

**Q00T04**  
**Division of Pretrial Detention**  
**Department of Public Safety and Correctional Services**

## ***Executive Summary***

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The Division of Pretrial Detention (DPD) is responsible for processing and managing the care, custody, and control of Baltimore City arrestees and detainees in a safe, humane, and secure environment. DPD also supervises the incarceration of a portion of the State sentenced inmate population at its Baltimore facilities and oversees the Pretrial Release Services Program, which was formerly under the jurisdiction of the Division of Parole and Probation.

## ***Operating Budget Data***

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(\$ in Thousands)

	<b><u>FY 18</u></b>	<b><u>FY 19</u></b>	<b><u>FY 20</u></b>	<b><u>FY 19-20</u></b>	<b><u>% Change</u></b>
	<b><u>Actual</u></b>	<b><u>Working</u></b>	<b><u>Allowance</u></b>	<b><u>Change</u></b>	<b><u>Prior Year</u></b>
General Fund	\$208,097	\$220,067	\$217,649	-\$2,418	-1.1%
Adjustments	0	2,600	3,599	999	
<b>Adjusted General Fund</b>	<b>\$208,097</b>	<b>\$222,666</b>	<b>\$221,247</b>	<b>-\$1,419</b>	<b>-0.6%</b>
Special Fund	572	984	996	12	1.2%
Adjustments	0	0	0	0	
<b>Adjusted Special Fund</b>	<b>\$572</b>	<b>\$984</b>	<b>\$996</b>	<b>\$12</b>	<b>1.2%</b>
Federal Fund	27,335	25,065	25,509	444	1.8%
Adjustments	0	140	437	297	
<b>Adjusted Federal Fund</b>	<b>\$27,335</b>	<b>\$25,205</b>	<b>\$25,945</b>	<b>\$740</b>	<b>2.9%</b>
Reimbursable Fund	317	368	325	-43	-11.6%
Adjustments	0	0	0	0	
<b>Adjusted Reimbursable Fund</b>	<b>\$317</b>	<b>\$368</b>	<b>\$325</b>	<b>-\$43</b>	<b>-11.6%</b>
<b>Adjusted Grand Total</b>	<b>\$236,321</b>	<b>\$249,222</b>	<b>\$248,513</b>	<b>-\$709</b>	<b>-0.3%</b>

Note: The fiscal 2019 appropriation includes deficiencies, a one-time \$500 bonus, and general salary increases. The fiscal 2020 allowance includes general salary increases.

Note: Numbers may not sum to total due to rounding.

For further information contact: Kenneth B. Weaver

Phone: (410) 946-5530

***Analysis of the FY 2020 Maryland Executive Budget, 2019***

*Q00T04 – DPSCS – Division of Pretrial Detention*

- Overall, the division's fiscal 2020 allowance decreases by \$709,000, or 0.3%, including the previously mentioned across-the-board adjustments. The change is largely due to increases for position realignments, the end of employee retention bonuses, a general salary increase, and fuel/utility expenses and motor vehicles.

## ***Personnel Data***

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	<b><u>FY 18</u></b> <b><u>Actual</u></b>	<b><u>FY 19</u></b> <b><u>Working</u></b>	<b><u>FY 20</u></b> <b><u>Allowance</u></b>	<b><u>FY 19-20</u></b> <b><u>Change</u></b>
Regular Positions	2,204.60	2,134.60	2,063.60	-71.00
Contractual FTEs	<u>83.71</u>	<u>106.50</u>	<u>33.47</u>	<u>-73.03</u>
<b>Total Personnel</b>	<b>2,288.31</b>	<b>2,241.10</b>	<b>2,097.07</b>	<b>-144.03</b>

### ***Vacancy Data: Regular Positions***

Turnover and Necessary Vacancies, Excluding New Positions	332.01	17.96%
Positions and Percentage Vacant as of 12/31/18	518.00	24.27%

- DPD has a 71-position decrease due to position realignments related to the closure of multiple Baltimore City detention facilities. These positions were moved into the Division of Correction because these employees supervise detainees at the Jessup Correctional Institution.
- Contractual full-time equivalents decrease from 106.5 to 33.47 because DPD stopped using contractual workers for food service in Baltimore City detention centers and started providing the service in-house.
- As of December 2018, DPD had 518 vacant positions and a vacancy rate of 24.3%. The number of current vacancies is over 1.5 times what is needed to meet budgeted turnover. Approximately 38% of these positions have been vacant for over 12 months, down from 44% in the previous fiscal year.

## ***Key Observations***

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- Detainee Population Declines, but Slight Increases Are Seen in Fiscal 2018:*** In Baltimore City, the total number of arrestees processed (or booked) and total commitments (those held in jail) continues to fall in recent years, mirroring trends around the country. However, the detainee population increased slightly over the last fiscal year. In addition, while DPD facilities had an average daily population of 2,320 in fiscal 2018, over 25,000 arrestees entered the facility at some point during the year.

#### *Q00T04 – DPSCS – Division of Pretrial Detention*

- ***Correctional Officer (CO) Vacancies and Overtime Spending Continue to Rise:*** DPD vacancy rates are now the second highest at the Department of Public Safety and Correctional Services, and overtime spending at its Baltimore City facilities is the highest per capita across all State institutions, largely due to unfilled CO positions.
- ***Baltimore City Detainees Face Increasing Rates of Mental Health and Drug Issues:*** DPD's unique population has a high rate of mental health and substance use issues. In fiscal 2018, 57% of detainees were charged with drug possession; 42% had mental health issues; 36% reported drug withdrawal symptoms; and in fiscal 2017, over 12,000 offenders were treated in DPD facilities for mental illness.
- ***Assault Rates Decline 30%:*** In fiscal 2018, assault rates have decreased substantially by 27% but are still nearly 6 percentage points higher than the division's stated goal. The high level of assaults is due in part to more violent offenders, close offender proximities, high CO vacancies, and the use of dormitory housing.
- ***Detainee Housing Issues:*** Approximately half of the Baltimore detainees live in dormitory housing, and over 18% of detainees are housed outside of Baltimore City. The fact that detainees are away from the city affects their ability to meet with counsel and family and has cost implications.

### **Operating Budget Recommended Actions**

1. Adopt committee narrative requesting a report due by December 1, 2019, on the Division of Pretrial Detention detainee data.
2. Adopt committee narrative requesting a report due by January 1, 2020, on Pretrial Detention data and criminal justice reforms.
3. Adopt committee narrative requesting a report due by October 30, 2019, on the Pretrial Release Services Program.

### **Updates**

- ***DPD Programs and Services:*** At the end of the analysis, an update on DPD programs and services is provided.

**Q00T04**  
**Division of Pretrial Detention**  
**Department of Public Safety and Correctional Services**

## ***Operating Budget Analysis***

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### **Program Description**

The Division of Pretrial Detention (DPD) is responsible for processing and managing the care, custody, and control of Baltimore City arrestees and detainees in a safe, humane, and secure environment. DPD also supervises the operation of all Baltimore City facilities, some of which incarcerate a portion of the State sentenced inmate population as well as federal detainees. In fiscal 2019, the Pretrial Release Services Program (PRSP), formerly under the jurisdiction of the Division of Parole and Probation (DPP), is now under DPD.

### **DPD Performance Analysis**

#### **1. Detainee Population Declines, but Slight Increases Are Seen in Fiscal 2018**

In Baltimore City, all arrestees are processed at the Baltimore Central Booking and Intake Center (BCBIC). The total number of arrestees processed (or booked) and total commitments (those held in jail) has continued to fall in recent years, mirroring trends around the country. As shown in **Exhibit 1**, the number of arrestees did rise slightly (3%) in fiscal 2018, in part due to longer court case processing times – as some detainees who will be released are waiting longer. In addition, while more detainees are assigned bail, more are also being held without bail, resulting in a detainee population that tends to have longer sentences due to more violent crimes. As a result, the average length of stay for detainees at the time of release has more than doubled, from 55 days to 125 days (fiscal 2016 to 2018).

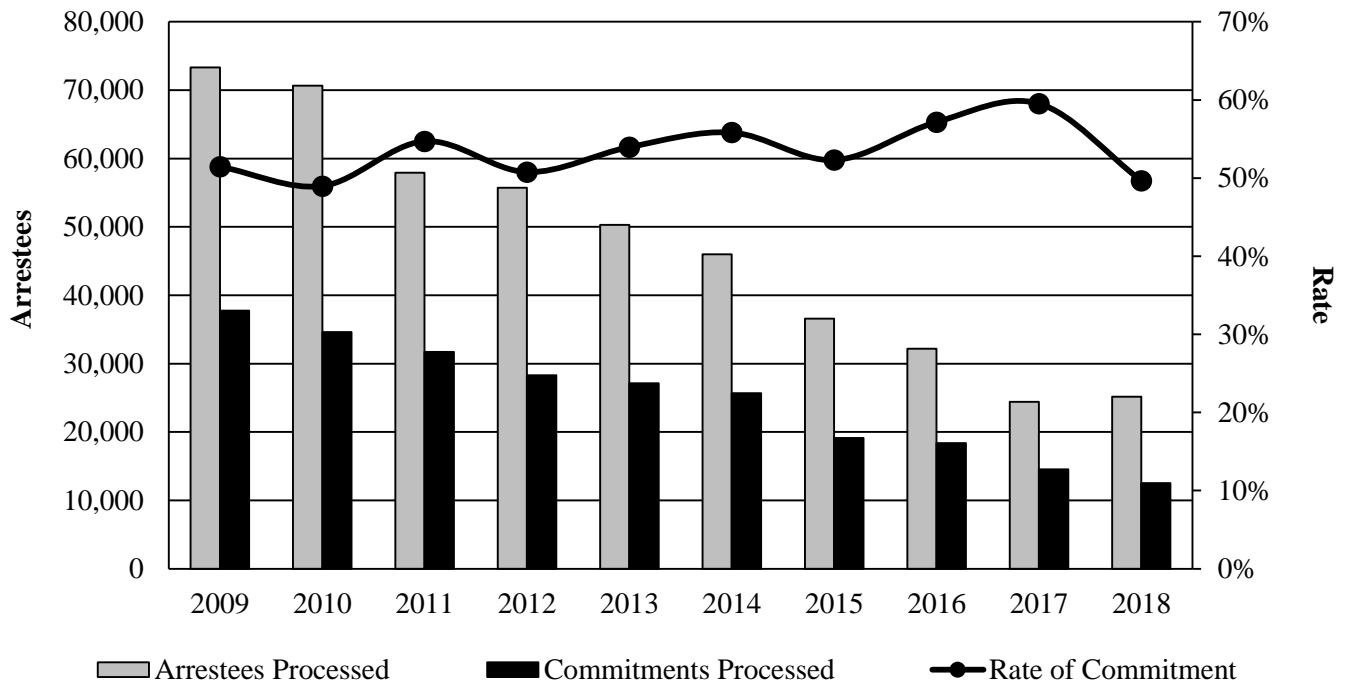
#### **Fewer Arrestees Are Being Jailed**

The rate of offenders committed to custody – meaning the percentage of arrestees who are then held in detention – declined to 49.7%, the second lowest total in a decade. There are several factors affecting these totals:

- ***Criminal Justice Reform:*** The Justice Reinvestment Act (JRA) and bail reform are reducing the number of offenders at the court level due to changes in bail determinations and sentencing rules.
- ***Nationwide Crime Decreases:*** Arrest and crime totals have declined over the last decade.

