

QO
Department of Public Safety and Correctional Services

Capital Budget Summary

**Summary of State-owned Projects Funded in Governor's Request
(\$ in Millions)**

<i>Project Title</i>	<i>Prior Approp.</i>	<i>FY 2014 Request</i>	<i>Future Estimated</i>	<i>Estimated Total</i>	<i>DLS FY 2014 Recommd.</i>
MD House of Correction Deconstruction	\$5.498	\$4.306	\$0.000	\$9.804	\$4.306
Dorsey Run Correctional Facility	34.424	0.987	18.850	54.261	0.000
Total	\$39.922	\$5.293	\$18.850	\$64.065	\$4.306

<i>Fund Source</i>	<i>Prior Approp.</i>	<i>FY 2014 Request</i>	<i>Future Estimated</i>	<i>Estimated Total</i>	<i>DLS FY 2014 Recommd.</i>
GO Bonds	\$19.922	\$5.293	\$18.850	\$0.000	\$4.306
Federal Funds	20.000	0.000	0.000	0.000	0.000
Total	\$39.922	\$5.293	\$18.850	\$64.065	\$4.306

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Analysis of the FY 2014 Maryland Executive Budget, 2013

Summary of Issues

Baltimore City Youth Detention Center: Amid community and advocacy group pressure, plans for the construction of a new Youth Detention Center (YDC) to house youth charged as adults in Baltimore City have been revised. The current plan entails a renovation and the construction of an addition to the current Baltimore Pre-Release Unit (BPRU) facility to house 60 youth charged as adults. The U.S. Department of Justice is disturbed that the conditions in the current detention center facility do not provide adequate program or education space for youth charged as adults and do not comply with sight and sound separation requirements. The State has extended the agreement to resolve issues by April 2014; however, there are no funds programmed within the Governor's fiscal 2014-2018 five-year *Capital Improvement Program* for the renovation. **The Department of Legislative Services (DLS) recommends adding funds to the capital budget to move forward with the BPRU renovation.**

Dorsey Run Correctional Facility: The first of two 560-bed housing units is set to come on line in September 2013. The Department of Budget and Management decided against adding new positions for the operation of the Dorsey Run Correctional Facility and instead has chosen to close the Jessup Pre-Release Unit and transfer both staff and inmates to the new facility. This project is a key component in the department's plans to reclassify the inmate population and eliminate the use of nonconventional beds, which will increase the need for new minimum security beds. Furthermore, the project justification is tied to other Department of Public Safety and Correctional Services (DPSCS) capital projects, some of which have been rescope and deleted. **With respect to the budgeting of funds to start design and construction of the second compound, DLS advises that there is no immediate need for the minimum security beds this would bring on line and instead recommends the State focus on funding the new YDC, which should be considered a priority.**

Deconstruction of the Maryland House of Correction: As of March 2013, the department has received bid responses for the deconstruction project for the Maryland House of Correction. DPSCS will deconstruct the building in order to salvage materials for sale. Inmate labor will be used (after the appropriate training is administered) to dismantle, remove, and load materials. The department is estimating that 120 inmates will be trained and then used at the contractor's discretion. Direct supervision by correctional officers will be discussed and outlined in detail once a specific contractor is chosen. The project involves deconstruction of 16 out of the 17 total buildings; the hospital building will not be deconstructed at this time. DPSCS has not identified a use for the site once the deconstruction is complete.

Summary of Recommended Bond Actions

	<u>Funds</u>
1. Dorsey Run Correctional Facility	-\$987,000 GO
Defer funding for the second 560-bed Dorsey Run facility until a reevaluation can occur in the 2014 session.	
2. Youth Detention Center	2,600,000 GO
Add language to authorize funds for the design of a new Youth Detention Center.	
3. DPSCS Vocational Education Building	
Approve.	
4. DPSCS New Women's Detention Facility	
Approve.	
5. DPSCS Public Safety Education and Training Center	
Approve.	
6. DPSCS New Women's Detention Facility	
Approve.	
7. DPSCS New Youth Detention Facility	335,000 DA
Decrease the de-authorization by \$335,000 in order to make payments for work already performed.	
8. DPSCS Vocational Education Building	
Approve.	
9. DPSCS New Youth Detention Facility	
Approve.	
Net Actions	\$1,948,000

Budget Overview

Fiscal 2014 Capital Budget

The fiscal 2014 capital budget funds two projects for the Department of Public Safety and Correctional Services (DPSCS), the deconstruction of the Maryland House of Correction and building the second compound for the Dorsey Run Correctional Facility (DRCF). Six additional projects are included in the next five years showing the Governor's future intent.

Five-year Capital Improvement Program

The State-owned *Capital Improvement Program* (CIP) chart shows the 2013 session fiscal 2014 through 2018 CIP for the department, which includes funding to upgrade aging infrastructure, reduce inmate idleness, and provide additional training facilities. Excluding funding programmed for local jail and detention center program grants, there are seven projects included in the DPSCS capital program, requiring approximately \$90.5 million in general obligation (GO) bond funding over the next five years.

