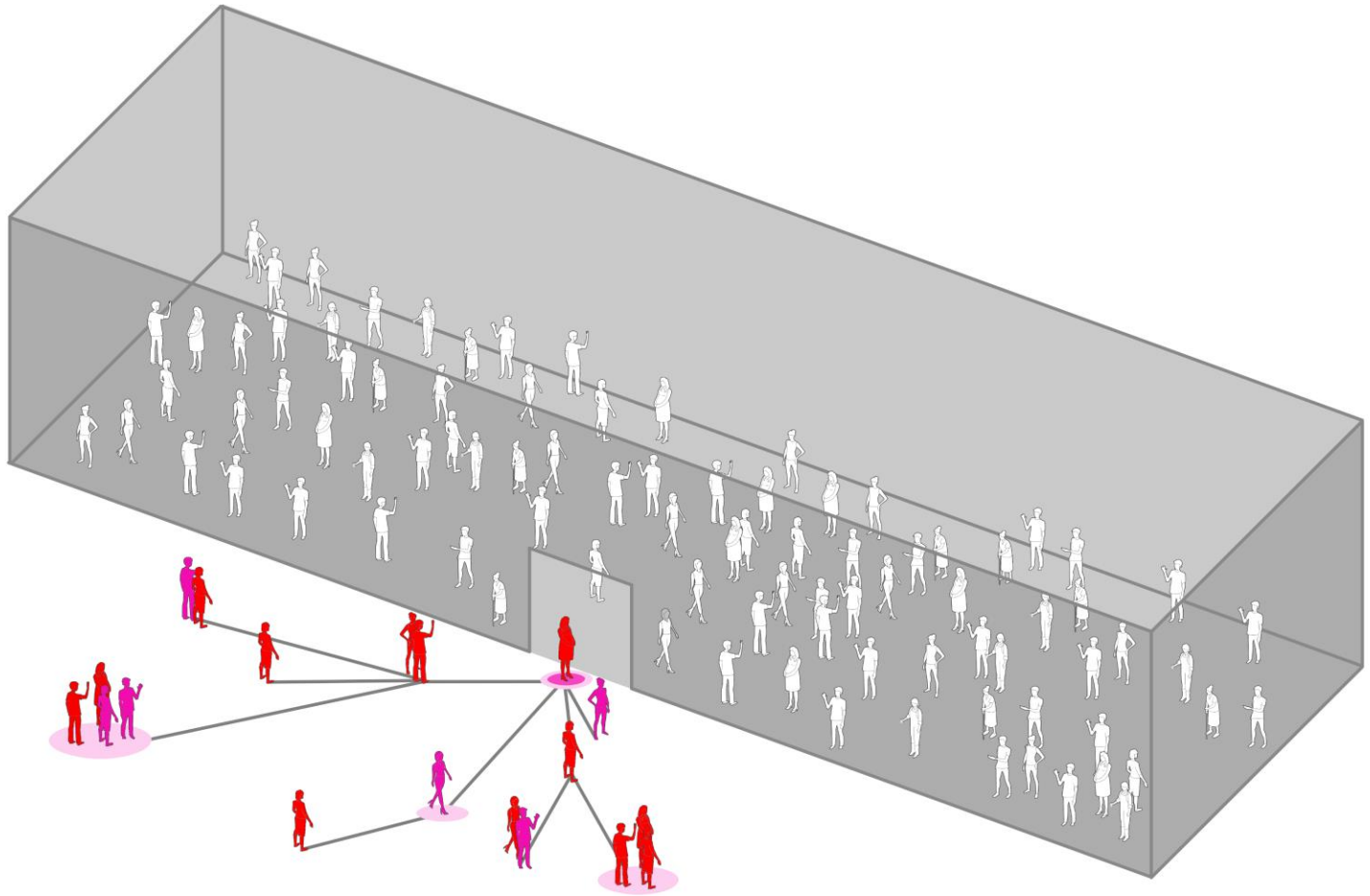
1. Poor quality of lighting, does not respond to occupants' circadian rhythm
2. Poor natural daylight with typical institutional bars on windows
3. Mildly therapeutic color scheme
4. Rooms are not fully ligature resistant
5. Hard institutional furnishings
6. Blind corners and inefficient use of space
7. Upper bunks are dangerous and difficult to get up to
8. Inability to maintain thermal comfort

Bed Analysis

Due to COVID there was an unprecedented number of court casts waiting to be adjudicated. In an article by VTDigger, on January 12th, 2023, stated that 1,156 felony cases and 2,205 misdemeanor cases were pending for longer than two years. With so many individuals awaiting a hearing there is a level of instability in the average daily population.