**DPD should comment on the slight increase in detainees in fiscal 2018, the overall decrease in the percentage of arrestees jailed, and how court processing times have affected detainee totals in Baltimore City.**

**Exhibit 1**  
**Arrests Processed and Rate of Commitment**  
**Fiscal 2009-2018**



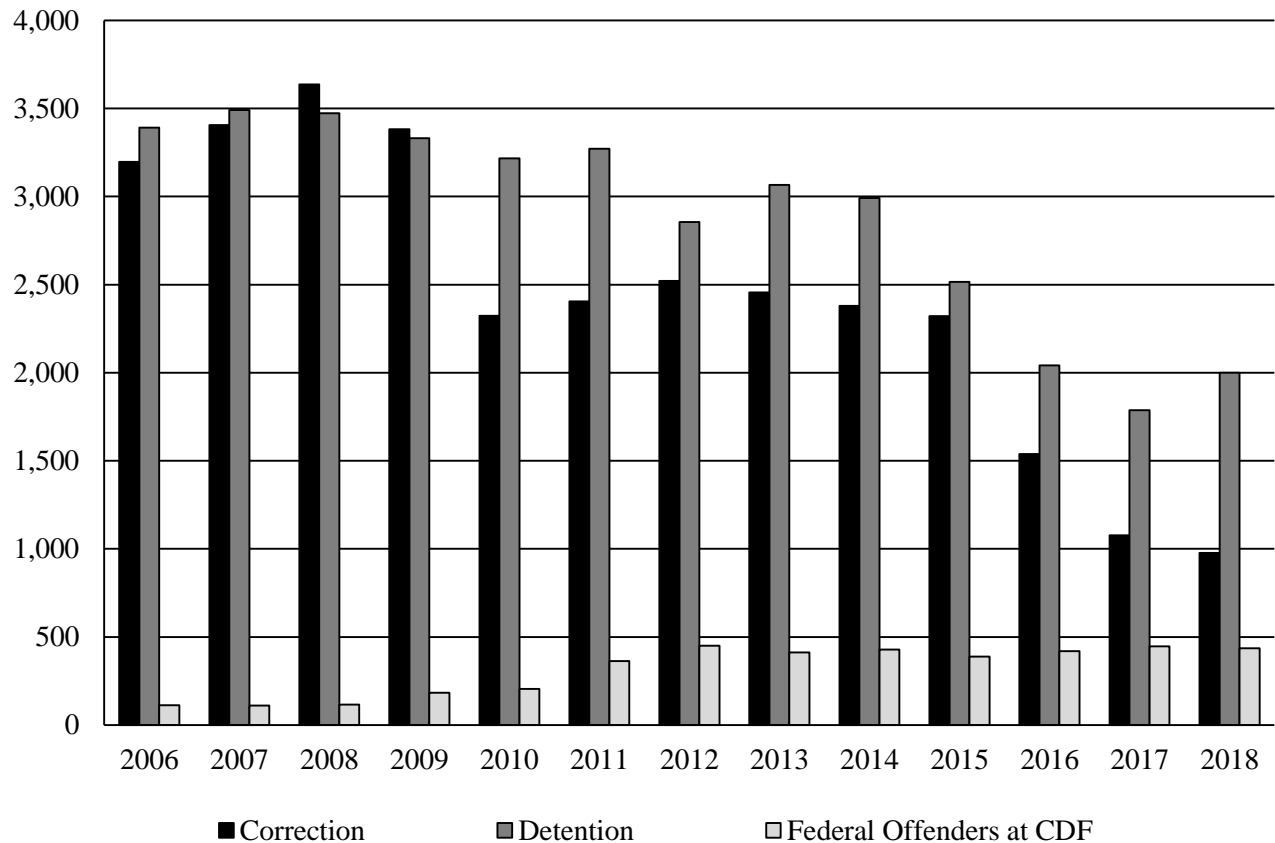
Source: Department of Public Safety and Correctional Services

**Incarcerated Offenders in Baltimore City – by Facility**

**Exhibit 2** shows the total sentenced population across all Baltimore City facilities. While DPD is responsible for local detainees, it also has a number of federal detainees. The Division of Correction (DOC) has nearly 1,000 inmates in Baltimore prisons as well. Overall, fiscal 2018 totals compared to fiscal 2017 are as follows:

- **Detainees:** 2,000 (11.8% increase due to more detainees at BCBIC and the Metropolitan Transition Center (MTC));
- **DOC State Prison Inmates:** 978 (9.1% decrease due to 99 fewer inmates); and
- **Federal Offenders at Chesapeake Detention Facility (CDF):** 436 (2% decline, relatively stable).

**Exhibit 2**  
**ADP for Offenders Incarcerated in Baltimore City Facilities**  
**Fiscal 2009-2018**



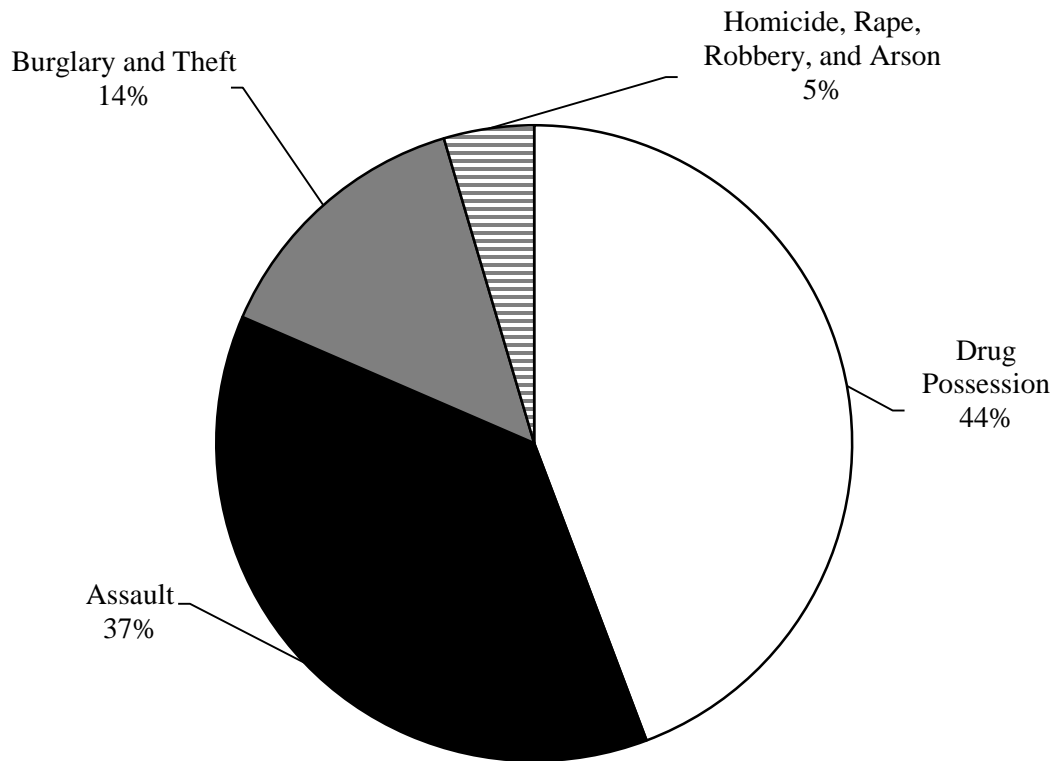
ADP: average daily population  
 CDF: Chesapeake Detention Facility

Source: Department of Public Safety and Correctional Services

## 2. Offender Demographics and Offenses/Crimes Committed

DPD facilities in Baltimore house a unique set of offenders and have a unique set of facilities where arrestees are booked, processed, and housed – all inside the Baltimore City jail complex. The majority of DPD's population consists of detainees at BCBIC and MTC. In fiscal 2018, offenders in these facilities were held for a variety of crimes, both violent and nonviolent, but the majority of detainees were held for drug possession (44%) and assault (37%), as shown in **Exhibit 3**.

**Exhibit 3**  
**Baltimore City Detainee Offenses**  
**January 2019**



Source: Department of Public Safety and Correctional Services

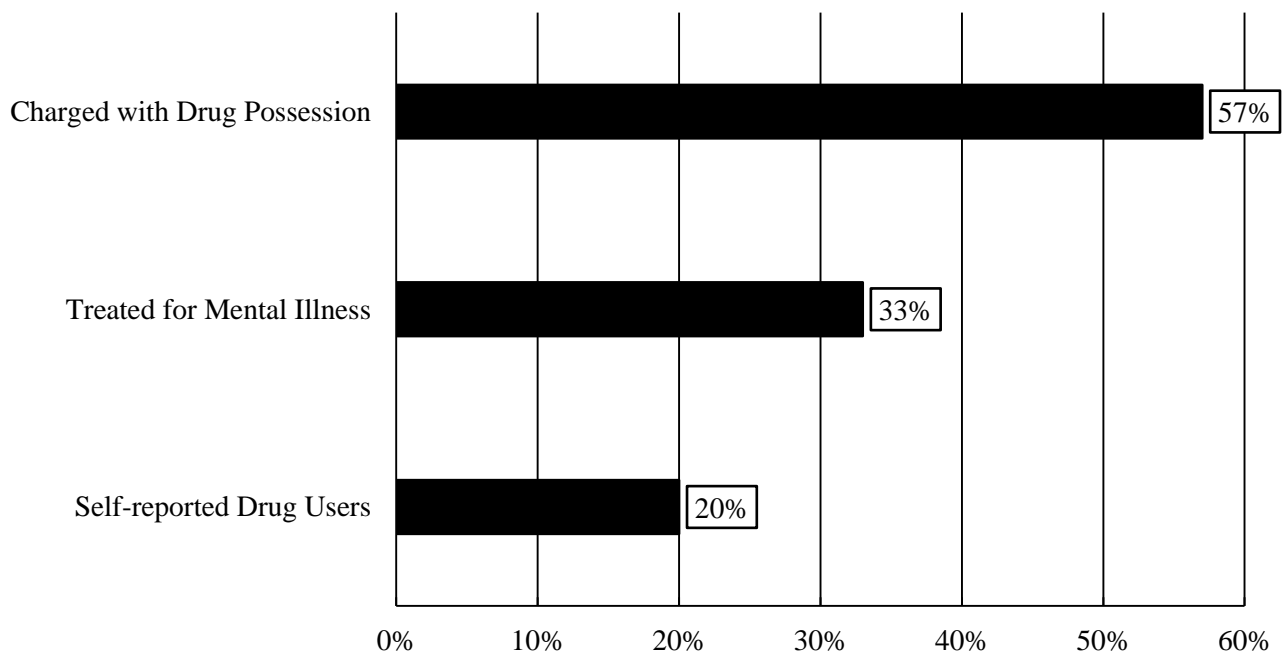
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DPD also houses a small number of sentenced offenders (107). Overall, traffic and nonviolent crimes make up 37% of the offenses for which these offenders were convicted. Violent crimes and sex crimes, including assault, were 42%; and robbery, theft, and burglary offenses were 21% of the total. BCBIC, in particular, has consistently had a high rate of inmates held for traffic violations at over 30%. **DPD should comment on the relatively high number of traffic offenders at BCBIC. In addition, as the department provides detailed breakdowns of the crimes committed by its inmate population, the Department of Legislative Services (DLS) recommends committee narrative requesting a similar report on major offenses (by category, facility, and percentage) of both arrestees and pretrial detainees for fiscal 2019.**

## Inmates with Mental Health or Substance Use Disorder Issues

Due to the lack of space at the Baltimore jail complex, the division is unable to offer sufficient substance use disorder (SUD) treatment. Because of the rise in opioid use, particularly in Baltimore City, a large number of offenders enter DPD facilities with substance use as well as mental health issues, as depicted in **Exhibit 4**.