Funding for the Maryland House of Correction Deconstruction and Phase II of DRCF have been accelerated relative to the 2012 session CIP. Due to other priorities, the scope of the Women's Detention Center (WDC) is under reevaluation and has been deferred. The department's replacement of the housing unit windows and heating system at the Maryland Correctional Training Center (MCTC), as well as the Maryland Correctional Institution – Hagerstown (MCI-H) Perimeter Security Upgrade, remain on the same schedule as presented in the previous CIP. The majority of the funding for the MCTC project has been placed in fiscal 2015 instead of 2016 in the new CIP, which allows for the worst of the buildings to be serviced first.

Two project deletions occurred in the new CIP, the Youth Detention Center (YDC), as well as funding in fiscal 2014 for local jails and detention centers. The YDC project is discussed in more detail in the Issues section of this analysis. The Local Jail and Detention Center project in St. Mary's County is on hold, and no other projects were slated for fiscal 2014, resulting in no money allocated.

Capital Improvement Program

State-owned Capital Improvement Program (\$ in Millions)

<i>Projects</i>	<i>Prior Auth.</i>	<i>2014 Request</i>	<i>2015 Est.</i>	<i>2016 Est.</i>	<i>2017 Est.</i>	<i>2018 Est.</i>	<i>Beyond CIP</i>
Maryland House of Correction Deconstruction	\$5.498	\$4.306	\$0.000	\$0.000	\$0.000	\$0.000	\$0.000
Dorsey Run Correctional Facility	34.424	0.987	18.850	0.000	0.000	0.000	0.000
Women's Detention Center	0.000	0.000	0.000	0.000	8.350	14.250	175.650
MCE Textiles and Graphic Shops	0.000	0.000	0.000	0.600	6.750	0.200	0.000
MCI-H Perimeter Security Upgrade	0.000	0.000	0.000	0.800	0.000	7.600	9.000
MCTC Housing Unit Windows and Heating System Replacement	10.329	0.000	11.150	0.900	0.000	12.300	0.000
PSTC New Training Facilities	59.554	0.000	0.000	3.200	0.250	0.000	0.000
Local Jail and Detention Center	0.000	0.000	2.500	5.000	10.000	10.000	0.000
Total	\$109.805	\$5.293	\$32.500	\$10.500	\$25.350	\$44.350	\$184.650

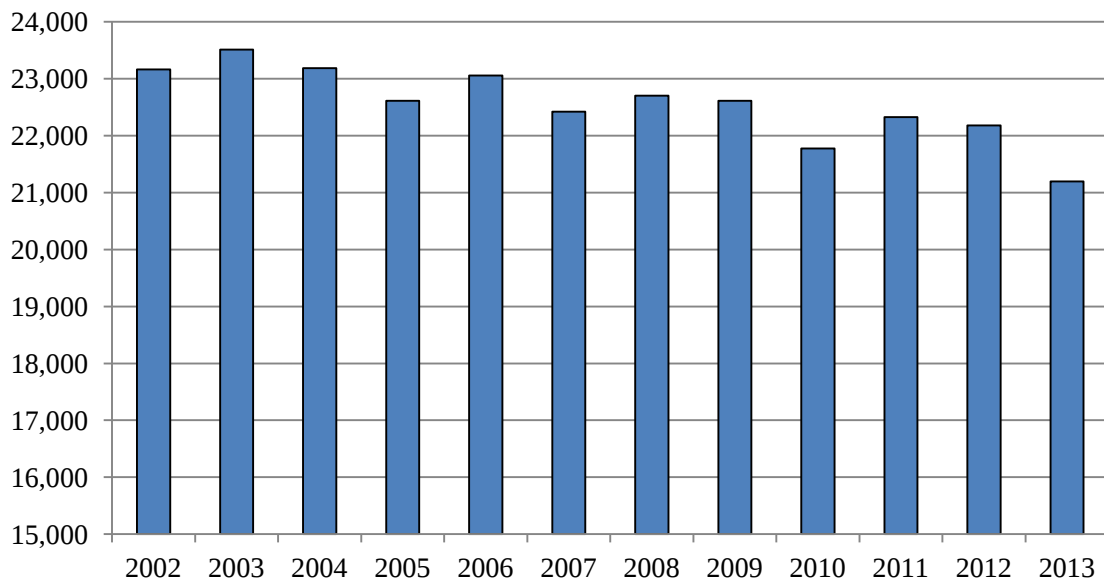
<i>Fund Source</i>	<i>Prior Auth.</i>	<i>2014 Request</i>	<i>2015 Est.</i>	<i>2016 Est.</i>	<i>2017 Est.</i>	<i>2018 Est.</i>	<i>Beyond CIP</i>
GO Bonds	\$89.805	\$5.293	\$32.500	\$10.500	\$25.350	\$44.350	\$184.650
PAYGO FF	20.000	0.000	0.000	0.000	0.000	0.000	0.000
Total	\$109.805	\$5.293	\$32.500	\$10.500	\$25.350	\$44.350	\$184.650

MCE: Maryland Correctional Enterprises
MCI-H: Maryland Correctional Institution – Hagerstown
MCTC: Maryland Correctional Training Center
PSTC: Public Safety Training Center

Inmate Population and Capacity

The DPSCS population had experienced significant growth in the 1990s through fiscal 2003. In the latter half of the past decade, however, the State inmate population has leveled off and is now experiencing a decline. **Exhibit 1** provides average daily population (ADP) data from fiscal 2002 through 2012 for the inmate population housed in DPSCS facilities. Fiscal 2003 saw the highest ADP numbers in the last decade, reaching 23,500 inmates. Over the next nine fiscal years, ADP declined 7.9% to its most recent low of 21,772 inmates in fiscal 2010. Fiscal 2011 saw an increase of 551 inmates, followed by a slight decrease in fiscal 2012 to total 22,178. For the first seven months of fiscal 2013 the ADP is 21,198. According to the department's population estimates, a reduction in the population is anticipated to continue throughout fiscal 2013 and beyond, due to the increased number of released inmates from the earned release policy (ERP).