Nationally, female rates of incarceration have been rising. After a 37% decrease from midyear 2019 to midyear 2020, the number of females confined in local jails increased 22% from 2020 to 2021. [1]
A gender responsive approach is better suited to incarcerated women. Studies have shown that a majority of individuals have experienced some form of trauma, mental health or substance abuse issue. As a result, facilities need to provide the flexibility to sustainably house and support treatment.

The American Prisons and Jails study recommends that a community should determine the capacity of its correctional institutions and should adopt procedures for accelerated release when a facility nears capacity.
Diversion programs and careful management of other alternative programs are also recommended. [2]



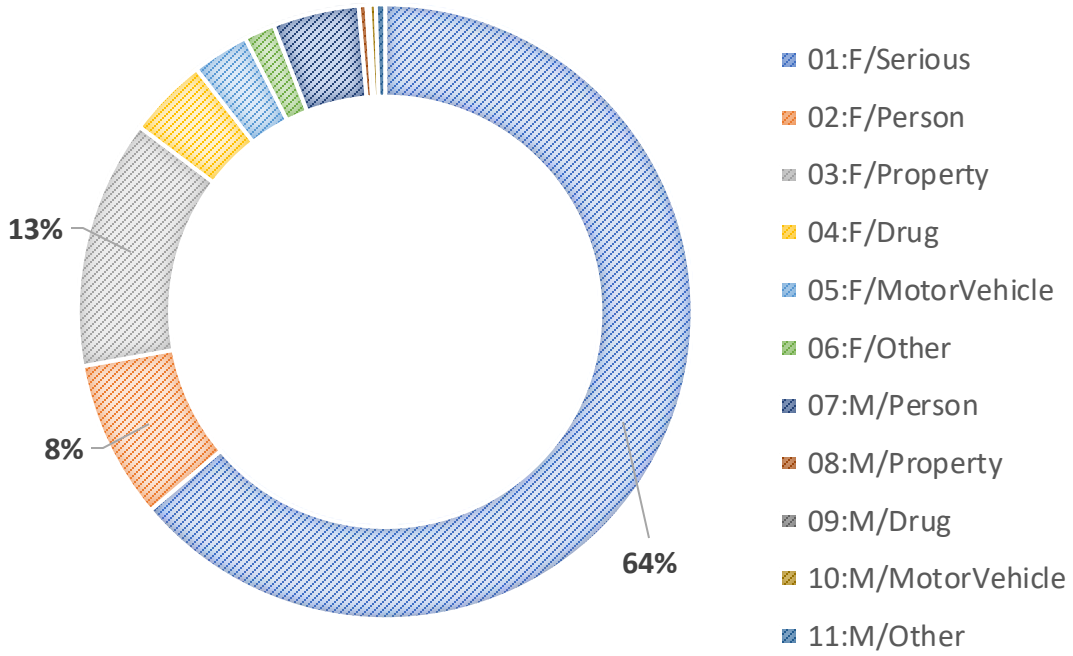
[1] Jail Inmates in 2021 – Statistical Tables; Bureau of Justice Statistics
[2] Relationship of Jail Capacity to Jail Overcrowding; L. Smith

POPULATION DATA

FEMALE POPULATION							
MONTH	**2016**	**2017**	**2018**	**2019**	**2020**	**2021**	**2022**
January	151	134	138	150	134	87	92
February	148	137	146	147	128	83	86
March	135	152	157	148	117	89	82
April	134	151	154	142	82	85	88
May	140	148	148	151	77	75	94
June	134	141	157	156	86	94	91
July	139	151	151	149	91	94	93
August	139	154	153	152	88	98	93
September	152	137	156	146	98	103	98
October	156	140	149	146	93	98	104
November	147	140	150	145	84	88	104
December	141	138	146	140	85	86	107
Annual ADP	**143**	**144**	**150**	**148**	**97**	**90**	**94**
% of ADP	**8.13%**	**8.14%**	**8.66%**	**8.47%**	**6.66%**	**6.95%**	**7.22%**

The female population averages **7.75% of the system ADP** over the last 7 years. This percentage has been increasing over the last 3 years consecutively but remains below the pre-pandemic average.