**Exhibit 4**  
**Percentage of Detainees with Drug Abuse and Mental Health Issues**  
**Fiscal 2018**



Source: Department of Public Safety and Correctional Services

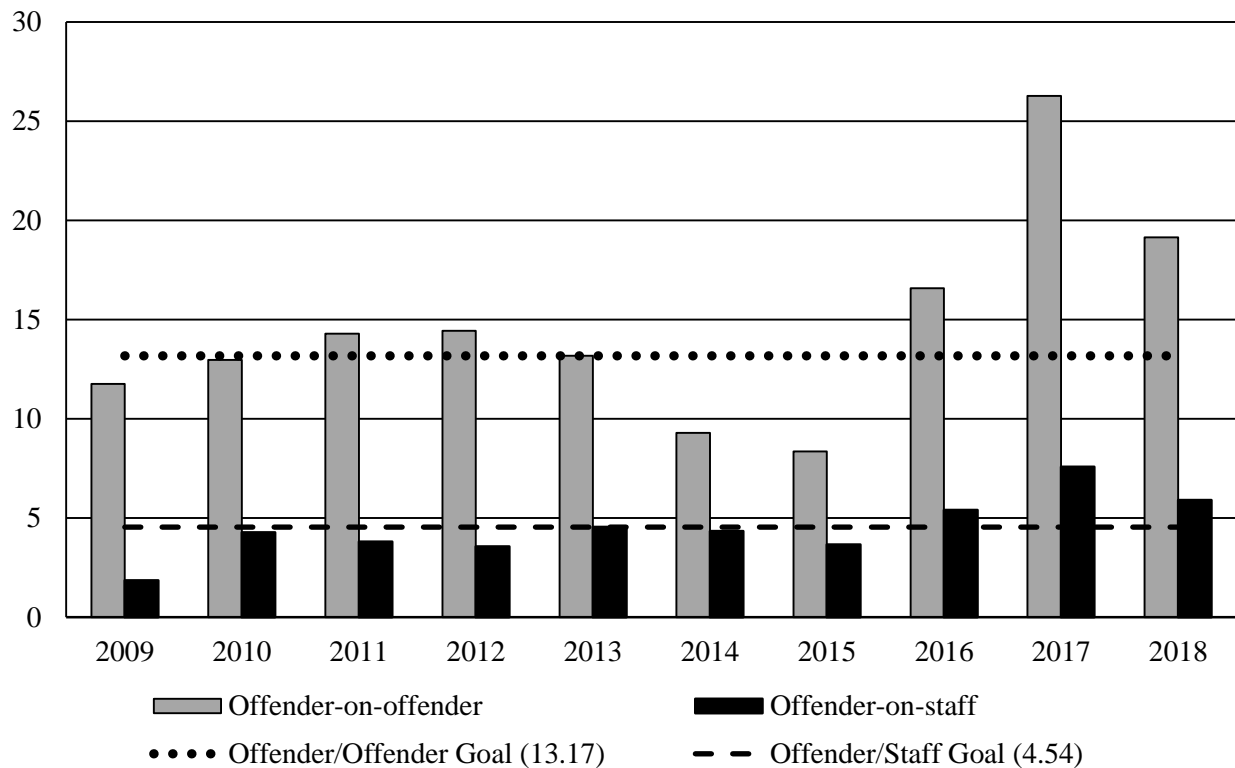
### 3. Assaults in DPD Facilities Decrease

DPD reports on the rate of assaults on detainees and staff per 100 offenders in order to measure the division's ability to maintain safe institutions. The goal is to have detainee-on-detainee and detainee-on-staff assault rates at or below the fiscal 2013 levels of 13.17 and 4.54, respectively. **Exhibit 5** depicts assault rates at Baltimore City facilities. While the offender-on-offender assault rate nearly doubled between fiscal 2015 and 2016, it increased another 58% in fiscal 2017 to the highest level since fiscal 2002 and was nearly twice as high as the division goal of 13.17. However, in



fiscal 2018, assault rates have decreased substantially by 27% but are still nearly 6 percentage points higher than the division’s stated goal. The high level of assaults at these facilities is again due in part to more violent offenders, close offender proximities, high correctional officer (CO) vacancies, and the use of dormitory housing. Offender-on-staff assaults are substantially lower and decreased 22% in fiscal 2018 but also remain above the division’s stated goal.

**Exhibit 5**  
**Assault Rates at Baltimore City Facilities Per 100 Detainees**  
**Fiscal 2009-2018**



Source: Department of Public Safety and Correctional Services

## **Fiscal 2019 Actions**

### **Proposed Deficiency**

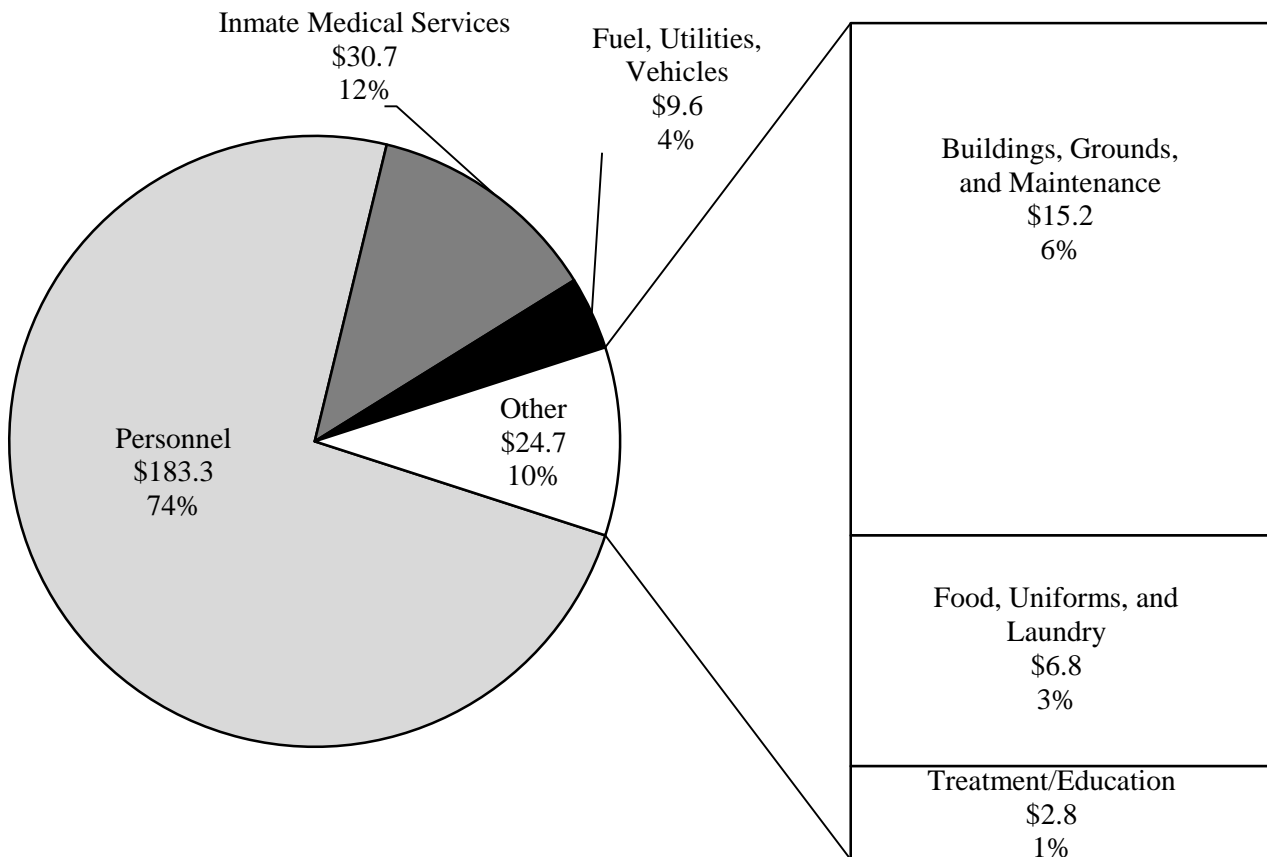
The Department of Public Safety and Correctional Services (DPSCS) receives a fiscal 2019 general fund deficiency providing \$7,643,911 to supplement the CO bonus and retention program. The DPD share of this amount is \$1,421,250.

## Fiscal 2020 Allowance

### Overview of Agency Spending

In fiscal 2020, DPD has over 74% of its allowance allocated for personnel spending, most of which is for salaries, wages, and CO overtime costs. Including funds for the cost-of-living adjustment and other employee bonus initiatives, this totals \$183.3 million. The second largest area of expenditures is for detainee medical costs, which account for \$30.7 million, or 12%, of the allowance. After including 4% of the allowance for fuel and utilities costs, DPD is left with \$24.7 million, or 10%, of the allowance for other spending. This includes facility upkeep and maintenance (6%); food, uniforms, and laundry (3%); and inmate services including treatment, education, and inmate welfare funds (1%). **Exhibit 6** illustrates DPD's total spending by category.

**Exhibit 6**  
**Agency Spending**  
**Fiscal 2020**  
**(\$ in Millions)**



Source: Department of Public Safety and Correctional Services

**Proposed Budget Change**

As shown in **Exhibit 7**, the Governor’s fiscal 2020 allowance for DPD decreases by \$709,000, or 0.3%.

**Exhibit 7**  
**Proposed Budget**  
**DPSCS – Division of Pretrial Detention**  
**(\$ in Thousands)**

<b>How Much It Grows:</b>	<b><u>General Fund</u></b>	<b><u>Special Fund</u></b>	<b><u>Federal Fund</u></b>	<b><u>Reimb. Fund</u></b>	<b><u>Total</u></b>
Fiscal 2018 Actual	\$208,097	\$572	\$27,335	\$317	\$236,321
Fiscal 2019 Working Appropriation	222,666	984	25,205	368	249,222
Fiscal 2020 Allowance	<u>221,247</u>	<u>996</u>	<u>25,945</u>	<u>325</u>	<u>248,513</u>
Fiscal 2019-2020 Amount Change	-\$1,419	\$12	\$740	-\$43	-\$709
Fiscal 2019-2020 Percent Change	-0.6%	1.2%	2.9%	-11.6%	-0.3%

**Where It Goes:****Personnel Expenses**

General salary increase .....	\$3,879
Turnover expectancy .....	2,301
Workers’ compensation premium assessment .....	1,190
Overtime earnings .....	855
Employee retirement system .....	271
Social Security contributions .....	-71
Employee and retiree health insurance .....	-242
Regular earnings .....	-1,126
One-time \$500 employee bonus .....	-1,162
End of fiscal 2019 portion of CO bonus program .....	-2,842
Departmentwide position realignments .....	-5,546
Other fringe benefit adjustments .....	21

**Inmate Variable Costs and Contractual Spending**

Contractual turnover and employee payments .....	157
Inmate welfare funds .....	71
Inmate medical care .....	64
Food purchases .....	-32
DLLR inmate education contracts .....	-120
Detainee and employee uniforms and laundry expenses .....	-315

## *Q00T04 – DPSCS – Division of Pretrial Detention*

### **Where It Goes:**

#### **Facility Security, Maintenance, and Supplies**

Fuel, utilities, and motor vehicle expenses .....	1,187
Facility repairs and maintenance .....	856
BCCC demolition, maintenance, and repairs.....	165
Managed access cell phone blocking.....	69
Supplies, equipment, and sanitation.....	-349
Other .....	10
<b>Total</b>	<b>-\$709</b>

BCCC: Baltimore City Correctional Complex

CO: correctional officer

DLLR: Department of Labor, Licensing, and Regulation

DPSCS: Department of Public Safety and Correctional Services

Note: Numbers may not sum to total due to rounding.

