
**Department of Public Safety and Correctional Services
Capital Budget Overview**

**Department of Legislative Services
Office of Policy Analysis
Annapolis, Maryland**

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Q00

Department of Public Safety and Correctional Services – Capital Budget Overview

Capital Budget Summary

State-owned Projects
(\$ in Millions)

<i>Project Title</i>	<i>Prior Approp.</i>	<i>FY 2013 Request</i>	<i>Future Estimated</i>	<i>Estimated Total</i>	<i>DLS FY 2013 Recommd.</i>
Dorsey Run Correctional Facility	\$25.324	\$9.100	\$15.000	\$49.424	\$9.100
Total	\$25.324	\$9.100	\$15.000	\$49.424	\$9.100

Fund Source					
GO Bonds	\$13.224	\$1.200	\$15.000	\$29.424	\$1.200
Federal Funds	12.100	7.900	0.000	20.000	7.900
Total	\$25.324	\$9.100	\$15.000	\$49.424	\$9.100

Summary of Issues

Department of Public Safety and Correctional Services in Need of a New Facilities Master Plan: When the Department of Public Safety and Correctional Services (DPSCS) developed its most recent Facilities Master Plan (FMP) in November 2004, the intention was to include projects that would provide additional bed capacity; replace deteriorating facilities; and sustain safe, secure, and efficient operations within the correctional facilities. In total, the department has received funding for 23% of its FMP over the past nine fiscal years. The department is currently in the process of completely reorganizing its structure to operate on a regional basis with an increased focus on community connections and reentry services. While the basic concepts of the FMP from 2004 remain consistent with the department’s goals, it is not clear that the specific projects included in the plan and the priority of those projects is still appropriate to meet the department’s changing structure. **As such, the Department of Legislative Services (DLS) recommends budget bill language directing the department to develop an FMP that is consistent with its new operating structure and community and reentry oriented goals.**

Baltimore City Youth Detention Center: A calendar 2000 investigation by the U.S. Department of Justice spurred the need for the construction of a new detention facility for youthful offenders charged as adults. DPSCS has proposed resizing the facility to provide 120 single-occupancy beds, with the

potential to increase bed space to 180, based on new population projections provided by the National Council on Crime and Delinquency. To date, the department has encumbered approximately \$10.3 million of the \$32.7 million appropriated for the project. DPSCS estimates needing \$5.5 million of the authorized funds to redesign the facility to the 120-bed capacity. The remaining \$16.9 million in previously authorized funding is de-authorized and repurposed in the Maryland Consolidated Capital Bond Loan of 2012. There are inherent risks in determining the appropriate size of any new facility, in particular correctional facilities, where future populations can be heavily influenced by a myriad of other policy decisions. **However, given the current size of the population, the downward trends seen across all aspects of the adult and juvenile criminal justice systems, and the ability to increase the building capacity through limited use of double-celled occupancy, DLS concurs with the rescope of the project to a 120-bed facility. DLS also recommends approval of the de-authorization of \$16.9 million in previously authorized construction funding for the Youth Detention Center project in Baltimore City.**

Summary of Updates

Maryland House of Correction Deconstruction Project: During the 2011 legislative session, \$500,000 in general obligation bonds was provided to design the deconstruction of the Maryland House of Correction. The proposed project would deconstruct 14 of the 16 buildings at the site; the hospital building and adjacent waiting area building are still utilized by the department and would not be deconstructed. DPSCS awarded a design contract in February 2012 and requested construction funding for fiscal 2013; however, no funding for the project is provided in the fiscal 2013 capital budget. In order to reduce the cost of the project, the department has proposed supplementing the contractor with inmate labor to be used in as many trades as possible.

Summary of Recommended PAYGO Actions

1. Capital Appropriation
Concur with Governor's allowance.

Summary of Recommended Bond Actions

1. Department of Public Safety and Correctional Services Overview
2. Dorsey Run Correctional Facility – 560-bed Minimum Security Compound
Approve \$1.2 million in general obligation funding for Phase I equipment at Dorsey Run Correctional Facility.
3. Department of Public Safety and Correctional Services New Youth Detention Facility
Approve the de-authorization of \$16.9 million in general obligation funding for construction of the Youth Detention Center project in Baltimore City.