Exhibit 1
Average Daily Population
Department of Public Safety and Correctional Services
Fiscal 2002-2013 Year-to-date



Source: Department of Public Safety and Correctional Services

Exhibit 2 shows the department's current capacity versus the end-of-month inmate population for January 2013, delineating between conventional and nonconventional bed space. The exhibit also indicates the relationship of the population with the current operational bed capacity. This differs from the design capacity in that it counts beds which are created through the use of double celled and nonconventional bed space. As such, the reported capacity of each facility can vary from year to year, as operational shifts are made for the housing of inmates.

Exhibit 2
Capacity versus Population
Department of Public Safety and Correctional Services

<u>Facility</u>	<u>Total Capacity</u>	<u>Conventional Beds</u>	<u>Nonconventional Beds</u>	<u>EOM Jan 2013</u>
Maximum and Administrative Security				
Chesapeake Detention Facility (formerly MCAC) ¹	578	578		402
Maryland Correctional Institution – Women ²	854	854		744
Maryland Reception, Diagnostic, and Classification Center ³	808	768	40	744
North Branch Correctional Institution	1,514	1,514		1,416
Patuxent Institution	1,286	1,172	114	915
Total Maximum and Administrative Beds	5,040	4,886	154	4,221
Medium Security				
Eastern Correctional Institution	2,743	2,743		2,683
Jessup Correctional Institution ⁴	1,769	1,769		1,726
Maryland Correctional Institution – Hagerstown	2,117	1,585	532	1,980
Maryland Correctional Institution – Jessup	1,068	1,018	50	1,042
Maryland Correctional Training Center	2,587	2,587		2,524
Roxbury Correctional Institution	1,769	1,769		1,664
Western Correctional Institution ⁴	1,745	1,745		1,670
Total Medium Beds	13,798	13,216	582	13,289
Minimum Security				
Baltimore City Correctional Center	508	508		499
Brockbridge Correctional Facility	651	651		309
Central Maryland Correctional Facility	516	516		440
Eastern Correctional Institution – Annex	608	608		605
Jessup Pre-Release Unit	596	596		468

QO – Department of Public Safety and Correctional Services

<u>Facility</u>	<u>Total Capacity</u>	<u>Conventional Beds</u>	<u>Nonconventional Beds</u>	<u>EOM Jan 2013</u>
Metropolitan Transition Center	1,097	594	503	600
Total Minimum Beds	3,976	3,473	503	2,921
Pre-Release Beds				
Baltimore Pre-Release Unit	201	201		142
Eastern Pre-Release Unit	180	180		158
Maryland Correctional Training Center HED/EHU	346	346		269
Poplar Hill Pre-Release Unit	192	192		131
Southern Maryland Pre-Release Unit	180	180		163
Total Pre-Release Beds	1,099	1,099		863
Total DPSCS Corrections	23,913	22,674	1,239	21,294

EOM: end of month

HED/EHU: Harold E. Donnel Building and Emergency Housing Unit

MCAC: Maryland Correctional Adjustment Center

¹As of September 2010, the Maryland Correctional Adjustment Center houses only federal detainees but remains a State-operated facility.

² The Maryland Correctional Institution for Women is the only facility for female inmates and, therefore, houses women of all security levels. The security level is defined as administrative with a small number of women classified as maximum.

³ The security level of the Maryland Reception, Diagnostic, and Classification Center is maximum; however, only a fraction of inmates are actually classified as maximum.

⁴Jessup Correctional Institution and the Western Correctional Institution are medium security facilities which have designated segregated housing for inmates classified as maximum.

Source: Department of Public Safety and Correctional Services

The January ADP indicates that not only is the inmate population 2,600 beds below total operational capacity, but the current population is almost 1,400 inmates below the agency's conventional capacity. Making departmentwide totals a focus can be misleading, but on an individual facility level, MCI-H, MTC, and Maryland Correctional Institution – Jessup are the only facilities currently using nonconventional beds. The definition of a nonconventional bed is quarters originally designed for non-housing purposes converted to dormitories.

Using the population on January 31, 2013, the department would require only 419 nonconventional beds, keeping all inmates at their current facility. MCI-H requires the most nonconventional beds, but there is capacity to house all inmates in conventional housing within the department.