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## **DPD Budget Is Level-funded, but Personnel and Medical Expenses Increase**

While DPSCS saw modest budget growth in several subagencies, its main custodial functions DOC and Detention are the only departments with funding decreases – 0.1% and 0.3%, respectively, in fiscal 2020. Personnel and medical expenses account for 86% of DPD’s total spending, which leaves less funding for facility and inmate management and treatment. All of this is occurring at a jail complex that consists of aging buildings and ongoing demolition and construction. The interplay between budget needs and current constraints is discussed further in the Issues section of this analysis.

### **Personnel Expenses**

Similar to DPSCS’ other large units, such as DOC and DPP, the majority of spending is on salaries and wages for employees. Because of the high vacancy rates across the department, overtime spending is a critical piece of the division’s personnel expenditures. While overtime in the allowance increases by \$855,000, or just 2.7%, over the fiscal 2019 working appropriation, the division has over \$33 million allocated for overtime expenses in fiscal 2020, up nearly 10% from fiscal 2018 actual spending.

#### **Contractual Dietary Workers**

Beginning in September 2015, DPD stopped using contractual full-time equivalents (FTE) for food service in Baltimore City detention centers and started providing the service in-house. The remaining contractual FTEs continue to be converted into vacant regular positions, but the process has not been completed. **DPSCS should comment on the status of the position conversions and when it expects this process to be complete.**

### **Position Realignments**

Because of the closure of multiple buildings within the Baltimore City jail complex, DPD has had to move operations and personnel. The former Baltimore Pretrial Complex, which included the Wyatt, Jail Industries, and Annex buildings, no longer exists as a budgetary unit in the division and has been replaced by the new Youth Detention Center (YDC). Because the Pretrial buildings were closed, staff and detainees were moved in fiscal 2017 to the Jessup Correctional Institution (JCI) B-Building (JCI-B). As a result, DPD has a net \$5.5 million and a 71-position reduction (89 staff members are budgeted within DOC and 18 remaining Baltimore City positions are reduced). Further information about JCI-B is discussed in the Issues section of this analysis.

### **Nonpersonnel Expenses**

DPD's nonpersonnel spending, after inmate medical, fuel, and utilities expenses, consists of necessary items for facility and inmate management, including inmate welfare funds; facility variable costs for food, laundry, and uniforms; and maintenance. Over \$4.2 million is budgeted for facility maintenance, which includes operating support for the continued demolition of buildings and cleanup of the former Baltimore City Detention Center (BCDC). Due to fewer inmates expected, inmate uniform and food costs decrease slightly when compared to the fiscal 2019 working appropriation.

### **YDC**

DPD's YDC opened in September 2017 on the grounds of the Baltimore City detention complex and has \$23.6 million in the fiscal 2020 allowance. Currently, the facility has an average daily population (ADP) of 19 males and 3 females in a facility with individual cells; a full-size gymnasium; and onsite medical, dental, and behavioral health care. Its juvenile offenders are attending school as required by law, and in fiscal 2018, 12 students were awarded a high school diploma. The onsite classes are taught by Baltimore City Public Schools.

## ***Issues***

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### **1. The Changing Landscape of Pretrial Detention in Baltimore City**

There are a variety of factors that will significantly affect pretrial detention operations in fiscal 2020. Overall, the unique nature and makeup of DPD's detainee population and facilities has wide-ranging implications for its budget and programs going forward. These factors include the following:

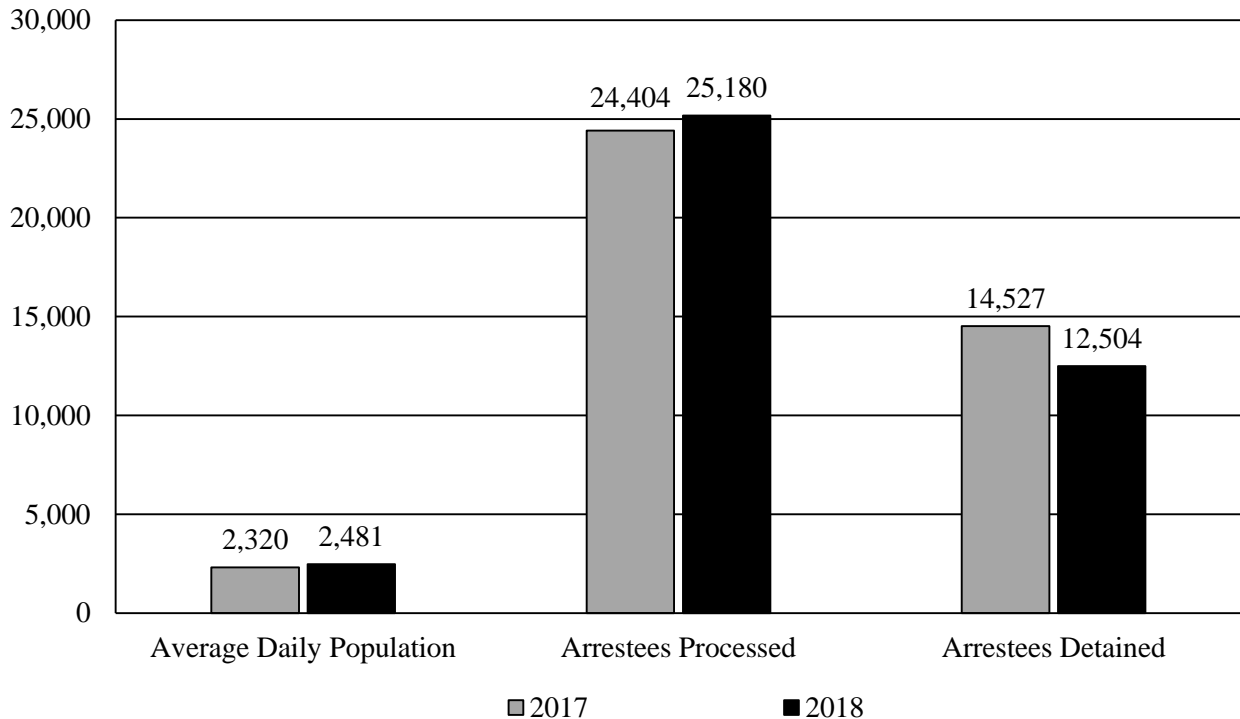
- ***Arrests and Detainee Populations Decline Substantially:*** Reflecting similar State and national trends, the number of arrestees processed in Baltimore City (over 100,000 in fiscal 2004) has declined 75% to just over 25,000 in fiscal 2018. The number of offenders committed to pretrial detention has also fallen, from 48,000 in fiscal 2004 to just over 12,500 in fiscal 2018.
- ***Criminal Justice Reform:*** Intended to reduce the State's incarcerated population, the JRA went into effect in October 2017. While DPSCS has made strides in applying JRA provisions to its State prison populations, an overall combination of bail reform, shorter sentences, and JRA-related provisions have all contributed to an overall decrease in the use of pretrial detention.
- ***Downsizing and Closing Facilities:*** With dramatic declines in arrests, commitments, and offender populations, the department has continued to close or partially close aging facilities, including all of the primary structures that made up the Baltimore City jail as well as several State facilities, including the following:
  - Baltimore Men's and Women's Detention centers (July 2015);
  - Jail Industries, Wyatt, and Annex buildings (closed August 2017);
  - Maryland Correctional Institution (MCI) – Hagerstown (downsized January 2017); and
  - Poplar Hill Pre-Release Unit (closed July 2017).

Additional demolition continues at the Baltimore City jail complex, which will pave the way for the expansion of space and services at a new Therapeutic Treatment Center.

### **Detainee ADP Totals Do Not Reflect DPD's Overall Population; Including Arrestees, the Total Is 10 Times Higher**

Despite the closures of multiple buildings within the Baltimore City jail complex and a decreasing overall detainee population, the number of people entering the complex – via Central Booking or BCBIC – reveals a more complex situation. While DPD had an ADP of 2,481 in fiscal 2018, over 25,000 arrestees entered the facility at some point during the year. **Exhibit 8** shows the total number of arrestees that entered Baltimore City facilities in fiscal 2017 and 2018.

**Exhibit 8**  
**Average Detainee Population vs. Arrestees/Total Jailed**  
**Fiscal 2017-2018**



Source: Department of Public Safety and Correctional Services

Of the approximately 25,000 offenders who entered Baltimore City DPD facilities:

- 57% of detainees were charged with drug possession;
- 36% reported drug withdrawal symptoms;
- 42% had mental health issues; and
- in fiscal 2017, over 12,000 offenders were treated onsite for mental illness.

In addition to the large number of total offenders in the Baltimore City complex at any given time, offenders are being detained for a wide variety of crimes, as was shown earlier in this analysis. While there was a wide range of crimes and offenses committed in January 2019, over 44% of detainees were held for drug possession. Over 37% were detained for violent crimes, including assault, with 5%

held for homicide, rape, robbery, or arson. At BCBIC, approximately 30% of DOC offenders are being detained for traffic-related offenses. This volatile mix of offenders – violent and nonviolent, drug users, and those with mental health issues – represents a distinct challenge for DPD staff.

### **DPD Facilities Have Less Space for Offenders and Programming**

Throughout the year, DPD staff has to deal with over 25,000 detainees in an ever-shrinking and deteriorating physical environment. The Baltimore City jail complex houses MTC, which is the oldest correctional facility in the country, built in 1811. Additionally, the ongoing demolition of other facilities onsite has implications for detainee treatment and rehabilitation. DPD reports that there is a lack of space for SUD and mental health treatment.

