



Department of Justice
Correctional Services

**Review of
Proposed Construction
of One or More
New Correctional Facilities**

Prepared by

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REVIEW OF PROPOSED CONSTRUCTION OF ONE OR MORE NEW CORRECTIONAL FACILITIES

Executive Summary

BACKGROUND

Over the past three years the number of offenders has increased significantly, resulting in an average of 30 to 40 offenders over capacity on a regular basis in the CNSCF.

The 1997 *Province of Nova Scotia Custody Configuration Plan (CCP)* is the blueprint for the development of modern correctional facilities in Nova Scotia.

To date six of the nine facilities in existence in 1997 have been closed. Two new facilities have been built: the Central Nova Scotia Correctional Facility (2001), and the Southwest Nova Scotia Correctional Facility (2004).

The remaining three older facilities are Antigonish (1948), Cumberland (1890s) and Cape Breton (1975) correctional facilities; they remain open pending decisions on their renovation, replacement or retention as is.

SUMMARY

Approvals to date: The former government provided Tangible Capital Asset approval

- in Fiscal Year (FY) 2006/2007, to begin a land search in each of Antigonish and Cumberland counties with the objective of constructing a 100-cell (200 bed) facility in Antigonish County and a 50-cell (100 bed) facility in Cumberland County, to replace the Antigonish and Cumberland correctional facilities respectively.
- in FY 2007/2008, to engage design consulting services to complete preliminary designs as well as a Class 'C' cost estimates
- in FY 2008/2009, to continue the work on the two facilities to a milestone of complete tender-ready construction documentation.

Sunk costs: The sunk costs to date are \$988,848.09:

- \$490,807.55 for the proposed 50-cell (100 bed) facility on a site adjacent to Springhill Institution, including \$38,096.55 in land development costs and \$1.00 for the purchase of the site from the Town of Springhill
- \$498,040.54 for the proposed 100-cell (200 bed) facility, including \$34,030.54 in evaluation and assessment costs associated with reviewing potential sites in

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Antigonish County. No suitable site was identified and the search was halted pending direction from government.

Designs: The 50-cell design is complete except for a minor revision to increase the temporary accommodation for women and/or youth attending area courts.

The 100-cell (200 bed) design is at the 80% design stage; it already includes cells for women and/or youth who may require temporary accommodation while en route between the mainland and Cape Breton, or while attending area courts. The remaining design work on this facility cannot be completed until a site has been identified and assessments of the site completed.

Both the 50-cell and the 100-cell designs use geothermal energy as their heat source. Access to the geothermal energy from the old Springhill mines is not required for a geothermal heating system. Geothermal energy designs were not incorporated into the design of the facility proposed for the Springhill site because of the speculative nature of the potential.

Both designs include provisions for the addition of more living units should they be required in the future. The 50-cell design can accommodate an additional 50-cell living unit, the one 100-cell design can be expanded by two additional 50-cell units. Depending on the option selected this would result in either 200 or 300 additional beds. The potential for expansion is prudent should the counts projections exceed those prepared by PPR or are closer to those projected in Deloitte's report.

Count projections: Count projections indicate Nova Scotia will need

- between 86 and 244 beds for men by 2015 based on count projections prepared by Department of Justice's Policy, Planning and Research (PPR) section, or
- 695 beds for men by 2014 based on count projections prepared by Deloitte in their *Report of the External Audit of the Nova Scotia's Adult Correctional Facilities*
- no additional cells for women; additional beds can be added to the existing 48 cells
- strong reliance was placed on the PPR projections

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- any facility should be designed so that additional capacity can be added, should the need arise
- based on PPR count projections, NS will need an additional 200 beds, not 300 beds, by 2015

Case volumes: Based on case volumes, Truro followed by New Glasgow/Pictou and then Amherst courts, are the busiest in the proposed six-county catchment area.

Catchment area: The proposed catchment area is Cumberland, Colchester, Pictou, Antigonish, Guysborough and Richmond counties. Over the past 3 years CNSCF has been over capacity and the realignment of Colchester and Pictou from the CNSCF catchment area to an alternate new facility will reduce pressure on CNSCF.

Proximity standards: The *Province of Nova Scotia Custody Configuration Plan* developed standards for determining the proximity to key infrastructure and services that should be considered when determining the locations for correctional facilities.

The efficient and cost-effective operation of correctional facilities requires that they have ready access to 100 series highways, to fire, police, ambulance services, and to a hospital. Sites for correctional facilities also require the availability of

- water supply to meet kitchen, laundry, and fire sprinkler and stand pipe system requirements
- sewage treatment to meet modern environmental requirements
- various forms of information technology, e.g., telephone, cable, high-speed internet access to enable use of Justice Enterprise Information System (JEIN), email and other computer based networks
- public transportation for offenders reporting to custody, visitors and staff access to serviced land

The absence of water and sewage systems can drive up the cost of construction if on-site wells with sufficient pressure and sewage treatment facilities must also be built.

These standards can be met easily if two facilities or built. If one facility is built, depending on the location selected, the standard for driving distance to the Amherst court may be outside the standard by 25 kilometres or less.

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OPTIONS

1. One 100-cell (200 beds in total) facility centrally located with a catchment area of Cumberland, Colchester, Pictou, Antigonish, Guysborough and Richmond counties/Amherst, Truro, New Glasgow, Pictou, Antigonish, Guysborough and Port Hawkesbury courts.
2. Two 50-cell (100 beds each) facilities,
 - one in Cumberland County with a catchment area of Cumberland and Colchester counties/Amherst and Truro courts
 - one in Pictou County with a catchment area of Pictou, Antigonish, Guysborough and Richmond counties/New Glasgow, Pictou, Antigonish, Guysborough and Port Hawkesbury courts
3. One 50-cell (100 bed) facility and one 100-cell (200 bed) facility (300 beds in total)
 - the 50-cell facility in Cumberland County with a catchment area of Cumberland and Colchester counties/Amherst and Truro courts
 - the 100-cell facility in Pictou County with a catchment area of Pictou, Antigonish, Guysborough and Richmond counties/New Glasgow, Pictou, Antigonish, Guysborough and Port Hawkesbury courts

Summary of options

	One 100-cell facility	Two 50-cell facilities	One 100-cell & one 50-cell facilities
# of beds	200	200	300
Annual operating costs	\$9.7 MM	\$11.4 MM	\$15.4 MM
# of FTEs	112	138	181
Construction costs	\$31.3 MM	\$36.8 MM	\$49.7 MM
Staff relocation costs	\$945,000	\$225,000	\$225,000

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One-time start-up & decommissioning costs	\$1 MM	\$1.7 MM	1.85 MM
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It is estimated that either two 50 cell (100 bed) facilities or one 100 cell (200 bed) facility will serve the needs of NS. The design should include the capacity to add a 100 unit should the need exist in future.

POTENTIAL SITES

One facility: If one 100-cell (200 bed) facility is approved, it should be constructed in central Pictou County

Central Pictou County is the preferred location as it is geographically well situated for accessing the courts it will serve, i.e., Amherst, Truro, New Glasgow/Pictou, Antigonish, Guysborough and Port Hawkesbury courts. A location in central Pictou County also provides excellent proximity to the two busiest Justice Centres in this catchment area, i.e., Truro and New Glasgow/Pictou. Central Pictou County is approximately 150 kilometres from the Central Nova Scotia Correctional Facility in Dartmouth, 250 kilometres from the Nova Scotia Youth Facility in Waterville, and 250 kilometres from the Cape Breton Correctional Facility in Sydney, so it is well positioned when temporary accommodation is required for men, women or youth when they are being transferred between Dartmouth or Waterville, and Sydney, or when offenders in these facilities are attending New Glasgow area courts.

No discussions have occurred with respect to any potential sites in central Pictou County.

There would be no additional delay by selecting a site in central Pictou County, as the 100-cell design is at a stage where the remaining design work cannot be completed until a site is finalized.

If only one facility is being constructed, the Antigonish area, which was previously considered as a site for a 100-cell facility, is no longer a viable option; at 220 kilometres from the Amherst court it is too far outside the proximity standard of 135 kilometres. Including offenders from Cumberland County in CNSCF's catchment area would also not be viable as, at 205 kilometres, the Amherst court is still too far outside the proximity standard.

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There would be disruption for staff. Current CCF staff could relocate to central Pictou County; some ACF staff would face longer drives to work, or may relocate closer to the facility. Government would bear relocation costs of staff who relocated more than 32 kilometres from their current correctional facility.

Two facilities: Constructing two facilities locates the institutions closer to the courts than would be the case with constructing a single facility, thereby reducing somewhat the travel times and distances travelled by Sheriff Services, and their associated operating costs, e.g., staff costs, replacement vehicles.

A site in or close to Amherst would maintain the close proximity to the Amherst court, and satisfy the concerns of the lawyers who use that court and also need access to clients who are remanded.

The Springhill site has the advantage of being “tender ready” now, and would avoid site selection and site assessment costs for an Amherst site. There would be some additional transportation costs to the Amherst court, but these would be off set by the reduced costs for travel to and from the Truro court which would be in this facility’s catchment area.

Either site in Cumberland County provides a secure location for women appearing in the Amherst court, and for young persons when they are appearing in Amherst and Truro courts.

Either an Amherst or a Springhill site will have minimal impact on the staff, some will have longer drives to work but the government would not incur staff relocation costs.

The other facility could be located in either central Pictou County or the Antigonish area.

An Antigonish site would be equidistant of the courts it would serve, while a central Pictou County site would position the facility closest to the busiest court and the greatest number of offenders and is better positioned to reduce the number of offenders in CNSCF, thus taking pressure off CNSCF.

Although \$34,030.54 in evaluation and assessment costs associated with reviewing potential sites in Antigonish County has been spent, no suitable site in the Antigonish area has been identified to date.

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A central Pictou County site would have the advantages noted above.

Some ACF staff would face longer drives to work, or may relocate closer to a central Pictou County site, again at government expense if they moved more than 32 kilometres to be closer to the new facility. Government would not incur staff relocation costs if a site within 32 kilometres of ACF was selected.

Findings/Conclusion

- The proposed change in the catchment areas provides more equitable distribution of offenders, and therefore the best possible utilization of the type of accommodation and number of beds available in correctional facility configuration.

- Three options are
 - Two 50-cell (100 beds each) facilities,
 - one in Cumberland County with a catchment area of Cumberland and Colchester counties/Amherst and Truro courts
 - one in Pictou County with a catchment area of Pictou, Antigonish, Guysborough and Richmond counties/New Glasgow, Pictou, Antigonish, Guysborough and Port Hawkesbury courts
 - One 100-cell (200 beds in total) facility centrally located with a catchment area of Cumberland, Colchester, Pictou, Antigonish, Guysborough and Richmond counties/Amherst, Truro, New Glasgow, Pictou, Antigonish, Guysborough and Port Hawkesbury courts.
 - One 50-cell (100 bed) facility and one 100-cell(200 bed) facility
 - the 50-cell facility in Cumberland County with a catchment area of Cumberland and Colchester counties/Amherst and Truro courts
 - the 100-cell facility in Pictou County with a catchment area of Pictou, Antigonish, Guysborough and Richmond counties/New Glasgow, Pictou, Antigonish, Guysborough and Port Hawkesbury courts

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- The expansion capability included in all current designs for 50-cell and 100-cell facilities is prudent should the counts projections exceed those prepared by Policy, Planning and Research.