Overview

Fiscal 2013 Capital Budget

The fiscal 2013 capital budget for the Department of Public Safety and Correctional Services (DPSCS) includes \$7.9 million in federal pay-as-you-go (PAYGO) and \$1.2 million in general obligation (GO) bond funding to support the construction of the Dorsey Run Correctional Facility (DRCF). An additional \$2.1 million in federal PAYGO is also provided as a fiscal 2012 deficiency. This appropriation completes the obligation of the U.S. Marshal to provide a total of \$20.0 million in federal funding toward the construction of a new State facility, in exchange for operating the Maryland Correctional Adjustment Center in Baltimore City as a federal detention center. DRCF is a design/build project being completed in two phases. Phase I consists of the complete construction of the first 560-bed compound and the grading/earthwork for the second 560-bed compound. Each compound will have two two-story, 280 beds each, dormitory-style housing units, a support services building, a strip search room, recreation yard, parking lot, perimeter security system with sallyport, utilities, and lighting. Design of Phase I was completed in January 2012, and construction is approximately 8% complete, consisting mostly of site work and utilities relocation. The PAYGO funding included in the fiscal 2013 allowance is for the construction of Phase I and design of Phase II. The first phase of the project is estimated to be complete by May 2013.

Five-year Capital Improvement Program

Exhibit 1 shows the fiscal 2013 through 2017 *Capital Improvement Program* (CIP) for the department, which includes funding to address capacity concerns, upgrade aging infrastructure, reduce inmate idleness, and provide additional training facilities. There are nine projects included in the DPSCS capital program, requiring approximately \$344.2 million in GO bond funding over the next five years. Beyond the five-year period identified in the CIP, these projects will also require an estimated \$153.0 million in funding.

Funding for three projects, the Maryland Correctional Enterprises (MCE) textiles and graphics shop at the Jessup Correctional Institution, the construction of Phase II at DRCF, and the 280-bed minimum security facility at the Western Correctional Institution (WCI) has been delayed due to other budget priorities across the State. Funding for the MCE shop and the minimum security housing at WCI is delayed by two years, from fiscal 2014 to 2016. Phase II of DRCF is deferred from fiscal 2014 to 2015. The department's replacement of the housing unit windows and heating system at the Maryland Correctional Training Center (MCTC) is also deferred by one year to better accommodate the project schedule.

Exhibit 1
Five-year Capital Improvement Program
Department of Public Safety and Correctional Services
Fiscal 2013-2017
(\$ in Thousands)

<u>Project</u>	<u>Prior</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>Total in CIP</u>	<u>Future Funding</u>
<i>Jessup Region</i>								
JCI MCE Textiles/Graphic Shop	-	-	-	-	\$600	\$7,050	\$7,650	-
Maryland House of Correction Deconstruction	\$500	-	-	-	-	7,700	8,200	-
Dorsey Run Correctional Facility	25,324	\$9,100	-	\$13,600	1,400	-	49,424	-
<i>Hagerstown Region</i>								
MCI-H Perimeter Security Upgrade	-	-	-	-	1,050	12,700	13,750	\$1,550
MCTC Window/Heating Replacement	10,329	-	-	900	13,050	-	24,279	12,921
<i>Western Region</i>								
WCI 280-bed Minimum Security Facility	-	-	-	-	1,450	10,800	12,250	10,650
<i>Police and Correctional Training Commissions</i>								
Simulated Environment Training Facility	59,554	-	-	-	3,350	250	63,154	-
<i>Division of Pretrial and Detention Services</i>								
Women's Detention Center	11,459	-	-	-	5,900	41,600	58,959	127,841
Youth Detention Center	32,720	-	25,900	46,650	1,300	-	106,570	-
Total State-owned Facilities	\$139,886	\$9,100	\$25,900	\$61,150	\$28,100	\$80,100	\$344,236	\$152,962