### **The Duvall Settlement**

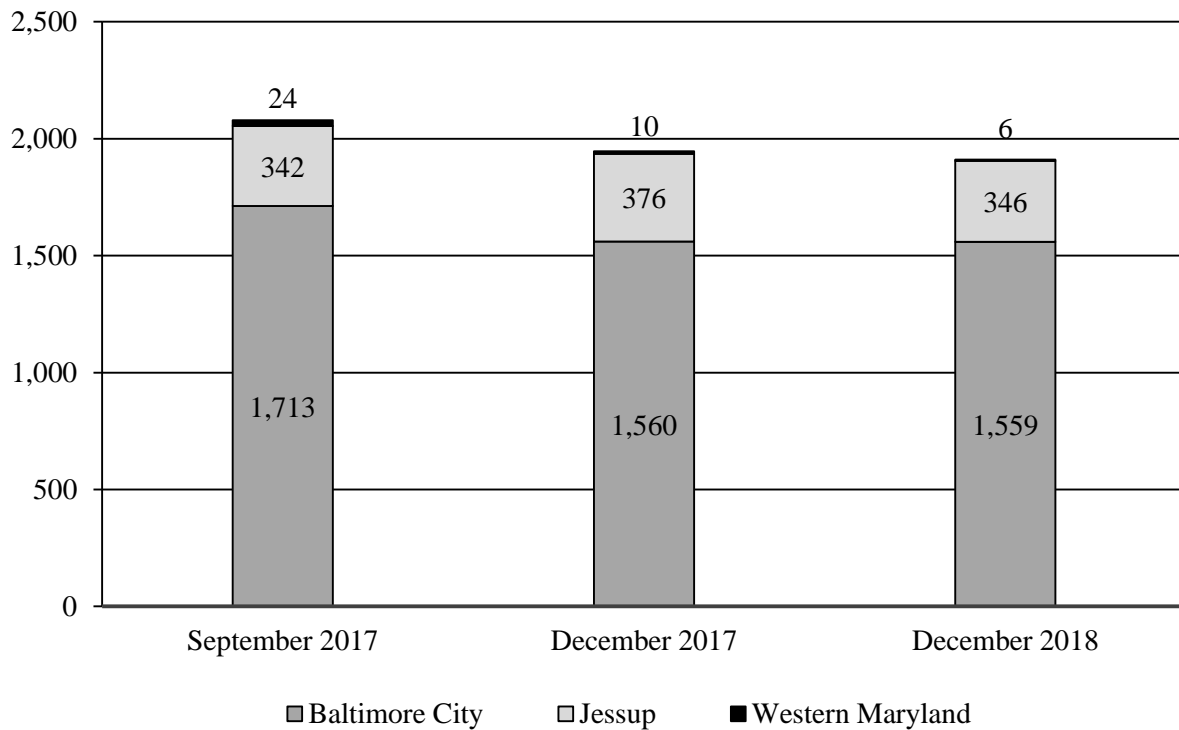
In 2015, the American Civil Liberties Union filed on behalf of Jerome Duvall and other Baltimore City jail detainees to reopen a partial settlement agreement regarding conditions at the former BCDC. The subsequent settlement required DPSCS to comply with rules regarding detainee medical and mental health treatment as well as facility maintenance. Because the division has to deal with ongoing space problems and maintenance issues, complying with the *Duvall* settlement is another challenge. In fiscal 2020, \$1.5 million is allocated for the Electronic Patient Health Records Project that will update DPSCS' ability to track and manage inmate health care needs. DPD also receives a \$1.2 million increase for building repairs and maintenance. However, due to a lack of space and deteriorating conditions at the Baltimore City jail complex, DPD has had to move detainees to other State facilities and into dormitory housing in Baltimore. **DPD should comment on its most recent status with respect to *Duvall* compliance.**

**Exhibit 9** shows detainee totals in all DPD facilities from September 2017 to December 2018 in the following regions:

- **Baltimore City:** BCBIC; BCDC; Maryland Reception, Diagnostic and Classification Center; MTC; and YDC;
- **Jessup:** JCI-B, MCI – Women, and Patuxent Institution; and
- **Western Maryland:** MCI – Hagerstown, Maryland Correctional Training Center, North Branch Correctional Institution, Roxbury Correctional Institution, and Western Correctional Institution.



**Exhibit 9**  
**Detainee Population by Region**  
**September 2017 to December 2018**



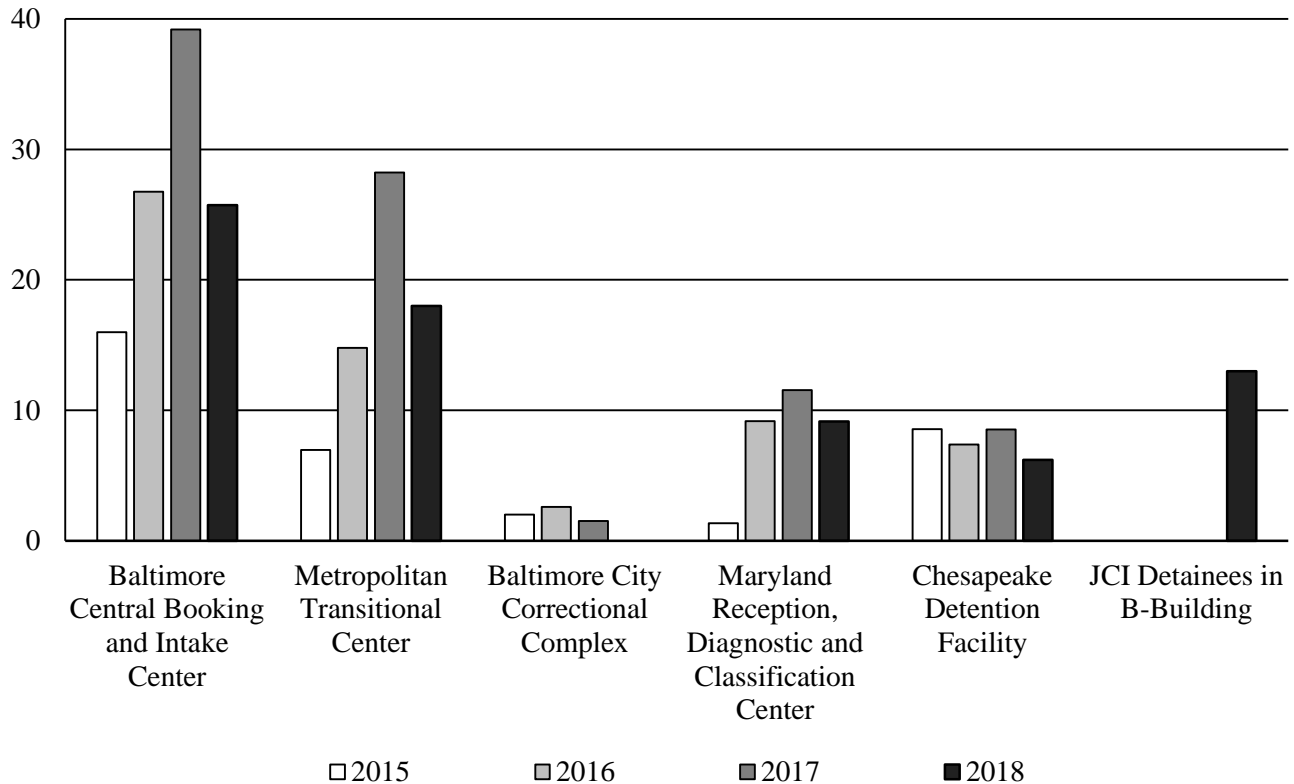
Source: Department of Public Safety and Correctional Services

Approximately half of city detainees are housed in dormitory housing, and over 18% of DPD detainees are outside of the Baltimore City limits in State prisons. The fact that detainees are away from the city affects their ability to meet with counsel and family and has cost implications for the division. DPD already has extensive security and transportation logistics to deal with as it moves offenders between buildings in the Baltimore City jail complex. Information about detainee transports was requested from DPSCS for the 2018 *Joint Chairmen's Report* but was not provided.

### **Offender-on-offender Assaults Are Down 30% in Baltimore City**

DPD detainee and space issues also have a significant effect on assault levels. In fiscal 2017, offender-on-offender assault rates in DPD facilities rose to 10-year highs, while State prison assaults were much lower and starting to decline. Overall, elevated assault rates in Baltimore's detention facilities were due to a combination of factors including the use of dormitory housing, which puts detainees in close proximity to one another, as well as the high population densities in detention facilities. Despite these issues, DPD has successfully begun to lower assault rates, particularly between offenders. **Exhibit 10** shows offender-on-offender assault rates at each DPD facility.

**Exhibit 10**  
**Offender-on-offender Assault Rates Per 100 Detainees**  
**Fiscal 2015-2018**



JCI: Jessup Correctional Institution

Source: Department of Public Safety and Correctional Services

At BCBIC, the largest facility in Baltimore City, there were 25.7 assaults per 100 offenders in fiscal 2018, down 34% from the previous year. While assaults at MTC nearly doubled from fiscal 2016 to 2017, that total has decreased 36% from fiscal 2017. The offender-on-offender assault rate among detainees in JCI-B is 13.0. While this total is just under the 13.17 goal, it is more than double the assault rate of the other JCI buildings that house State prisoners (6.35) and is higher than other Baltimore City facilities that house State prisoners (and in the case of CDF, federal detainees). In any case, while DPD has been increasing contraband searches, deploying new detectors, and working to reduce violence, gang-related activity and close detainee proximity make this a difficult endeavor. **DPD should comment on assault levels in its facilities, efforts to reduce them (particularly gang-related activity), and why JCI-B has a relatively high assault rate.**

## **DPD Jails Are More Expensive to Operate Than State Prisons**

Finally, in terms of costs, the unique population and physical layout of DPD facilities mean that these are the most expensive facilities under DPSCS' purview. High vacancy rates, particularly among COs, contribute to costs as well; vacancy rates at DPD are now the second highest at DPSCS, and overtime spending at its Baltimore City facilities are the highest per capita across all DPSCS institutions. **Exhibit 11** depicts fiscal 2018 vacancies across the department's agencies, and **Exhibit 12** shows overtime spending per capita at each facility.

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### **Exhibit 11 Departmental Vacancies by Agency Fiscal 2018**

