

**Q0**  
**Department of Public Safety and Correctional Services**

***Capital Budget Summary***

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

<b>Projects</b>	<b>Prior Auth.</b>	<b>2017 Request</b>	<b>2018 Est.</b>	<b>2019 Est.</b>	<b>2020 Est.</b>	<b>2021 Est.</b>	<b>Beyond CIP</b>
<b>Division of Correction</b>							
MCIH Perimeter Security Upgrade	\$0.000	\$1.042	\$10.034	\$9.824	\$1.500	\$0.000	\$0.000
MCTC Housing Unit Windows and Heating System Replacement	16.819	0.655	0.000	0.677	5.932	5.763	0.000
Jessup Region Electrical Infrastructure Upgrade (Anne Arundel)	0.000	0.382	0.467	7.423	7.210	0.000	0.000
ECI High Temperature Hot Water System Improvements	4.925	1.945	0.000	0.000	0.000	0.000	0.000
<b>Division of Pretrial Detention</b>							
Baltimore Justice Center	0.000	18.270	37.956	183.050	145.000	64.819	0.000
Demolition of Buildings at the Baltimore City Correctional Complex (Baltimore City)	0.000	16.581	16.925	0.000	0.000	0.000	0.000
BCDC Youth Detention Center	33.736	3.647	0.000	0.000	0.000	0.000	0.000
<b>Total</b>	<b>\$55.480</b>	<b>\$42.522</b>	<b>\$65.382</b>	<b>\$200.974</b>	<b>\$159.642</b>	<b>\$70.582</b>	<b>\$0.000</b>

BCDC: Baltimore City Detention Center  
 CIP: *Capital Improvement Program*  
 ECI: Eastern Correctional Institution  
 MCIH: Maryland Correctional Institution – Hagerstown  
 MCTC: Maryland Correctional Training Center

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<b>Fund Source</b>	<b>Prior Auth.</b>	<b>2017 Request</b>	<b>2018 Est.</b>	<b>2019 Est.</b>	<b>2020 Est.</b>	<b>2021 Est.</b>	<b>Beyond CIP</b>
GO Bonds	\$55.480	\$42.522	\$65.382	\$200.974	\$159.642	\$70.582	\$0.000
<b>Total</b>	<b>\$55.480</b>	<b>\$42.522</b>	<b>\$65.382</b>	<b>\$200.974</b>	<b>\$159.642</b>	<b>\$70.582</b>	<b>\$0.000</b>

CIP: *Capital Improvement Program*

GO: general obligation

## ***Summary of Issues***

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***Baltimore City Facility Plan:*** Upon closing the existing Baltimore City Men’s Detention Center (MDC) in August 2015, the Department of Public Safety and Correctional Services (DPSCS) has developed an accelerated plan for replacing the entire detention facility over a period of five years, with demolition of existing Baltimore City Correctional Complex buildings and design of the new Baltimore Justice Center (BJC) starting in fiscal 2017. A total of \$34.9 million is provided in fiscal 2017 to begin demolition of existing structures in the correctional complex and design of the new BJC, which is estimated to cost more than \$475.0 million in total. **The Department of Legislative Services (DLS) recommends reducing the fiscal 2017 funding for demolition to \$2.5 million for planning, removing the fiscal 2017 funding for the new BJC to \$2.0 million for planning, and removing the fiscal 2018 pre-authorization for demolition.**

## ***Summary of Recommended Bond Actions***

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### **Funds**

1. Perimeter Security Improvements

Approve funding to upgrade the perimeter security.

2. Housing Unit Windows and Heating Systems Replacement

Approve funding to replace the housing unit windows and heating systems.

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3. Jessup Region Electrical Infrastructure Upgrade  
Approve funding to upgrade the electrical infrastructure.
  4. Hot Water and Steam System Improvements  
Approve funding to improve the high temperature hot water system.
  5. Demolition of Buildings at the Baltimore City Correctional Complex \$14,000,000 GO  
Reduce fiscal 2017 general obligation bond funding for demolition of buildings at the Baltimore City Correctional Complex.
  6. New Baltimore Justice Center \$16,270,000 GO  
Reduce fiscal 2017 general obligation bond funding for the Baltimore Justice Center to \$2 million for planning.
  7. New Youth Detention Center  
Approve funding to construct a 60-bed detention facility for youth with adult charges.
  8. SECTION 12 – Department of Public Safety and Correctional Services Demolition of Buildings at the Baltimore City Correctional Complex \$16,925,000 P1  
Reduce fiscal 2017 general obligation bond funding for demolition of buildings at the Baltimore City Correctional Complex.
- Total Reductions** **\$30,270,000 GO**  
**\$16,925,000 P1**

## ***Performance Measures and Outputs***

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DPSCS is responsible for the operation of all State correctional and Baltimore City detention facilities for the purpose of protecting the people of Maryland and providing a safe and secure environment capable of contributing to the ultimate reintegration of inmates into society as law-abiding citizens. In total, DPSCS operates 24 State correctional and detention facilities with a current operating capacity of nearly 25,100.

Shortly after the start of fiscal 2016, DPSCS implemented a departmentwide reorganization. Between approximately September 2012 and April 2015, the department's functional units (parole and

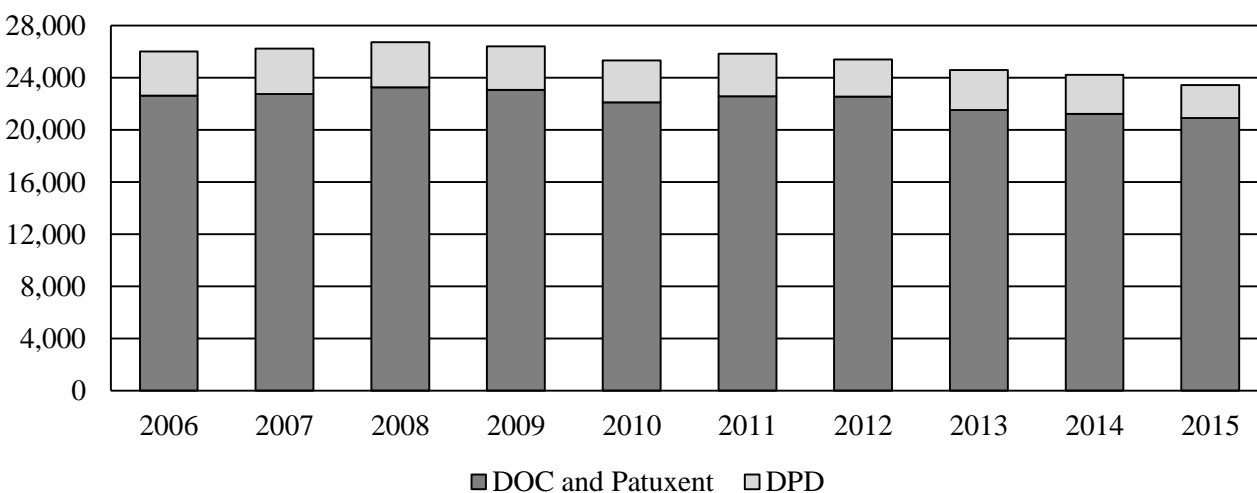
probation, corrections, and detention) were organized regionally in an effort to improve successful offender re-entry and lower recidivism. However, the department has now returned to its former organizational structure of individual agencies for each function, which includes the Division of Correction, the Division of Parole and Probation, the Patuxent Institution, and the Division of Pretrial Detention (DPD).