CIP: Capital Improvement Program

JCI: Jessup Correctional Institution

MCE: Maryland Correctional Enterprises

MCI-H: Maryland Correctional Institution – Hagerstown

MCTC: Maryland Correctional Training Center

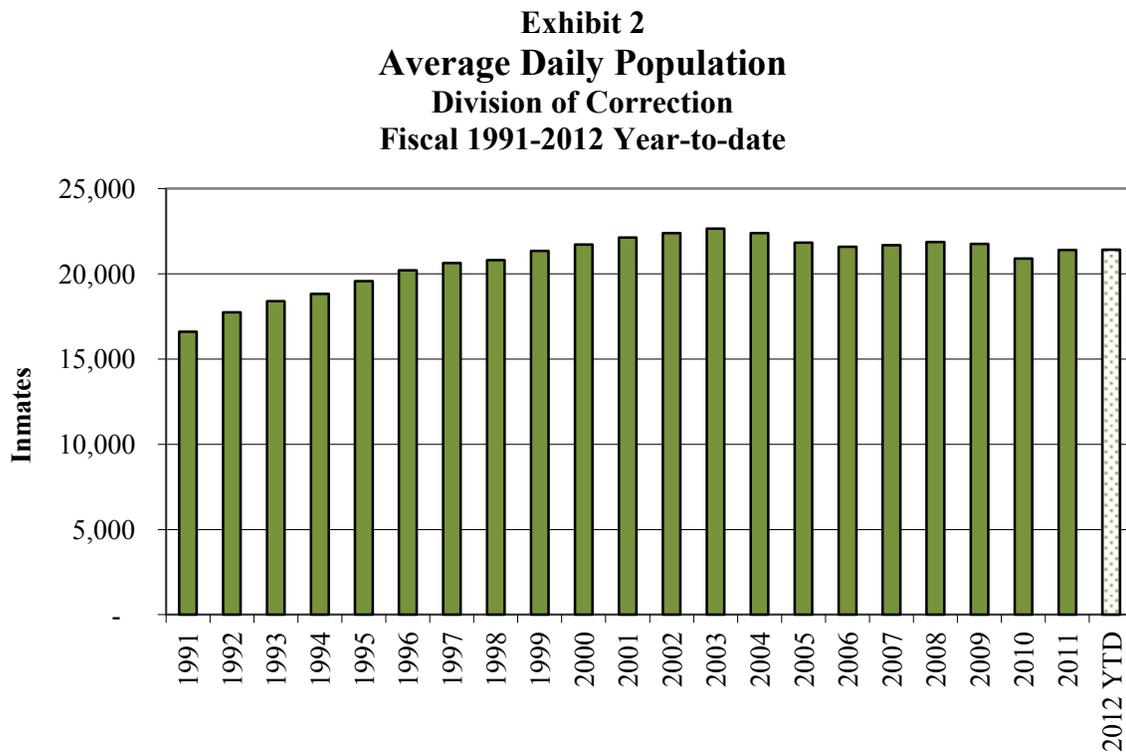
WCI: Western Correctional Institution

Source: Governor's Budget Books, Fiscal 2013

In addition to the DRCF project, DPSCS was scheduled to receive funding in fiscal 2013 for two additional projects: the Baltimore City Detention Center – Youth Detention Center (YDC) and the Baltimore City Detention Center – Women’s Detention Center (WDC). Funding for both of these projects has been deferred based on the department’s decision to reduce the scope of the facilities. YDC funding is deferred until fiscal 2014; the reevaluation of the project scope is discussed in more detail in the Issues section of the analysis. The timeline for the WDC project hinges on the construction schedule for the YDC. As such, the WDC project funding has been delayed until fiscal 2016.

Inmate Population and Capacity

The Division of Correction (DOC) population had experienced significant growth in the 1990s through fiscal 2003. In the latter half of the past decade, however, the State inmate population has leveled off and even experienced a slight decline. **Exhibit 2** provides average daily population (ADP) data from fiscal 1991 through the first seven months of fiscal 2012 for the inmate population housed in DOC facilities. The ADP hit an all-time high in fiscal 2003 at 22,648 inmates but has since declined. The fiscal 2010 population was 8.7% below the 2003 peak at 20,685, the lowest ADP since fiscal 1997. The reduction was unsustainable, however, as the fiscal 2011 and 2012 year-to-date ADP increased to approximately 21,400 inmates.



Source: Department of Public Safety and Correctional Services

Exhibit 3 shows the agency’s current capacity versus the end-of-month inmate population for January 2012, delineating between conventional and nonconventional bed space. The exhibit also indicates the relationship of the population with the current operational bed capacity. This differs from the design capacity in that it counts beds which are created through the use of double-celled and nonconventional bed space. As such, the reported capacity of each facility can vary from year to year, as operational shifts are made for the housing of inmates.