The minimum security ADP has decreased due to the implementation of the ERP. In January 2013, the medium security population exceeded conventional capacity by only 73 beds. With additional space in minimum security facilities and a push by the department to declassify inmates when appropriate, the department should eliminate all nonconventional bed space in the coming year. **The department should comment on a plan to eliminate reliance on nonconventional beds.**

Issues

1. Baltimore City Youth Detention Center

According to a 2000 investigation by the U.S. Department of Justice (DOJ), the conditions in the current detention center facility do not provide adequate program or education space for youth charged as adults and do not comply with sight and sound separation requirements. In 2003, the Baltimore City Detention Center (BCDC) voluntarily initiated a commitment to change the environment of the facility and a memorandum of agreement (MOA) was reached between DOJ and DPSCS in January 2007. DPSCS was granted an extension to the MOA, providing an additional two years (beginning in April 2012) to achieve compliance. DPSCS had determined that the most efficient and cost-effective way to address the DOJ concerns is through construction of a new YDC. As of January 2013, a new program plan has been developed. The Department of Juvenile Services (DJS) and DPSCS have joined together to back a plan for renovating the Baltimore Pre-Release Unit for a 60-bed facility housing specifically the youth charged as adult population. There is no funding in the CIP for any project regarding the youth charged as adult population.

Project History

The original DOJ case against the BCDC was filed in 1971 against the Baltimore City Jail. The case was reopened in 1976, and the courts have documented the living conditions at the facility since then. In October 2000, DOJ notified the State of its intent to investigate conditions of confinement at BCDC to determine whether the conditions violated inmates' constitutional rights. The Civil Rights of Institutionalized Persons Act investigation found BCDC to be deliberately indifferent to inmates' medical and mental health needs, among other findings, and that juveniles detained at the facility are not kept safe from potential harm by adult inmates.

In 2003, BCDC voluntarily initiated a commitment to change the environment of the facility, and an MOA was reached between DOJ and DPSCS in January 2007. The concerns identified by DOJ are problematic, and DPSCS does not have adequate space in the current facility to remedy the situation, thus the need for a new YDC. Renovation of the current facility would be cost prohibitive, especially at this point in the process.

The current environment in BCDC fails to meet constitutional minimums for youths held in an adult detention center. The existing infrastructure makes it impossible to comply with standards mandating sight and sound separation from the adult population. The youth held in BCDC, who are between the ages of 14 and 18 and are charged as adults for serious felonies, are housed adjacent to

adult housing areas and must still share common areas (halls, stairways, medical areas, etc.) with the adult population. Programming for youth within BCDC is also a challenge because physical space is severely limited. Multiple programs are required to share space simultaneously in the gyms, library, or day rooms. There is no space available for youth individual, group, or family counseling sessions, or providing privacy for attorney phone calls, etc. In addition, youth are currently housed in dormitory-style housing, as opposed to the standard singular cell housing typical for juveniles. The rooms do not meet standards for youth in terms of square footage, lighting, or furniture. The current BCDC has insufficient space to address the needs of a juvenile population in the following areas: medical, programming, psychology, education, recreation, storage, dietary, and housing.

Project Justification

The goal of building a detention center specifically for youth charged as adults is to have a facility that can be operated to both acknowledge the seriousness of the charges but still address the unique needs of the juvenile population. DPSCS has begun to alter the way youth are interacted with at BCDC by providing youth-oriented staff training, access to youth-targeted programs and services, and by relocating the male youths to dormitory-style housing in a separate structure from the rest of the men's detention center. However, the department believes that a new facility will best allow the unique needs of the juvenile population to be met.

According to DJS, if the statute were to be modified to transfer the youth charged as adult population to the juvenile justice system instead of the adult correctional system, a new YDC is a facility that would still be required, regardless of which department has jurisdiction over the population. Youth facing adult charges have significantly longer lengths of stay than other youth detained in the juvenile justice system, which requires unique programs and services. DJS does not currently provide the necessary services to youth who are in detention. In addition, DJS does not have capacity in its detention facilities to accommodate the youth charged as adult population, particularly in Baltimore City.

If a new youth facility were constructed in Baltimore City, then some of the pending population from the Baltimore City Juvenile Justice Center (BCJJC) could be transferred. A decreased population at BCJJC could provide an option for more youth charged as adults to be housed within DJS custody. Yet, currently, there are too many ifs and moving parts for this to be a reliable option.

A new YDC would be a standalone facility providing sight and sound separation for the youth population. It would consolidate housing, educational, and recreational functions in one facility and help to relieve overcrowding in other areas of BCDC. A new facility would offer a unique opportunity for the youth charged as adult population in Baltimore City. In other local jurisdictions in the State, youth facing adult charges are housed in the local adult detention center. With a new YDC, youths facing serious adult felony charges will be detained in a separate facility, designed to provide the unique programs and services to address this specific population.

BCDC is an aging facility that is housing a population close to total capacity of its original design. A new detention center to address the needs of this juvenile population needs to be built

because the concerns expressed by DOJ and other organizations cannot realistically be addressed through any other avenue.

Project Status

DPSCS had completed the design phase of the YDC project, based on the existing program plan size and capacity of 180 beds. The department had anticipated awarding a construction contract in late fall 2010 but delayed the award in anticipation of results from a new population analysis conducted by the National Council on Crime and Delinquency (NCCD). When the program plan for the project was submitted, DPSCS had used a variety of data from 2000 through 2007 to generate projections for the youth charged as adult population. At the time (November 2007), the average population of youth in BCDC was 120 youth per day, with a peak near 150. The average population for fiscal 2011 had been significantly lower, providing a justification for the reevaluation.