DPSCS is also responsible for administration of the Local Jails and Detention Centers Capital Grant Program, which is discussed in a separate analysis.

## State Inmate Population and Capacity

The DPSCS correctional population experienced significant growth in the 1990s through fiscal 2003. Since fiscal 2003, however, the State inmate population has experienced an overall decline. **Exhibit 1** provides average daily population (ADP) data since fiscal 2006 for the inmate population housed in DPSCS correctional and detention facilities. Fiscal 2003 saw the highest ADP numbers in the last 15 years, reaching over 23,500 inmates. Since then, the ADP has declined by more than 2,900 inmates, or 12.4%, to its most recent low of 20,602 inmates in fiscal 2015.

**Exhibit 1**  
**Average Daily Population**  
**Offenders under DPSCS Jurisdiction**  
**Fiscal 2006-2015**



ADP: average daily population  
DOC: Division of Correction  
DPD: Division of Pretrial Detention  
DPSCS: Department of Public Safety and Correctional Services

Source: *DPSCS Annual ADP Reports, Fiscal 2006-2015*

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The Baltimore City detention ADP has also declined over the past decade. In fiscal 2015, the DPD detainee ADP was 2,515, nearly 28.0% lower than the most recent high of 3,492 in fiscal 2007. It should be noted, though, that the department saw a decline in arrests and bookings in Baltimore City in fiscal 2015, which is, in part, attributed to the Freddie Gray case and ensuing civil unrest. The fiscal 2014 detainee ADP of 2,992 is 14.3% lower than the fiscal 2007 ADP. However, this does not include short-term sentenced inmates that in any other jurisdiction would place them in a local detention center. As of January 2016, there were 546 inmates with sentences of 18 months or less departmentwide, and 350 of those were sentenced to less than 12 months. Of the inmates sentenced to 18 months or less, just more than 55.0% were housed in facilities other than one of the two Baltimore City detention facilities; of the inmates sentenced to under 12 months, almost one-third were housed in facilities other than one of the two Baltimore City detention facilities. Although this is not ideal policy, it has helped the department address problems in the past with overcrowding in its Baltimore City facilities and logistical concerns with maintaining sight and sound separation among male, female, and juvenile detainees.

**Exhibit 2** shows the agency’s current capacity versus the January 2016 ADP, delineating between conventional and nonconventional bed use. 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 bedspace. As such, the reported capacity of each facility can vary from year to year, as operational shifts are made for the housing of inmates.

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**Exhibit 2**  
**January 2016 ADP versus Operational Capacity**

<u>Facility</u>	<u>Total Capacity</u>	<u>Occupied Conventional Beds</u>	<u>Occupied Nonconventional Beds</u>	<u>ADP January 2016</u>
<b>Maximum and Administrative Security</b>				
Chesapeake Detention Facility (Formerly MCAC) <sup>1</sup>	-	-		-
Maryland Correctional Institution – Women <sup>2</sup>	887	796		796
Maryland Reception, Diagnostic, and Classification Center <sup>3,5</sup>	808	695		695
North Branch Correctional Institution	1,487	1,292		1,292
Western Correctional Institution <sup>4</sup>	1,738	1,623		1,623
Patuxent Institution	1,286	812	86	898
<b>Total Maximum and Administrative Beds</b>	<b>6,206</b>	<b>5,218</b>	<b>86</b>	<b>5,304</b>
<b>Medium Security</b>				
Eastern Correctional Institution <sup>4</sup>	2,777	2,615		2,615
Jessup Correctional Institution <sup>4</sup>	1,875	1,779		1,779
Maryland Correctional Institution – Hagerstown	2,044	1,506	368	1,874
Maryland Correctional Institution – Jessup	1,068	992	50	1,042

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<u>Facility</u>	<u>Total Capacity</u>	<u>Occupied Conventional Beds</u>	<u>Occupied Nonconventional Beds</u>	<u>ADP January 2016</u>
Maryland Correctional Training Center (HU 5 under Renovation) <sup>4</sup>	2,551	2,082		2,082
Roxbury Correctional Institution	1,795	1,743		1,743
<b>Total Medium Beds</b>	<b>12,110</b>	<b>10,717</b>	<b>418</b>	<b>11,135</b>
<b>Minimum Security</b>				
Baltimore City Correctional Center	508	498		498
Brockbridge Correctional Facility	651	619		619
Central Maryland Correctional Facility	516	456		456
Dorsey Run Correctional Facility (Opened 11/2013)	549	540		540
Eastern Correctional Institution – Annex	608	595		595
Metropolitan Transition Center (West Wing Closed)	642	430		430
<b>Total Minimum Beds</b>	<b>3,474</b>	<b>3,138</b>	<b>0</b>	<b>3,138</b>
<b>Pre-release Beds</b>				
Baltimore Pre-Release Unit (Demolished 2015) <sup>6</sup>	-	-		-
Eastern Pre-Release Unit	180	173		173
Maryland Correctional Training Center HED/EHU	346	342		342
Poplar Hill Pre-Release Unit	192	165		165
Southern Maryland Pre-Release Unit	180	172		172
<b>Total Pre-release Beds</b>	<b>898</b>	<b>852</b>	<b>0</b>	<b>852</b>
<b>Pretrial Detention</b>				
Baltimore Pretrial Complex (Formerly Baltimore City Detention Center) <sup>5</sup>	1,450	1,089		1,089
Baltimore Central Booking and Intake Center	948	721		721
<b>Total Pretrial Detention Beds</b>	<b>2,398</b>	<b>1,810</b>	<b>0</b>	<b>1,810</b>
<b>Total DPSCS</b>	<b>25,086</b>	<b>21,735</b>	<b>504</b>	<b>22,239</b>

ADP: average daily population

DPSCS: Department of Public Safety and Correctional Services

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

HU: Housing Unit

MCAC: Maryland Correctional Adjustment Center

<sup>1</sup> As of September 2010, the Chesapeake Detention Facility (CDF) houses only federal detainees but remains a State-operated facility. The capacity of CDF is 576, and the January 2016 ADP was 408.

<sup>2</sup> 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.

<sup>3</sup> The security level of the Maryland Reception, Diagnostic, and Classification Center (MRDCC) is maximum; however, only a fraction of inmates are actually classified as maximum.

<sup>4</sup> The Western Correctional Institution, Eastern Correctional Institution, Jessup Correctional Institution, and Maryland Correctional Training Center are regional intake facilities classified as administrative security.

<sup>5</sup> Upon closure of the Baltimore City Men's Detention Center (MDC), the remaining Baltimore City Detention Center (BCDC) buildings were renamed the Baltimore Pretrial Complex (BPC). BPC consists of the Women's Detention Center,

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Jail Industries building, BCDC Annex, and the Wyatt building. The depopulation of the MDC resulted in the relocation of some detainees to MRDCC and the Metropolitan Transition Center.

<sup>6</sup> Baltimore Pre-Release Unit was depopulated and closed in January 2015, and subsequently demolished for construction of the new Youth Detention Center. The population is now housed at the Jail Industries building, which is part of BPC.

Source: Department of Public Safety and Correctional Services

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The January ADP data indicates that the inmate population is about 2,850 beds below bed capacity. Excluding the two detention facilities, the State sentenced inmate population is about 2,250 beds below capacity. Compared to similar data provided during the 2015 session, DPSCS has increased nonconventional bed use by 12 beds, primarily due to an increase of 80 nonconventional beds at the Maryland Correctional Institution – Hagerstown (MCIH).

