
Local Jails and Detention Centers Capital Budget Overview

**Department of Legislative Services
Office of Policy Analysis
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Analysis of the FY 2011 Maryland Executive Budget, 2010

Local Jails and Detention Centers – Capital Budget Overview

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In order to meet the needs of growing inmate populations at the local level, the State pays a minimum of 50% of eligible costs for construction or expansion of local detention centers. If a county can demonstrate that a portion of the expansion is necessary to house additional offenders serving between 6- and 12-month sentences due to changes in sentencing made by Chapter 128 of 1986, then the State provides 100% of funding for that portion of the project.

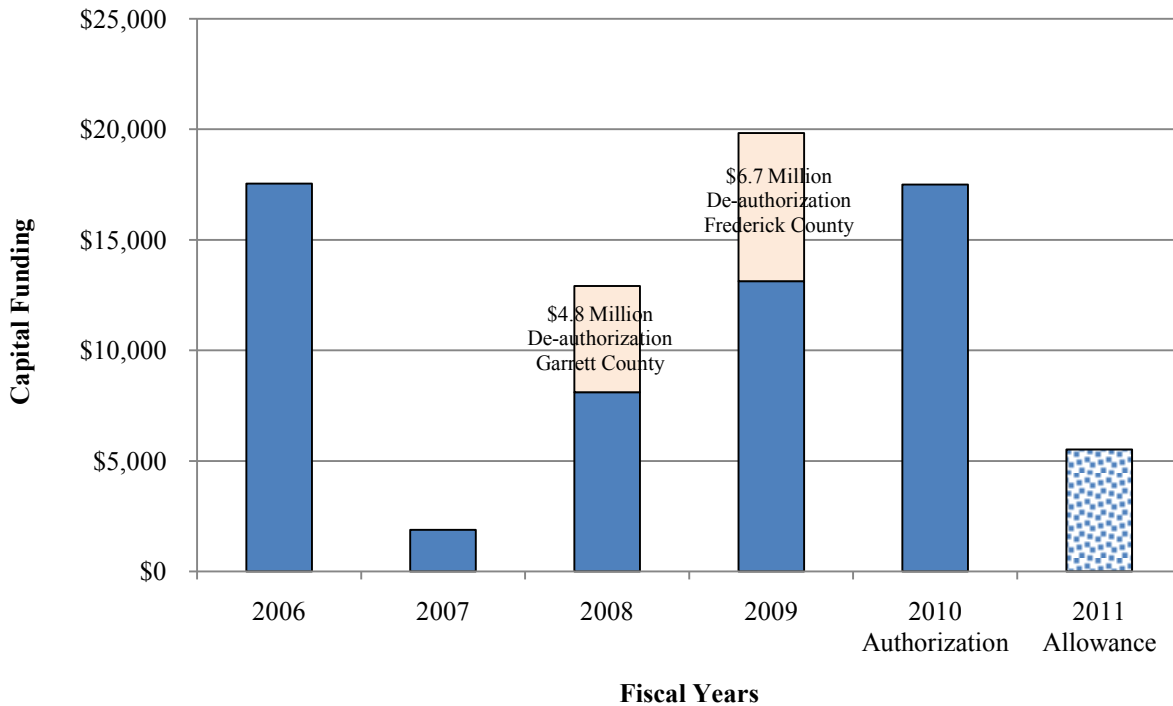
The Department of Public Safety and Correctional Services (DPSCS) processes the applications for State funding. The department determines the portion of the project cost eligible for State participation. State funds may only be used for costs directly related to incarceration. Ineligible costs include, but are not limited to, air conditioning, single cells, maintenance work on current facilities, utility connections, and space not directly attributable to detention functions, such as office space.

Legislation enacted in Chapter 246 of 2004 clarified that the local inmates that DPSCS must use to determine anticipated confinement levels at a local correctional facility should reflect only those inmates who are serving sentences between 6 and 12 months, rather than all inmates sentenced to 12 months or less. If DPSCS determines that the anticipated confinement of those inmates serving between 6 and 12 months in a county's local correctional facility would exceed the capacity of the local correctional facility, the State must pay 100% of the costs to construct a new facility or to expand the existing local correctional facility.