OFFENSE TYPE

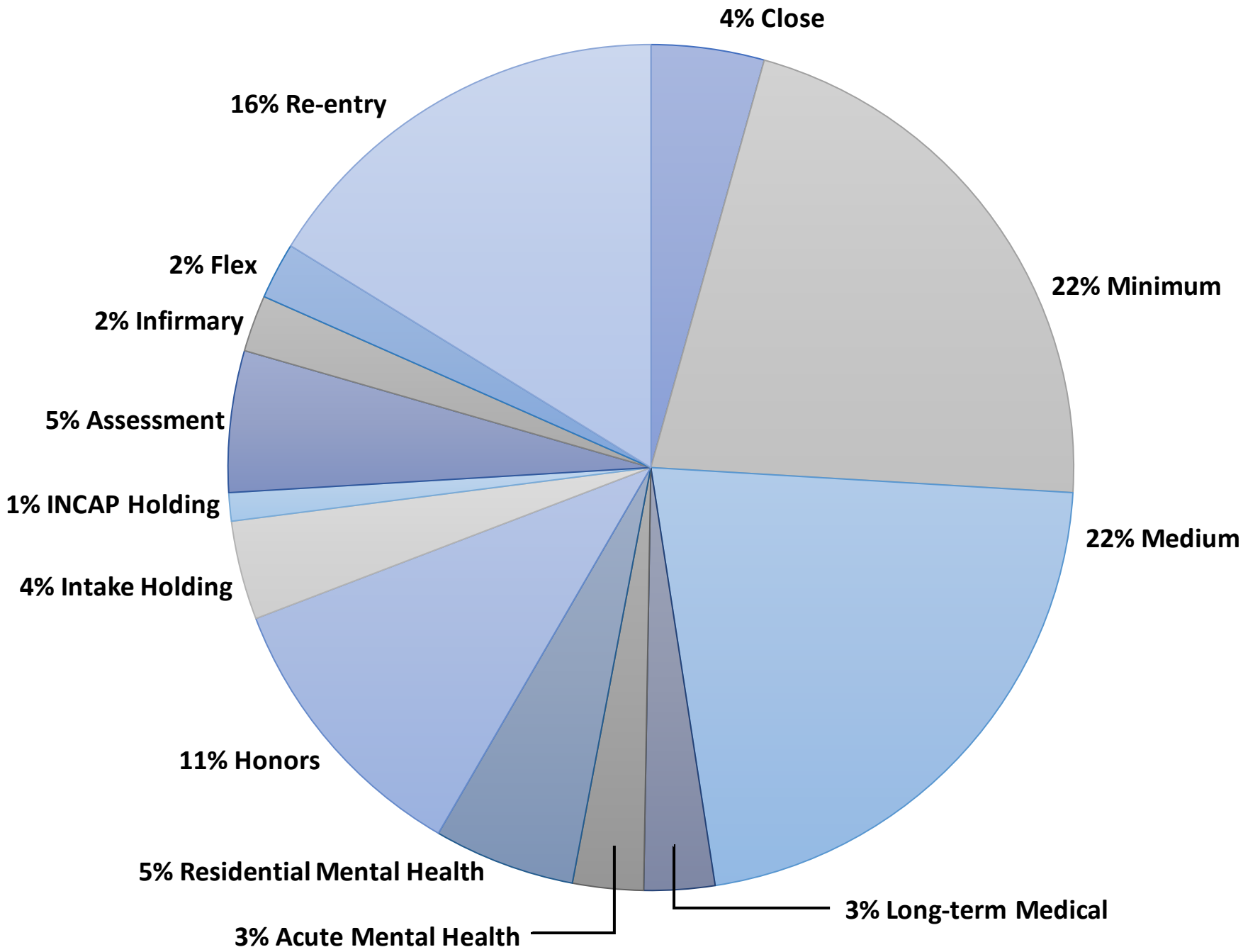


64% of offenders are being held for a felony, serious offence according to point-in-time data from 8/12/22

Accommodating additional flexibility is crucial for the female facility as it is the only female facility in the system.

Additional space allows for additional opportunities for the DOC to respond to pandemics.

Additional capacity allows the movement of incarcerated individuals within the facility for maintenance and renovations.



HOUSING BREAKDOWNS

Right-sizing

WASTED FUNDING AND RESOURCES

- **Over allocation of operational and staffing allocations**
- Potentially unutilized facility space
- Opportunity costs of other state needs
- Local procedure misalignment

ENDANGERED RELATIONSHIPS

- **Trust between DOC, BGS, State Government and other stakeholders**

CONSEQUENCE OF BUILDING TOO LARGE

POSSIBILITY OF SENDING WOMEN OUT-OF STATE IF POPULATION EXCEED PRE-PANDEMIC NUMBERS

- Less physical visits and support
- Relocation stress on incarcerated women
- Potential misalignment of risk and needs
- **Strain on child/parent/family bonds**

INADEQUATE LIVING SPACE FOR POPULATION AND POPULATION GROWTH

- **Forecast of increased population**
- Routine spikes in population (typically 10-15% above rated capacity)
- Inability to properly separate by classification
- Inability to respond to routine maintenance or renovations

ADDITIONAL NEEDS FOR EXPANSION

- More facility and planning expenses
- **Under allocation of operational and staffing allocations**

INADEQUATE PROGRAMMING SPACE FOR RE-ENTRY AND THERAPEUTIC NEEDS

- Education and vocational spaces
- Medical and mental health treatment
- **Re-entry and life skills readiness**
- Substance abuse treatment and education

CONSEQUENCE OF BUILDING TOO SMALL

Strategies

BENEFITS OF CO-LOCATION OF CORRECTIONAL AND RE-ENTRY FACILITIES

Visual connection between facilities can reinforce goal-setting for individuals for re-unification.