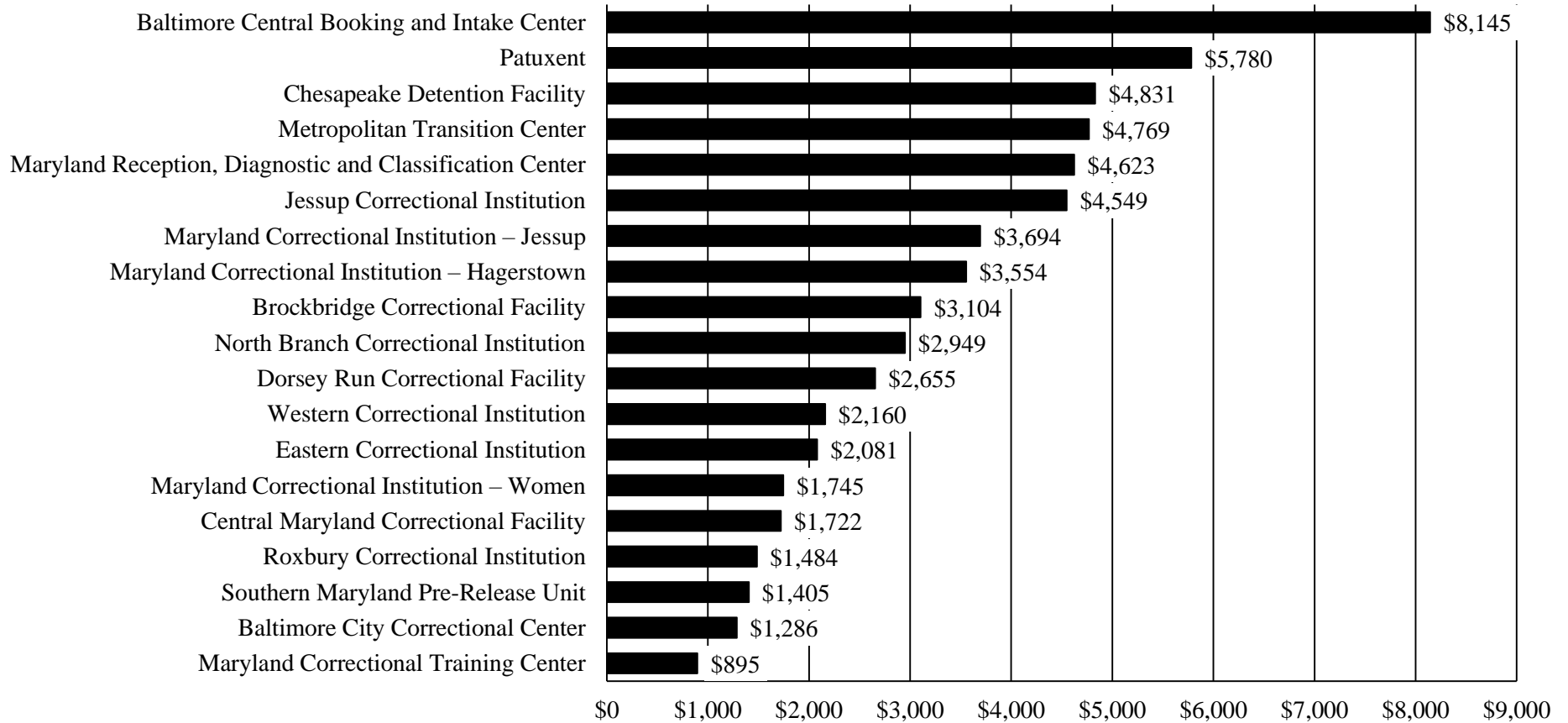
<b><u>Agency</u></b>	<b><u>Vacancies</u></b>	<b><u>Positions</u></b>	<b><u>Vacancy Rate</u></b>
Office of the Secretary	252.0	1,181.0	21.3%
Division of Correction	1,268.0	5,899.0	21.5%
Maryland Parole Commission	13.0	73.0	17.8%
Division of Parole and Probation	154.0	1,115.0	13.8%
Inmate Grievance Office	3.0	7.0	42.9%
Police and Correctional Training Commissions	13.3	69.8	19.1%
Maryland Commission on Correctional Standards	0	4.0	0.0%
<b>Division of Pretrial Detention</b>	<b>518.0</b>	<b>2,063.6</b>	<b>25.1%</b>
<b>Total DPSCS Operations</b>	<b>2,221.3</b>	<b>10,412.4</b>	<b>21.3%</b>

DPSCS: Department of Public Safety and Correctional Services

Source: Department of Public Safety and Correctional Services

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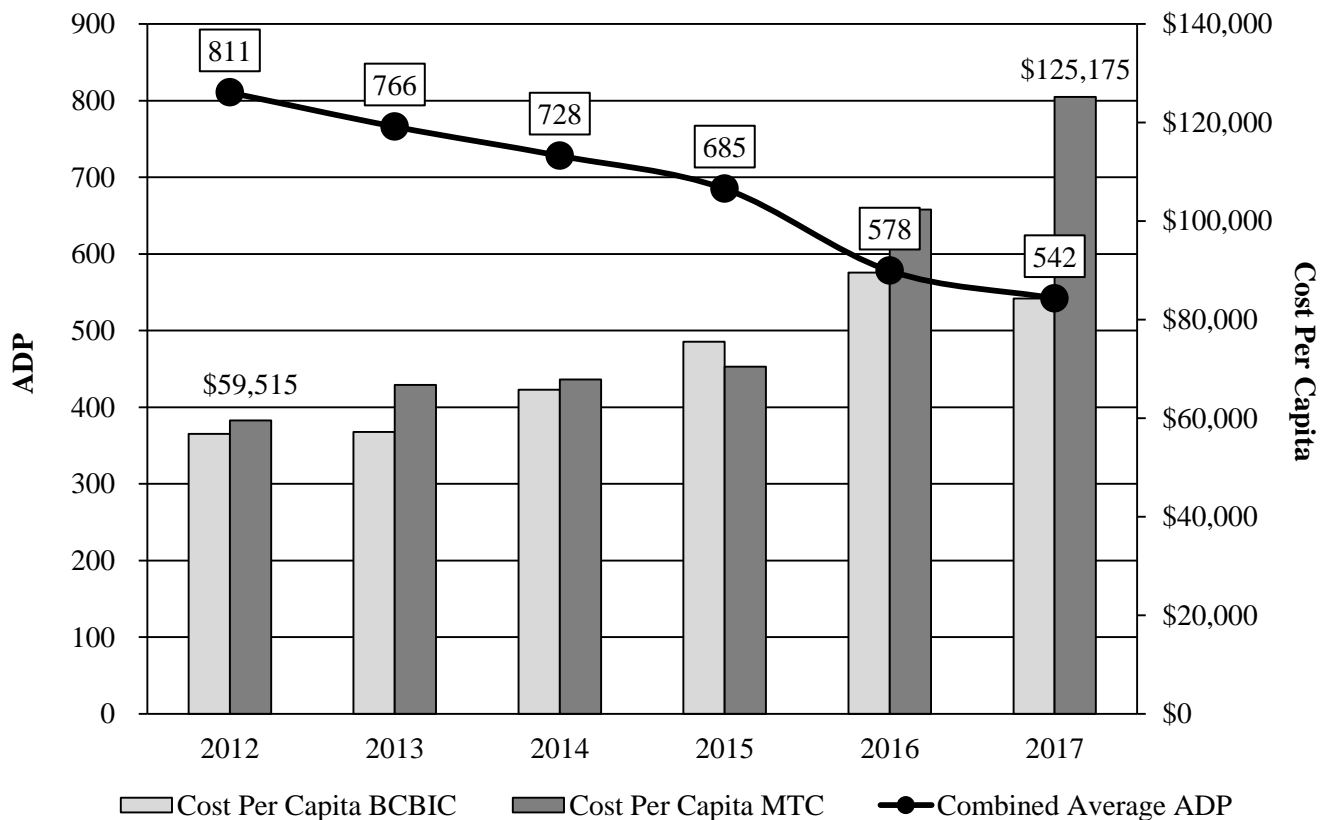
**Exhibit 12**  
**Overtime Spending per Capita**  
**Fiscal 2017**



Source: Department of Public Safety and Correctional Services

**Exhibit 13** shows the overall cost per capita at the two main Baltimore facilities, BCBIC and MTC, compared with their combined average population. While the number of detainees at these facilities decreased by 33%, costs per capita at both facilities rose an average of 80%. MTC is now the most expensive facility in the State, with costs of over \$125,000 per inmate. Of course, as the number of detainees decreases, costs per capita automatically rise because there are fewer inmates with the same fixed costs. However, in terms of variable costs for items such as medical care and treatment and increasing personnel costs, particularly for overtime, the per capita cost continues to rise.

**Exhibit 13**  
**ADP vs. Per Capita Cost**  
**Select DPD Facilities**  
**Fiscal 2012-2017**



ADP: average daily population  
BCBIC: Baltimore Central Booking and Intake Center  
DPD: Division of Pretrial Detention  
MTC: Metropolitan Transition Center

Source: Department of Public Safety and Correctional Services

## **Additional Factors**

The State's inmate and detainee population is changing. Overall, trends have resulted in fewer arrestees, fewer intakes and, ultimately, fewer inmates and detainees. However, despite a decreasing population, there are other factors to consider that make the DPD budget and operational forecast more complex:

- **Arrests:** At a time when total arrests are at multi-year lows, ADP and arrestees processed in Baltimore increased during the last fiscal year.
- **Average Length of Stay:** The average length of stay for detainees more than doubled, from 55 days in fiscal 2016 to 125 days in fiscal 2018. Longer case processing times at the court level mean that detainees are incarcerated longer and costs to the State increase as a result.
- **More Violent Offenders:** As changes in criminal justice take effect, such as the JRA and bail reform, more nonviolent offenders are being released earlier or not given jail time; as a result, DPD must deal with a more violent group of offenders who tend to have longer sentences.
- **Bail Reform:** Because of changes to bail, there are fewer detainees being held on cash bail, while more detainees are being held without bail. The data indicates that the percentage of those detained or incarcerated for more serious crimes is rising.
- **Jurisdiction Disparities:** The Governor's Commission to Reform Maryland's Pretrial System indicates that bail levels in Baltimore City were five times higher than those of Montgomery County for comparable crimes – this means that Baltimore City offenders do not fare as well in the courts as those from other jurisdictions, which means that DPD facilities are perhaps receiving more offenders than they would otherwise.

## **Understanding Changes and Tracking Data**

Overall, DPD is dealing with a unique set of circumstances, and the many changes in criminal justice reform are taking place within a difficult environment for corrections hiring and retention. In addition, the connection between different types of reform and the impact that they are having on detainee populations in Baltimore City is difficult to ascertain. For example, changes in sentencing, including changes in mandatory minimums and the recent *de facto* decriminalization of marijuana will have a direct effect on DPD operations or avoidance of operations due to lower populations. Because detainment data and court data are not explicitly linked, a full understanding of these changes is difficult. This is similar to the issue that DOC has with earned compliance credits. To adjust data to account for each individual and the changes in credits awarded is a difficult task.

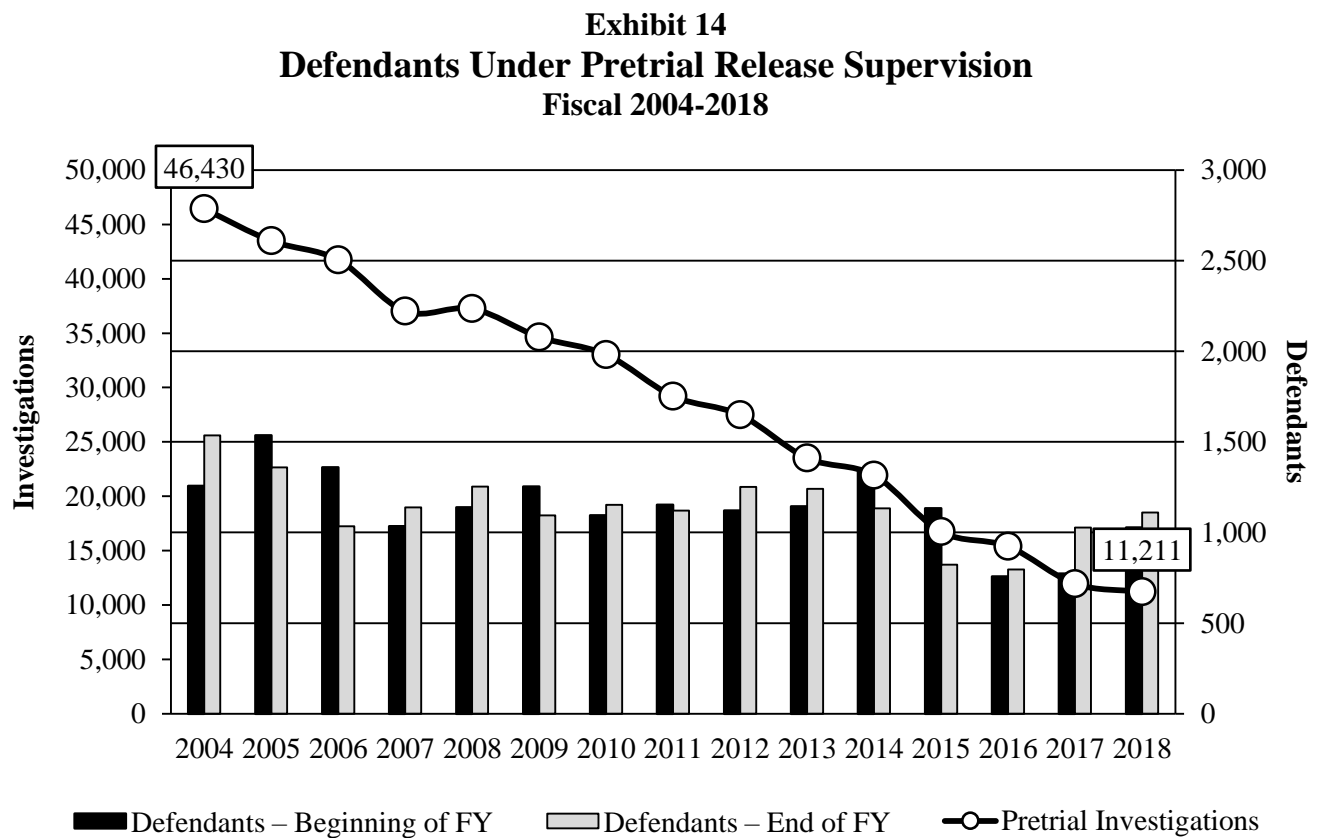
**To better understand these issues, DLS recommends committee narrative requesting a report from DPD due by January 1, 2020, on key criminal justice reform data, additional costs including detainee transport costs for those held outside of Baltimore City, and information on detainee offenses.**