Fiscal 2011 Proposed Budget

Exhibit 1 shows the funding history for the Local Jails and Detention Centers capital construction program. Historically, \$15.0 million in general obligation bonds is included in the Governor's *Capital Improvement Program* for local jail projects. In three of the past five fiscal years, funding initially authorized by the General Assembly has exceeded \$15.0 million. In fiscal 2008 and 2009, however, as counties have opted to defer projects, actual authorizations have been reduced. The fiscal 2011 capital budget includes \$5.5 million to fund one project, the construction of a minimum security addition at the St. Mary's County Detention Center. This funding was pre-authorized in the 2009 Maryland Consolidated Capital Bond Loan (MCCBL). The provision of less funding for local jails and detention center capital projects in the 2010 MCCBL is indicative of both the constraints in the State's capital budget, as well as constraints in county budgets, which limits counties' abilities to provide the necessary fund match for proposed projects. Of the projects funded through this program in the past five years, the State has future funding commitments totaling \$9.0 million.

Exhibit 1
Local Jails and Detention Centers
Capital Program Funding History
Fiscal 2006-2011
(\$ in Thousands)



Notes: Excludes funding for Baltimore City Detention Center projects as this facility is under State jurisdiction. Funding for Garrett County Detention Center was de-authorized in the 2009 Maryland Consolidated Capital Bond Loan.

Source: Department of Legislative Services

De-authorization of Prior Appropriations

The fiscal 2011 capital budget includes the de-authorization of \$14.9 million for two projects that received funding in prior years but have since been postponed.

Chapter 336 of 2008 provided Frederick County with \$7.4 million to construct a new 112-bed inmate housing unit and a new 24-bed centralized medical unit. The appropriation also provided funding for a roof replacement and fire alarm system upgrade. As a result of fiscal constraints on the county's budget, the county commissioners decided not to provide the funding match necessary to complete all aspects of the project. The county utilized \$700,000 of the original appropriation to complete the renovation improvements but will not be moving forward with the housing and medical unit expansions.

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Chapter 432 of 2004 and Chapter 445 of 2005 provided a total of \$8.2 million to Montgomery County to assist in funding the renovation of the detention center in Rockville into a 300-bed short-term holding facility. The county expended the \$853,000 appropriated for design of the renovation but has yet to move forward with construction of the project. In a letter to the Department of Budget and Management, the county expressed its intention to review and rescope the project but indicated the prior appropriations would not be needed at this time. Once the county reconsiders and submits a new program plan, new funding will be considered.

The Department of Legislative Services (DLS) recommends approval of the de-authorization of all three authorizations.

St. Mary’s County Detention Center – Minimum Security Addition

Exhibit 2 details the funding provided to support the minimum security addition at the St. Mary’s County Detention Center.

Exhibit 2
St. Mary’s County Detention Center
Project Funding
(\$ in Thousands)

	<u>Prior Authorization</u>		<u>Fiscal 2011 Pre-authorized Funding</u>		<u>Future Request</u>		<u>Total Funding</u>	<u>Total Share of Funding</u>
State Share	\$698	P	\$5,513	C	\$4,541	CE	\$10,752	49.9%
County Match	756	P	6,756	C	4,541	CE	10,810	50.1%
Total	\$1,454		\$12,269		\$9,082		\$21,562	100.0%

C: Construction
E: Equipment
P: Planning

Source: Governor’s Budget Books, Fiscal 2011

Funding for the project was first provided in the 2008 MCCBL. Approximately \$698,000 in general obligation bond funding was provided to support design of five 56-bed housing units, needed because of severe overcrowding at the facility. In fiscal 2009, the county’s average daily population (ADP) exceeded the operational capacity of the current facility by 74 beds. The 2009 MCCBL, as introduced by the Governor, included \$5.5 million in funding to support construction of the facility. The General Assembly deferred the construction funding, pre-authorizing the appropriation for fiscal 2011, because the county had yet to award a design contract, delaying the anticipated start of construction until May 2010.

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The 2010 MCCBL includes the pre-authorized amount, \$5,513,000 in general obligation bond funding, to support construction of the minimum security addition. The county, however, has again experienced delays in its procurement of the design contract. The county just recently made the award for design to the selected vendor, meaning the start of the design process has now been delayed from May 2009 to March 2010. With a 12-month design period, construction will not begin until July 2011 (the start of fiscal 2012) and will be completed by January 2013. Additionally, the current cost estimates for the project were prepared in August 2006, and the county's new architecture/engineering contractor will need to revise the cost estimates for the project.