**Exhibit 3
Capacity Versus Population
Division of Correction**

<u>Facility</u>	<u>Total Capacity</u>	<u>Conventional Beds</u>	<u>Nonconventional Beds</u>	<u>EOM⁴ Jan 2012</u>
Maximum and Administrative Security				
Maryland Correctional Institution – Women ¹	854	854		839
Maryland Reception, Diagnostic, and Classification Center ²	808	768	40	676
North Branch Correctional Institution	1,514	1,514		1,435
Total Maximum and Administrative Beds	3,176	3,136	40	2,950
Medium Security				
Eastern Correctional Institution	2,715	2,715		2,649
Jessup Correctional Institution ³	1,766	1,766		1,817
Maryland Correctional Institution – Hagerstown	1,786	1,550	236	1,640
Maryland Correctional Institution – Jessup	1,068	1,018	50	1,034
Maryland Correctional Training Center – Main Compound	1,987	1,708		1,696
Roxbury Correctional Institution	1,769	1,769		1,671
Western Correctional Institution ³	1,743	1,743		1,684
Total Medium Beds	12,834	12,269	286	12,191
Minimum Security				
Baltimore City Correctional Center	508	508		498
Brockbridge Correctional Facility	651	651		633
Central Maryland Correctional Facility	516	516		482
Eastern Correctional Institution – Annex	608	608		584
Jessup Pre-release Unit	596	596		568
Maryland Correctional Institution – Hagerstown	340	-	340	380
Maryland Correctional Training Center	600	600		750
Metropolitan Transition Center	1,097	619	478	617
Total Minimum Beds	4,916	4,098	818	4,512
Pre-release Beds				

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<u>Facility</u>	<u>Total Capacity</u>	<u>Conventional Beds</u>	<u>Nonconventional Beds</u>	<u>EOM⁴ Jan 2012</u>
Baltimore Pre-release Unit	201	201		191
Baltimore Pre-release Unit for Women (Closed)	–	–		–
Eastern Pre-release Unit	180	180		171
Maryland Correctional Training Center HED/EHU	346	346		269
Poplar Hill Pre-release Unit	192	192		167
Southern Maryland Pre-release Unit	180	180		164
Total Pre-release Beds	1,099	1,099		962
Total Division of Correction	22,025	20,602	1,144	20,615

EOM: end of month

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

¹ Maryland Correctional Institution – 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.

² The security level of Maryland Reception, Diagnostic, and Classification Center is Maximum, however only a fraction of inmates are actually classified as Maximum.

³ Jessup Correctional Institution and Western Correctional Institution are Medium Security facilities which have designated segregated housing for inmates classified as Maximum.

⁴ EOM means January 31. The inmate count is computer generated and reflects the inmate information (facility assignment and security classification) at the time the report was run. It is not the same as the daily head count, or the average daily population for either January.

Source: Department of Public Safety and Correctional Services; Department of Legislative Services

The January ADP indicates that not only is the inmate population more than 1,400 beds below total operational capacity, but the current population is only 13 inmates above the agency’s conventional capacity. The identified excess bed space is somewhat deceiving. The total number of conventional beds includes double-celling inmates who, under the use of best practices, would be single-celled, such as maximum security inmates. North Branch Correctional Institution (NBCI), which is the State’s primary maximum security facility, has a conventional capacity of 1,514 inmates, yet the original design capacity was for 1,024 inmates. The January 2010 ADP for this facility was 1,435 inmates, meaning that three of the four housing units are double-celled.

The operational capacity in fiscal 2012 also includes 1,144 nonconventional beds. This reflects an increase of 507 beds when compared with nonconventional bed space utilized in fiscal 2011. The majority of the increase in nonconventional beds is at the Metropolitan Transition Center (MTC) in Baltimore City. DPSCS reopened MTC’s west wing, which added 478 minimum-security beds. The remainder of the increase was in medium security beds at Maryland Correctional Institution – Hagerstown (MCI-H).

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The minimum security ADP increased by 14.6% between January 2011 and January 2012, which explains the need for the additional nonconventional beds. In January 2012, the minimum security inmate population exceeded conventional capacity by 414 beds. It does not appear, however, that DPSCS is utilizing the added capacity at MTC. The reported ADP was 2 inmates below the conventional capacity. Instead, the reported minimum security ADP for MCTC was 150 inmates above capacity. A total of 380 inmates were housed in the nonconventional beds at MCI-H, instead of the reported capacity of 340. **DPSCS should comment on the increase in inmates classified as minimum security and how that population is managed. The department should also discuss what security risks are created by having the population at a facility exceed the capacity, particularly when the beds are already classified as nonconventional.**

The CIP provides 560 minimum security beds by completing DRCF in fiscal 2014. An additional 560 beds will come online in fiscal 2017. The CIP also includes a 280-bed minimum security facility at WCI, although the design funding for that project has been deferred to fiscal 2016. According to the department, these projects will help further reduce reliance on nonconventional bed space.