- Constructing two facilities instead of one facility,
 - locates facilities in areas where they meet all the established proximity standards
 - locates facilities closer to the courts, thereby reducing some travel times and distances travelled by Sheriff Services, and therefore their operating costs and their costs for replacement vehicles

- Constructing two facilities, depending on the sites chosen, eliminates or minimizes the impact on staff with respect to their needing to relocate closer to the sites.

- One 100-cell facility is significantly less expensive, by 5.5 MM to construct and cheaper by \$1.7 MM/annum to operate than two 50-cell facilities.

- Building one 50-cell facility and one 100-cell facility, is the most expensive option both in terms of construction costs (\$12.9 to 18.4 MM more than the other two options) and operating costs (\$1.4 to 3.1 MM/annum more than the other two options); it would provide 100 additional beds for the custody configuration should the counts projections exceed those prepared by Policy, Planning and Research.

- However, a design which includes the ability to later add a living unit would address the possibility of greater than estimated counts in future, while not incurring the cost of over capacity, should the projections be correct.

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INTRODUCTION

- The objective of this paper is to determine potential options for the number, optimum capacity and possible location of new correctional facilities for Nova Scotia.
- This paper may also identify additional issues , e.g., impact on staff, possible action if no new facilities are authorized.

BACKGROUND

- In 1997 the government received the *Province of Nova Scotia Custody Configuration Plan (CCP)*, a report prepared by the Department of Justice in partnership with ACG Correctional Services Incorporated; the report outlined a future direction for the configuration of adult offender correctional facilities in Nova Scotia.

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- For Correctional Services, the *Custody Configuration Plan* recommended
 - all nine correctional facilities in operation at that time be closed
 - a network of four or six new correctional facilities be constructed as a single project consisting of
 - one or two, 55 male/two female cell facilities in southwest Nova Scotia, i.e., Kings, Annapolis, Digby, Yarmouth, Shelburne, Queens and Lunenburg counties
 - one or two, 55 male/two female cell facilities in northeast Nova Scotia, i.e., Cumberland, Colchester, Pictou, Antigonish and Guysborough counties
 - one 224 male/48 cell female cell correctional facility, co-located with a 60 bed forensic psychiatry hospital and a 24 bed mentally ill offender unit, and located in Halifax Regional Municipality (HRM), serving Halifax and Hants counties
 - one 111 male/three female cell facility on Cape Breton Island, i.e., Cape Breton, Victoria, Inverness and Richmond counties
 - operation of all the new correctional facilities be contracted to a private sector correctional company

- The government rejected closing all existing facilities and building all new facilities at one time; it also rejected contracting operations to a private corrections company.

- Subsequently six of the nine facilities have been closed:
 - The Guysborough Correctional Facility closed in 2000. It was not replaced; the Antigonish Correctional Facility (ACF) assumed responsibility for the offenders from this county.
 - The Colchester, Halifax, Kings, and Lunenburg correctional facilities closed in 2001 and were replaced with the Central Nova Scotia Correctional Facility¹ (CNSCF).

¹ CNSCF is a 224 male/48 female cell facility in Dartmouth; it is co-located with a 60 bed forensic psychiatry hospital operated by the Capital Health District and a 24 bed mentally ill offender unit jointly operated by Correctional Services and the Capital Health District. CNSCF was built through a public-private partnership and is a leased from and maintained by the lessor. The Province has an option to buy the facility at the end of the 25-year lease.

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- Yarmouth Correctional Facility closed in 2004 and was replaced by the Southwest Nova Scotia Correctional Facility² (SNSCF).
- When SNSCF was built, the funding available at that time precluded the construction of one of the recommended 55 male-cell, two female-cell facility. Due to SNSCF's smaller size and its location in Yarmouth, its catchment area was restricted to Digby, Yarmouth and Shelburne counties.
- The remaining facilities from the nine correctional facilities in operation in 1997, Antigonish, Cumberland and Cape Breton correctional facilities³, remain open pending decisions on their renovation, replacement or retention as is.
- The government provided Tangible Capital Asset (TCA) approval
 - in Fiscal Year (FY) 2006/2007, to begin a land search in each of Cumberland and Antigonish counties with the objective of accommodating a 50-cell (100 bed) facility in Cumberland County, and a 100-cell (200 bed) facility in Antigonish County, to replace the Antigonish and Cumberland correctional facilities
 - in FY 2007/2008, to engage design consulting services for the purposes of developing both projects to a milestone of preliminary design as well as a Class 'C' cost level
 - in FY 2008/2009, to continue the work on the two facilities to a milestone of complete tender-ready construction documentation.
- With respect to the type of procurement process to be used, i.e., the traditional bid/build tender or a public-private partnership⁴, the government received a report from Deloitte in March 2009 which advised that if a 50-cell and a 100-cell

² SNSCF is a 38 cell facility for male offenders; it can provide short-term accommodation for a female or youth. It is owned and maintained by the Province. The catchment area for this facility is Digby, Yarmouth and Shelburne counties, smaller than the southwest catchment area that recommended in the CCP, which would also include Kings, Annapolis, Queens and Lunenburg counties.

³ Antigonish Correctional Facility has been in operation since 1948, Cumberland Correctional Facility since 1890, and Cape Breton Correctional Facility since 1975.

⁴ In Nova Scotia the public-private partnership approach to procurement is known as Strategic Infrastructure Partnership (SIP).

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correctional facility were bundled into one project, there was a positive value for money (VFM) percentage of 9.1% if the public-private partnership approach was used to build, finance, operate building services and maintain these two facilities using a design developed for the Province, rather than the traditional government bid/build tendering procurement approach.

CURRENT SITUATION - New Facilities Project

- The sunk costs to date for the two proposed facilities is \$988,848.09:
 - \$490,807.55 for the proposed 50-cell (100 bed) facility on a Springhill site, which includes \$38,096.55 in land development costs and \$1.00 for the purchase of the site from the Town of Springhill
 - \$498,040.54 for the proposed 100-cell (200 bed) facility, including \$34,030.54 in evaluation and assessment costs associated with reviewing potential sites in Antigonish County. No suitable site was identified and the search was halted pending direction from government.See Appendix A for details.

- With respect to the 50-cell correctional facility, proposed for Springhill,
 - the site has been purchased for \$1.00
 - preliminary land development and environmental assessment work on the site has been completed at a cost of \$38,096.55
 - should construction on this site proceed, the Province is obligated to provide
 - an alternate gravel road to the Town's water reservoir (estimated at \$58,665 and included in the overall construction costs)
 - a right-of-way across the site for the Town's water system (already completed as part of the land sale)
 - the design is finalized, (costs to date: \$385,490), with the exception of minor revisions to increase to four (from two), the number of cells for women and/or youth who may require temporary/overnight accommodation

- The 100-cell correctional facility, previously proposed for Antigonish County, has reached approximately the 80% design stage (costs to date: \$413,160); it already

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includes additional accommodation for women and/or youth who may require temporary/overnight accommodation.

- Additional work on the 100-cell design, and the associated construction documents to bring it to 100%, i.e., construction ready, cannot be completed until a site has been identified and requisite assessments of the site completed.
- The cells in the 50- and the 100-cell facilities are designed with sufficient square footage for two beds per cell⁵, thereby enabling these facilities to accommodate 100 and 200 offenders each.
- The facilities are also designed to support the addition of
 - one additional 50-cell housing units in the case of each 50-cell facility
 - two additional 50-cell housing units in the case of the 100-cell facility.These additional housing units would also be designed for two beds per cell. If these expansions were constructed, the two types of facilities would accommodate a total of 200 and 400 offenders respectively.
- The designs of both facilities have closed-loop geothermal energy systems using ground source heat extracted from the building site/property only for whatever sites might eventually be selected for the facilities; geothermal energy designs that relied on the old mines or the Town's water reservoir were not incorporated into the design of the facility proposed for the Springhill site.

CURRENT SITUATION - Existing Correctional Facilities Configuration

- Current design capacity for the five adult offender correctional facilities is 452: 404 adult male and 48 adult female offenders. The specific capacities for male offenders are: ACF: 17, Cape Breton Correctional Facility (CBCF): 96, Cumberland Correctional Facility (CCF): 29, CNSCF: 224 and SNSCF: 38.

⁵ The cells are 87 sf, versus the 79 sf in cells at CNSCF and SNSCF, with 59 sf, versus 61 sf at CNSCF and 56 sf at SNSCF, of unencumbered space; the additional 8 sf is used for more shelves and a wider bunk head end rather than additional unencumbered space.

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- Since 1990/91 Nova Scotia has had the lowest per capita adult offender incarceration rate.
- Optimum operational capacities were established for all correctional facilities⁶. An optimum operational capacity is the percentage of beds occupied above which, under normal operating circumstances, a correctional facility begins to experience operational problems. These operational problems are usually due to the shrinking number of beds available in the facility to place newly admitted offenders so they are housed in the part of the facility used to accommodate similar types or classifications of offenders, e.g., persons charged with offences against children are usually not able to function in units for most other offenders.
- The average monthly in-house count⁷ of male offenders at four of the five correctional facilities, i.e., ACF, CBCF, CNSCF and SNSCF, were almost always at, or above, the optimum operational capacity for these facilities for the 24 months from April 1, 2007 to March 31, 2009⁸. CCF was below optimum operational capacity 19 of these 24 months, at optimum capacity three of the 24 months and over optimum capacity two of the 24 months. This failure to use the available beds at CCF, given the crowding in the other facilities, is due to the type of available beds at CCF not being suitable for the type of high risk⁹, high-medium and maximum security offenders requiring accommodation.
- The two main reasons optimum operating capacities are exceeded are

⁶ Optimum operational capacity is 80% for Antigonish (n=14) and Cumberland (n=23) correctional facilities as they have dorms and multiple person cells; 83% for CBCF (n=80) as it has a mix of cells and dorms, and 90% for Central (n=202 men, n=43 women) and Southwest (n=34) Nova Scotia correctional facilities as they are currently 100% single bed cells. When facilities exceed their operational capacity it becomes increasingly difficult to ensure like populations of offenders are housed in the same dorms, multiple-person cells or cell day rooms. Mixing incompatible offenders in the same living area can result in increased tensions between the offenders.

⁷ The in-house count includes only those offenders assigned a bed at midnight.

⁸ ACF and SNSCF was slight below optimum operational capacity in February 2009; CBCF was at optimum operational capacity during December 2008, and January and February 2009.

⁹ High risk offenders includes offenders at risk of suicide or self-harm, exhibiting out-of-control behaviour, experiencing drug and alcohol withdrawal, et cetera.

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- an increase in remanded offenders
- on weekends, offenders serving intermittent sentences

- Offender counts have been rising in recent years due to the increasing number of offenders who are remanded into custody pending the outcome of their cases. Between 2003 and 2008 remand admissions in Nova Scotia increased by 62%, i.e., from 1,319 to 2,133. The average time served in remand has also increased. In 2002 the average time served to release was 9 days and by 2008 it had increased to 16 days.

- When male offenders serving intermittent sentences¹⁰ (and others on conditional releases) are included in the count¹¹, it shows that all five facilities exceed their operational capacity for the entire 24 months, with the exception of one three-month period at CCF¹².