DPSCS has decreased the use of nonconventional beds by 40 at the Maryland Reception, Diagnostic, and Classification Center (MRDCC), which did not require the use of any nonconventional beds in fiscal 2015, and by 28 beds at the Patuxent Institution. This brings the total number of maximum/administrative security level nonconventional beds to 86, down from 154 in fiscal 2014. The Patuxent Institution provides unique mental health services to the offender population through several particular programs, which may not be available at other institutions. Therefore, although the administrative/maximum security population is approximately 1,000 offenders below capacity, it would be difficult to relocate these offenders in order to reduce the reliance on nonconventional bedspace at the Patuxent Institution.

DPSCS continues to maintain 50 nonconventional beds at the Maryland Correctional Institution – Jessup. Combined with the increase in nonconventional beds used at MCIH, the total number of nonconventional beds used in the medium security was 418 in fiscal 2015. The department maintains a certain level of nonconventional bedspace to ensure that the department has capacity for fluctuations in the population level, in particular as it relates to classification level.

### **Baltimore City Men’s Detention Center Closure and Offender Population Shifts**

In July and August 2015, DPSCS depopulated and closed MDC. The depopulation increased the number of facilities housing pretrial detainees from just the Baltimore Pretrial Complex (BPC) and the Baltimore Central Booking and Intake Center (BCBIC), to also include the Metropolitan Transition Center (MTC) and MRDCC. Most of the 764 detainees depopulated from MDC were transferred to MRDCC or buildings that now comprise BPC, such as the Jail Industries building. A small amount of detainees were also relocated to MTC to perform dietary work. All Baltimore City pretrial inmates are still detained at facilities in Baltimore City.

DPSCS also orchestrated the transfer of 832 sentenced inmates between facilities across the State in order to depopulate MDC, transferred the pretrial population from MDC to housing separated from the sentenced inmate population, and maintained comparable programming for transferred inmates. As a result, the overall size of the sentenced inmate population housed in Baltimore City facilities has been reduced. Sentenced inmates previously housed at MTC (582 inmates) were

transferred to facilities in Jessup and Hagerstown, as well as the Baltimore City Correctional Center (BCCC) and MRDCC. Smaller numbers of sentenced inmates were transferred from BCCC to various facilities across the State. Prior to the depopulation of MDC, parole violators from the Baltimore City region were held at MRDCC. Seventy-eight parole violators were moved to facilities in Hagerstown and Jessup while others remained in the city. Parole violators held in Baltimore City are now located at MTC.

## ***Budget Overview***

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DPSCS receives \$42.5 million in fiscal 2017 funding for seven projects, four that are either ongoing or have been scheduled to begin in fiscal 2017 in previous *Capital Improvement Programs* (CIP), one that has been accelerated in the CIP by a year, and two that are new to the Governor's CIP. The two new projects concern the department's revised facility plan following the closure of MDC in August 2015. Nearly \$16.6 million is provided in fiscal 2017 to begin planning and demolition of buildings at the Correctional Complex in Baltimore City (CCBC), and an additional \$18.3 million is provided to begin design of a new BJC, which replaces previous plans to construct new Baltimore City men's and women's detention centers and associated facilities and infrastructure. The department also receives a pre-authorization of \$16.9 million to complete the demolition in fiscal 2018. These new projects are discussed in more detail in the Issues section of this analysis.

The remaining \$7.7 million in fiscal 2017 general obligation bond funding for DPSCS will support five projects: upgrading the perimeter security at MCIH, replacing the windows and heating systems in housing units at the Maryland Correctional Training Center (MCTC), upgrading the Jessup region electrical infrastructure, improving the high temperature hot water system at the Eastern Correctional Institution (ECI), and completing construction of a new 60-bed youth detention facility in Baltimore City.

### **Maryland Correctional Institution – Hagerstown Perimeter Security Upgrade**

MCIH is a medium security correctional facility with an ADP of almost 2,100 inmates. The perimeter fence, sections of which date back to 1942, needs to be replaced in order to address issues with deterioration, poor visibility, and insufficient space in the gate house and visitor center, as well as to add an intrusion alarm system and detection devices. This project has been included in the Governor's CIP with funding beginning in fiscal 2017 since the 2014 session CIP.

The current perimeter fence at MCIH consists of a 12-foot inner fence and an 18-foot outer fence with rolls of razor ribbon in between. As the facility has expanded, the fence has been repaired and expanded with materials of different heights, fabrics, and configurations. The proposed new fence will replace the current patchwork with 16-foot inner and outer fences equipped with an approach notification system, fence sensor system, and motion activated visual monitors consistent with departmental fencing policy for medium security facilities. The new surveillance hardware will be housed in a new main tower, which will have an attached sally port to serve as the main entrance to the



facility. Additionally, this project will include 8-foot fences within the perimeter fence to separate areas of the complex.

Because the existing visitor registration center and gatehouse will fall within the boundary of the new perimeter fence, this project will also include construction of a new visitor registration center and gatehouse outside the new fence in order to allow for searches to be conducted prior to entrance into the facility. The new visitor center and gatehouse will be sized to accommodate the separation of staff and visitors, as well as a larger amount of inmate visits. The current visiting space was designed to support only 900 inmates, which is less than half the ADP for the facility. Finally, a new perimeter patrol road will be constructed around all new facility enhancements in order to allow for a quick response in the event of a security breach.

Replacing the 12-foot-high perimeter with one of 16 feet, an intrusion alarm, and a fence-approach detection system will require \$1.0 million in planning funds in fiscal 2017. In fiscal 2018, \$10.5 million is needed to begin construction, with an additional \$12.1 million provided for construction and preliminary equipment purchases in fiscal 2019 and 2020. The total cost of the project is currently estimated at \$22.4 million, down from the \$24.0 million estimate reflected in the 2015 session CIP.

## **Maryland Correctional Training Center Housing Unit Windows and Heating Systems Replacement**

The six housing units at MCTC need new windows and heating systems due to high maintenance costs, energy losses, and security breaches. The project is being completed in three phases, with a total estimated cost of \$29.8 million. This is slightly higher than the estimate provided last year because the construction inspection and testing contract bids came in higher than anticipated; however, this is still about \$2.4 million below the original project cost estimate of \$32.2 million. The total project cost for completion of Phase I (Housing Units 1 and 2), which was finished in June 2014, was \$7.7 million.

The Maryland Consolidated Capital Bond Loan (MCCBL) of 2014 included a fiscal 2016 pre-authorization of \$3.9 million to complete Phase I. However, the department was able to complete Phase I under budget and redirect about \$2.6 million of the previously authorized funds to design and construction of Phase II (Housing Units 5 and 6). The approved fiscal 2016 amount of \$1.4 million for Phase II, therefore, was \$2.5 million below the planned fiscal 2016 amount included in the fiscal 2015 CIP. Based on the bids received, however, the department needs an additional \$655,000 to complete Phase II. This funding is included as the recommended fiscal 2017 amount, bringing the new total project cost for Phase II to \$9.8 million. Design for Phase II began in September 2013, utilizing the previously authorized funds from Phase I. Phase II construction began in December 2014, and will be completed in December 2016. The current CIP provides for Phase III (Housing Units 3 and 4) design funding in fiscal 2018 and construction funding in fiscal 2020.