## 2. PRSP

PRSP interviews, investigates, and presents recommendations to Baltimore City courts concerning the pretrial release of individuals accused of crimes in Baltimore. PRSP also supervises defendants released on personal recognizance or conditional bail as ordered by the court. Formerly under the purview of DPP, PRSP is now part of DPD.

### Pretrial Investigations Are Down 76%, but Defendants Supervised Remains Steady

As detainee populations have decreased over the last decade, the number of pretrial investigations has also declined dramatically. In the last 14 years, between fiscal 2004 and 2018, PRSP investigations declined from 46,000 to just over 11,000, a 76% decrease. However, after 14 years, PRSP is still supervising nearly the same number of defendants – 1,500 defendants were under supervision then and 1,100 are under supervision now, as shown in **Exhibit 14**.



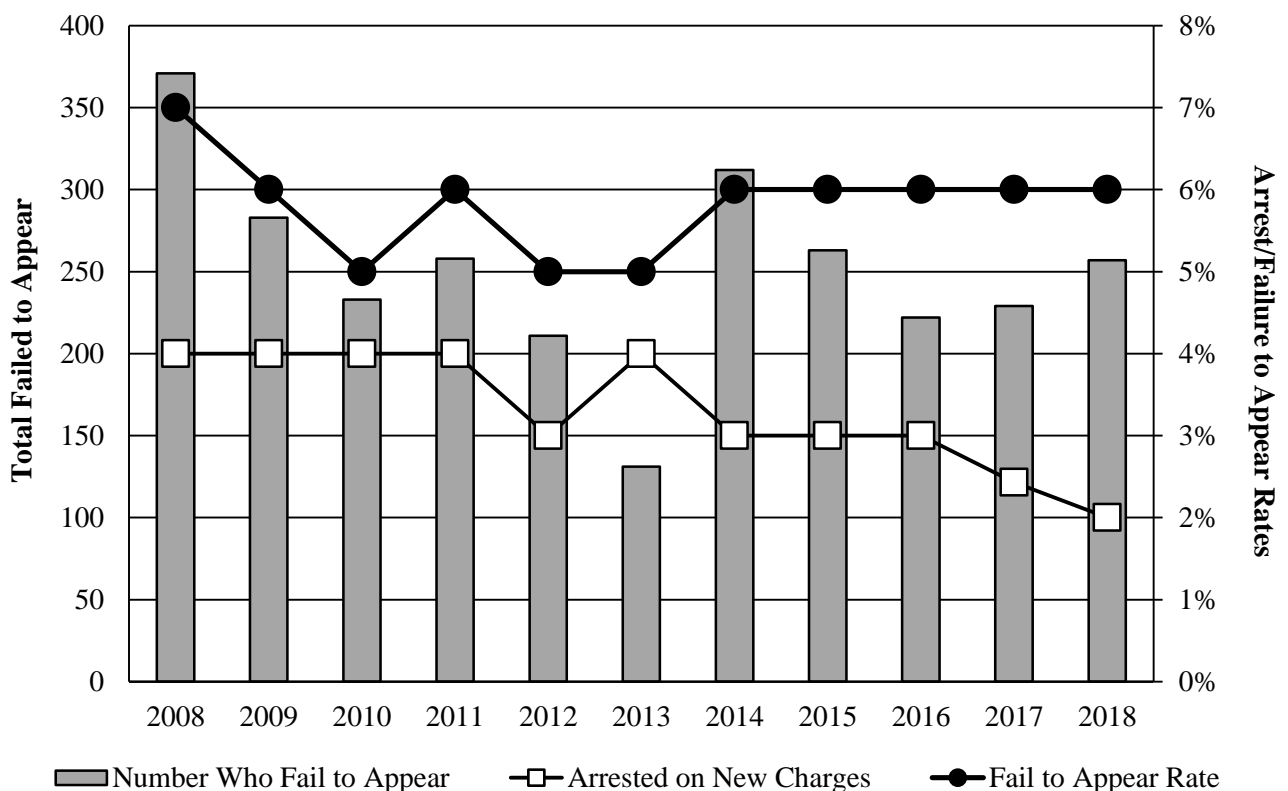
FY: fiscal year

Source: Department of Public Safety and Correctional Services

Overall, while PRSP had a massive workload in fiscal 2004 with 100,000 arrests, 46,000 investigations, and 50,000 defendants jailed, the number of defendants under pretrial supervision in Baltimore remained about the same. The data shows that a larger number of arrests and more offenders in jail has had no effect on pretrial investigative services and efficiency. **DPD should comment on the fact that while investigations declined significantly, the number of defendants supervised has remained steady.**

PRSP's goal is to ensure that pretrial defendants released into the community comply with bail conditions, do not engage in criminal activity while on release, and appear for court when required. **Exhibit 15** shows that PRSP staff successfully met its goals of having 4% or less of its population arrested on new charges while under supervision and having 8% or less of the population fail to appear for required court dates in fiscal 2018 – just 2% of defendants were arrested on new charges and 6% failed to appear in court. PRSP has met both of its goals throughout the decade.

**Exhibit 15**  
**Defendants Arrested on New Charges and Failure to Appear Rates**  
**Fiscal 2008-2018**



Source: Department of Public Safety and Correctional Services



*Q00T04 – DPSCS – Division of Pretrial Detention*

**Given that PRSP now has a full year of data and experience under DPD management, DLS recommends committee narrative requesting an update on DPD’s integration with PRSP and efficiencies achieved and any new plans for Baltimore City going forward.**

## ***Operating Budget Recommended Actions***

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1. Add the following language to the general fund appropriation:

, provided that \$150,000 of this appropriation may not be expended until the Department of Public Safety and Correctional Services submits a report to the budget committees no later than December 1, 2019, on Baltimore City arrestees and detainees. The report should include the following information for fiscal 2019:

- (1) major offense at time of arrest (grouped by category and percentage);
- (2) major offense for the detainee population (grouped by category and percentage by facility); and
- (3) information regarding Baltimore City detainees being held outside of the city, including the total number of transports and the total cost in fiscal 2018 to move these detainees back to Baltimore City for counsel, court dates, or medical reasons.

The budget committees shall have 45 days to review and comment following receipt of the report. Funds restricted pending a report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted to the budget committees.

**Explanation:** In its quarterly Inmate Characteristics Report, the department's Division of Correction reports inmate age, sex, sentence, and offense distribution by count and percentage in each of its facilities. Because of the wide range of offenders being arrested and processed in Baltimore City each year and the large number of detainees held for nonviolent offenses, the budget committees request a similar report regarding the Division of Pretrial Detention's arrestee and detained populations. Transport data for detainees held outside of Baltimore City was requested for inclusion in the 2018 Joint Chairmen's Report but was not provided. This language restricts funds pending receipt of a report to ensure that the information is submitted.

<b>Information Request</b>	<b>Author</b>	<b>Due Date</b>
Baltimore City detainee information report	Department of Public Safety and Correctional Services	December 1, 2019

2. Adopt the following narrative:

**Division of Pretrial Detention Criminal Justice and Data Report:** Overall, the Division of Pretrial Detention (DPD) is dealing with a unique set of circumstances. The many changes caused by criminal justice reform are taking place within a difficult environment for correctional officer hiring and retention. In addition, the connection between different types of

*Q00T04 – DPSCS – Division of Pretrial Detention*

reform and the impact that they are having on detainee populations in Baltimore City is difficult to ascertain. To better understand these issues, the budget committees request a report from DPD, in consultation with the Judiciary, due by January 1, 2020, on key criminal justice reform data including the following:

- an evaluation of how criminal justice reforms and court-level factors are affecting DPD's population and operations. Reforms examined should include, but not be limited to, the Justice Reinvestment Act (JRA), bail reform, and changes in sentencing rules;
- an update on court case processing times and how it is affecting DPD population increases; and
- an update on the processes for reporting and sharing the JRA and any other relevant data with the Judiciary and the Governor's Office of Crime Control and Prevention, along with any data sharing impediments.

<b>Information Request</b>	<b>Authors</b>	<b>Due Date</b>
DPD criminal justice and data report	DPD Judiciary	January 1, 2020

3. Adopt the following narrative:

**Pretrial Release Services Program Report:** Given that the Pretrial Release Services Program (PRSP) now has a full year of data and experience under the Division of Pretrial Detention (DPD) management, the budget committees request a report that includes PRSP's first year performance, the integration with DPD, any efficiencies gained from relocating PRSP to DPD, as well as an update on the decrease in pretrial investigations over the last decade – and why the number of defendants under supervision has remained consistent while arrests, investigations, and total jailed varied significantly. A report should be submitted to the committees by October 30, 2019.

<b>Information Request</b>	<b>Author</b>	<b>Due Date</b>
PRSP report	DPD	October 30, 2019

## ***Updates***

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### **1. DPD Programs for Detainees**

**Exhibit 16** lists various DPD programs available for detainees.

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#### **Exhibit 16 Division of Pretrial Detention Programming Fiscal 2018**

<b><u>Program Title</u></b>	<b><u>Program Description</u></b>
Baltimore City Community College GED (Alternative High School Diploma) Preparation Program	One-year adult basic education classes with GED preparation and reentry services. Offenders can continue classes when released; a new element added that will include workforce development.
Veterans Group	Veterans Administration Social Workers provide the Division of Pretrial Detention (DPD) veteran detainee services, as needed, that include group workshops at the Metropolitan Transition Center. Services are also provided on an as-needed basis by request.
P2P (Prison to Professionals from Prison to PhD Program)	Educational Counseling and Mentoring program. The main goal is to inspire and help people with criminal convictions to obtain a college education. The program provides college readiness workshops, helps people navigate the college and loan application process, and provides SAT/GRE prep tests.
The Johns Hopkins University (JHU) Student Volunteer Tutors Team 2 Youth Detention Center (YDC)	JHU students assist YDC's Eager Street Academy teacher study and tutoring sessions, including homework help.
JHU Volunteer Special Needs Tutors	Provides tutoring services to Baltimore Central Booking and Intake Center's Special Needs Unit detainees' program.
Write-Write Program	Tutors detainees in writing proper English.
Behavior Health Leadership Institute Substance Treatment-reentry	Substance Treatment referral program that provides mental health and substance use assessments and referrals via a mobile treatment van for DPD releasees.
Narcotics Anonymous Group	Drug peer support.
Alcoholics Anonymous	Alcohol peer support.