- When facilities near or exceed their operational capacity offenders are moved to other correctional facilities throughout the province that are not as close to their operational or their design capacities.

- CNSCF has the highest capacity utilization.
 - During April 1, 2007 to March 31, 2009, CNSCF's in-house count was 106.3% of its design capacity for men, i.e., 238 men occupying 224 beds, and when offenders serving intermittent sentences, et cetera are included in its on-register count, the facility was at 125.9% of the design capacity for men, i.e., 282 men occupying 224 beds. As a result temporary beds, i.e., moulded plastic cots, are used in the cells to address the short-fall in available beds.

¹⁰ Persons are given intermittent sentences, e.g., Friday evening to Monday morning, to sentences of up to 90 days for various offences; among the most common is the 30 day mandatory minimum sentence for driving while impaired.

¹¹ When all offenders who are not in an assigned bed because they are temporarily out of custody, are included in the count it is referred to as the "on-register count". The majority of offenders temporarily out of custody are those serving intermittent sentences who are not required to be in the facility that day.

¹² In January, September and October 2008 CCF's on-register count was slightly below its optimum operational capacity of 80%, specifically the on-register counts were 77.6%, 77% and 77.2% respectively.

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- CNSCF's catchment area includes six more counties, i.e., Lunenburg, Queens, Annapolis, Kings, Colchester and Pictou, than were recommended in the CCP.
- The female unit at CNSCF, at 69.7% occupancy rate, was consistently below its optimum operating capacity during the 24 months from April 1, 2007 to March 31, 2009, although its in-house count did approach its optimum operational capacity of 90% (n=43) in July and August 2008.¹³
- The Office of the Provincial Fire Marshal has identified a number of deficiencies with ACF. Continued operation of this facility will require significant capital investments, with the priority being fire and life safety systems; the installation of these systems will require the removal of asbestos. The preliminary estimate for this work is \$300,000.
- In 2006, the Department agreed to the Fire Marshal's request to add a third staff member on the 1900 to 0700 hours shift and make other structural and equipment changes to improve fire and life safety at ACF in the absence of the installation of a sprinkler system. As a result the Office of the Provincial Fire Marshal agreed to defer enforcing the order for other requirements, including the sprinkler system, "if a new facility is constructed"¹⁴. The Office of the Provincial Fire Marshal continues to monitor the situation at ACF; additional orders to ensure an adequate level of fire and life safety in the facility remain a possibility. For additional details see Appendix B.
- It should also be noted, while CCF underwent renovations in the 1970s, a decision to keep CCF open could require a financial investment to address any deficiencies identified in the future, given it is approaching its 120th year of operation.

¹³ The female unit has occasionally experienced times when the count approached, and even for one short period exceeded the design capacity, i.e., 48 beds; nonetheless on average it has operated at 69.7% (n=34) rather than at its 90% optimum operating capacity (n=43).

¹⁴ Letter from Deputy Fire Marshall to Executive Director, Correctional Services, dated April 25, 2006.

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- Key elements of a modern correctional facility – one that is able to safely and securely accommodate all type of offenders that are remanded or sentenced to provincial correctional facilities, and those otherwise detained in a provincial facility, e.g., immigration detention, federal parole suspensions – and which the Antigonish and Cumberland correctional facilities lack, include
 - cells, offender days rooms, offender program areas and recreational and outside exercise yards
 - secure staff control posts
 - security and fire and life safety systems that meet current standards
 - appropriate support and ancillary spaces, e.g., kitchen, laundry, health services, administrative and staff areas
 - security vehicle sally-ports to provide Sheriff Services and police personnel a secure location to load and unload prisoners
 - specialized accommodation for:
 - intermittent offenders, so they do not introduce contraband into the regular population
 - overnight accommodation for youth and women when they are attending a local court or who are en route to a facility elsewhere in the province
 - separation and close supervision of high risk offenders
 - medical isolation of offenders
 - accessible entrances, washrooms, et cetera for offenders, staff and the public

- Lack of correctional facilities that can accommodate all types of offenders negatively impacts the Sheriff Services’ ability to provide a effective and efficient transportation system¹⁵, especially when temporary and overnight accommodation for offenders is required when moving offenders between Halifax or Waterville and Sydney, or between Waterville and Amherst, for
 - court purposes
 - to relieve crowding at one of these facilities
 - to facilitate discharge planning

¹⁵ See recommendations 3 and 5 in the Sheriffs Services Offender Transportation Study, Deloitte, May 2009

CONSULTATION

- There has been extensive consultation between DOJ and TIR staff, and John K. Dobbs and Associates (the architectural firm retained by TIR) on the design of both the 50- and the 100-cell facilities. Front line correctional staff and supervisors were involved in these discussions where required, e.g., maintenance staff re building systems.

- As the proposed facilities were being located in close proximity to ACF and CCF, no discussions with Local 480 NSGEU with respect to relocation or lay-offs were required. NSGEU Local 480 directors request, and are provided, routine updates at Executive and Local Management-Employee Relations committee meetings.

EVALUATION

- The following were used to assess the alternatives available:
 - projected counts in correctional facilities
 - number of cases processed at the northeastern courts, i.e., Amherst, Truro, Pictou/New Glasgow, Antigonish, Guysborough, and possibly the Port Hawkesbury courts
 - possible catchment areas
 - proximity to
 - 100 Series highways
 - the provincial court system
 - other strategic infrastructure, i.e., hospitals and community health centres, law enforcement, fires services and Emergency Health Services dispatch points
 - new proximity characteristics, e.g., serviced land

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● Projected counts

- The *Report of the External Audit of the Nova Scotia's Adult Correctional Facilities*, 2008 by Deloitte which states that
 - the average count is expected to reach 1016 by 2014, assuming an annual compound growth rate of 8% for all offenders
 - if the province were to increase the number of beds in its correctional system by 564 to a total of 1016 beds¹⁶, Nova Scotia Correctional Services would be at 100% average capacity occupancy by 2014¹⁷

- In their report, Deloitte used a compound growth rate of 8% per annum based on year to year average percentage changes in annual counts that had been provided to Deloitte; the period they analyzed was two years.

- Count projections are periodically prepared by the Department of Justice Policy and Information Management Division/Policy, Planning and Research (PPR) section, most recently in September 2009.

- To account for recent legislative changes and increasing remands, the estimates prepared were adjusted upward by
 - an average of 26 offenders/day due to changes to the *Criminal Code*
 - by 12% to account for the increase in remands

- Population projections from Statistics Canada indicate little growth in the overall population and a declining at-risk population, i.e., 18 to 35 year olds.

- The PPR count projections, which use a 35 year period for analysis have been given more weight. For the specific methodology developed by PPR staff see Appendix C.

¹⁶ *Report of the External Audit of the Nova Scotia's Adult Correctional Facilities*, 2008, Deloitte and Touche, page 101

¹⁷ *Ibid.*, page 102

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- PPR's on-register count projections of 499 (with upper and lower bounds of 423 and 575) by 2015 are significantly lower than those in the Deloitte report. Confidence in the range projected is at 95%. In other words there is a 5% chance the actual count might be less than 423 or greater than 575.

 - In conclusion, the projected counts for male and female offenders combined ranges from a low of 423 to a high of 575 by 2015 according to PPR analysis. It is important to note that the Deloitte report states that if the offender count were to grow at the same rate as in the last 5 years, i.e., a compound annual growth rate of 8%, Nova Scotia's adult facilities, including an additional 464 beds to be added to the existing configuration by construction of new beds and adding a second (bunk) bed in CNSCF and SNSCF, would be at 100% average capacity utilization of the proposed 1016 beds in 2014. See Appendix D for additional details.
-
- **Proximities**
 - The *Province of Nova Scotia Custody Configuration Plan, 1997*¹⁸ developed a standard for determining the proximity to key infrastructure and services that should be considered when determining potential locations of correctional facilities¹⁹. These proximities are included in Table 1.

¹⁸ Province of Nova Scotia Custody Configuration Plan, May 1997, Chapter 13: Site Analysis and Selection, pages 13-2 and 13-3

¹⁹ Nova Scotia's correctional facilities house sentenced and remanded offenders, rather than just remand or just sentenced offenders as is the case with some larger jurisdiction and the Correctional Service of Canada. As a result proximity to the highways and the courts is of particular importance.

Table 1: Proximities of correctional facilities to essential infrastructure

Essential Infrastructure	Distance	Travel Time
100 Series highways	15 km	15 minutes
Justice centres	135 km	90 minutes
Hospitals and community health centres	30 km	30 minutes
Emergency Health Services	15 km	15 minutes
Law enforcement	15 km	15 minutes
Fire services	15 km	15 minutes

- Since the *Custody Configuration Plan* was written additional proximities have been identified. These additional proximities are important to the efficient and effective operations of correctional facilities; they include availability of
 - water supply to meet kitchen, laundry, and fire sprinkler and stand pipe system requirements
 - sewage treatment to meet modern environmental requirements
 - various forms of information technology, e.g., telephone, cable, high-speed internet access to enable use of Justice Enterprise Information System (JEIN), email and other computer based networks
 - public transportation for offenders reporting to custody, visitors and staff
- Light industrial/business park land, as was used for CNSCF and SNSCF, minimizes the impact on the residential community and usually has good access to infrastructure, e.g., water, sewage, high-speed Internet.

● **Court Cases in northeastern Nova Scotia counties**

- A review of the total cases in 2006/07, 2007/08 and 2008/09, for the justice centres in Cumberland, Colchester, Pictou, Antigonish, Guysborough and Richmond counties, is required to determine which courts in northeastern Nova

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Scotia are the busiest. This information, in addition to the proximity standards, is useful in determining the possible locations for correctional facilities.

- **Catchment areas**

- Using the existing catchment areas as a starting point, the appropriate catchment areas for each correctional facility will be reviewed, taking into consideration
 - projected counts for the catchment area
 - proximity standards with respect to infrastructure in the proposed catchment areas
 - the volume of cases for the courts

to determine the best catchment areas for the configuration of correctional facilities.

ASSESSMENT

- **Projected Counts and Number of Beds Required**

- Nova Scotia's current capacity is 404 beds for men, with an additional 48 beds for women, for a total of 452 beds.
- As noted above, while it occasionally experiences times when the count approached, and even for one short period exceeded the design capacity of 48 beds, the female unit at CNSCF was consistently below its optimum operating capacity. Unless the number of women in custody increases at a significantly faster rate than anticipated for adult offenders generally, it should be possible to manage their numbers within the current 48 cell living unit.

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- Should additional beds for women become needed, the existing 48 cells could accommodate a second (bunk) bed²⁰, therefore providing up to 96 beds. Given the current average count of 34 women, adding a second (bunk) bed would allow for a 150% increase in the average count of women offenders before the women's unit would begin to exceed 90% of its new capacity, i.e., 86 women in 96 beds.

- Based on the count projections prepared by PPR, Nova Scotia's projected counts for men and women added together will peak at 505 in 2010 and 2011, declining to an average count of 499 offenders in 2015, with a lower bound of 423, and an upper bound of 575.

