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# **Local Jails and Detention Centers Capital Overview**

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**Department of Legislative Services  
Office of Policy Analysis  
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*Analysis of the FY 2013 Maryland Executive Budget, 2012*

## ***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.

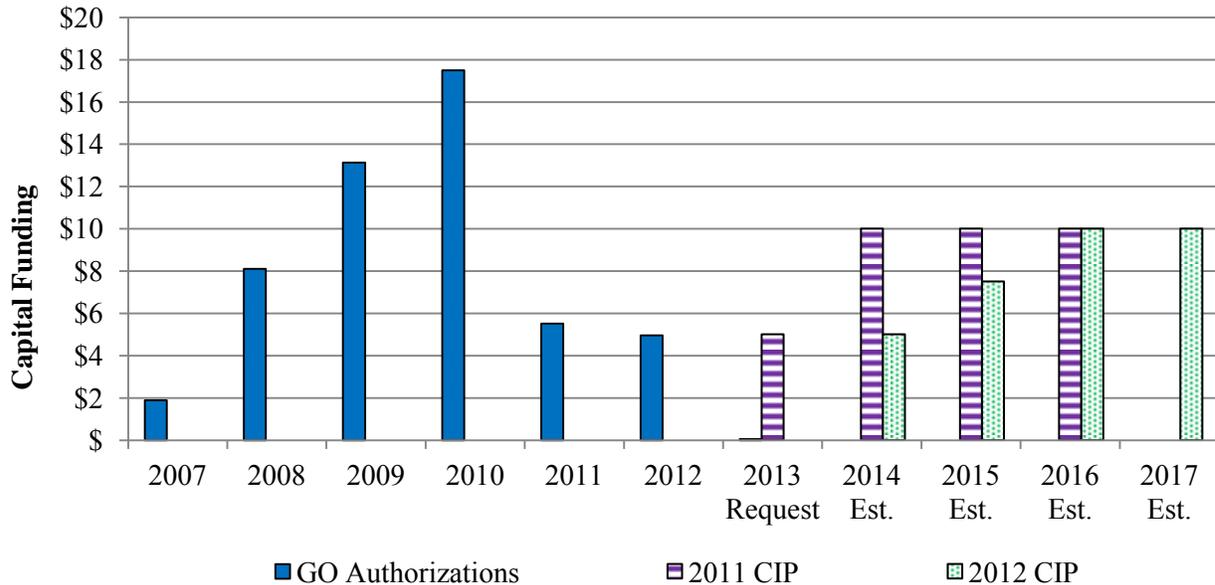
Legislation enacted in Chapter 246 of 2004 clarified that the local inmates that DPSCS must use to determine anticipated confinement levels at a local correctional facility should reflect only those inmates who are serving sentences between 6 and 12 months, rather than all inmates sentenced to 12 months 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 2013 Proposed Budget**

**Exhibit 1** shows the funding history for the Local Jails and Detention Centers capital construction program, as well as what is proposed for the program in the Governor's five-year *Capital Improvement Program* (CIP). The fiscal 2013 capital budget includes \$101,179 to fund one project, a fire alarm system upgrade for the Wicomico County Detention Center.

Historically, \$15.0 million in general obligation bonds has been included in the Governor's CIP for local jail projects. In recent years, however, considerably less funding has been provided. In four of the past six fiscal years, the program has received less than \$10.0 million in authorizations. The current CIP has reduced the amount of programmed funding for local jail projects in the out-years to \$5.0 million in fiscal 2014, \$7.5 million in fiscal 2015, and \$10.0 million each year for fiscal 2016 through 2017. Funding for local jail and detention center projects, particularly in fiscal 2013 through 2015, is well below what was planned in the CIP submitted during the 2011 session. The 2011 CIP had intended spending for the local jails program to total \$5.0 million in fiscal 2013; instead, the fiscal 2013 capital budget includes slightly more than \$100,000. Funding planned for fiscal 2014 is also reduced by 50% in the 2012 CIP. The provision of less funding in recent years for the local jails and detention centers capital program, as well as the reduced projections for the out-years, is in part reflective of significant declines in local correctional populations. It is also 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.

**Exhibit 1**  
**Local Jails and Detention Centers Capital Program Funding**  
**Fiscal 2007-2017**  
**(\$ in Millions)**



CIP: *Capital Improvement Program*  
 GO: *general obligation*

Note: Excludes funding for Baltimore City Detention Center projects as this facility is under State jurisdiction.