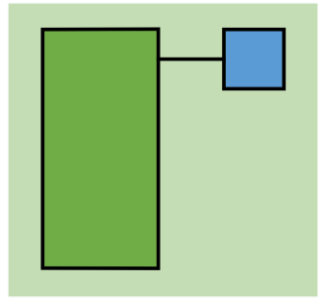
Provides better continuity of care and access to support for released individuals.

More efficient operation resulting in lower operating costs and reduced staffing:
Average CO vacancy from 12/21to 7/22 was 24% across all facilities.

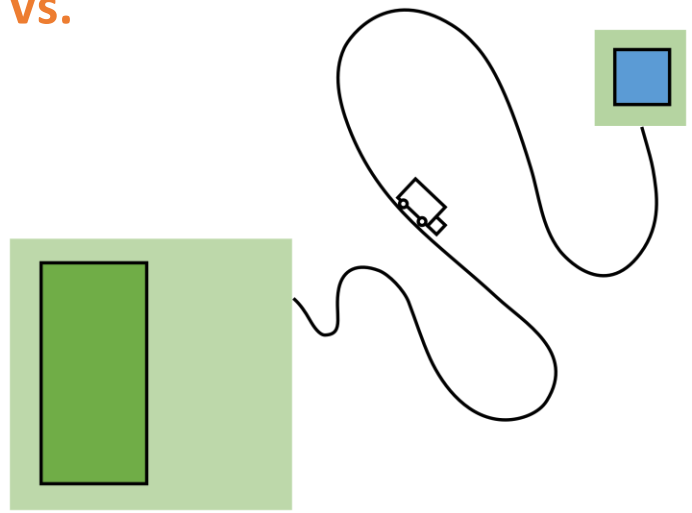
A single campus would likely require a single accreditations for health services.

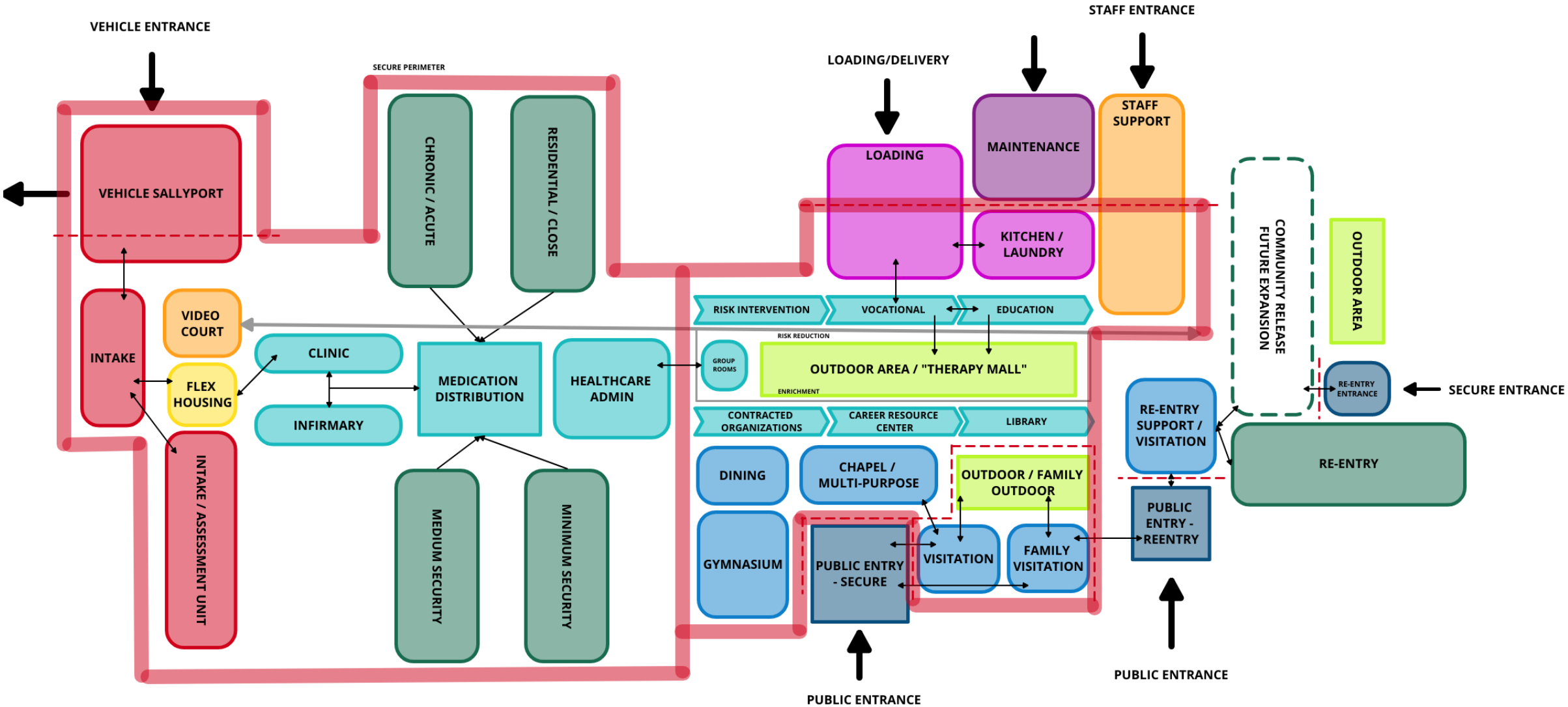
A single campus would allow for opportunities to share expensive infrastructure such as:

- Clinical space
- Food service
- Laundry
- Administrative space
- BGS operated maintenance space
- IT/security systems
- Sewage treatment facility
- Backup generators
- Potential to share central utility plant and fuel storage system

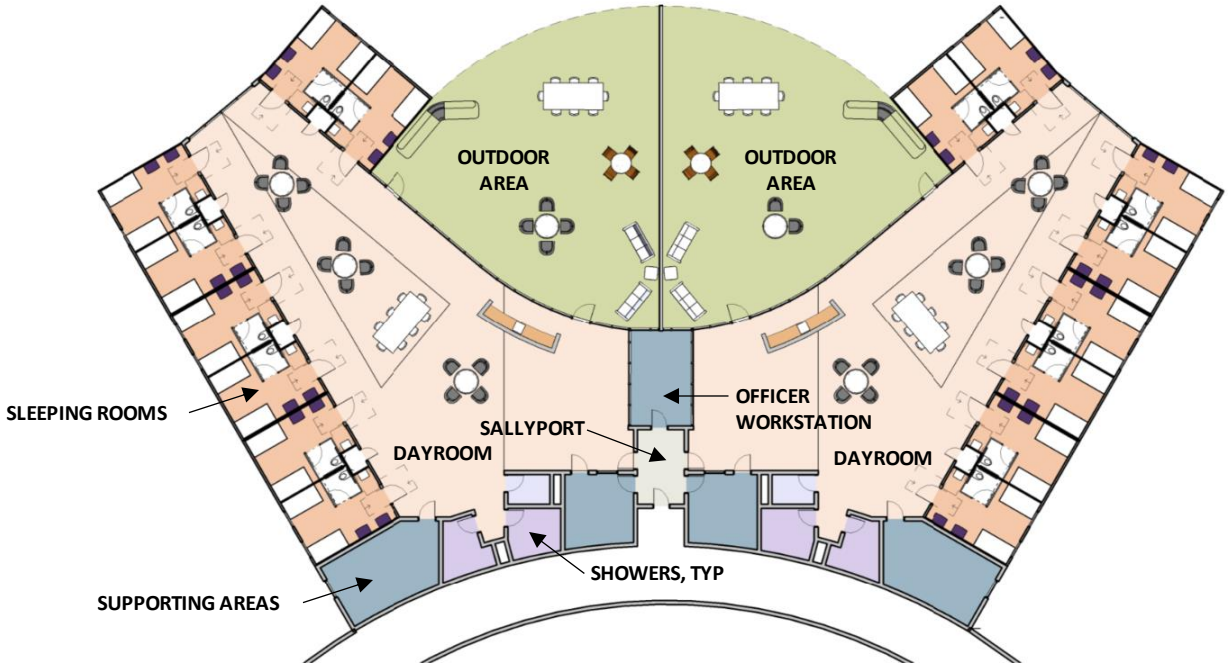


Vs.





ADJACENCY DIAGRAM



32 BED HOUSING UNIT	
SLEEPING ROOMS	**2,457 SF**
DAYROOM	5,241 SF ✓
SUPPORT AREAS	1,325 SF ✓
GROSS SQFT TOTAL	**9,023 SF**

+/- 7%

GROSS SQUARE FOOTAGE INCREASE FOR 8 ADDITIONAL BEDS WITHIN A UNIT

40 BED HOUSING UNIT	
SLEEPING ROOMS	**3,071 SF**
DAYROOM	5,241 SF ✓
SUPPORT AREAS	1,325 SF ✓
GROSS SQFT TOTAL	**9,637 SF**

COMPARISON OF 32 vs. 40 BED HOUSING UNIT

1 SENSORY BOUNDARIES

Create permeable membranes within spaces to modulate sensory information.