- When the count projections are
 - reduced by 6.8% to reflect the portion of the overall count projection that represents female offenders, and
 - increased by six beds as an adjustment for the lower CBCF optimum operational capacity, i.e. 83% rather than 90%

the projected number of beds required for men, based on PPR count projections, ranges from 444 to 602, with a mid-point of 523. When the current 48 beds for women are added back in, the totals would be 571, 492 and 650 respectively. See Table 2.

²⁰ The current cells are 79 sf with 61 sf of unencumbered space; a bunk bed added to the cell would not infringe on the unencumbered space.

Table 2: Number of beds required for 2015

Type of count	Projected male count	Beds for men*	Women's beds	Total beds required
Mid-point	465	523	48	571
Lower Bound	394	444	48	492
Upper Bound	536	602	48	650

* required for 90% optimum operational capacity

- The increase in total beds over the existing beds would address
 - the current shortfall in beds for men
 - the projected increase in the number of beds required for men
 depending on where the count fell in the range of projected counts as prepared by PPR.

- Assuming the existing 46 beds at ACF and CCF are closed, the number of new beds required for the adult male custody configuration is: 86 to 244, with a mid-point of 165 beds for the count ranges projected by PPR. See Table 3.

- Increasing by the minimum number, i.e. 86 beds would risk providing too few beds, while increasing by the highest estimate, i.e., 244 beds risks providing more beds than may be needed.

- By way of comparison, based on Deloitte's count projections indicate the count will be at 100% of a proposed capacity of 1016 offenders in 2014, which equates to a requirement for 1130 beds assuming operations are at the optimum capacity, i.e., 90%. Of these beds an estimated 1053 would be for men. As a result 695 additional beds for men (rather than a maximum of 244 as projected using PPR estimates) would need to be added to the configuration of

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correctional facilities in Nova Scotia to meet the needs identified in the Deloitte report.

Table 3: Number of beds required for men for 2015

Type of count	Projected male count	Current beds for men less ACF and CCF current 46 beds	Beds required for men*	# of new beds required
Mid-point	465	358	523	165
Lower Bound	394	358	444	86
Upper Bound	536	358	602	244
Deloitte	947	358	1053	695

* required for 90% optimum operational capacity

● Proximities

- All existing correctional facilities meet the proximity standards for all elements except for the proximity to some courts.
- ACF meets the proximity standards for the courts within its current catchment area, and is also within the proximity standards for the Port Hawkesbury and Port Hood courts. Sheriff Services occasionally houses a remanded offender at ACF, rather than at CBCF, when the offender is required at the Port Hawkesbury or Port Hood courts, but only when he is of a security level suitable for ACF.
- CBCF meets the proximity standards for the Sydney, Eskasoni and Baddeck/Ingonish courts, but is outside the standard for the Port Hawkesbury and Port Hood courts.

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- CCF is less than one kilometre and less than five minutes from the Amherst Court. While the Truro Justice Centre is not within the current catchment area for CCF, it should be noted that, at 110 kilometres and an estimated 70 minutes driving time, this facility is within the proximity standards for the Truro court.
- CNSCF meets the proximity standards for most, but not all, courts within its catchment area. It does not completely meet the standards for the New Glasgow and Sheet Harbour courts, and does not meet the standard with respect to the Annapolis Royal, Liverpool and Pictou courts.
- SNSCF meets the proximity standards for all courts in its current catchment area.
- CNSCF and SNSCF are both outside the proximity standards for Annapolis Royal court. Transferring this court to SNSCF catchment area would reduce the distance and time required to travel to that court, which sits 12 times per month, from the current 197 kilometres and slightly over two hours to 136 kilometres and 100 minutes driving time. Adjusting SNSCF's catchment area to include offenders from Annapolis County would reduce the number of offenders housed at CNSCF by 6 offenders, and better utilize the beds available at SNSCF.
- CNSCF and SNSCF are also both outside the proximity standards for Liverpool court (which sits seven times per month), with SNSCF being seven kilometres further and 10 minutes longer in driving time. While transferring the Liverpool court to SNSCF's catchment area will not reduce travel distances/times for Sheriffs Services, adjusting SNSCF's catchment area to include offenders from Queens County would reduce the number of offenders housed at CNSCF by 3 offenders, and better utilize the beds available at SNSCF.

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- CCF, at 110 kilometres and 70 minutes travel time, is further from the Truro court than is CNSCF at 86 kilometres and 55 minutes. Nonetheless CCF is within the proximity standards for Truro court, albeit it is not currently able to accommodate any high-risk, medium-high and maximum offenders received from that court.
- CNSCF is only marginally within the proximity standards for New Glasgow court and is outside the proximity standards for Pictou court. Adjusting the catchment area for CNSCF to exclude Pictou County, if a new correctional facility was built that met the proximity standards for these courts, would be appropriate.
- In conclusion, the current proximity standard with respect to the distances (135 kilometres) and travel time (90 minutes) between correctional facilities and courts cannot be consistently met given the catchment areas for the existing facilities.

● Court Cases

- A review of the single charge cases, multiple charge cases and total cases in 2006/07, 2007/08 and 2008/09²¹ for the justice centres in Cumberland, Colchester, Pictou, Antigonish and Guysborough counties revealed that
 - the Truro Justice Centre had the most single charge and multiple charge cases
 - the Pictou/New Glasgow Justice Centre had slightly more single charge cases and multiple charge cases than the Amherst Justice Centre
 - the Antigonish Justice Centre had the fewest single charge cases and multiple charge cases of all the Province's justice centres

²¹ Source: PPR

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- A review of case statistics for Richmond County shows that the Richmond Justice Centre had the second lowest volume of cases of all the Province's justice centres.

● Catchment Areas

- The current catchment areas are:
 - CBCF: Cape Breton, Victoria, Inverness and Richmond counties
 - ACF: Antigonish and Guysborough counties
 - CCF: Cumberland County
 - CNSCF:
 - Pictou, Colchester, Hants, Halifax, Kings, Annapolis, Queens and Lunenburg counties
 - all of Nova Scotia for female offenders
 - SNSCF: Digby, Yarmouth and Shelburne counties
- In 1997 the CCP proposed the following catchment areas
 - Cape Breton Island: Cape Breton, Inverness, Richmond and Victoria counties
 - northeast Nova Scotia, i.e., Cumberland, Colchester, Pictou, Antigonish and Guysborough counties
 - central Nova Scotia: Halifax and Hants counties
 - southwest Nova Scotia: Kings, Annapolis, Digby, Yarmouth, Shelburne, Queens and Lunenburg counties
- When the number of beds to maintain a 90% optimum occupancy rate is considered, the number of beds required at CNSCF is estimated at 93 to 208, depending on where in the upper and lower bounds of the count projections the actual count falls. See Table 4 for details and comparison.

Table 4: Number of beds required for men at CNSCF for 2015

Type of count	Projected male count at CNSCF	Current beds for men at CNSCF	Variance at 100% capacity	Beds required	Variance
Mid-point	336	224	-112	373	-149
Lower Bound	285	224	-61	317	-93
Upper Bound	389	224	-165	432	-208

* for 90% optimum operational capacity

- If the current catchment areas remain unchanged CNSCF will require
 - the majority of the new beds, i.e. 149 of 165 or 208 of 244, for its catchment area if the mid-point or upper bounds of the count projections are reached
 - 93 beds, 7 more than the projected 86, when the lower bound is considered

See Table 2 above for comparison.

- This high number of beds required for CNSCF is due to
 - the large population base in its current catchment area
 - the under utilization of the beds in some of the other correctional facilities, most notably ACF and CCF²²

- If ACF and CCF were closed and not replaced, CNSCF and/or CBCF's catchment areas would have to be expanded to include Cumberland, Antigonish and Guysborough counties.

²² At times CBCF may be under utilized because it cannot accommodate high risk, high-medium and maximum security offenders in its dorms, and because moving offenders needed regularly in Halifax-area court makes housing the offenders at CBCF inefficient and cost prohibitive. CNSCF is generally operating over its optimum operational capacity, in fact, close to 100% of its design capacity; this is possible because of its design which enables it to accommodate all but select high-risk and maximum security offenders from CNSCF.

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- Closing and not replacing ACF and CCF, and expanding CNSCF's catchment area to include Cumberland, and either CNSCF or CBCF area to include Antigonish and Guysborough counties would
 - place all the courts in these three counties outside the proximity standards
 - place a pressure on Sheriff Services ability to get offenders to court on time without starting their trips earlier than is currently the practice

- Mid-point count projections indicate that there will be an average of 64 male offenders from northeastern Nova Scotia in 2015, specifically, for Cumberland: 15, Colchester: 17, Pictou: 21, Antigonish: 9 and Guysborough: 2. If Richmond County was added into this catchment area it would add 3 additional offenders from that county, bringing the total needed beds to 67. The count projections for these counties at the lower and upper bounds would require 57 and 77 beds respectively.

- Depending on the location of any new facility(ies) in northeastern Nova Scotia, the projected offender populations (n=3) from Richmond County, and the Port Hawkesbury court could be included in the northeast catchment area.

- Should one or more correctional facilities be built in the proposed northeastern region to provide for the beds needed, other offenders could be moved into the facility(ies) to ensure they operated at the optimum operational capacity, i.e., 90%. Possible types of offenders to transfer to these facilities could include
 - provincially sentenced offenders or offenders on long remands from the other facilities
 - and in the case of a facility in Cumberland County
 - federal parole suspensions awaiting processing by their parole officers prior to returning to a federal facility or being re-released back into the community

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- new sentenced federal offenders awaiting transfer to the penitentiary pending the expiration of the 15 clear day waiting period required by the federal *Corrections and Conditional Release Act*

- Given the high percentage of offenders in the current catchment area for CNSCF, and the distances to be travelled to get to some of the existing courts on the periphery of the CNSCF and CBCF catchment areas, it is recommended that the current catchment areas be adjusted as follows:
 - eastern Nova Scotia: Cape Breton, Inverness and Victoria counties
 - northeast Nova Scotia, i.e., Cumberland, Colchester, Pictou, Antigonish, Guysborough and Richmond counties
 - central Nova Scotia: Kings, Hants, Halifax and Lunenburg counties
 - southwest Nova Scotia: Annapolis, Digby, Yarmouth, Shelburne and Queens counties

- See Table 5 for proposed catchment areas; projected counts have been adjusted to reduce (by 6.8%) the count for each catchment area to represent the percentage of women offenders.

Table 5: Projected male offender counts for 2015²³ for proposed catchment areas

	Projected mid-point count	Projected lower bound count	Projected upper bound count
Northeast,@ optimum operating capacity of 90%	67	57	77
Cape Breton,@ optimum operating capacity of 83%	81	69	94
Central,@ optimum operating capacity of 90%	289	245	333
Southwest,@ optimum operating capacity of 90%	29	24	33
Totals ²⁴	466	396	537

- As was noted above in the discussion with respect to Table 2, an increase of 86 to 244 beds, with 165 beds required for the mid-point projected count of 465 males or 499 total projected population, would address
 - the current shortfall in beds for men
 - the projected increase in the number of beds required for men
 depending on where the count fell in the range of projected counts. Again as noted above, additional beds for female offenders are not required at this time.

²³ Differences in the projected number of beds in Table 5 required, i.e., 122, 42 and 202, when compared with the projections in Table 2, i.e., 119, 40 and 198, are due to subdivision and rounding.