The county's need for additional bed space is evident. It is unclear, however, why the county has struggled so significantly to procure a design contractor. When the original funding was awarded in the 2008 MCCBL, construction was estimated to begin in October 2009. Based on the most recently revised schedule, construction of this project has now been delayed 21 months. **St. Mary's County should provide an explanation for the delays in awarding a design contract and comment on the status of the county's commitment to providing the necessary funding match to support the construction of the new addition. The county should also comment on what changes are anticipated with the revised cost estimate, given that the current estimate was developed nearly four years ago.**

Given the county's need for additional bed space and the availability of an authorization prior to awarding a construction contract, **DLS recommends approval of the \$5.5 million in general obligation bond funding for this project.**

Local Jail and Detention Center Inmate Population

As a result of discrepancies in the reporting of population statistics for inmates held in local correctional facilities, the committees requested a report providing a variety of data on facility bed capacity and the size of the inmate population. This is the second year for the Local Jails/Detention Center Annual Population Statistics Report, with fiscal 2008 serving as a base year comparison of changes in local detention center capacities and inmate populations. **Appendix 1** provides information found in the fiscal 2009 Local Jail and Detention Center Inmate Population Survey.

Exhibit 3 shows ADP by jurisdiction from fiscal 2005 through 2009. The number of inmates has increased by 516, or 5.9%, over the past five years, but the total average annual rate of growth, approximately 1.9% from fiscal 2005 to 2009, is considerably slower than in previous years. As a comparison, the average annual rate of growth from fiscal 2003 to 2007 was 3.4%. The largest real growth in ADP was in Baltimore County (271 more inmates in fiscal 2009 than in fiscal 2005) and Anne Arundel County (127 more inmates). Baltimore County also had the fastest average annual growth rate, increasing 5.7% annually. Eight counties (Caroline, Carroll, Charles, Frederick, Garrett, Kent, Wicomico, and Worcester) have experienced declines in the inmate population, both in real growth and in the rate of growth. Charles County has experienced the most significant population decline over the past five years. The county's ADP declined 23.2% between fiscal 2005 and 2009.

Exhibit 3
Average Daily Population and Inmate Growth by Jurisdiction
Fiscal 2005-2009

<u>County</u>	<u>2005</u>	<u>2006</u>	<u>2007</u>	<u>2008</u>	<u>2009</u>	<u># Change 2005-09</u>	<u>% Change 2005-09</u>	<u>Average Annual Growth</u>
Allegany	166	163	178	203	168	3	1.5%	0.4%
Anne Arundel	982	1,034	1,110	1,083	1,109	127	12.9%	3.1%
Baltimore	1,092	1,240	1,372	1,381	1,363	271	24.8%	5.7%
Calvert	219	212	238	230	230	11	5.2%	1.3%
Caroline	85	93	96	85	83	-2	-2.7%	-0.7%
Carroll	283	287	293	224	240	-43	-15.2%	-4.0%
Cecil	215	241	253	240	234	20	9.1%	2.2%
Charles	436	425	407	348	335	-101	-23.2%	-6.4%
Dorchester	162	180	200	200	183	21	13.1%	3.1%
Frederick	460	460	501	479	449	-11	-2.4%	-0.6%
Garrett	53	51	54	38	49	-4	-7.3%	-1.9%
Harford	409	405	432	415	490	81	19.8%	4.6%
Howard	255	247	297	278	284	29	11.3%	2.7%
Kent	82	93	93	97	77	-5	-6.6%	-1.7%
Montgomery	1,045	1,051	1,085	1,002	1,057	12	1.1%	0.3%
Prince George's	1,238	1,340	1,482	1,460	1,299	61	4.9%	1.2%
Queen Anne's	92	99	112	118	98	6	6.1%	1.5%
St. Mary's	293	317	328	334	319	26	8.9%	2.2%
Somerset	77	77	80	87	80	3	4.2%	1.0%
Talbot	83	95	98	95	98	15	18.3%	4.3%
Washington	343	374	400	400	418	75	21.9%	5.1%
Wicomico	508	560	631	584	456	-52	-10.2%	-2.7%
Worcester	222	221	234	220	196	-26	-11.6%	-3.0%
Total	8,799	9,266	9,973	9,601	9,315	516	5.9%	1.4%