It is anticipated that the completion of the project will reduce the costs associated with providing excessive heat, hot water, and staff overtime due to system failures and leakages. The department

reports that although it has realized energy savings, it is unable to quantify the savings for one or two housing units because the steam supplying the system also serves three adjacent facilities. DPSCS has indicated that it may be able to measure differential savings once all phases of the project are complete.

## **Jessup Region Electrical Infrastructure Upgrade**

Design funding has been accelerated by one year in the Governor's CIP to begin replacement of the Jessup region electrical infrastructure, which provides power to six correctional facilities, Maryland Environmental Services plants, and a firing range in Anne Arundel County. The existing grid, which is more than 40 years old, does not provide reliable uninterrupted power, and also is unable to support any additional buildings. The more than 120 buildings serviced by the current infrastructure include 4,500 inmates and 1,600 State employees.

The Jessup electrical system has failed at least seven times over the past six years. Each time the system fails, the department incurs repair costs and custodial overtime costs for operation of gates and additional security patrols. During outages, affected facilities must operate under lockdown. Recent electrical system failures include:

- in July 2015, an outage at Brockbridge Correctional Facility (BCF) lasted approximately 24 hours before power was restored, at a cost of \$10,000;
- in November 2015, Baltimore Gas and Electric (BGE) lines failed, costing the State \$5,000 to investigate and repair, and resulting in several momentary outages over a 48-hour repair period; and
- in early February 2016, BCF experienced yet another failure to the electrical standby system as a result of the failing electrical infrastructure. Repairs to the standby system, which provides back-up power for all perimeter lights and gates, are expected to cost from \$50,000 to \$60,000.

In addition to the cost of repairs, Maryland Correctional Enterprises (MCE) plants on the Jessup region electrical grid have experienced lost income during power failures. DPSCS reports that it is typical for outages to last 12 to 24 hours before power is restored due to the time it takes for an electrical contractor to respond and obtain necessary materials. Power failures at correctional facilities also represent a significant safety risk for inmates and staff. DPSCS facilities rely on cameras and outdoor lighting to monitor the perimeter and gates at all times. Although the department has relied on additional officers to staff utilities during power outages, the risk of contraband entering facilities is still increased. BCF in particular has historically had issues with contraband, regardless of outages, due to the facility's proximity to surrounding woods.

There are two main reasons for the infrastructure failures: the main transformer does not have the capacity for the anticipated future load growth based on the peak load provided by BGE and one of the main substation transformers does not meet the National Electrical Testing Association

recommended levels for explosive gases. Additionally, the main switching station lacks the proper protection relays to disconnect from power in the event of a single phase event. In calendar 2011, the BGE feeders lost one phase, causing widespread failure of electronic devices and motors throughout the region.

The electrical infrastructure upgrade will include a voltage utilization upgrade from 4.16 kilovolts to 13.2 kilovolts. The upgrade will also include installation of demarcation switchgear, consistent with BGE standards. DPSCS receives \$382,000 to begin planning for this project in fiscal 2017. In total, the project is estimated to cost about \$15.5 million and is expected to be complete in February 2020.

### **Eastern Correctional Institution High Temperature Hot Water System Improvements**

The Maryland Environmental Service Co-generation facility produces 270 degree water and supplies it to the facility through a series of manholes and underground piping. The existing high temperature hot water system at ECI is 26 years old, leaking, undersized for the facility, underground, and plagued with maintenance issues. The system was designed and built for a capacity of 1,440 inmates and staff and now serves a population of over 3,570 inmates and staff. The increased demand, age, and maintenance issues have resulted in increased repair and labor costs, liabilities for inmates and staff safety, and inefficient operation.

Several underground locations are experiencing corrosion, causing the facility to lose thermal heat and water into the manholes. Many manholes have cracked and crumbling walls, and several are currently impossible to access and have corroded, unserviceable valves. In 2010, production was interrupted at the MCE laundry facility and the ECI kitchen as a result of collapsed pipes requiring extensive repair. A sinkhole formed, and steam was only minimally available. The central kitchen was closed, and ECI brought in cook-chill food from the Hagerstown kitchen. MCE experienced lost profits and increased operating costs. The cost of the system repair was \$80,000. In 2014, the system experienced two major failures in the steam line supplying the laundry and kitchen, resulting in repairs of \$287,000. Most recently, in August 2015, the hot water distribution piping experienced a failure, resulting in the loss of 500 to 700 gallons of water per hour. An emergency piping replacement project cost the department approximately \$240,000.

Failure of the system would stop service to all or a portion of the 13 buildings at the facility, including housing units and support services buildings. Were this to occur, ECI would be unable to maintain a safe temperature, particularly during winter months when a failure is most likely to happen. The facility's emergency alternate heat response system would require initial set up of up to 12 to 16 hours for the housing units. The lack of hot water would also cause health issues.

The department received approximately \$4.9 million in fiscal 2016 to begin replacement of the existing hot water and steam system and renovation of the mechanical rooms to encompass all needed accessories required for improved service in order to prevent future failures, reduce health and safety risks, and decrease maintenance costs. The request for proposals will be advertised in March 2016, and

the project is scheduled to be complete by January 2018. Approximately \$2.0 million is provided in fiscal 2017 to complete construction of the new system, consistent with the General Assembly's fiscal 2017 pre-authorization amount included in the MCCBL of 2015.

## **Youth Detention Center**

Funding to create a new Youth Detention Center (YDC) in Baltimore City was initiated after the General Assembly added \$2.6 million during the 2013 session to design a new 60-bed facility for youth charged as adults in the Maryland Criminal Justice System. This project was originally planned to renovate and construct an expansion to the existing Baltimore Pre-Release Unit (BPRU) and Occupational Skills and Training Center (OSTC) within CCBC. According to a calendar 2000 investigation by the U.S. Department of Justice, 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.

Construction of a detention facility in Baltimore City for this particular youth population has a long history. DPSCS had originally designed a facility to house 180 youth between the ages of 14 and 18 who were facing felony charges in the adult court system. In response to downward population trends and urging from the advocacy and legislative communities, DPSCS revised the facility capacity to 120 beds. An additional analysis of the youth-charged-as-adult population data and interest from the General Assembly in evaluating current statute regarding the treatment of this population resulted in the current proposed 60-bed facility.

The youth-charged-as-adult population at the BPC, formerly Baltimore City Detention Center (BCDC), has declined dramatically, as judges are utilizing discretion to place youth in Department of Juvenile Services (DJS) facilities. The January 2016 ADP for youth awaiting trial at BPC was 10. DJS has indicated that on any given day, approximately 40 youth are detained at the Baltimore City Juvenile Justice Center (BCJJC) while pending action from the adult court. As DJS and DPSCS began to work in coordination with the courts to relocate juveniles in Baltimore City from BPC to BCJJC, the number of courtesy holds has also increased. Between fiscal 2012 and 2013, this number increased by nearly 150%, from 34 to 84 youth. Certain youth, such as those who have been waived to adult court, are unable to be detained in DJS facilities and must remain in DPSCS custody. As such, there continues to be a need for a youth detention facility at BPC.

Approximately \$3.6 million is provided in fiscal 2017 to complete construction and equip the facility, slightly above the \$3.3 million pre-authorized for fiscal 2017 in the MCCBL of 2015. In total, the project is estimated to cost \$37.4 million, up from \$29.7 million that was estimated two years ago. When the project was proposed during the 2013 session, the plan was to renovate the existing BPRU and OSTC facilities. Upon investigation from the architect, DPSCS received a program modification for demolition of the BPRU building, construction of a replacement facility, and renovations of OSTC due to unfavorable building constructions in BPRU. The project is on schedule to be completed at the end of calendar 2016.