The NCCD findings were released in May 2011, forecasting the need for 117 beds over the next 30 years, as opposed to 180 beds. In the 2012 session, DPSCS proposed resizing the facility to provide 120 single-occupancy beds, with the potential to increase bed space to 180. The scaled down proposal is no longer pursued as a viable alternative, instead DPSCS and DJS advocate renovating the Baltimore Pre-Release Unit (BPRU) to provide a 60-bed facility for youth charged as adults.

DPSCS has stated DOJ acknowledged the plan to renovate BPRU and is comfortable with the vague outline presented to remedy current violations. The new program plan is for a 60-bed facility, which was submitted to the Department of Budget and Management (DBM) in January 2013 and is currently under review. The plan specifically entails the complete renovation of the 201-bed BPRU, minor alterations to the Occupational Skills Training Center (OSTC), and the construction of an addition to provide space for 50 males and 10 females. Program space is currently limited, and the new facility would provide for Administration, Housing, Admissions/Release, Health Center, Behavioral Health, Food Service, Security and Control, Visitation, Education, and Recreation.

While the current ADP hovers around 45, since no policy or procedural changes went into place resulting in the decrease in ADP over the last few years, allocating funds to build only a 60-bed facility presents some risks, considering in the last 12 months the population has been 52. Trends go up and down since there is no explanation for the decrease in youth charged as adults; the ability to house ADP numbers from five or six years ago need to be taken into account when building or renovating a facility. Baltimore City is currently losing population as a whole, yet the State is hoping to reverse that trend. When previously proposing the 120-bed facility, it had the potential to increase bed space to 180. Program space should also be designed to accommodate a surge in population, should it occur. **The department should comment on the ability to double cell and what surge capacity the renovated YDC would be able to accommodate.**

Funding and Expenditures

According to the Governor's fiscal 2013-2017 five-year CIP, the estimated total cost for the 120-bed YDC project was approximately \$106.6 million; however, this could be significantly reduced if the facility is redesigned to a lower capacity. To date, a total of \$32.7 million has been

appropriated for this project, including approximately \$8.2 million for planning and \$24.5 million for construction. In addition, the Maryland Consolidated Capital Bond Loan (MCCBL) of 2011 pre-authorized \$41.1 million in fiscal 2013 and \$21.7 million in fiscal 2014 for out-year construction funding. The MCCBL of 2012 de-authorized and repurposed \$16.9 million of the construction funding, leaving \$5.5 million for the department to redesign the facility to the 120-bed capacity. The MCCBL of 2013 de-authorizes approximately an additional \$9.1 million, and no money is included within the Governor's fiscal 2014-2018 five-year CIP for the newly proposed BPRU renovation and addition projects.

Potential Concerns

Public debate has surrounded the project since the 2011 session, and some concern exists with both the original and the new population projections. For instance, the fiscal 2007 population projections utilize a much higher peaking and classification factor than does the NCCD study. This contributes to the significant difference in the projected capacity requirements between the two studies. NCCD criticizes the 2007 population projections for focusing on years where the data trends are increasing, which leads to an inflated capacity; however, the revised NCCD projections largely focus on the 2010 and 2011 data, where trends are primarily in decline and result in a much smaller figure. This means that the original population projection was likely too high, but if trends were to shift again, a facility sized to the NCCD population projections, 120 beds, could be too small. The proposed 60-bed facility, even with the capacity for limited double celling to a bed capacity of 100-beds, clearly presents some risks associated with population growth.

Neither the original nor the revised projections provide an analysis that encompasses all years of data. The original population projections, submitted to DBM in November 2007, were based on a youth charged as adult population of 120 youth, with a peak population near 150 youth. The average population of youth charged as adults over the last 12 months has ranged from 34 to 52 youth. Criminal justice trends across the country have been in decline for the past five years, particularly among the juvenile population; however, the reason for the decline has not been clearly identified. If the population remains in line with fiscal 2006 through 2011 data and follows the NCCD projections, a 120-bed facility would be adequate. If, however, the trends were to shift and the population began to increase significantly, like what occurred between fiscal 2000 and 2005, a 120-bed facility could be over capacity in less than 30 years. If that were the case, the State would have few options for resolution, particularly given the site constraints.

A final consideration when evaluating the proper size of this facility is its location. The facility is to be constructed in Baltimore City across the street from the current correctional complex. Once the facility is built, the only option for future modification if the population were to exceed capacity is to build upward, which can be a difficult and expensive undertaking. The population projections are for the next 30 years, which is the typical lifespan for a capital construction project; however, if history is any indicator, this facility will be utilized for much longer. Thinking long-term and given the site constraints, undersizing the project could become a serious issue in the future, particularly if the population were to grow faster than anticipated in the NCCD projections, which recommended a 120-bed facility.

Conclusion

A 60-bed facility is not ideal; however, advocates, DPSCS, and DJS have stated building a completely new YDC is no longer the selected course of action.