Source: Department of Legislative Services

**Local Jail and Detention Center Inmate Population**

**Exhibit 2** shows average daily population (ADP) by jurisdiction from fiscal 2007 through 2011. Mirroring state and national trends seen throughout the criminal justice system, the local jail population in Maryland continues to decline. Most recently, local jail ADP declined by 2.1% between fiscal 2010 and 2011. Over the past five years, however, the number of locally held inmates decreased by 1,084, or 10.9%, with a negative average annual rate of growth of 2.8%. The 8,889 inmates in local detention centers in fiscal 2011 is the lowest ADP since fiscal 2005. Only 6 of 23 counties (Baltimore, Caroline, Charles, Howard, Somerset, and Talbot) had larger populations in fiscal 2011 than in fiscal 2007. Six of the 23 counties (Anne Arundel, Carroll, Prince George’s, St. Mary’s, Wicomico, and Worcester) experienced reductions in ADP above 20.0% over the five-year period. The most significant reduction was in Worcester County, where the population, on average, declined at a rate of 9.8% annually. Somerset County grew at the fastest pace, with an average annual growth rate of 4.2% over the five-year period.

**Exhibit 2**  
**Average Daily Population and Inmate Growth by Jurisdiction**  
**Fiscal 2007-2011**

<u>County</u>	<u>2007</u>	<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>	<u>% Change 2010-11</u>	<u># Change 2007-11</u>	<u>% Change 2007-11</u>	<u>Average Annual Growth</u>
Allegany	178	203	168	157	170	8.3%	-8	-4.3%	-1.1%
Anne Arundel	1,110	1,083	1,109	923	874	-5.3%	-236	-21.3%	-5.8%
Baltimore	1,372	1,381	1,363	1,375	1,393	1.3%	21	1.5%	0.4%
Calvert	238	230	230	247	234	-5.3%	-4	-1.6%	-0.4%
Caroline	96	85	83	107	105	-1.9%	9	9.0%	2.2%
Carroll	293	224	240	216	213	-1.4%	-80	-27.3%	-7.6%
Cecil	253	240	234	227	247	8.8%	-6	-2.5%	-0.6%
Charles	407	348	335	404	460	13.9%	53	13.1%	3.1%
Dorchester	200	200	183	165	167	1.2%	-33	-16.4%	-4.4%
Frederick	501	479	449	416	441	6.0%	-60	-11.9%	-3.1%
Garrett	54	38	49	53	51	-3.8%	-3	-4.8%	-1.2%
Harford	432	415	490	452	425	-6.0%	-7	-1.7%	-0.4%
Howard	297	278	284	288	308	6.9%	11	3.7%	0.9%
Kent	93	97	77	87	87	0.0%	-6	-6.7%	-1.7%
Montgomery	1,085	1,002	1,057	1,054	1,038	-1.5%	-47	-4.3%	-1.1%
Prince George's	1,482	1,460	1,299	1,272	1,181	-7.2%	-301	-20.3%	-5.5%
Queen Anne's	112	118	98	91	102	12.1%	-10	-9.1%	-2.4%
St. Mary's	328	334	319	276	232	-15.9%	-96	-29.2%	-8.3%
Somerset	80	87	80	86	94	9.3%	14	17.9%	4.2%
Talbot	98	95	98	92	104	13.0%	6	6.4%	1.6%
Washington	400	400	418	418	333	-20.3%	-67	-16.8%	-4.5%
Wicomico	631	584	456	499	475	-4.8%	-156	-24.7%	-6.8%
Worcester	234	220	196	177	155	-12.4%	-79	-33.9%	-9.8%
<b>Total</b>	<b>9,973</b>	<b>9,601</b>	<b>9,315</b>	<b>9,082</b>	<b>8,889</b>	<b>-2.1%</b>	<b>-1,084</b>	<b>-10.9%</b>	<b>-2.8%</b>

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

The decline in the overall inmate population is evident in the comparison of ADP and local facility operating capacity, as illustrated in **Exhibit 3**. Across the State, local operating capacity is 1,935 beds in excess of the fiscal 2011 total local inmate population. In comparison, the total excess capacity in fiscal 2009 was 1,382 beds.

**Exhibit 3**  
**Local Jail and Detention Center**  
**Fiscal 2011 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	170	250	-80	68%
Anne Arundel	874	1,415	-541	62%
Baltimore	1,393	1,513	-120	92%
Calvert	234	228	6	103%
Caroline	105	125	-20	84%
Carroll	213	185	28	115%
Cecil	247	201	46	123%
Charles	460	409	51	112%
Dorchester	167	280	-113	60%
Frederick	441	527	-86	84%
Garrett	51	64	-13	80%
Harford	425	454	-29	94%
Howard	308	370	-62	83%
Kent	87	75	12	116%
Montgomery	1,038	1,399	-361	74%
Prince George's	1,181	1,332	-151	89%
Queen Anne's	102	148	-46	69%
St. Mary's	232	245	-13	95%
Somerset	94	120	-26	78%
Talbot	104	157	-53	66%
Washington	333	345	-12	97%
Wicomico	475	502	-27	95%
Worcester	155	480	-325	32%
<b>Total</b>	<b>8,889</b>	<b>10,824</b>	<b>-1,935</b>	<b>82%</b>

ADP: average daily population

Note: St Mary's, Cecil, and Prince George's counties are in the process of completing projects to increase capacity.