## ***Issues***

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### **1. Baltimore City Facility Plan**

CCBC includes approximately 27 acres and houses over 3,000 inmates and detainees within the complex. The land-locked site is bounded by the Jones Falls Expressway to the west and residential communities to the north, south, and east, limiting construction of new facilities to the existing footprint. The former BCDC includes the oldest buildings still in use within the complex. The original Baltimore City jail was constructed in 1801 on the site of the current BCDC. A replacement facility was completed in 1859; between 1859 and 1999, the facility underwent 11 renovations. The current Women’s Detention Center (WDC) to house female detainees was opened in 1967. Since 1991, more than \$65 million has been authorized for BCDC capital improvements.

Despite the improvements and expansion completed over the years, the existing structures within the Correctional Complex, specifically at BCDC, have a variety of significant shortfalls. In addition to inadequate housing, the facilities lack program space, are inefficiently designed, and pose life safety and accessibility risks. The design of the facilities create poor lines of sight, which increase the potential for assaults. The existing barred cells and keyed doors are particular impediments to maintaining officer safety and reducing the flow of contraband throughout the facility.

#### ***Jerome Duvall, et al. v. Lawrence Hogan, Jr., et al.***

As a result of ongoing conditions and issues related to BCDC, in June 2015, a motion was filed by the American Civil Liberties Union (ACLU) on behalf of Baltimore City detainees to reopen a partial settlement agreement (PSA). This case has an extensive history, and was previously reopened in August 2009, when plaintiffs alleged that the administration failed to resolve ongoing issues that related to the deaths of 24 inmates over the prior five-year period. The most recent June 2015 motion alleges that the terms of the 2009 settlement have not been met and seeks relief in the form of a preliminary injunction requiring DPSCS to implement 10 improvements related to the alleged environmental and hygiene issues, including deficiencies that affect health, safety, and security.

In November 2015, DPSCS and ACLU announced that a settlement agreement had been reached, requiring the State to make improvements to the detainee health care system and facilities. The settlement also includes assessment by independent monitors in order to ensure the State’s compliance with the settlement. Although the settlement agreement has been reached, it has not yet been signed by the judge. The Prison Litigation Reform Act requires that all settlement agreements must be posted for class notice and subject to a fairness hearing before being signed by the judge. The class notice was posted in December 2015, and the fairness hearing is scheduled for April 2016, after which it can be signed.

Since the filing of the June 2015 motion to reopen the PSA, DPSCS has made several changes to address the plaintiffs’ allegations, most notably the August 2015 closure of MDC and the relocation of detainees to other State facilities in Baltimore City. Most of the 764 detainees depopulated from

MDC were transferred to MRDCC or buildings that now comprise BPC, such as the Jail Industries building. A small amount of detainees were also relocated to MTC to perform dietary work. All Baltimore City pretrial offenders are still detained at facilities in Baltimore City.

Additionally, DPD has made approximately \$2.1 million in repairs at BPC and MTC to address temperature control, ventilation, shower, sewage, and other physical condition issues. Both of these facilities, as well as MRDCC, currently house pretrial detainees. DPD has also entered into a maintenance services contract, at an additional cost of \$1.5 million. This \$3.6 million in maintenance and repairs is part of the \$4.8 million general fund deficiency appropriation included with the Governor's allowance for DPD. In November 2015, the Board of Public Works approved the payment of \$450,000 in full settlement of the plaintiff's claim for attorney's fees and costs; however, final payment is subject to the approval of the settlement.

## **Plan to Replace Baltimore City Detention Center**

As a result of ongoing concerns and costs regarding the aging infrastructure of MDC, and associated litigation, in July and August 2015, DPSCS depopulated and closed MDC. Most of the 764 detainees depopulated from MDC were transferred to MRDCC or buildings that now comprise BPC, such as the Jail Industries building. A small amount of detainees were also relocated to MTC to perform dietary work. All Baltimore City pretrial offenders are still detained at facilities in Baltimore City.

Prior to the closure of MDC, the Governor's CIP included a plan to replace BCDC facilities in phases:

- construction of a 60-bed YDC, which will be completed in fiscal 2017 and is discussed in further detail in the Budget Overview section of this analysis;
- construction of a 512-bed replacement for the WDC. The 2015 session CIP included funding for design of this project in fiscal 2017. The project was estimated to cost \$180.8 million in total and be completed in fiscal 2020;
- construction of a new kitchen and power plant at BCDC beginning in fiscal 2018, and totaling an estimated \$16.5 million; and
- construction of a 2,304-bed replacement for MDC in three phases at a total cost of \$495.0 million. The 2015 session CIP included funding for design of the first phase in fiscal 2020.

However, upon closing the existing MDC, DPSCS has now developed an accelerated plan for replacing the entire detention facility over a period of five years, with demolition of existing CCBC buildings and design of the new BJC starting in fiscal 2017.

## **Demolition of Buildings at the Baltimore City Correctional Complex**

The new facility plan for Baltimore City includes demolition of 11 structures within the correctional complex, including the existing WDC, MDC, Administrative Building, BCDC Power Plant, BCDC Annex, Wyatt building, MTC C-block, a wall running through the middle of the site, MTC West Wing, BCDC Post 1 Entrance Building, MTC Power Plant, and Building A. Buildings to be demolished are illustrated in **Appendix 1**. MDC, MTC C-Block, and MTC West Wing are currently unoccupied due to age and security issues.

The depopulation of MDC affords the department the opportunity to complete demolition in one phase, rather than the previous multi-phase plan that required shifting particular populations to coincide with the demolition and construction timelines. Demolition is programmed over two fiscal years in the CIP, at a total cost of \$33.5 million. The design of the demolition accounts for approximately \$2.6 million of the total cost, and is scheduled to take five months to complete. The remaining \$30.9 million in construction costs is for demolition, scheduled from March through December of 2017. In fiscal 2017, \$14.0 million is provided for demolition and \$16.9 million is pre-authorized for demolition in fiscal 2018.

## **New Baltimore Justice Center**

In fiscal 2017, \$18.3 million is provided for the department to begin design of the new BJC so that construction can begin shortly after demolition is completed. The new facility is intended to replace all current detention centers and support facilities, except YDC, which includes MDC, WDC, medical space, visitation, a full service kitchen, and other support functions. WDC, MDC, and kitchen and power plant projects included in previous CIPs have therefore been removed from the current CIP.

The design of BJC's detention facilities is a pod style based on the new Richmond Detention Center in Virginia. The six-floor facility plan includes all necessary housing areas and support services, with a bridge connecting the facility to BCBIC and a building connecting the facility to the administrative tower of MTC. The portion of BJC designated for men's detention will have 10 dorm pods for minimum security housing, 24 cell pods for medium security housing, and 4 cell pods for maximum security housing, for a total male capacity of 2,368. The women's detention portion of the facility will have 5 dorm pods for minimum and medium security housing and 3 cell pods for maximum security housing, for a total female capacity of 352. Each pod will have its own recreation space. Shared spaces in the new BJC include administrative space, intake, lobbies, health services, visitation, a library, security space, a recreation center, laundry, a maintenance and storage area, a central production kitchen, and emergency power for the entire complex. The medical, food service, and maintenance areas of the proposed BJC will support all CCBC facilities. **Appendix 2** shows the proposed footprint of the new facility.