Although the scope is questionable at 60 beds, in order to facilitate requirements set by DOJ, action needs to be taken on providing a more stable and safe environment for youth charged as adults in Baltimore City.

There are inherent risks in determining the appropriate size of any new facility, in particular correctional facilities, where future populations can be heavily influenced by a myriad of other policy decisions. The inability to increase the building capacity through even a limited use of double celled occupancy is concerning to DLS. **DLS recommends adding funds to the capital budget to move forward with the BPRU renovation.**

2. Dorsey Run Correctional Facility

Background

To address the need for minimum security beds, DPSCS entered into an agreement with the U.S. Marshals Service to operate the Chesapeake Detention Facility (formerly the Maryland Correctional Adjustment Center) as a 500-bed federal detention center, in exchange for operating funds for the detention center and \$20 million in federal funding to be used toward construction of a new State facility.

DRCF is located within the Jessup Correctional Complex on a parcel of land between the Maryland House of Correction and the Jessup Pre-Release Unit (JPRU). The project consists of two compounds, each consisting of two two-story, 280-bed dormitory style housing units; a support services building; a strip search room; recreation yard; parking lot; and a perimeter security system with sallyport, utilities, and lighting. In total, the project will provide 1,120 new minimum security beds.

The project is being built in two phases using a design/build methodology. When originally proposed in the 2009 session, the project was to be built in three phases. Phase I was to be construction of the first compound, anticipated to take 28 months to complete, with an estimated completion date of December 2011. Phase II was to consist of construction of the first housing unit of Compound 2 and the support services building. It was estimated that Phase II would require 20 months to complete and had an estimated finishing date of August 2012. Phase III consisted of constructing the final housing unit of Compound 2 and had an estimated completion date of May 2013. Due to delays in securing the federal funding and associated operating agreement for the federal detention center, initial work on the project did not begin until May 2011.

Status

A design/build construction contract has been awarded for Phase I, which consists of complete construction of the first 560-bed compound (East compound) and grading/earthwork for the second 560-bed compound (West compound). The design of the Phase I site work, buildings, and utilities is 100% complete and signed off to begin construction. The construction is approximately 85% complete as of the end of the February 2013. Phase I is now anticipated to be complete by September 2013.

Approximately \$23.2 million (\$13.2 million in GO bonds and \$10.0 million in federal pay-as-you-go (PAYGO)) was authorized in the MCCBL of 2009 for design and construction of Phase I. An additional \$2.1 million in federal PAYGO was provided as a fiscal 2012 deficiency appropriation for construction management and inspection testing services. The \$23.2 million in prior authorizations has been encumbered by the department, and the deficiency is needed to avoid delays in construction. The remaining federal funds of \$7.9 million were included within the fiscal 2013 appropriation as PAYGO funds.

Implications

The total estimated cost of the project is \$54.3 million, up significantly from the \$46.6 million estimate when the project was first funded in the 2009 session. The first 560-bed facility is set to come on line September 2013. DBM decided to add no new positions for the operation of DRCF, choosing instead to close JPRU and transfer both staff and inmates to DRCF.

Funding for the second 560-bed minimum security compound of DRCF should be postponed for a year. Department priorities and capacity needs have changed since the initial proposal for DRCF and even from DBM's justification in the worksheet provided in January. The first 560-bed facility is set to open in fall 2013, the capacity is not needed for the department, and DPSCS has chosen to close JPRU in order to use the staff to operate DRCF, not out of necessity for closure but for its proximity to DCRF.

The department has had population and policy changes since the beginning of the discussion regarding DRCF. Included in the DBM worksheet, justification for the second facility is the need for the facility to accommodate planned capital projects, such as the demolition of the Jail Industries building, none of which are included in the five-year CIP.

A new facilities master plan is scheduled to be produced by the beginning of fiscal 2014; with the plan and an understanding of the impact of the department's new ERP; the option to build the second Dorsey Run compound should be reevaluated in the 2014 session. Non-conventional beds have been used for years, and with the decrease in inmate population, shifting inmates to other facilities could eliminate beds if, as the department anticipates, the ERP is successful.

The money slated to be spent on the second compound could be used to begin the renovation of BPRU, which is slated to house the youth charged as adult population in Baltimore City. Since the

need for capacity is not necessary at the minimum security level, the money should be spent to satisfy DOJ requirements for better housing for youth charged as adults.

Conclusion

Due to the need to prioritize BPRU renovation in order to comply with DOJ and the changes in policy and population which have taken place without the General Assembly seeing a new facility master plan, funding for the second Dorsey Run complex should be postponed until the 2014 session in order to observe the implications of the ERP and additional policy changes. **DLS recommends postponing the allocation of funds for the remaining Dorsey Run compound and reevaluating in the 2014 session.**

3. Deconstruction of the Maryland House of Correction

In March 2007, the Maryland House of Correction was decommissioned. DPSCS will deconstruct the building in order to recycle materials and reduce deconstruction costs. Inmate labor will be used (after the appropriate training is administered) to dismantle, remove, and load materials. The department is estimating that 120 inmates will be trained and then used at the contractor's discretion. Direct supervision by correctional officers will be discussed and outlined in detail once a specific contractor is chosen. The project involves deconstruction of 16 out of the 17 total buildings; the hospital building will not be deconstructed at this time. DPSCS has not identified a use for the site once the deconstruction is complete.