2 IDENTITY ANCHORS

Create touch-points for personalization.

3 NESTED LAYERS

Create options for interaction and withdrawal.

1 SENSORY BOUNDARIES

Differentiation in ceiling materials, like wood, will add warmth, resonate sound and texture and provide differentiation of space

2 IDENTITY ANCHORS

Mural of local landscape to create sense of place and connection to nature.

3 NESTED LAYERS

Varying types of non-institutional furniture to break up large space into smaller intimate spaces.

CONCEPTUAL TEST-FIT

1 SENSORY BOUNDARIES

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CONCEPTUAL TEST-FIT

1 SENSORY BOUNDARIES

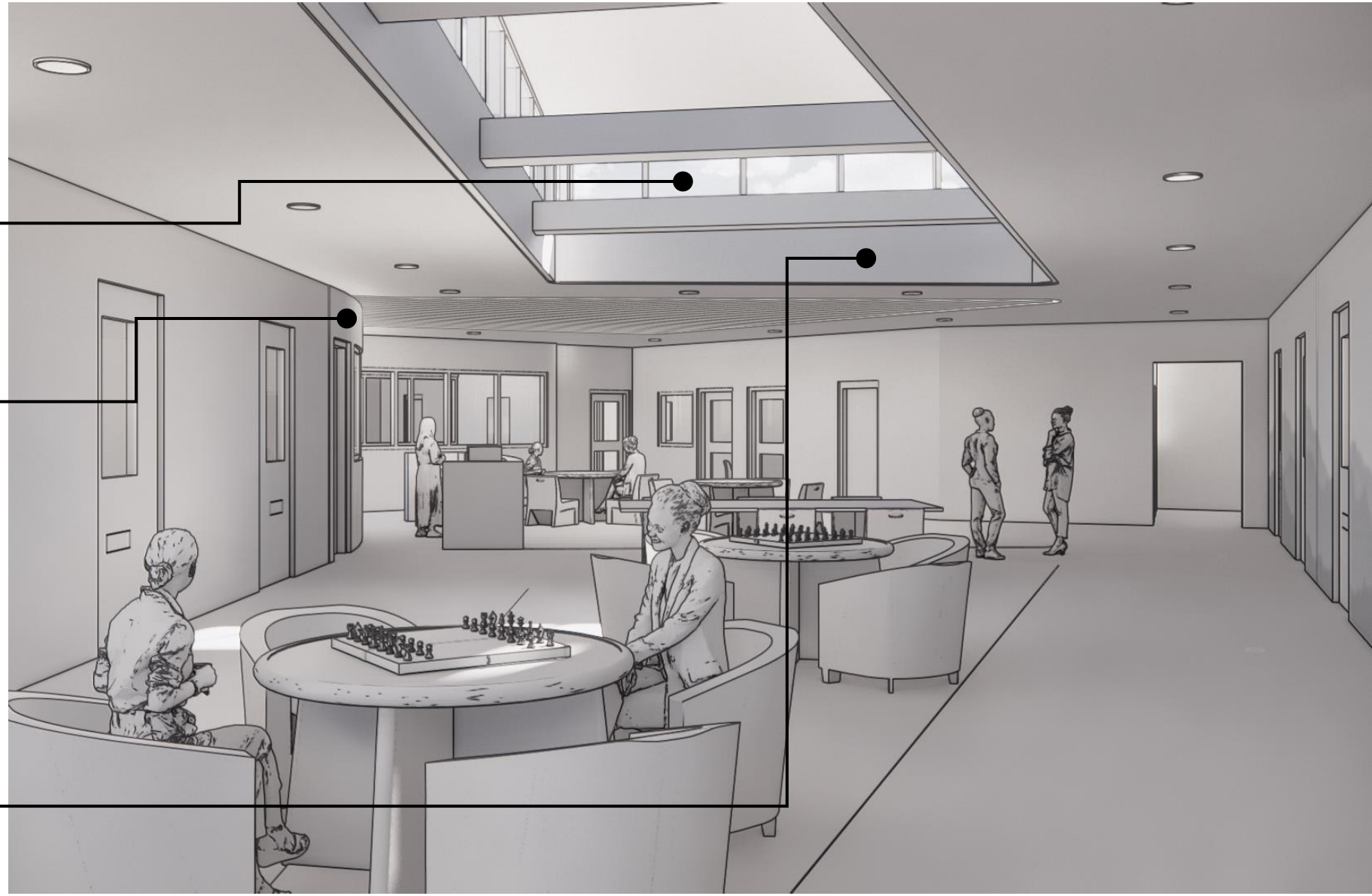
Natural light stimulates senses and reduces stress.