Issues

1. Department of Public Safety and Correctional Services In Need of a New Facilities Master Plan

When DPSCS developed its most recent Facilities Master Plan (FMP) in November 2004, the intention was to include projects that would provide additional bed capacity; replace deteriorating facilities; and sustain safe, secure, and efficient operations within the correctional facilities. **Exhibit 4** shows the projects included in the FMP that have received funding since the 2004 legislative session. In total, the department has received funding for 23% of its FMP, or 16 of the 69 projects included in the plan, over the past nine fiscal years. Of the 16 projects receiving funding, nearly 70% have been completely funded, from design through construction and equipment, and can be designated as complete. The five other projects have received design funds; with the exception of the MCTC windows and heating system replacement, which is being completed in phases, significant construction funding has not been expended.

Exhibit 4 Department of Public Safety and Correctional Services Projects Receiving Funding Fiscal 2005-2013

Projects Included in the 2004 Facilities Master Plan

BCDC	Construct a 150-bed Youth Detention Center
BCDC	Construct a 800-cell Women's Detention Center
Baltimore Correctional Complex	Upgrade and install utilities loop
NBCI	Construct Housing Units 3 and 4 and perimeter security ¹
NBCI	Construct outdoor recreation area ¹
WCI	Construct a new central warehouse building ¹
WCI	Construct a vocational/education building ¹
WCI	Construct a rubble landfill cap ¹
MCTC	Construct one 192-cell housing unit and renovate two quonset huts ¹
MCTC	Replace the windows and heating system
MCTC	Replace the steam and condensation system for the entire complex ¹
MHC	Demolition of the facility
Patuxent	Install Diagnostic Center Building Fire Safety Project ¹
Patuxent	Replace windows in the Defective Delinquent and Diagnostic Center buildings ¹
MCE	Upholstery/textile plant at NBCI ¹
PSETC	Range remediation at the Firearms Training Facility ¹

Additional Projects Receiving Funding

Dorsey Run Correctional Facility

BCDC – Men’s Detention Center Dining Room Renovation¹

BCDC: Baltimore City Detention Center

MCE: Maryland Correctional Enterprises

MCTC: Maryland Correctional Training Center

MHC: Maryland House of Correction

NBCI: North Branch Correctional Institution

PSETC: Public Safety Education and Training Center

WCI: Western Correctional Institution

¹ Projects have received all phases of funding and are, therefore, designated as complete.

Source: Department of Public Safety and Correctional Services; Department of Legislative Services

The number of funded projects for DPSCS has decreased significantly in recent years. In fiscal 2010, the department received funding for seven capital projects. The fiscal 2011 and 2012 capital budgets funded three projects each year, and only one project is funded in fiscal 2013. The reduction in project funding is in part due to the DPSCS commitment of a significant amount of resources to two large projects, the youth and women’s detention centers in Baltimore City. In addition, the amount of GO bond funding available statewide for capital projects has also been reduced due to decisions to utilize GO funding as a means of assisting with recent operating budgets. In addition, debt affordability pressures have recently resulted in a downward revision in new GO bond authorizations in the five-year CIP, which effectively reduced planned spending by \$865 million.

With the stabilization, and slight decline of the inmate population, the department’s facility profile has been able to change over years. Since 2004, DPSCS has added capacity at NBCI and MCTC, but the department has also closed facilities at the same time, such as the Maryland House of Correction, Herman L. Toulson Boot Camp, and the Baltimore Pre-release Unit for Women. In addition, DPSCS is implementing new policies in fiscal 2013 to continue to reduce the size of the incarcerated offender population, with the goal of closing additional facilities, primarily at the pre-release security level.

The department has indicated for multiple years that it is in the process of reviewing inmate security classifications, believing that a disproportionate number of inmates are classified at a higher security level than is necessary. This is somewhat evident in the nearly 15% increase in minimum security inmates between fiscal 2011 and 2012, despite an overall decline in the total inmate population. To date, however, the security classification study, as well as a departmentwide population analysis, has yet to materialize.