According to the 2011 *Joint Chairmen's Report* request for information on the use of inmate labor for this project, a pool of approximately 120 inmates, who either have previous construction experience or are relatively unskilled but are medium security and within five years of release, will receive some form of training to fill positions needed throughout the duration of the project. The cost of providing the training is estimated at \$140,000. DPSCS has received \$150,000 of grant funding from the Abell Foundation to offset the cost. The actual number of inmates working on a given day will vary. Work crews assigned to an activity will operate in small groups of 8 to 10 inmates, depending on the activity. Inmate labor is expected to be utilized in two ways. Some inmates, under the supervision of correctional maintenance officers, will be involved in dismantling and soft demolition work. This largely involves stripping off loose or lightly fastened items and storing them for salvage or disposal by the contractor. Other inmates will be under the oversight of the deconstruction contractor and will be involved in work requiring heavy equipment and specialized training for removal and disposal activities.

The following training programs will be provided to inmates as necessary:

- Occupational Safety and Health Administration (OSHA) compliance, a 10-hour course providing inmates with an understanding of safety issues on the job site;
- training that teaches safety protocols, the basics of working with common construction tools and equipment, and provides practical exercises for the demonstration of learned skills;

- HazMat training for inmates involved in the cleanup of hazardous materials, such as lead paint, asbestos, universal wastes, etc.; and
- other training in applicable trades or disciplines identified as necessary prior to the deconstruction start date.

The HazMat and OSHA training will result in a certificate for all inmates who complete the training. DPSCS is working with the Department of Labor, Licensing, and Regulation to develop programs which would allow inmates to count time worked on the deconstruction project toward the hours needed to complete an apprenticeship program and obtain employment in the field upon reentry. If the use of inmate labor for this project is successful in training inmates for employment in the construction field upon release, DPSCS has indicated it would evaluate how the training programs can be effectively sustained once the project is complete.

As of March 2013, the department has received bids for the project and identified the first group of inmates to be trained.

Operating Budget Impact Statement

Executive's Operating Budget Impact Statement (\$ in Millions)

		<i>FY 2014</i>	<i>FY 2015</i>	<i>FY 2016</i>	<i>FY 2017</i>	<i>FY 2018</i>
Dorsey Run Correctional Facility 560-bed Minimum Security Compound II						
	Estimated Operating Cost	\$0.000	\$0.000	\$3.621	\$7.653	\$7.653
	Estimated Staffing	0	0	109	109	109
Maryland House of Correction Deconstruction						
	Estimated Operating Cost	\$0.279	\$0.140	\$0.000	\$0.000	\$0.000
	Estimated Staffing	0	0	0	0	0
Total Operating Impact						
	Estimated Operating Cost	\$0.279	\$0.140	\$3.621	\$7.653	\$7.653
	Estimated Staffing	0	0	109	109	109

Summary of Other Projects in the Capital Improvement Program

There are five projects in the five-year CIP that are not receiving funding in fiscal 2014 but are slated as future projects. Due to other priorities, the scope of the WDC will be readdressed in fiscal 2017, deferred one year from the previous CIP. There are four remaining projects in the CIP:

- **Housing Unit Windows and Heating Systems Replacement at MCTC** – The six housing units at MCTC need new windows and heating systems; the first two housing units are currently under construction. In fiscal 2015, there is \$11.2 million for construction funds for the second set of two housing units. In order to replace both the windows and heating systems in the final two housing units, \$900,000 for planning is requested in fiscal 2016 and \$12.3 million for construction in fiscal 2018.
- **New Training Facility at Public Safety Training Center** – A Simulation Training Environment for preparing officers for scenarios faced in the field requires \$3.2 million for construction in fiscal 2016 and \$250,000 for equipment in fiscal 2017.
- **MCI-H Perimeter Security Upgrade** – Replacing the 12-foot high perimeter with one of 16 feet, an intrusion alarm, and a fence-approach detention system will require \$800,000 in planning funds in fiscal 2016 and \$7.4 million for construction in fiscal 2018. The increased height and security measures will improve reaction time if a breach is attempted and overall public safety.
- **Maryland Correctional Enterprises Textiles and Graphics Shops Expansion** – Inmate idleness can be a serious problem, especially at higher security level facilities. Expanding the textile and graphic shops of Maryland Correctional Enterprises (MCE) will not only give inmates jobs but will also increase revenues to MCE. Planning would begin in fiscal 2016 requiring \$600,000; approximately \$6.8 million would be needed to begin construction of the addition in fiscal 2017, and the equipment would involve an additional \$200,000 authorized in fiscal 2018.

Projects Deferred in Fiscal 2014

WDC has been deferred to reevaluate scope, as seen in **Exhibit 3**. The original plan was for the YDC and WDC to share services. Since the change in site location and design of the YDC, the WDC scope needs to be reexamined in order for it to operate as a standalone facility. A new women's facility would provide space for all needed functions, as well as provide complete separation from the male population. Funds have been deferred from fiscal 2016 to 2017.