Source: Local jurisdictions furnished figures to the Department of Public Safety and Correctional Services

The slowing in the growth of the inmate population is evident in the comparison of ADP and local facility operating capacity, as illustrated in **Exhibit 4**. Across the State, local operating capacity is 1,000 beds in excess of the fiscal 2009 total local inmate population. In comparison, the total excess capacity in fiscal 2008 was 737 beds.

**Exhibit 4
Local Jail and Detention Center
Fiscal 2009 Population versus Capacity by County**

<u>County</u>	<u>Average Daily Population</u>	<u>Operational Capacity</u>	<u>Exceeded Capacity</u>	<u>ADP as a Percent of Capacity</u>
Allegany	168	234	-66	72%
Anne Arundel	1,109	1,175	-66	94%
Baltimore	1,363	1,513	-150	90%
Calvert	230	228	2	101%
Caroline	83	120	-37	69%
Carroll	240	185	55	130%
Cecil	234	204	30	115%
Charles	335	387	-52	87%
Dorchester	183	280	-97	65%
Frederick	449	476	-27	94%
Garrett	49	77	-28	64%
Harford	490	454	36	108%
Howard	284	361	-77	79%
Kent	77	75	2	103%
Montgomery	1,057	1,401	-344	75%
Prince George's	1,299	1,332	-33	98%
Queen Anne's	98	104	-6	94%
St. Mary's	319	245	74	130%
Somerset	80	120	-40	67%
Talbot	98	148	-50	66%
Washington	418	345	73	121%
Wicomico	456	628	-172	73%
Worcester	196	224	-28	88%
Total	9,315	10,316	-1,001	90%

ADP: average daily population

Source: 2009 *Joint Chairmen's Report* on Local Jails and Detention Centers Population Statistics, Fiscal 2010

Montgomery County, which experienced annual population growth of 0.3% between fiscal 2005 and 2009, has the largest amount of excess bed space, with 344 beds in excess of fiscal 2009 ADP. In terms of population as a percentage of total capacity, Garrett County has the most room for growth. Seven of 23 counties had inmate populations in excess of operational capacity, with St. Mary's and Carroll counties being the highest, housing inmate populations at 130% capacity. Four counties, Carroll, Cecil, Kent, and St. Mary's counties, had at least one inmate in excess of operational capacity for every day of the fiscal year. Cecil, Harford, and St. Mary's counties have received State funding to address capacity needs in the past three fiscal years which are not yet reflected in the data presented in Exhibits 3 and 4. Alternately, 10 of 23 counties, or 43.5%, never had the inmate population exceed capacity.

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The provision of population data, like that provided in Appendix 1, is integral to helping the State prioritize the projects that receive funding each year, especially when the amount of funding requested consistently exceeds funding available. **As such, the Department of Legislative Services recommends the budget committees continue to adopt narrative requiring DPSCS to submit a report providing population statistics by jurisdiction in order to accurately assess the capacity needs of local jails and detention centers.**

Exhibit 5 provides a summary of all recommended actions relating to the Local Jails and Detention Centers Capital Program. DLS recommends approval of approximately \$5.5 million for the St. Mary’s County Detention Center. DLS also recommends approval of the de-authorization of three separate authorizations totaling \$14.9 million.

Exhibit 5
Summary of Recommended Actions
Local Jails and Detention Centers Capital Program
Fiscal 2011

<u>Program</u>	<u>Proposed Action</u>	<u>DLS Recommendation</u>
St. Mary’s County Detention Center – Phase I – Minimum Security Addition	\$5,513,000	Approve
Chapter 432 of 2004 – Montgomery County Detention Center	-3,048,000	Approve
Chapter 445 of 2005 – Montgomery County Detention Center	-5,189,000	Approve
Chapter 336 of 2008 – Frederick County Detention Center	-6,700,000	Approve

Source: Department of Legislative Services

Recommended Actions

Adopt the following narrative:

Local Jails and Detention Centers Population Statistics Report: As overseer of the Local Jails and Detention Center Capital Improvement Program, the committees direct the Department of Public Safety and Correctional Services (DPSCS), on an annual basis, to coordinate the submission of local jail and detention center population statistics on behalf of the counties and provide that information in a report to the budget committees. At a minimum the report shall include:

- the operational capacity for each facility, making note of specialized population beds which cannot be used by general population inmates;
- the total average daily population for the fiscal year for total population and separated by male and female offenders;
- the number of days the population exceeded operational capacity;
- the most consecutive days the population exceeded capacity;
- the range in the number of inmates exceeding operational capacity;
- the average amount the population exceeded capacity; and
- the peak inmate population.

Receipt of this information for every county on an annual basis would allow the General Assembly, the Department of Budget and Management, DPSCS, and the counties to better assess local jails and detention centers capital needs. The report shall be submitted to the budget committees no later than September 1, 2010, and annually thereafter.

Information Request	Author	Due Date
Local jails and detention centers population statistics report	DPSCS	September 1, 2010, and annually thereafter

Fiscal 2009 Local Jails/Detention Centers Annual Population Statistics Report

Facility	Operating Capacity of Facility			Number of Specialized Population Beds	Total ADP for Fiscal Year			Number of Days Population Exceeded Capacity	Most Consecutive Days Population Exceeded Operational Capacity	Range in Number of Inmates Exceeded Capacity	Average Amount Population Exceeded Capacity	Peak Inmate Population
	Male	Female	Total		Male	Female	Total					
Allegany County Detention Center	204	30	234	26	149	19	168	0	0	0	0	209
Anne Arundel County Detention Center – Jennifer Road Facility	609	26	635	95	632	24	656	249	142	1-120	30	756
Anne Arundel County Detention Center – Ordnance Road Facility	420	120	540	0	360	93	453	31	3	1-97	28	639
Baltimore County Department of Corrections	1,289	224	1,513	237	1,202	161	1,363	3	2	7-14	10	1,527
Calvert County Detention Center	212	16	228	36	211	19	230	181	70	1-60	14	288
Caroline County Detention Center	100	20	120	4	72	11	83	0	0	0	0	90
Carroll County Detention Center	173	12	185	10	212	28	240	365	365	48-52	65	263
Cecil County Community Correctional Center	56	8	64	0	40	5	45	12	2	1-7	0	71
Cecil County Detention Center	128	12	140	29	164	25	189	365	365	15-81	47	215
Charles County Detention Center	339	48	387	41	307	28	335	0	0	0	0	367
Dorchester County Detention Center	242	38	280	46	167	16	183	0	0	0	0	208
Frederick County Adult Work Release Center	112	16	128	0	77	3	80	0	0	0	0	100
Frederick County Adult Detention Center	318	30	348	51	331	38	369	354	349	0-102	51	420
Garrett County Detention Center	65	12	77	2	42	7	49	0	0	0	0	62
Harford County Detention Center	390	64	454	30	425	65	490	349	179	1-107	37	561
Howard County Detention Center	305	56	361	18	251	33	284	0	0	0	0	340
Kent County Detention Center	69	6	75	5	69	8	77	365	365	1-35	9	110
Montgomery County Correctional Facility	897	131	1,028	216	696	50	746	0	0	0	0	812
Montgomery County Work Release Center	144	29	173	0	129	13	142	0	0	0	0	170
Montgomery County Detention Center	185	15	200	4	162	7	169	2	2	10	5	207
Prince George’s County Department of Corrections	1,236	96	1,332	164	1,197	102	1,299	149	48	1-96	28	1,428
Department of Corrections for Queen Anne’s County	96	8	104	2	86	12	98	0	0	0	0	98
St. Mary’s County Detention Center	221	24	245	6	280	39	319	365	365	27-128	74	373
Somerset County Detention Center	112	8	120	2	71	9	80	0	0	0	0	92
Talbot County Detention Center	132	16	148	16	88	10	98	0	0	0	0	130
Washington County Detention Center	291	54	345	69	361	57	418	364	0	31-102	66	456
Wicomico County Department of Corrections	538	90	628	72	396	60	456	0	0	0	0	495
Worcester County Jail	200	24	224	60	180	16	196	17	13	1-17	4	237

ADP: Average Daily Population