²⁴ All totals higher by 1 due to rounding errors

OPTION 1: Two 50-cell (100 bed) Correctional Facilities

● **Catchment areas**

- The preferred catchment areas for two facilities would be
 - one facility for Pictou, Antigonish, Guysborough and Richmond counties
 - one facility for Cumberland and Colchester counties

- Sites can be identified within these catchment areas that
 - meet all the proximity standards, i.e., 100 series highways, the courts, law enforcement, fire services, hospitals or community health centres and emergency health services
 - have access to adequate water supplies, existing sewage treatment facilities and high-speed Internet and some public transportation

● **Pictou/Antigonish/Guysborough/Richmond**

- **Central Pictou County area** One possible location for a facility to serve the Pictou/Antigonish/Guysborough/Richmond catchment area would be central Pictou County. A site for a facility in this area would
 - locate the facility closest to the largest number of offenders of these four counties, i.e., 60 % of the offenders for these four counties are from Pictou County
 - reduce the travel time and distance travelled for intermittent servers²⁵ from Pictou County than is currently the case as they are currently required to travel to and from CNSCF or ACF
 - locate the facility closest to the New Glasgow court which is the busiest court in these four counties

²⁵ The New Glasgow and Pictou courts order a higher number of intermittent sentences than do other courts in other towns in Nova Scotia; currently these offenders travel to CNSCF each weekend to serve their sentences until space becomes available at ACF.

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- A facility in central Pictou County would provide the appropriate proximity to New Glasgow and Pictou courts, reducing the Sheriff Services transportation costs compared with the current costs for travel to and from CNSCF²⁶.
- A facility in central Pictou County would meet the proximity standards for Antigonish, Guysborough and Port Hawkesbury courts.
- The increased costs for travel between a facility in central Pictou County and Antigonish, rather than between ACF and the Antigonish court, is mitigated by the fact these are our least busy courts.
- The increased travel to the Guysborough court is mitigated by the fact this court sits three times per month, and in custody offenders are not always appearing before this court.
- The costs to travel to and from the Port Hawkesbury court will be less than the current costs of transporting offenders there from CBCF²⁷.
- A location to the east of New Glasgow, as close to Highway 102 as possible, is preferable to a site to the west of New Glasgow. Such a site reduces the distances/travel times to and from the Antigonish, Guysborough and Port Hawkesbury courts.
- **Antigonish** An alternate location for a facility for Pictou, Antigonish, Guysborough and Richmond counties would be in Antigonish County. Such a

²⁶ Currently the majority of offenders going into custody from the New Glasgow and Pictou courts are transported to CNSCF, with a few offenders transported to ACF when space and the offender's security classification permits.

²⁷ Including offenders from Richmond County and the Port Hawkesbury court in the catchment area reduces CBCF projected count for male offenders to 81, or, at 84.4% only marginally above CBCF's optimum operating capacity of 83%.

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site would locate the facility in the centre of the proposed catchment area, i.e., approximately equidistant to New Glasgow and Port Hawkesbury. Such a location

- maintains or only marginally increases the low costs for transporting offenders to and from the Antigonish court that exist currently
- reduces the travel time to and from the Port Hawkesbury court
- reduces the travel time to and from New Glasgow and Pictou court when compared to the current travel to and from CNSCF

As noted Antigonish and Port Hawkesbury courts are not our least busy courts, and the satellite court in Guysborough sits three times per month.

- The ability to locate a site in Antigonish County has proved challenging; available land has yet to be identified that
 - poses no environmental issues
 - is priced at or below the price paid by government for land for the twinning of the Trans-Canada highway
- Neither the Town of Antigonish nor Antigonish County have offered sites for a nominal sum, e.g., \$1.00, as was the case in Springhill and previously in Yarmouth. No examination of potential sites in central Pictou County has occurred to date.
- **Either location**: Central Pictou County and Antigonish sites would both provide a secure facility located between Dartmouth or Waterville, and Sydney to accommodate all types of offenders en route between these facilities, as well as to provide accommodation for women and young persons when they are appearing in area courts.

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- **Impact on Staff:** The principle advantage of Antigonish as a site for a facility is that it minimizes impact to the existing ACF staff²⁸. A facility built within 32 kilometres of ACF would eliminate or reduce the impact on existing staff as it is unlikely any or very few staff would consider moving their residence if the facility moved within a 32 kilometre radius of the existing facility; this would in turn limit or eliminate the province's need to pay relocation expenses for staff currently employed at ACF.

- A central Pictou County site could result in approximately \$225,000 in relocations expenses should ten of the current ACF staff relocate 32 kilometres or more to be closer to the new facility.

- **Colchester/Cumberland**
 - **Springhill** One location for a facility to serve the Cumberland/Colchester catchment area is the currently proposed Springhill site. The design is completed for this site²⁹ and a tender could be released in approximately eight weeks³⁰ of a government decision to proceed. The local community supports the location of this facility in their town.

 - The Springhill site is within the proximity standards for Amherst and Truro courts, albeit it is a longer commute to these courts than is the case presently, specifically it
 - is approximately 28.5 kilometres from CCF when travelling on Highway 2

²⁸ Many of ACF's staff live west of Antigonish in New Glasgow/Trenton/Pictou (6), Salmon River/Onslow Mountain (2), so the location of a new facility closer to central Pictou County would have a favorable impact on their travel time should they opt not to relocate closer to the facility, while staff living in Antigonish (6), Guysborough County (1), Port Hood/Inverness County (2), Victoria County (1), and Sydney (1) would see their travel time increase should they opt not to relocate closer to the facility.

²⁹ The design is completed except for a design change necessary to increase to four cells, from two cells, for women and youth needing temporary/overnight accommodation at this facility.

³⁰ As estimated by Manager, Capital Construction Projects but subject to confirmation by TIR

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- would add 28 to 33 kilometres, or 28 to 30 minutes, depending on whether the Sheriff Services used Highway 2 or Highway 104, to their daily trips to and from the Amherst court
- at 93 kilometres or 65 minutes, is marginally farther/longer than the 86 kilometres or 55 minutes distance/travel time Sheriffs travel between CNSCF and the Truro court currently

Therefore, the proposed Springhill site will raise the costs of transporting offenders to the Amherst court, and slightly raise those for getting to the Truro court.

- The Cumberland County Barristers' Association has twice indicated they find the additional travel time to the Springhill site unacceptable.
- **Amherst** A site in or close to the Town of Amherst would be suitable, if it
 - was of a similar size and shape
 - met all the requisite proximity standards
 - had access to municipal services, e.g., water, sewage available from the Town of Amherst or Cumberland County
 - was supported by the local community
 - was available to the Province at the same cost as the Springhill site, i.e., \$1.00
 - was available in sufficient time to not delay a construction start significantly
- Locating a facility in Amherst would
 - maintain the low costs for transporting to and from the Amherst court
 - increase the costs for transporting to and from the Truro court
 - over the current costs/time from CNSCF of 86 kilometres or 55 minutes by a further 24 kilometres and 15 minutes

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- over the costs/time from the proposed Springhill site of 93 kilometres or 65 minutes by a further 17 kilometres and 5 minutes
- eliminate any complaint from the Cumberland County Barristers' Association
- **Either location:** Springhill and Amherst sites would both provide a secure facility in appropriate proximity to the Amherst court for
 - young persons attending this court from the Nova Scotia Youth Facility in Waterville
 - women attending this court from the CNSCF
- **Impact on Staff:** Either the Springhill site or site in the Town of Amherst or within 32 kilometres of CCF would
 - result in the least possible disruption to current CCF staff³¹ as it is unlikely any or very few staff would consider moving their residence
 - eliminate the province's need to pay relocation expenses for those staff currently employed at CCF who choose to relocate
- **Count Management**
 - Two 50-cell facilities designed and equipped with bunk beds in all their cells
 - would provide 200 beds, which would result in 180 beds when the facilities were operating at their optimum operational capacity, i.e., 90%
 - would meet the identified needs for the mid-point and lower bound count projections, i.e., 499 total/465 men, 423 total/394 men,
 - provide excess capacities, if the count is at the lowest or mid-point projections, of

³¹ Many of CCF's staff live outside Amherst, in Fenwick (1), Maccan (1), Springhill (4), Parrsboro (2), Wentworth (1), Truro/Bible Hill (4), Upper Kennetcook (1), Trenton (1), Beaver Bank (1) therefore, sites for the new facility south of Amherst would tend to have a favorable impact on their current travel time should they opt not to relocate closer to the facility, while staff living in Amherst (10), as well as those living New Brunswick(2), would see their travel time increase should they opt not to relocate closer to the facility.

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- 37 and 108 beds respectively when operated at the 90% optimum operational capacities
 - 93 and 164 beds respectively above the design capacities
 - for the upper bound count projections, i.e., 575 total/536 men would
 - result in a shortfall of 34 beds when operated at the optimum operational capacities
 - result in an excess capacity of 22 beds with respect to their design capacities
- **Costs for two 50-cell facilities**
 - Two 50-cell facilities with 100 beds each would cost \$36.8 MM, less sunk costs to date, plus the possible additional site acquisition costs if Amherst is the preferred location over the Springhill site.
 - Two 50-cell facilities with 100 beds each
 - has an estimated annual operating cost of \$5.7 MM each or a total of \$11.4 MM. This represents a net increase of \$8.4 MM over the current budgets for ACF and CCF.
 - would require 69 FTEs each for a total of 138 FTEs. This represents a net increase of 96 FTEs above the current 42 FTEs approved for ACF and CCF.

OPTION 2 - One 100-cell correctional facility

- **Catchment Area**
 - If only one facility was built its catchment area would be Cumberland, Colchester, Pictou, Antigonish, Guysborough and Richmond counties.

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● Location

- As the distance between the Amherst and the Port Hawkesbury courts is 275 kilometres and takes an estimated 2 hours and 50 minutes to drive, a location on or adjacent to Highway 104, at or near the 135 to 140 kilometre mark between Amherst and Port Hawkesbury could meet the proximity standards, with respect to the courts, for the two extremes of a proposed catchment area, i.e., the Amherst and the Port Hawkesbury courts.

- Such a mid-point site would
 - locate the facility closest to the largest number of offenders of these six counties, i.e., offenders from Pictou County
 - locate the facility between the busiest and second busiest courts, i.e., Truro and New Glasgow courts respectively
 - reduce the costs associated with transporting offenders to and from Truro and New Glasgow/Pictou courts versus the current costs associated with travelling between CNSCF and these courts
 - increase the Sheriff Services costs and time for travel to the Amherst court
 - provide the appropriate proximity to the Antigonish court, albeit resulting in a longer commute than is currently the case given the court is adjacent to ACF
 - depending on the exact site chosen,
 - Guysborough court could be slightly outside the proximity standards
 - Shubenacadie and Sheet Harbour courts may be able to be moved from CNSCF catchment area to that of this facility

- Available sites at a mid-point between Amherst and Port Hawkesbury court may pose challenges with respect to the more recently identified proximity requirements, or require an increase in the capital construction budget to establish on-site
 - wells of sufficient size and with sufficient pressure for fire suppression systems

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- sewage treatment facility
- access to high-speed Internet services
- access to public transportation systems

- Moving the location closer to central Pictou County to improve access to services would move the facility beyond the proximity standards for the Amherst Court.