As a result of the continued decline in the detention population over the past decade, DPSCS requested an update to the jail population projections completed for the *2013 Facilities Master Plan* in order to determine the BJC bedspace need. The revised projections are built on historical population data from fiscal 1998 through 2015. However, 2015 data was excluded from the model because the

low ADPs are likely related to the Freddie Gray case and ensuing civil unrest. Based on current trends, the male and female jail populations are projected to continue decreasing, both in terms of totals and as a percentage of the Baltimore City population. When a peaking factor of 9.8% is applied to the projections in order to account for seasonal variations in the detention short-term sentenced populations, there is a projected female prison bed need of 341 for women and 3,296 for men in fiscal 2020. These projections further decrease to 295 for women and 3,138 for men in fiscal 2025. Including the 951 male beds available at BCBIC, the department believes the BJC design capacity should be sufficient to accommodate the projected population.

The consolidation of the construction projects decrease the construction cost and timeline for the new BJC from the previous BCDC replacement plan. **Exhibit 3** compares the scale and cost of the previous BCDC replacement plan with the new BJC plan. The Governor’s CIP includes a total of \$449.1 million for design, construction, and equipment of the new BJC over a five-year period ending in May 2021. Design is estimated to cost a total of \$34.2 million, including the \$18.3 million provided in fiscal 2017. Construction, which is estimated to start in May 2018, is anticipated at this time to cost \$403.5 million. DPSCS also estimates BJC will require \$11.4 million for equipment purchases.

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**Exhibit 3**  
**Baltimore City Detention Center Replacement Plan Comparison**

	<u><b>BJC Plan</b></u>	<u><b>Previous Plan</b></u>
<b>Men’s Detention Center</b>		
Area (square feet)	406,754	944,569
Operating Capacity	2,368	2,304
<b>Women’s Detention Center</b>		
Area (square feet)	150,446	256,985
Operating Capacity	352	512
<b>Shared Spaces/Support</b>		
Area (square feet)	232,300	27,500 <sup>1</sup>
<b>Cost</b>		
Demolition	\$33,506,000	\$28,800,000
New Construction/Equipment	442,807,484	749,961,000

BJC: Baltimore Justice Center

<sup>1</sup> Does not include previous plan to replace medical space.

Note: Administrative space is shared in the proposed BJC plan and was separate by facility in the previous plan.

Source: Department of Public Safety and Correctional Services

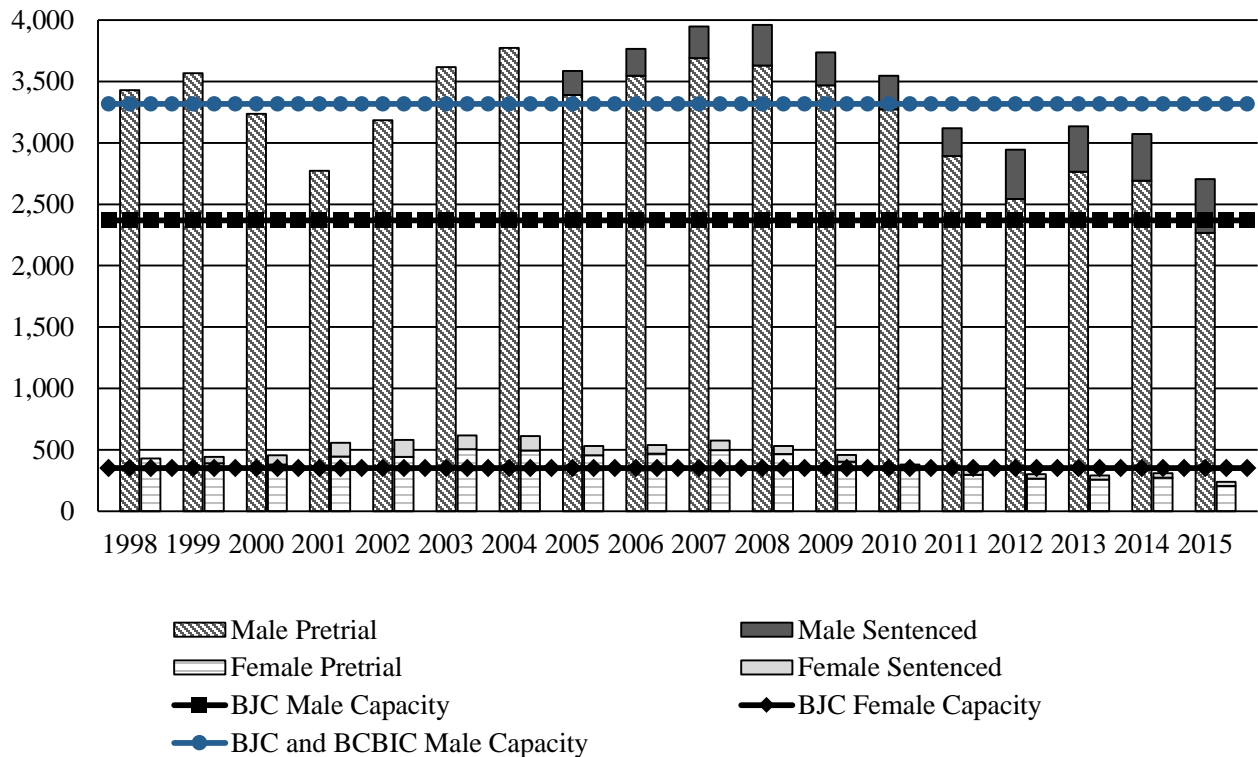
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## Areas of Concern

Although trends locally and nationally indicate jail populations will continue to decline, historically, criminal justice data is cyclical. Increases or decreases in offender populations are often directly related to changes in criminal justice policies. If the population of the Baltimore City detention and short-term sentenced populations continues to decrease as projected, the design capacity of the new BJC will be adequate. If, however, the trends were to shift and the population began to increase, the population could easily exceed the design capacity. **Exhibit 4** illustrates the historic detention and short-term sentenced ADP data used in the population projection, as well as the proposed BJC and existing BCBIC male and female operating capacity. As shown, the bedspace at BCBIC and the bedspace to be provided in the new BJC would have been nearly 650 offenders below the fiscal 2007 and 2008 ADP, not including population surges that occur throughout the year. Additionally, the 2015 revised jail population projection update indicates that including peaking and classification factors, the fiscal 2014 male and female bedspace need was 3,827, about 200 beds below the combined BCBIC and BJC operating capacity.

**Exhibit 4**  
**Baltimore City Historical Pretrial and Short-term Sentenced ADP**  
**Fiscal 1998-2015**



BJC: Baltimore Justice Center

Source: 2015 Supplement to the Facilities Master Plan – Jail Population Projections Update

*Q0 – Department of Public Safety and Correctional Services*

Another consideration when evaluating the proper size of this facility is its location. The facility is to be constructed within the existing correctional complex. Once the facility is built, if the population were to exceed capacity, the only option for future modification is to build upward, which can be a difficult and expensive undertaking. The population projection is only for the next 10 years, which is a fraction of the lifespan of the existing detention centers. Thinking long-term and given the site constraints, undersizing the project could become a serious issue in the future.