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<b><u>Program Title</u></b>	<b><u>Program Description</u></b>
Healthy Lives Baltimore	Resource-based reentry supportive services – mental health and substance treatment.
Baltimore City Health Department – Ryan White Grantee Program	Various health care facilities and HIV counselors, such as Total Care and Parkwest Medical Center, partnered with the Baltimore City Health Department, to provide medical-related resources and transition resources to detainees affected by HIV.
Baltimore Healthy Babies and Health-related Programs and Services	Baltimore Healthy Babies assists with access to medical care and seminars on women’s health. Seminars conducted on request from the Baltimore City Health Department with female detainees.
Community Mediation	Mediation-led sessions conducted in intervals of three sessions (a second cycle is approved on a case-by-case basis) helping detainees through conflict resolution with family, employer, and community, including church.
Alternative Directions Inc.	Provides civil legal services to include notary services for detainees as needed for issues including child support and other legal paperwork processing.
Contact Visits, YDC	Youth mentorship workshops, a Baltimore City Public School assisted Title I grant program.
Youth Trauma-based Yoga	Provides trauma care-based yoga.
Success Camp	Youth empowerment workshop to build youth self-esteem.
House of David Advocates for Fathers Program	Facilitates groups geared toward building better parental relations and addressing absent father issues so that detainee fathers can learn job readiness and obtain interview skills.
RAISE – Raising An Individual’s Self Esteem Inc.	Adult self-esteem building workshop.

Source: Department of Public Safety and Correctional Services

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**Appendix 1**  
**Current and Prior Year Budgets**  
**DPSCS – Division of Pretrial Detention**  
**(\$ in Thousands)**

	<b><u>General Fund</u></b>	<b><u>Special Fund</u></b>	<b><u>Federal Fund</u></b>	<b><u>Reimb. Fund</u></b>	<b><u>Total</u></b>
<b>Fiscal 2018</b>					
Legislative Appropriation	\$223,630	\$1,044	\$25,846	\$299	\$250,820
Deficiency/Withdrawn Appropriation	-3,770	0	-311	0	-4,080
Cost Containment	-2,315	0	0	0	-2,315
Budget Amendments	-8,886	135	3,073	174	-5,504
Reversions and Cancellations	-562	-607	-1,273	-156	-2,599
<b>Actual Expenditures</b>	<b>\$208,097</b>	<b>\$572</b>	<b>\$27,335</b>	<b>\$317</b>	<b>\$236,321</b>
<b>Fiscal 2019</b>					
Legislative Appropriation	\$219,038	\$980	\$24,936	\$368	\$245,322
Budget Amendments	1,029	4	129	0	1,162
<b>Working Appropriation</b>	<b>\$220,067</b>	<b>\$984</b>	<b>\$25,065</b>	<b>\$368</b>	<b>\$246,484</b>

DPSCS: Department of Public Safety and Correctional Services

Note: The fiscal 2019 appropriation does not include deficiencies, a one-time \$500 bonus, or general salary increases. Numbers may not sum to total due to rounding.

## **Fiscal 2018**

### **General Fund**

General fund expenditures for fiscal 2018 were approximately \$208 million, a decrease of \$15.5 million from the legislative appropriation. A general fund deficiency withdrew \$1.2 million in fuel and utility savings. In September 2017, the Board of Public Works withdrew \$2.3 million based on salary savings accrued from the division's high vacancy rates.

Budget amendments decreased the department's appropriation by a net \$8.9 million in general funds, which was used to realign funds among agencies to match actual expenditures. General fund reversions totaled \$562,000 and were due to a Medicaid credit that was submitted for payment but was never processed. Because the Department of Public Safety and Correctional Services did not receive the credit until after the fiscal year closed, those funds were reverted.

### **Special Fund**

Fiscal 2018 special fund expenditures were approximately \$572,000, which was a \$472,000 decrease from the legislative appropriation. The special fund appropriation increased by a net \$135,000 in budget amendments due to the realignment of funds to match actual expenditures. The department canceled approximately \$607,000 in special funds. These funds included \$132,000 in unspent inmate welfare funds, \$382,000 in overestimated inmate work release earnings, and \$93,000 in unspent substance addiction grant funding due to 2 contractual vacancies.

### **Federal Fund**

Fiscal 2018 federal funds were \$27.3 million, nearly \$1.5 million more than the legislative appropriation. One federal fund deficiency withdrew \$311,000 for fuel and utility savings, while a net \$3.1 million in budget amendments was used to realign federal funds to pay for repairs at the Chesapeake Detention Facility (CDF). Over \$1.2 million in cancellations were due to the same project, as the federal fund realignment for CDF was higher than the actual payments.

### **Reimbursable Fund**

Reimbursable funds totaled approximately \$317,000, an \$18,000 increase over the legislative appropriation. This increase was due to a net \$174,000 increase in budget amendments for the Governor's Office of Crime Control and Prevention grant funds for reentry programs at the Maryland Reception, Diagnostic and Classification Center (MRDCC). In addition, \$156,000 in grant funding from this MRDCC program went unspent and were canceled. These funds are part of a multi-year grant and will be spent in fiscal 2019.

## **Fiscal 2019**

The fiscal 2019 working appropriation increased by approximately \$1.2 million in budget amendments (\$1 million in general funds, \$4,000 in special funds, and \$129,000 in federal funds) that provided funds for a statewide employee cost-of-living adjustment.



**Appendix 2**  
**Object/Fund Difference Report**  
**DPSCS – Division of Pretrial Detention**

<u>Object/Fund</u>		<u>FY 18</u> <u>Actual</u>	<u>FY 19</u> <u>Working</u> <u>Appropriation</u>	<u>FY 20</u> <u>Allowance</u>	<u>FY 19 - FY 20</u> <u>Amount Change</u>	<u>Percent</u> <u>Change</u>
<b>Positions</b>						
01	Regular	2,204.60	2,134.60	2,063.60	-71.00	-3.3%
02	Contractual	83.71	106.50	33.47	-73.03	-68.6%
<b>Total Positions</b>		<b>2,288.31</b>	<b>2,241.10</b>	<b>2,097.07</b>	<b>-144.03</b>	<b>-6.4%</b>
<b>Objects</b>						
01	Salaries and Wages	\$ 174,841,161	\$ 187,025,334	\$ 183,256,123	-\$ 3,769,211	-2.0%
02	Technical and Special Fees	3,189,886	820,787	970,004	149,217	18.2%
03	Communication	712,049	650,409	640,775	-9,634	-1.5%
04	Travel	8,864	11,350	10,150	-1,200	-10.6%
06	Fuel and Utilities	8,995,253	7,833,750	9,106,595	1,272,845	16.2%
07	Motor Vehicles	455,241	593,641	507,920	-85,721	-14.4%
08	Contractual Services	31,521,379	38,489,799	39,475,413	985,614	2.6%
09	Supplies and Materials	8,724,315	9,778,689	9,311,440	-467,249	-4.8%
10	Equipment – Replacement	442,642	34,832	31,165	-3,667	-10.5%
11	Equipment – Additional	806,788	0	0	0	0.0%
12	Grants, Subsidies, and Contributions	373,329	848,327	899,550	51,223	6.0%
13	Fixed Charges	362,596	395,710	268,845	-126,865	-32.1%
14	Land and Structures	5,887,022	0	0	0	0.0%
<b>Total Objects</b>		<b>\$ 236,320,525</b>	<b>\$ 246,482,628</b>	<b>\$ 244,477,980</b>	<b>-\$ 2,004,648</b>	<b>-0.8%</b>
<b>Funds</b>						
01	General Fund	\$ 208,097,338	\$ 220,066,784	\$ 217,648,533	-\$ 2,418,251	-1.1%
03	Special Fund	571,920	983,689	995,869	12,180	1.2%
05	Federal Fund	27,334,762	25,064,644	25,508,578	443,934	1.8%
09	Reimbursable Fund	316,505	367,511	325,000	-42,511	-11.6%
<b>Total Funds</b>		<b>\$ 236,320,525</b>	<b>\$ 246,482,628</b>	<b>\$ 244,477,980</b>	<b>-\$ 2,004,648</b>	<b>-0.8%</b>

DPSCS: Department of Public Safety and Correctional Services

Note: The fiscal 2019 appropriation does not include deficiencies, a one-time \$500 bonus, or general salary increases. The fiscal 2020 allowance does not include general salary increases.

Q00T04 – DPSCS – Division of Pretrial Detention

**Appendix 3**  
**Fiscal Summary**  
**DPSCS – Division of Pretrial Detention**

<u>Program/Unit</u>	<u>FY 18 Actual</u>	<u>FY 19 Wrk Approp</u>	<u>FY 20 Allowance</u>	<u>Change</u>	<u>FY 19 - FY 20 % Change</u>
01 Chesapeake Detention Facility	\$ 27,368,734	\$ 25,096,494	\$ 28,424,132	\$ 3,327,638	13.3%
02 Pretrial Release Services	6,119,791	6,135,038	5,999,727	-135,311	-2.2%
04 Central Booking and Intake Facility	68,482,458	65,534,338	69,131,233	3,596,895	5.5%
05 Baltimore Pretrial Complex	24,273,648	40,371,491	25,287,194	-15,084,297	-37.4%
06 Maryland Reception, Diagnostic and Classification Center	35,805,751	40,058,701	39,567,070	-491,631	-1.2%
07 Baltimore City Correctional Center	16,142,298	16,156,306	16,063,076	-93,230	-0.6%
08 Metropolitan Transition Center	56,027,552	51,236,806	57,508,768	6,271,962	12.2%
09 General Administration	2,100,293	1,893,454	2,496,780	603,326	31.9%
<b>Total Expenditures</b>	<b>\$ 236,320,525</b>	<b>\$ 246,482,628</b>	<b>\$ 244,477,980</b>	<b>-\$ 2,004,648</b>	<b>-0.8%</b>
General Fund	\$ 208,097,338	\$ 220,066,784	\$ 217,648,533	-\$ 2,418,251	-1.1%
Special Fund	571,920	983,689	995,869	12,180	1.2%
Federal Fund	27,334,762	25,064,644	25,508,578	443,934	1.8%
<b>Total Appropriations</b>	<b>\$ 236,004,020</b>	<b>\$ 246,115,117</b>	<b>\$ 244,152,980</b>	<b>-\$ 1,962,137</b>	<b>-0.8%</b>
Reimbursable Fund	\$ 316,505	\$ 367,511	\$ 325,000	-\$ 42,511	-11.6%
<b>Total Funds</b>	<b>\$ 236,320,525</b>	<b>\$ 246,482,628</b>	<b>\$ 244,477,980</b>	<b>-\$ 2,004,648</b>	<b>-0.8%</b>

DPSCS: Department of Public Safety and Correctional Services

Note: The fiscal 2019 appropriation does not include deficiencies, a one-time \$500 bonus, or general salary increases. The fiscal 2020 allowance does not include general salary increases.

Q00T04 – DPSCS – Division of Pretrial Detention