Source: *Joint Chairmen's Report on Local Jails and Detention Centers Population Statistics, Fiscal 2012*

According to the *Fiscal 2011 Local Jails and Detention Centers Population Statistics Report*, only 5 of 23 counties had inmate populations in excess of operational capacity. Three of those counties (Carroll, Cecil, and Kent) had at least one inmate in excess of operational capacity for every day of the fiscal year. Alternately, 12 of 23 counties, or 52.2%, never had the inmate population exceed capacity.

Anne Arundel County, which experienced a 21.3% decline in population over the past five years, had the largest amount of excess bed space in fiscal 2011, with 541 beds in excess of

*Local Jails and Detention Centers – Capital Budget Overview*

fiscal 2011 ADP. This was largely because the reported operational capacity increased by 240 beds in fiscal 2011, although the reason for the increase is not known. In terms of population as a percentage of total capacity, Worcester County has the most room for growth; this is the result of completing an expansion project which added a net of 202 additional beds. In total, nine counties had their operational capacity change between fiscal 2010 and 2011, as seen in **Exhibit 4**, to provide a net increase of 360 beds. When asked about the reasons for the changes in capacity, DPSCS could not provide an explanation and indicated their role was only as information gatherer. Under §11-105(b) of the Correctional Service Article, however, the Secretary of DPSCS is required to *annually review and study* each county's local correctional population. Understanding the operational impact of changes in the local correctional population can be difficult if there are unexplained but significant changes in capacity from one year to the next. It also poses a problem with evaluating and understanding a county's potential need for State financial assistance with a construction project.

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**Exhibit 4**  
**Local Jails and Detention Centers Change in Operational Capacity**  
**Fiscal 2010-2011**

<u>County</u>	<u>2010 Operational Capacity</u>	<u>2011 Operational Capacity</u>	<u>2010-2011 Change in Capacity</u>
Allegany	234	250	16
Anne Arundel	1,175	1,415	240
Baltimore	1,513	1,513	0
Calvert	228	228	0
Caroline	135	125	-10
Carroll	185	185	0
Cecil	204	201	-3
Charles	393	409	16
Dorchester	280	280	0
Frederick	476	527	51
Garrett	77	64	-13
Harford	454	454	0
Howard	370	370	0
Kent	75	75	0
Montgomery	1,399	1,399	0
Prince George's	1,332	1,332	0
Queen Anne's	148	148	0
St. Mary's	245	245	0
Somerset	120	120	0
Talbot	148	157	9
Washington	345	345	0
Wicomico	502	502	0
Worcester	426	480	54
<b>Total</b>	<b>10,464</b>	<b>10,824</b>	<b>360</b>

Source: *Joint Chairmen's Report on Local Jails and Detention Centers Population Statistics, Fiscal 2011 and 2012*

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### *Local Jails and Detention Centers – Capital Budget Overview*

The provision of population data 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 adopt narrative requiring DPSCS to submit a report providing population statistics by jurisdiction and a justification for any changes in operating capacity from the prior year in order to accurately assess the capacity needs of local jails and detention centers.**

### **Update of Previously Funded Projects**

Cecil, Prince George's, and St. Mary's counties have received State funding to address capacity needs which are not yet reflected in the data presented in Exhibit 3. Cecil County anticipates the 124-bed expansion project to be complete and occupied by October 2012. Prince George's County anticipates the new 96-bed housing unit coming online in May 2012. St. Mary's County experienced some delays during the design process, which delayed procurement of the construction contract. The county intends to release the solicitation for construction bids in April 2012, with the intention of awarding the construction contract by August 2012. St. Mary's County has received \$5.5 million in previously authorized general obligation bond funding to begin construction of five, 56-bed minimum security housing units. The State's estimated future commitment for completion of the St. Mary's County project is approximately \$4.5 million and will likely be required in fiscal 2014.

## ***GO Bond Recommended Actions***

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1. Adopt the following narrative:

**Local Jails and Detention Centers Population Statistics Analysis:** As overseer of the Local Jails and Detention Centers *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 following statistics:

- 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 operational capacity;
- the range in the number of inmates exceeding operational capacity;
- the average amount the population exceeded capacity; and
- the peak inmate population.

In addition to providing the aforementioned statistics, the report shall also identify any changes in the reported operational capacity for each facility and provide an explanation for the change.

Receipt of this information for every county on an annual basis will allow the General Assembly, the Department of Budget and Management, DPSCS, and the counties to better assess local jails and detention centers capital needs. Understanding the reason for any changes in operational capacity each year will also provide a better analysis of the true impact resulting from changes in the population. The report shall be submitted to the budget committees no later than September 1, 2012, and annually thereafter.

<b>Information Request</b>	<b>Author</b>	<b>Due Date</b>
Local jails and detention centers population statistics analysis	DPSCS	September 1, 2012, and annually thereafter

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2. Approve \$50,000 in general obligation bond funds to upgrade the fire alarm system at the Wicomico County Detention Center.
3. Approve the de-authorization of \$117,000 in general obligation bond funding from the Frederick County Detention Center expansion project.