A program plan for the demolition component of this project has been submitted to the Department of Budget and Management (DBM) for review, but has not yet been approved. The program plan for construction of the new BJC has not yet been submitted to DBM. Additionally, the Governor submitted a letter to the General Assembly dated February 18, 2016, withdrawing his funding support for this project for fiscal 2017. Since at this time, the project still appears to be a priority of the Administration, it is assumed the funding deferral is for all years and that the overall scope and funding plan removal is anticipated with the 2016 CIP just pushed back one year. **DLS recommends reducing the fiscal 2017 funding for demolition to \$2.5 million for planning, removing the \$16.9 million pre-authorization in fiscal 2018 for demolition, and reducing the fiscal 2017 funding for the new BJC to \$2.0 million for planning.**

## ***Operating Budget Impact Statement***

### **Executive’s Operating Budget Impact Statement – State-owned Projects (\$ in Millions)**

	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
<b>BCDC Youth Detention Center</b>					
Estimated Operating Cost	\$0.607	\$0.443	\$0.443	\$0.443	\$0.443
<b>ECI High Temperature Hot Water System Improvements</b>					
Estimated Operating Cost	\$0.156	\$0.130	\$0.000	\$0.000	\$0.000
<b>New Baltimore Justice Center</b>					
Estimated Operating Cost	\$0.000	\$0.000	\$0.000	\$0.000	*
<b>MCTC Housing Unit Windows and Heating System Replacement</b>					
Estimated Operating Cost	\$0.000	\$0.000	\$0.104	\$0.156	\$0.520
<b>MCIH Perimeter Security Upgrade</b>					
Estimated Operating Cost	\$0.000	\$0.143	\$0.312	\$0.156	\$0.000
<b>Total Operating Impact</b>					
<b>Estimated Operating Cost</b>	<b>\$0.763</b>	<b>\$0.600</b>	<b>\$0.860</b>	<b>\$0.756</b>	<b>\$0.496</b>

\* Scope not fully developed, thus operating impact cannot be accurately calculated. DPSCS expects the project to yield a net savings.

BCDC: Baltimore City Detention Center

ECI: Eastern Correctional Institution

MCIH: Maryland Correctional Institution – Hagerstown

MCTC: Maryland Correctional Training Center

## Projects Removed from the *Capital Improvement Program*

Exhibit 5 includes projects removed from the CIP.

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### Exhibit 5 Projects Removed from the *Capital Improvement Program* Fiscal 2017

<u>Project</u>	<u>Description</u>	<u>Reason for Deferral</u>
BCDC Women’s Detention Center	Construction of a 512-bed replacement facility to house female detainees and short-term sentenced female offenders from Baltimore City.	Replaced by the BJC project.
BCDC Men’s Detention Center	Construction of a 2,304-bed replacement facility in three phases to house male detainees and short-termed sentenced male offenders from Baltimore City.	Replaced by the BJC project.
BCDC New Kitchen and Power Plant	Replacement of the kitchen and power plant at BCDC, which were to be demolished for construction of the new BCDC Men’s Detention Center, under the previous replacement plan.	Replaced by the BJC project.

BCDC: Baltimore City Detention Center

BJC: Baltimore Justice Center

Source: Department of Budget and Management, 2016 *Capital Improvement Program*

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***GO Bond Recommended Actions***

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1. Approve \$1.1 million in planning funds to upgrade the perimeter security at the Maryland Correctional Institution – Hagerstown.
2. Approve \$655,000 in construction funds to replace the windows and heating systems in two housing units at the Maryland Correctional Training Center in Hagerstown.
3. Approve \$382,000 in planning funds to upgrade the electrical infrastructure in the Jessup region.
4. Approve \$1.9 million in construction funds to improve the high temperature hot water system at the Eastern Correctional Institution.
5. Reduce fiscal 2017 general obligation bond funding for demolition of buildings at the Baltimore City Correctional Complex.

QT04A	Demolition of Buildings at the Baltimore City Correctional Complex .....	\$ 2,581,000
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<u>Allowance</u>	<u>Change</u>	<u>Authorization</u>
16,581,000	-14,000,000	2,581,000

**Explanation:** This action reduces funding for demolition of buildings at the Baltimore City Correctional Complex to only include \$2.5 million in design funds.

6. Reduce fiscal 2017 general obligation bond funding for the Baltimore Justice Center to \$2 million for planning.

QT04B	New Baltimore Justice Center .....	\$ 2,000,000
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<u>Allowance</u>	<u>Change</u>	<u>Authorization</u>
18,270,000	-16,270,000	2,000,000

**Explanation:** Reduce funding for design of the new Baltimore Justice Center to only include funds for procurement of a project construction management firm to assist in the oversight and design of the project, including budget and program plan verification.

*Q0 – Department of Public Safety and Correctional Services*

7. Approve \$3.6 million in construction and equipment funds to complete the 60-bed detention facility in Baltimore City for youth with adult charges.
  
8. Reduce fiscal 2017 general obligation bond funding for demolition of buildings at the Baltimore City Correctional Complex.

ZF4600	SECTION 12 – Department of Public Safety and Correctional Services – Demolition of Buildings at the Baltimore City Correctional Complex .....	\$ 0
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**Explanation:** This action removes the fiscal 2018 pre-authorization for funds to demolish buildings at the Baltimore City Correctional Complex.

<b>Total General Obligation Bonds Reduction</b>	<b>\$30,270,000</b>
<b>Total Pre-authorization (2017) Reduction</b>	<b>\$16,925,000</b>
<b>Total Reductions</b>	<b>\$47,195,000</b>



Larry Hogan, Governor  
 Boyd K. Rutherford, Lt. Governor  
 Stephen T. Moyer, Secretary  
 David N. Bezanson, Assistant Secretary, Capital Programs  
 Katherine Z. Dixon, AIA, Director, DCCFM