**Exhibit 3
Projects Deferred
Fiscal 2014**

<u>Project</u>	<u>Description</u>	<u>Reason for Deferral</u>
Baltimore City Detention Center – Women’s Detention Center (WDC)	A new facility for detaining women in Baltimore City	Reevaluate the scope of the WDC in order to create a standalone facility

Source: Department of Budget and Management, Fiscal 2014 *Capital Improvement Program*

Projects Removed from the *Capital Improvement Program*

Two projects have been deleted for fiscal 2014 funding shown in **Exhibit 4**. The BCDC YDC project has been deleted from the CIP due to reexamination of scope. DJS and DPSCS have joined together to back a plan for renovating the Baltimore Pre-Release Unit for a 60-bed facility. There is no funding in the CIP for any project regarding the youth charged as adults population.

The second project from which fiscal 2014 funds were deleted was the Local Jail and Detention Center project in St. Mary’s County. Funding in fiscal 2014 was deleted since the St. Mary’s County Detention Center project is on hold. By law, the State funds 50% of eligible capital costs for local correctional facilities and 100% of eligible capital costs of capacity needed for additional inmates directed by law to local facilities. Funds are slated for future years on the anticipation localities will be building or renovating facilities.

Exhibit 4
Projects Removed from the *Capital Improvement Program*
Fiscal 2014

<u>Project</u>	<u>Description</u>	<u>Reason for Removal</u>
Youth Detention Center	Build a new facility to house youth charged as adults in Baltimore City	The funds were allocated for building a new facility and the plan no longer includes construction
St. Mary's County Detention Center	A new detention center in St. Mary's County	Construction is on hold
Western Correctional Institution 280-bed Minimum Security Compound	Build a new 280-bed minimum security compound in Western Maryland	Capacity not needed at this time, scope to be reevaluated

Source: Department of Budget and Management, Fiscal 2014 *Capital Improvement Program*

Pre-authorizations and De-authorizations

Exhibit 5 identifies the seven de-authorizations for four projects provided by DBM for DPSCS. The Vocational Education Building and the Public Safety Education and Training Center projects are both complete and de-authorizing unused funds. WDC and YDC are both on hold pending scope reevaluations. The original plan was to build a facility where WDC and YDC would share services; since the plan has changed, a new scope will be produced for each as a separate building.

The DBM de-authorization regarding YDC needs to be decreased by \$335,000 in order to make payments for work already performed. The adjustment would reduce the de-authorization from \$8,458,000 to \$8,123,000.

Exhibit 5
De-authorizations

<u>Project</u>	<u>De-authorized Amount</u>	<u>Reason</u>
Vocational Education Building (Chapter 336 of 2008)	\$118,000	Project Complete
Vocational Education Building (Chapter 485 of 2009)	145,000	Project Complete
New Women’s Detention Facility (Chapter 336 of 2008)	2,568,000	Project on Hold Pending Scope Reevaluation
New Women’s Detention Facility (Chapter 485 of 2009)	4,055,000	Project on Hold Pending Scope Reevaluation
Public Safety Education and Training Center (Chapter 485 of 2009)	250,000	Project Complete
New Youth Detention Facility (Chapter 485 of 2009)	8,458,000	Project on Hold Pending Scope Reevaluation
New Youth Detention Facility (Chapter 483 of 2010)	597,000	Project on Hold Pending Scope Reevaluation

Source: Department of Budget and Management, Fiscal 2014 *Capital Improvement Program*

- | | | |
|---------|--|------|
| QB0604A | Dorsey Run Correctional Facility | \$ 0 |
|---------|--|------|

Authorization

QP00	Youth Detention Center	\$ 2,600,000
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(A)	<u>New Youth Detention Center. Provide funds to design a new Youth Detention Center. A renovation of the Baltimore Pre-Release Unit and the Occupational Skills Training Center and the building of an addition would house the youth charged as adult population.</u>	2,600,000
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Authorization
2,600,000

21

QO – Department of Public Safety and Correctional Services

3. Approve the \$118,000 de-authorization for the Vocational Education Building project since it is complete.
4. Approve the \$2,568,000 de-authorization for the New Women's Detention Facility since it is on hold pending scope reevaluation.
5. Approve the \$250,000 de-authorization for the Public Safety Education and Training Center project since it is complete.
6. Approve the \$4,055,000 de-authorization for the New Women's Detention Facility since it is on hold pending scope reevaluation.
7. Decrease the de-authorization by \$335,000 in order to make payments for work already performed.

ZF1900	DPSCS New Youth Detention Facility.....	\$ 0
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Add the following language:

- | | | |
|-----|---|------------------|
| (B) | New Youth Detention Facility. Provide funds for complete design and to construct a New Youth Detention Facility | [11,800,000] |
| | | 3,342,000 |
| | | 3,677,000 |

Explanation: The Department of Budget and Management de-authorization needs to be decreased by \$335,000 in order to make payments for work already performed. The adjustment reduces the de-authorization amount from \$8,458,000 to \$8,123,000.

8. Approve the \$145,000 de-authorization for the Vocational Education Building project since it is complete.
9. Approve the \$597,000 de-authorization for the New Youth Detention Facility since it is on hold pending a scope reevaluation.