2 IDENTITY ANCHORS

Curved walls add visual interest and breaks up long spaces.

3 NESTED LAYERS

Varying ceiling heights provide spaces for collaborative interaction and lower, more intimate spaces



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CONCEPTUAL TEST-FIT

1 SENSORY BOUNDARIES

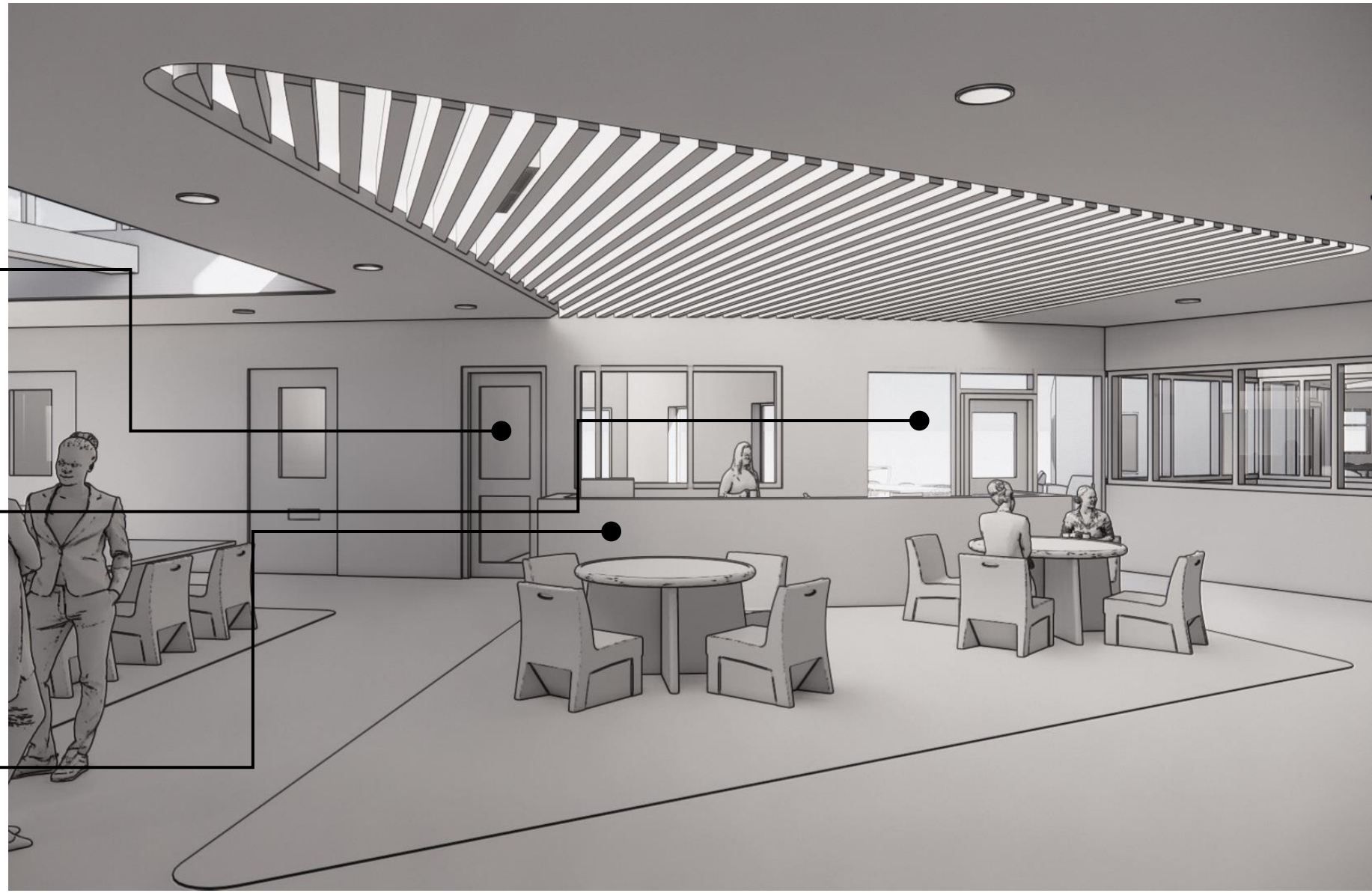
Respite rooms off housing units allow for decompression and meditation.

2 IDENTITY ANCHORS

Outdoor recreation areas off the living units provide more autonomy.

3 NESTED LAYERS

Textural elements and extruded volumes will break down the space to a human-scale.



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CONCEPTUAL TEST-FIT

1 SENSORY BOUNDARIES

Larger space allocation for secure lavatories and toilets for increased provide privacy and space for feminine hygiene.