- This site would provide a secure facility located between Dartmouth or Waterville, and Sydney to accommodate all types of offenders en route between these facilities, as well as to provide accommodation for women and young persons when they are appearing in area courts.

● Impact on Staff

- A site midway between Amherst and Port Hawkesbury courts could
 - result in a significant disruption to current ACF and CCF staff as it is unknown how many would move
 - could result in approximately \$945,000³² in relocation expenses for ACF and CCF if all staff choose to relocate 32 kilometres or more to be closer to the new facility
- A site closer to central Pictou County may mitigate the impact on some of the ACF staff.

● Count Management

- One 100-cell facility, designed and equipped with bunk beds in all the cells, would provide the same number and type of beds as noted above for two 50-cell facilities designed and equipped with bunk beds, i.e., it would provide excess capacity except if the counts reached the higher count projection.

³² Based on an estimated \$22,500/staff member for an estimated 42 FTE.

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- This facility would provide a secure facility between Dartmouth or Waterville, and Sydney to accommodate offenders en route between these facilities.

- **Costs for one 100-cell facility**
 - One 100-cell facility with 200 beds would cost \$31.3 MM, less sunk costs to date.

 - One 100-cell facility with 200 beds would
 - have an estimated annual operating cost of \$9.7 MM. This represents a net increase of \$6.7 MM over the current combined budgets for ACF and CCF
 - require 112 FTEs. This represents a net increase of 70 FTEs above the current 42 FTEs approved for ACF and CCF.

- **Comparison – Option 1 and Option 2**
 - The differences between constructing and operating two 50-cell and one 100-cell facilities are summarized in Table 6.

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Table 6: Comparison of one 100-cell facility to two 50-cell facilities

	One 100-cell facility	Two 50-cell facilities	Difference
# of beds	200	200	None
Mid-point projections	37 excess beds	37 excess beds	None
Lower projections	108 excess beds	108 excess beds	None
Upper projections	short 34 beds	short 34 beds	None
Proximity standards	Will meet most standards*	Will meet standards	Will meet standards
Construction costs	\$31.3 MM	\$36.8 MM	One facility would reduce construction costs by \$5.5 MM
Potential for expansion	Yes, by 200 beds	Yes, by 200 beds in total	None
Annual operating costs	\$ 9.7 MM	\$11.4 MM	One 100-cell facility would reduce annual operating costs by \$1.7 MM
# of FTEs	112	138	One facility would reduce the number of FTEs required by 26
Estimated relocation costs based on \$22,500/person	\$945,000	\$225,000	Two 50-cell facilities saves approximately \$720,000 for relocation costs

* Depending on the exact site selected, the Amherst court may be outside the proximity standard for distance by approximately 25 kilometres.

OPTION 3 - One 100-cell correctional facility and one 50-cell correctional facility

● **Catchment Area**

- The catchment areas for two facilities would be the same as is recommended for two 50-cell facilities, i.e.,
 - one facility for Pictou, Antigonish, Guysborough and Richmond counties
 - one facility for Cumberland and Colchester counties

● **Pictou/Antigonish/Guysborough/Richmond**

- The 100-cell facility could be located in either central Pictou County or the Antigonish area. The site considerations for this size facility are the same as those for a 50-cell facility for this catchment area.

● **Colchester/Cumberland**

- The 50-cell facility should be located in Springhill or Amherst, as was outlined above in the discussions of two 50-cell facilities.

● **Count Management**

- Both facilities would have two beds per cell; this would provide a surplus of 137 beds immediately thereby enabling any immediate excess of some types of offenders, e.g., newly sentenced federal offenders or federal parolees en route back to federal penitentiaries, to be accommodated at either facility.
- Building one 100-cell facility and one 50-cell facility would provide 300 beds, thereby providing
 - for considerable population growth without additional cost
 - an additional cushion of 66 more beds than the 244 needed if the count reaches the projected upper bound of 536 men in a total of 575 offenders

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● **Costs for one 100-cell correctional facility and one 50-cell correctional facility**

- The combined costs of operating one 100-cell facility and one 50-cell facility (300 beds total) at \$15.4 MM is higher than operating for either of the 200 bed options, i.e.,
 - the \$ 9.7 MM to operate one 100-cell/200-bed facility, or
 - the \$11.4 MM to operate two 50-cell/100-bed each facilities (200 beds total)

- The costs of construction for one 100-cell facility and one 50-cell facility at a total of \$49.7 MM is higher than constructing either
 - one 100-cell/200-bed facility at a cost of \$31.3 MM, or
 - two 50-cell/100-bed each facilities at a cost of \$36.8 MM

See details in Table 7.

Table 7: Comparison of one 100-cell/200 bed facility or two 50-cell/100 beds each facilities to one 100-cell/100 bed facility and one 50-cell/50 bed facility

	One 100-cell facility with two beds/cell	Two 50-cell facilities with two beds/cell	Total of one 100-cell and one 50-cell facilities
# of beds	200	200	300
Annual operating costs	\$9.7 MM	\$11.4 MM	\$15.4 MM
# of FTEs	112	138	181
Construction costs	\$31.3 MM	\$36.8 MM	\$49.7 MM

ECONOMIC IMPLICATIONS

- All construction would occur in smaller communities in Nova Scotia, albeit
 - many of the trades people may commute daily or weekly, or only relocate temporarily, to the locales where the construction is occurring
 - the majority of the inputs for the construction, e.g., concrete, steel, security hardware may come from Halifax, Moncton or other parts of Canada, and potentially the United States

- Detailed economic impact statements of the indirect and induced benefits of the construction and the ongoing operation of these facilities on the local economies have not been prepared to date; detailed estimates can be prepared by the Department of Finance should they be required.

ENVIRONMENTAL IMPLICATIONS

- Unless the facilities are built with access to municipal services, especially water and sewage, these facilities may require their own
 - on-site wells with reservoirs to ensure the facilities have sufficient water and water pressure for the kitchen, laundry, personal use as well as fire suppression systems, e.g., sprinklers and stand pipes
 - on-site sewage treatment facilities.

These additions would escalate the cost of the facilities.

RURAL NOVA SCOTIA IMPLICATIONS

- The facilities will employ staff who will tend to work in the local communities, or in other rural parts of Nova Scotia, thus maintaining, and in fact increasing, the

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number of secure jobs in rural Nova Scotia. Depending on the final decisions made, an increase in FTEs, over the current 42 FTEs approved for ACF and CCF of

- 70, for one 100 cell/200 bed facility
- 96, for two 50-cell facilities
- 139, for one 100 cell/200 bed facility and one 50/100 cell facility

HUMAN RESOURCE IMPLICATIONS

- Two 50-cell facilities
 - would see an increase in total FTEs from 42 to 138 when the facilities opened
 - with central Pictou County as the location for one of the facilities, an estimated \$225,000 in relocation costs if an estimated ten of the current ACF 17.35 FTEs not living in central Pictou County could be required
- One 100-cell facility
 - would see an increase in total FTEs from 42 to 112 when the facility opened
 - could, given the recommended location of a mid-point between Amherst and Port Hawkesbury, e.g., Upper Mount Thom, require an estimated \$945,000 in relocation costs for all the current ACF and CCF staff
- One 50-cell facility and one 100-cell facility,
 - would see an increase in total FTEs from 42 to 181 when the facilities opened
 - with central Pictou County as the location for one of the facilities, an estimated \$225,000 in relocation costs if an estimated ten of the current ACF staff not living in central Pictou County could be required
- A temporary support program (TSP), similar to the one put in place when the Colchester, Halifax, Kings and Lunenburg correctional facilities closed in 2001,

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could be considered for staff who do not wish to or are not able to relocate to the new facility, e.g., spouse's job, responsibility for aging parents, relocate to a new facility. TSP is a separate matter to relocation expenses and the one-time transition costs associated with closing old facilities and opening replacement facilities.

- With the exception of the excluded/management positions, i.e., superintendent, deputy superintendents, confidential administrative support position, all other staff are public servants, rather than civil servants. Unionized Public Servants are not currently eligible for re-call from lay-off for vacancies within the larger civil service.

EFFICIENCY/PRODUCTIVITY

- Providing an appropriate configuration of correctional facilities provides for efficient operations in all its correctional facilities, rather than
 - overloading one or more facilities which can contribute to errors by staff when they are addressing the needs of a higher volume of offenders than the facility was designed to accommodate, or staffed to address
 - underutilizing one or more facilities because they can no longer accommodate all types of offenders seen today
- An appropriate configuration of correctional facilities is necessary to enable the Sheriff Services to
 - provide an efficient and effective offender transportation system
 - have offenders required in court present in sufficient time to consult with their lawyers prior to appearing at the scheduled time

INTERGOVERNMENTAL IMPACT

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- While there has been some general conversation, about potential partnerships between the Correctional Service of Canada and Nova Scotia Department of Justice with respect to locating a facility in Springhill, no substantive discussions have occurred, no definitive ideas have been identified that are not already covered by the existing *Canada - Nova Scotia Exchange of Services Agreement*, e.g., CSC paying Nova Scotia when Nova Scotia houses federal prisoners under parole suspension or awaiting transfer to federal facilities after the mandatory waiting period has expired or has been waived, and no negotiations are underway.

MUNICIPAL IMPLICATIONS

- The Town of Springhill cooperated with the identification and assessment of the Springhill site, and provided the land to the Province for \$1.00.
- Ideally a site for the facility recommended for central Pictou County and possibly an alternate site in the Town of Amherst or elsewhere in Cumberland County to the proposed site in Springhill, would be provided by the Town or municipality where the facility(ies) might be located. Should that occur, the government staff from the Department of Transportation and Infrastructure Renewal would be required to commence discussions with the municipalities in question.
- Once the new facilities were nearing completion, discussions would be required with the municipalities to determine the disposition of the Antigonish and Cumberland correctional facilities.
 - Cumberland County has the right of first refusal on the Cumberland Correctional Facility.
 - Antigonish is leased from the municipality, and ACF's closure may impact the operation of the Antigonish court, e.g., no or limited heat in the closed correctional facility might impact the heating of the court.

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- The closure of ACF and CCF, and a decision not to build new facilities in these communities may cause concern to local police, lawyers and the municipalities.

OTHER ISSUES

- If no new construction is authorized for northeastern Nova Scotia, is required to
 - extend the life of the Antigonish and Cumberland correctional facilities
 - close one or both of the Antigonish (ACF) and Cumberland (CCF) correctional facilities and consolidate operations in the three remaining adult correctional facilities
 - augment the capacity at CNSCF and SNSCF by permanently installing additional (bunk) beds in some or all of the existing single occupancy cells
 - analyse the impacts of locating higher numbers of offenders at CNSCF on the operation of that facility
 - determine the impact of any of these decisions on
 - transportation of offenders generally
 - the ability to have offenders to court on time
- If any configuration other than one 50-cell facility plus one 100-cell facility is approved for construction, a review of SIP as a procurement method would be required as preliminary market soundings were based on one 50-cell facility and one 100-cell facility; they indicated that one facility would not be of a sufficient size to attract bidders for a public-private partnership using the SIP procurement process.
- Two facilities being built at the same time, assuming one contractor was building both, may provide some economies of scale that may reduce or control construction costs.

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- Depending on the final decision by government, a secondary assessment by TIR staff to determine if bundling two-50 cell facilities into one project would have sufficient VFM to attract bidders to a strategic infrastructure partnership, i.e., public/private partnership.