**PENZA+BAILEY**  
 ARCHITECTS

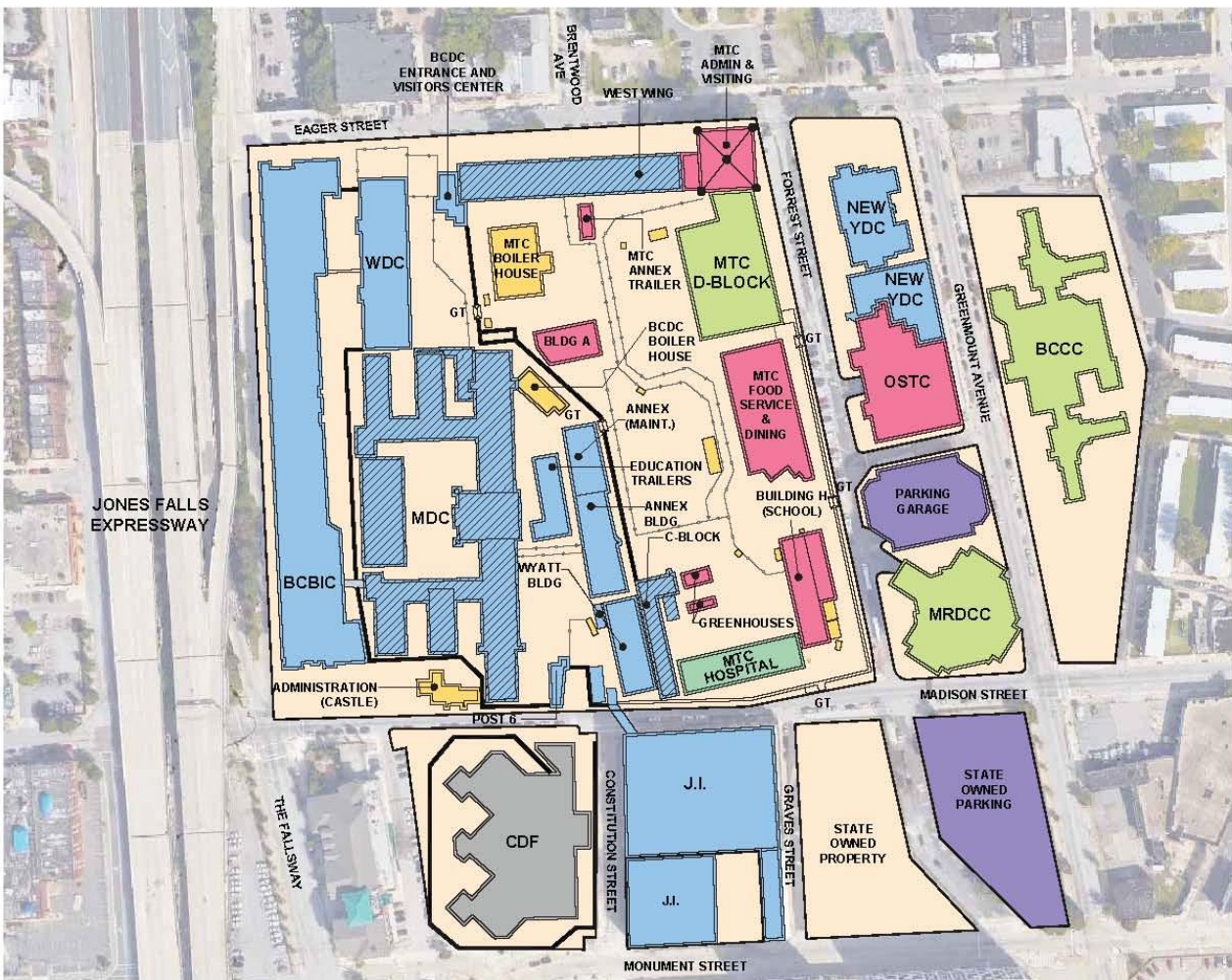
**EXISTING BUILDINGS**

- EXISTING CCBC SITE LIMITS
- EXIST CHESAPEAKE DETENTION FACILITY (FEDERAL POPULATION)
- EXIST CCBC PARKING LOT FACILITY
- PRE-TRIAL DETENTION BUILDINGS DEPOPULATED
- PRE-TRIAL DETENTION FACILITIES
- MTC D-BLOCK / MRDCC / BCCC
- OPERATIONAL SUPPORT AND ADMINISTRATION BUILDINGS
- MTC HOSPITAL
- MTC SUPPORT FACILITIES
- SECURITY FENCING
- GT GUARD TOWER



JANUARY 21, 2016

**Baltimore Justice Center**  
 Revisions to the Master Plan (DRAFT)



Source: Department of Public Safety and Correctional Services

Analysis of the FY 2017 Maryland Executive Budget, 2016



Larry Hogan, Governor  
 Boyd K. Rutherford, Lt. Governor  
 Stephen T. Moyer, Secretary  
 David N. Bezanson, Assistant Secretary, Capital Programs  
 Katherine Z. Dixon, AIA, Director, DCCFM



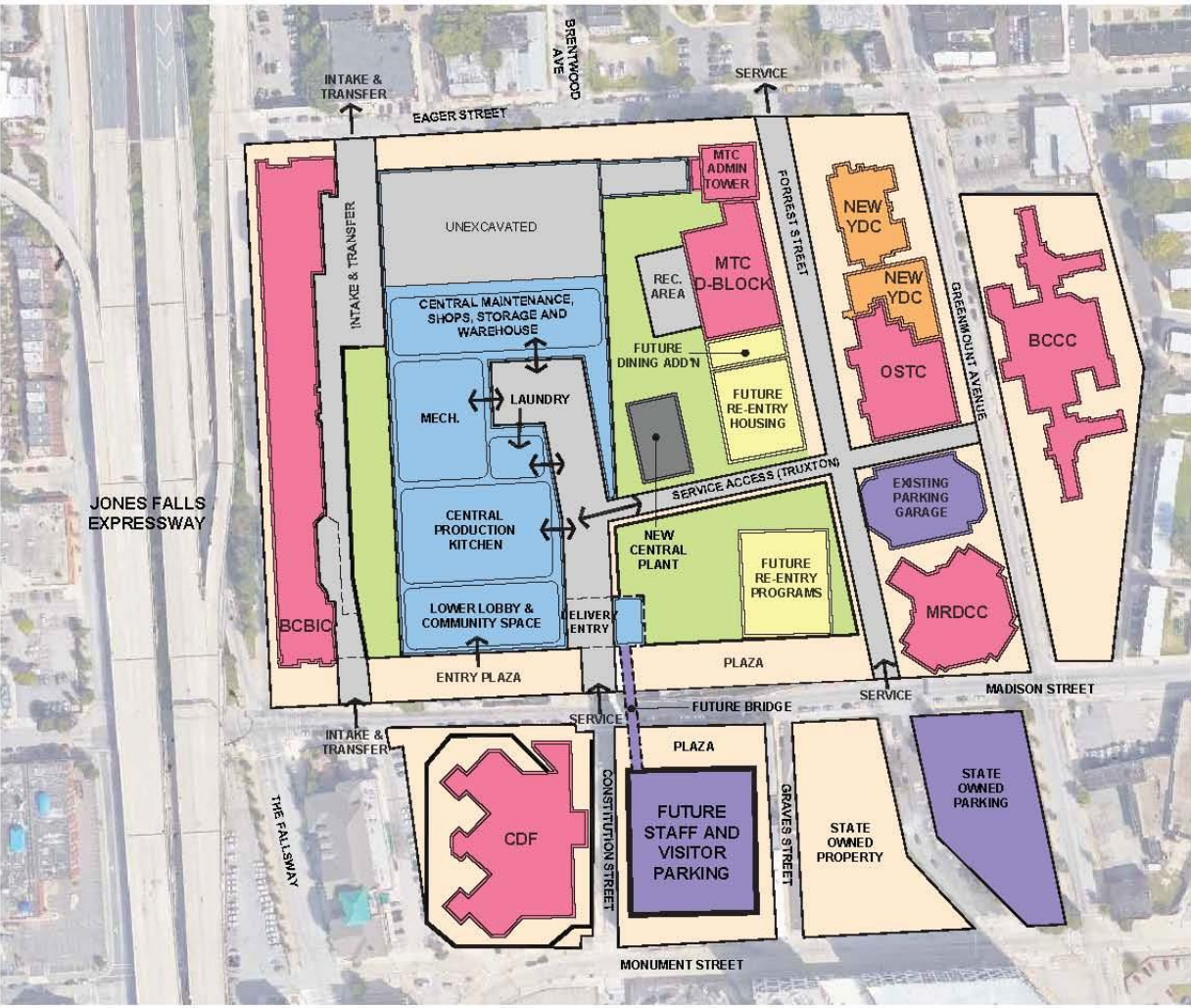
**PROPOSED LOWER LEVEL**  
 MADISON STREET LEVEL

- CCBC ROAD NETWORK
- CCBC PARKING FACILITIES
- NEW CENTRAL PLANT
- NEW BALTIMORE JUSTICE CENTER
- NEW YDC
- EXISTING BUILDINGS
- RE-ENTRY FACILITIES FUTURE



JANUARY 21, 2016

**Baltimore Justice Center**  
 Revisions to the Master Plan (DRAFT)



Source: Department of Public Safety and Correctional Services