2 IDENTITY ANCHORS

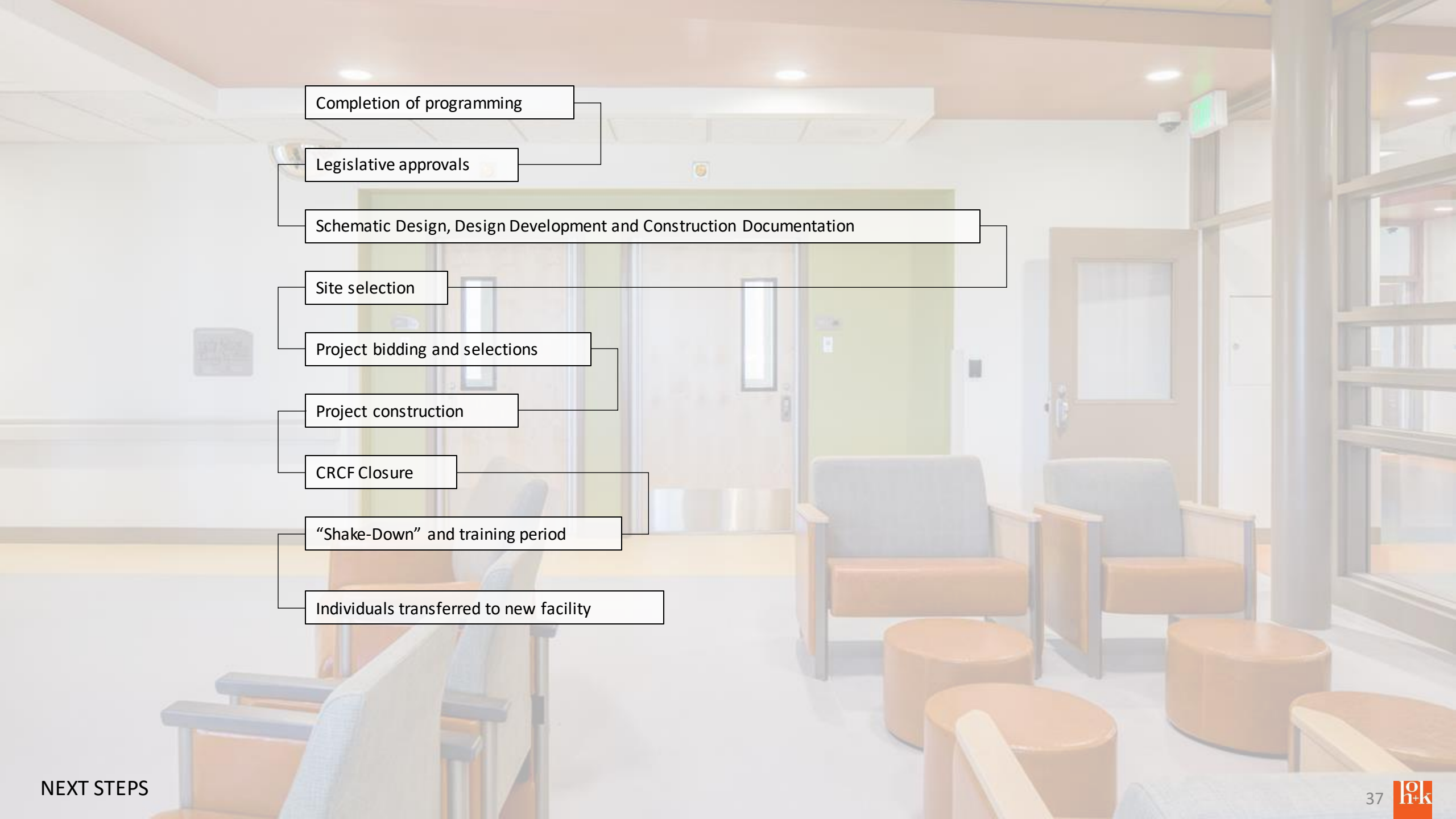
Multiple points of personal storage provided for each resident

3 NESTED LAYERS

Desk niche creates a distinct moment of separation and intimacy with views to the exterior from the sleeping rooms.

CONCEPTUAL SLEEPING ROOM

Next Steps


Completion of programming
Legislative approvals
Schematic Design, Design Development and Construction Documentation
Site selection
Project bidding and selections
Project construction
CRCF Closure
“Shake-Down” and training period
Individuals transferred to new facility

NEXT STEPS

Precedents

Oregon State Hospital

Oregon State Hospital

Oregon State Hospital

Oregon State Hospital

Davidson County – Downtown Detention Center

Wyoming State Hospital

Wyoming State Hospital

Maple Street Correctional Facility

Joliet Inpatient Center

Questions