- If ACF and/or CCF are replaced, or closed, the Province will need to provide a budget for the one-time transition costs associated with the closure of either or both of these facilities. Examples of expenditures include
 - decommissioning the building to remove all jail security equipment, hardware etcetera
 - rendering an abandoned/closed building safe, e.g., providing private security guards

- In addition, during the first year of operation of any new correctional facility, additional, one-time money would be required for hiring, training, relocation, start-up equipment purchases, et cetera. Preliminary estimates place these costs at \$850,000.00 per 50 cell facility, and \$1 MM for a 100 cell facility.

FINDINGS/CONCLUSION

- Three options are
 - Two 50-cell (100 beds each) facilities,
 - one in Cumberland County with a catchment area of Cumberland and Colchester counties/Amherst and Truro courts
 - one in Pictou County with a catchment area of Pictou, Antigonish, Guysborough and Richmond counties/New Glasgow, Pictou, Antigonish, Guysborough and Port Hawkesbury courts
 - One 100-cell (200 beds in total) facility centrally located with a catchment area of Cumberland, Colchester, Pictou, Antigonish, Guysborough and Richmond

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counties/Amherst, Truro, New Glasgow, Pictou, Antigonish, Guysborough and Port Hawkesbury courts.

- One 50-cell (100 bed) facility and one 100-cell(200 bed) facility
 - the 50-cell facility in Cumberland County with a catchment area of Cumberland and Colchester counties/Amherst and Truro courts
 - the 100-cell facility in Pictou County with a catchment area of Pictou, Antigonish, Guysborough and Richmond counties/New Glasgow, Pictou, Antigonish, Guysborough and Port Hawkesbury courts
- This project will provide secure jobs in one or two areas of rural Nova Scotia thereby contributing to the sustainability of Nova Scotia's communities and their economies.
- This project will infuses the short-term benefits of construction projects into one or two areas of rural Nova Scotia.
- One 100-cell facility is cheaper, by 5.5 MM to construct and cheaper by \$1.7 MM/annum to operate than two 50-cell facilities.
- Building one 50-cell facility and one 100-cell facility, is the most expensive option both in terms of construction costs (\$12.9 to 18.4 MM more than the other two options) and operating costs (\$1.4 to 3.1 MM/annum more than the other two options); it would provide 100 additional beds for the custody configuration should the counts projections exceed those prepared by PPR and be closer to those projected in Deloitte's report.
- If the count is closer to, or at the upper bound of the count projections, additional tangible capital assets, i.e., construction of one or two additional 50-cell/100-bed living unit, with additional ancillary spaces, e.g., locker rooms, administrative support spaces, offender program areas, would have to be considered should either the two 50-cell or one 100-cell options be built.

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- The expansion capability included in all current designs for 50-cell and 100-cell facilities is prudent should the counts projections exceed those prepared by PPR and be closer to those projected in Deloitte's report.

- Constructing two facilities instead of one facility,
 - locates facilities in areas where they meet all the established proximity standards
 - locates facilities closer to the courts, thereby reducing some travel times and distances travelled by Sheriff Services, and therefore their operating costs and their costs for replacement vehicles

- Constructing two facilities, depending on the sites chosen, eliminates or minimizes the impact on staff with respect to their needing to relocate closer to the sites. This option would require an estimated \$225,000 for staff relocation costs.

- Constructing one facility could have a greater impact on existing staff with respect to their needing to relocate closer to the site. One-time relocation costs are estimated at \$945,000.

- The proposed change in the catchment areas provides more equitable distribution of offenders, and therefore the best possible utilization of the type of accommodation and number of beds available in correctional facility configuration.

- The change to CNSCF's catchment area, when coupled with the transfer of some of its offenders, e.g., provincially sentenced offenders or offender on long remands, federal parole suspensions cases and newly sentenced federal offenders awaiting transfer to penitentiaries, to new facility(ies) to be constructed, assists in reducing the male offender count at CNSCF to a level that is more closely aligned with the number of beds in its original design, i.e., 224.

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- Should only one facility be built, Sheriffs Services may not find it economical to stage federal offenders from CNSCF and SNSCF who are awaiting transfer to penitentiary in Springhill and in Dorchester, NB at a facility at the mid-point of the catchment area or in central Pictou County.

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Appendix A: Sunk Costs

- For the 50-cell correctional facility and the Springhill site the costs to date are:
 - Dobbs and Associates (design): **\$385,490.00**
 - TIR staff costs: **\$ 67,220.00**
 - Cost for Springhill site to date
 - Phase I Environmental Site Assessment \$ 2,500.00
 - Legal and Topographic Survey \$ 14,959.85
 - Waterline easement survey \$ 2,444.80
 - Geotechnical Investigation - consultant \$ 6,190.00
 - Geotechnical Investigation - drilling \$ 9,729.90
 - Legal fees \$ 881.00
 - Water Reservoir access road plan \$ 420.00
 - Hydrant Flow Test \$ 971.00
 - Acquisition: \$ 1.00

Subtotal: **\$ 38,097.55**

TOTAL: \$ 490,807.55

- For the Antigonish area facility and attempts to identify a site in Antigonish County site the costs to date are:
 - Dobbs and Associates (design): **\$413,160.00**
 - TIR staff costs: **\$ 50,850.00**
 - Cost for identify a site in Antigonish County to date
 - Property appraisals \$ 5,900.00
 - Phase 1 Environmental Site Assessment \$ 4,403.79
 - Legal and Topographical Survey \$ 16,900.00
 - Watershed investigation \$ 6,826.75

Subtotal: **\$ 34,030.54**

TOTAL: \$ 498,040.54

- Sunk costs do not include:
 - DOJ staff time, travel and meeting expenses as these costs are not captured in SAP as part of the project costs

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- costs associated with the review the correctional facilities to determine if they would be appropriate to include in the strategic infrastructure projects

Appendix B: Office of the Provincial Fire Marshal reports and *Occupational Health and Safety* compliance orders re Antigonish Correctional Facility

- In August 2004 a Deputy Fire Marshal identified
 - seven deficiencies that required satisfactory completion within two years
 - stated in the report that *“there shall be no renovations, additions or increase in the number of inmates in this building until all requirements (two years) are completed.”*
- These deficiencies, which were to be addressed by 2006, are significant; they include installation of a sprinkler system, electronic over-rides on the door locking mechanisms and an emergency exit from the exercise yard to facilitate evacuation.
- To address the inadequacies of the fire and life safety systems a third post was established and staffed for the night shift.
- Two compliance orders were issued by the Department of Labour and Workforce Development under the *Occupational Health and Safety Act* concerning asbestos materials
 - in the plaster on the walls and in the ceilings
 - the insulation used on the plumbing in the facility
- The first compliance order was in January 2006 and followed the discovery of asbestos when a leak occurred in the kitchen storage area. The second order followed in February 2007 when OH&S Staff did a walk through of the facility in the laundry and surrounding areas. An Asbestos Hazardous Management program was put in place to meet the requirements under the *Occupational Health and Safety Act* for hazardous material.
- Addressing the remaining deficiencies will disturb the asbestos present in the facility, therefore any work that may be done will also include the removal of the asbestos.
- It is not known at this time what, if any, impact completing this work will have on the adjoining court, especially with respect to the removal of the asbestos.
- Preliminary estimates of the costs for this work are \$300,000.00.
- The Fire Marshal’s Office has been somewhat “held off” by the talk of new facilities, however, given that the deadline for remedying these fire and life safety deficiencies passed in 2006, the Office of the Provincial Fire Marshal may be compelled to act. Action could include ordering the closure of ACF until deficiencies are addressed.

Appendix C: PPR Count Forecasting Methodology

Forecasting of On Register Inmate Populations

(Revised September, 2009)

Introduction:

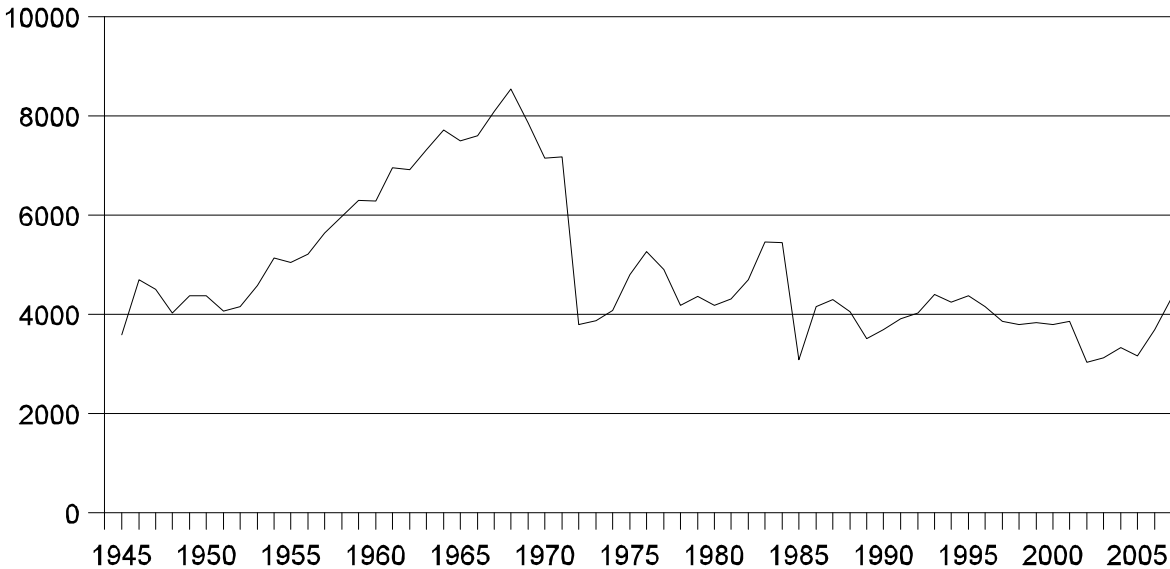
The forecasts given in this section are based on the premise that past and current trends can be used to predict the future. This assumes that past and current trends will stay the same or at least remain relatively unchanged. Unfortunately, changes do occur in society which have very pronounced effects on the criminal justice system. New laws, social policies, and social attitudes all have very direct effects on the operation of the criminal justice system. This is especially true of correctional institutions which, due to the fact they are at the 'end' of the system, will bear the full effects of social changes, police enforcement, sentencing practices, etc.

In general forecasting models can be very accurate over short periods of time based on the quality of and access to data used in modelling. The longer the forecast period the more prone the model will be to errors introduced by changes as described above. Forecasts beyond four time periods (whether they be years, months, weeks or days) are susceptible to error. Usually the further in the future the forecast is, the more likely the forecast will be in error.

Figure One provides an excellent reason as to why long term forecasting should be approached with caution. This figure displays admissions to custody (both sentenced, remand and other) for the period 1945 to 1997. As may be noted through the period 1945-1970 the trend was sharply upwards until 1971 when it plummeted dramatically with the introduction of the Bail Reform Act. Similar patterns, albeit not so pronounced, occurred with amendments to the Liquor Control Act (police were given the power to detain and release persons found intoxicated without charge), the Young Offenders' Act (and subsequently the Youth Criminal Justice Act) and Bill C-41 (conditional sentences).

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Figure One: Admissions to Custody in Nova Scotia, 1945 to 2007



In an ideal situation information would be readily available on a variety of issues that would permit accurate and continual forecasting. Unfortunately, this is not the case. Current information systems do not permit this as the types of information required and the celerity in which they can be collected are deficient.

As a result forecasters often rely on surrogate measures that approximate the complex types of information that are required. These surrogate (or proxy) measures should be related to the data that is being forecasted and should be easily collected.

In developing the forecasting model for these projections the population estimates for the 15-17, 18-34 and 35+ of Nova Scotia was employed as a predictor of the average annual number of on register counts in adult institutions.

Methodology:

The forecasting approach used was regression¹.

Regression is a data analysis procedure that can be used to explore relationships between variables, summarize information and make predictions. Basically regression analysis describes the relationship between a dependent and an independent variable so that knowing what the value of an independent variable is permits us to predict the value of a dependent variable. For example level of education and income are related as the more education the person has the higher their income. By knowing a person's education level (independent) we can make predictions about that person's income (dependent).

The general form of the regression equation is:

$$Y = a + bX + e$$

where:

- Y = the dependent variable (average annual on register counts)
- X = the independent variable (size of adult population in thousands)
- a = is a constant term and represents the point at which the Y axis is intercepted (referred to as the slope intercept)
- b = the slope
- e = is a random error term

In order to develop a predictive model yearly population figures were obtained for the Nova Scotia population aged 15 and older. This was subdivided into three discrete groups comprising 15 to 17 year olds, 18-34 year olds and 35+ years. The division of the population into three groups was made in order to more properly simulate the phenomenon of the aging population as well as representing the age group most closely associated with criminal activity (18 to 34 year olds). Examination of these data over time indicates that the 15-17 and 18-34 year old cohorts are declining while the age group 35+ continues to increase.

¹ The actual regression technique employed was two stage least squares regression. This particular approach reduces the problem of auto-correlation (correlated error terms).

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The predictive form of the regression model is:

$$y' = a + b_1 (X_1) + b_2 (X_2) + b_3 (X_3)$$

where: y' = the predicted on register count

a = the y intercept (where the regression line crosses the y axis ($x = 0$)

b_1 = the slope coefficient for the 15-17 year olds (X_1)

b_2 = the slope coefficient for the 18-34 year olds (X_2)

b_3 = the slope coefficient for the 35+ year olds (X_3).

The following estimates were obtained from the regression of average annual on register counts on the three sub-population categories²:

$$a = -851$$

$$b_1 = 1.66$$

$$b_2 = 3.37$$

$$b_3 = .954$$

Due to the problem of auto-correlation a series of diagnostic tests were conducted on the error terms (residuals). From these tests it was concluded that auto-correlation still persisted though analysis of the residuals indicated the problem was not severe.³

Shown in Table One, below, are the estimates compared to the actual on register figures for the period 1973 to 2007. As may be noted in most instances reasonably accurate estimates were obtained. The model itself had an overall predictive accuracy of 93%.

² In an earlier version of this paper data for the period 1945 to 1997 was used. To validate the technique data for the period 1945 to 1971 was used to derive regression estimates and then these estimates employed were employed to predict on-register counts for the period 1972 to 1997. At that time adult population (aged 18+) was employed as the predictor variable. Predictive accuracy was over 95%.

³ Diagnostics performed included: Run of Signs, plots of the standardized residuals over time and the standardized predicted values, and a histogram of the standardized residuals. Durbin-Watson = 1.51 indicating moderate underestimation of the model.

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Table One: Actual and Predicted On-Register Counts, 1973 to 2007

Year	Actual On Register Count	Predicted On Register	Prediction Error	Accuracy
1973	257	255	2	99%
1974	264	284	-20	92%
1975	316	315	1	100%
1976	393	341	52	87%
1977	400	365	35	91%
1978	374	385	11	97%
1979	413	404	9	98%
1980	382	421	-39	90%
1981	419	434	-15	96%
1982	473	445	28	94%
1983	489	461	28	94%
1984	500	479	21	96%
1985	424	469	-45	89%
1986	436	475	-39	91%
1987	445	473	-28	94%
1988	442	468	-26	94%
1989	470	469	1	100%
1990	450	485	-35	92%
1991	437	483	-46	89%
1992	480	480	0	100%
1993	546	476	70	87%
1994	542	470	72	87%
1995	499	462	37	93%
1996	492	454	38	92%
1997	465	442	23	95%
1998	433	418	15	97%
1999	400	414	-14	97%
2000	391	406	-15	96%
2001	361	402	-41	89%
2002	400	398	2	100%
2003	338	403	65	81%
2004	352	417	-65	84%
2005	392	423	-31	93%
2006	434	426	8	98%
2007	484	428	56	88%

The Forecasts:

Employing the estimates derived from the regression of on register counts on the population data for the period 1973-2003 projections were derived for the period 2008 to 2015. The population figures for the forecasting were derived from "Population Projections for Canada and The Provinces & Territories: 1993-2016" From this series, Projection #1 was employed as it most closely resembles actual population growth in Nova Scotia over the past 20 years.

In addition the anticipated effects of Bills C-9 (Act to amend the Criminal Code), C-26 (Tackling Violent Crime Act) and C-32 (Act to amend the Controlled Drugs and Substances Act) have been incorporated. Based on the discussion paper "Criminal Law Amendments Impact Analysis, An Atlantic Canadian Perspective"⁴ Estimates provided by this group indicate that in Nova Scotia there will be an average annual increase of 26 persons in sentenced custody.

Finally the use of remand has been increasing in the province. From 2003 to 2008 remand admissions in Nova Scotia increased from 1,319 to 2,133 (62%). This represents an average annual increase of 10% per year. Moreover, the average time served in remand has also increased. In 2002 the average time served to release was 9 days and by 2008 it had increased to 16 days (77%). As a result on-register counts were upwardly estimated by 12%.

These two factors were not accounted for in the regression estimates as data is unavailable. As a result they were included in the forecast.

⁴ Atlantic Heads of Corrections Impact Analysis Group, April 30, 2008

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Table Two contains the predicted estimates for the period 2008 to 2015.

Table Two: Predicted On-Register Counts, 2008 to 2015

Year	From Regression Predictions	Estimated Impact of Bills C-9, C-26 and C-32	Estimated Impact of Increased Use of Remand	Estimated On-Register Counts
2008	432	26	43	501
2009	434	26	43	503
2010	435	26	44	505
2011	435	26	44	505
2012	434	26	44	504
2013	432	26	43	501
2014	427	26	43	496
2015	430	26	43	499

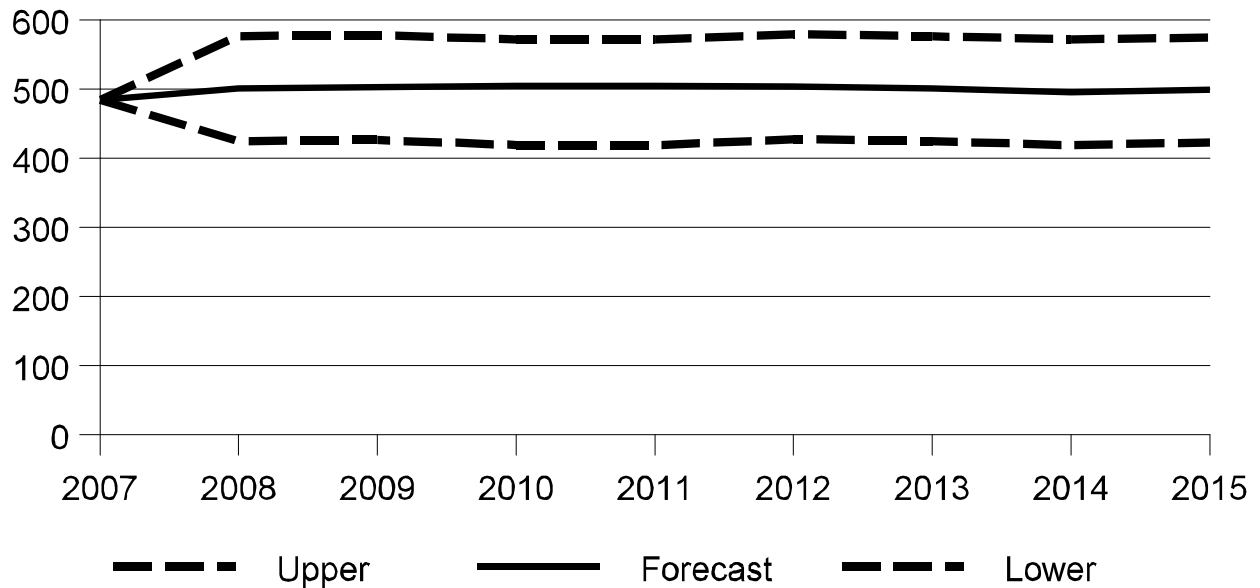
The estimates provided in Table Two suggest a slight increase from 2008 to 2011 with a decline starting in 2012.

Shown below in Figure Two is a graphical representation of the forecast along with upper and lower bound estimates for the forecast.

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Figure Two: Forecast From 2008 to 2015 With Upper and Lower Bounds

Figure Two provides a graphical representation of the forecast including upper and lower bounds. The bounds represent the range that the actual on-register count could be. For example in 2010 the forecast on-register count is 505 but it could actually fall between 581 and 429. Confidence in this range is at the 95% level. In other words there is a 5% chance the actual count might be greater than 581 or lower than 429.



Upper	484	577	579	572	572	580	577	572	575
Forecast	484	501	503	505	505	504	501	496	499
Lower	484	425	427	420	420	428	425	420	423

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Appendix D: Excerpts from Report of the External Audit of Nova Scotia’s Adult Correctional Facilities re count projections, pages 101 and 102

Current Capacity	452
Southwest (double-bunking two units)	38
Central Nova (double-bunking male unit)	224
Central Nova (double-bunking female unit)	48
Cumberland (cells in new facility x beds per cell)	+50 x 2
Antigonish (cells in new facility x beds per cell)	+100 x 2
Closure of existing Antigonish and Cumberland facilities	-46
Potential New Capacity	564
Total Future Adult Custodial Capacity	1016

“Nova Scotia’s planning for new offender capacity appears to be adequate

- *Nova Scotia’s plan to respond to increased inmate counts results in the addition of 564 beds to the adult correctional system. This represents an increase of 114%, more than double the system’s current capacity.*
- *Forecasts obtained from Corrections Services predicts 0% growth in prisoner counts beyond 2009, using demographic profiling and regression analysis, however it appears that changes to the remanded offender population currently managed by Nova Scotia’s adult correctional system were not taken into account.*
- *Remanded prisoners may not affect the capacity utilization as dramatically as convicted inmates, as time served while on remand is counted towards the time of incarceration or those convicted, however the impact of remanded offenders on facility capacity should be explored further.*
- *If the number of inmates were to grow at the same rate as in the last 5 years, (a compound annual growth rate of 8%), Nova Scotia’s adult facilities (including net new proposed capacity increases) would be at 100% average capacity utilization in 2014, and would be faced with overcrowding.”*

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Full report available at
http://www.gov.ns.ca/just/global_docs/Deloitte%20Report%20-%20NS%20Correctional%20Facilities%20Nov08.pdf