Part of the delay may be due to the department’s plans to reorganize its operating structure. The reorganization, which includes the dissolution and merger of DOC, the Division of Parole and

Probation, and the Division of Pretrial Detention and Services, and to some extent the Patuxent Institution, will likely impact how DPSCS manages its inmate population. Increased focus is being placed on reentry and transition programming and services. There is also a greater emphasis on developing connections with the communities from which offenders originate. The new structure will be based on regional operations, rather than divisional functions. It is also likely that the department will reach out to local detention centers as means of cultivating community relationships and local reentry opportunities.

While the basic concepts of the FMP from 2004 remain consistent with the department's goals, it is not clear that the specific projects included in the plan and the priority of those projects is still appropriate to meet the department's changing structure. For example, as the department moves toward an increased community focus, it is possible that instead of additional prison beds, DPSCS may want to pursue halfway houses, in which case a determination needs to be made as to whether capital construction or contractual housing would be more appropriate. In addition, if the role of local detention centers were to change in terms of the intake or reentry processes, it could have a significant impact on the DPSCS capital plan, as well as the local jails and detention centers capital grant program. These types of considerations are not currently addressed in the FMP from 2004. It would be in good interest for the General Assembly to better understand DPSCS' operational intentions under this new structure and how that might impact the department's facility profile and future capital plans. **As such, the Department of Legislative Services (DLS) recommends budget bill language directing the department to develop an FMP that is consistent with its new operating structure and community- and reentry-oriented goals.**

2. Baltimore City Youth Detention Center

The Baltimore City Detention Center (BCDC), originally constructed in 1859 with renovations in 1959, 1967, and 1988, is unable to meet requirements set forth by agreements with the U.S. Department of Justice (DOJ) or the American Civil Liberties Union, and the standards set by the Maryland Commission on Correctional Standards or the American Correctional Association. As such, the department has a need to construct a new detention facility for youthful offenders charged as adults.

Project History

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

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

The current environment in BCDC fails to meet constitutional minimums for youths held in an adult detention center. The existing infrastructure makes it impossible to comply with standards mandating sight and sound separation from the adult population. The youth held in BCDC, who are between the ages of 14 and 18 and are charged as adults for serious felonies, are housed adjacent to adult housing areas and must still share common areas (halls, stairways, medical areas, etc.) with the adult population. Programming for youth within BCDC is also a challenge because physical space is severely limited. Multiple programs are required to share space simultaneously in the gyms, library, or day rooms. There is no space available for youth individual, group, or family counseling sessions, or providing privacy for attorney phone calls, etc. In addition, youth are currently housed in dormitory-style housing, as opposed to the standard singular cell housing typical for juveniles. The rooms do not meet standards for youth in terms of square footage, lighting, or furniture. The current BCDC has insufficient space to address the needs of a juvenile population in the following areas: Medical, Programming, Psychology, Education, Recreation, Storage, Dietary, and Housing.

Project Justification

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

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

The new YDC will be a stand-alone facility that will provide sight and sound separation for the youth population. It will consolidate housing, educational, and recreational functions in one facility and will also help to relieve overcrowding in other areas of BCDC. The new facility offers a unique opportunity for the youth-charged-as-adult population in Baltimore City. In other local jurisdictions in the State, youth facing adult charges are housed in the local adult detention center.

With the new YDC, youths facing serious adult felony charges will be detained in a separate facility, designed to provide the unique programs and services to address this specific population.

BCDC is an aging facility that is housing a population in excess of its original design. A new detention center to address the needs of this juvenile population needs to be built, regardless of the size, because the concerns expressed by DOJ and other organizations cannot realistically be addressed through any other avenue.

Project Status

DPSCS had completed the design phase of the YDC project, based on the existing program plan size and capacity of 180 beds. The department had anticipated awarding a construction contract in the late fall of 2010 but delayed the award in anticipation of results from a new population analysis conducted by the National Council on Crime and Delinquency (NCCD). When the program plan for the project was submitted, DPSCS had used a variety of data from 2000 through 2007 to generate projections for the youth-charged-as-adult population. At the time (November 2007), the average population of youth in BCDC was 120 youth per day, with a peak near 150. The average population for the last 12 months has been significantly lower, providing a justification for the reevaluation.

The NCCD findings were released in May 2011, forecasting the need for 117 beds over the next 30 years, as opposed to 180 beds. **DPSCS has proposed resizing the facility to provide 120 single-occupancy beds, with the potential to increase bed space to 180.**

Funding and Expenditures

According to the Governor's *Fiscal 2013-2017 Five-year Capital Improvement Program*, the estimated total cost of the YDC project is approximately \$106.6 million; however, this could be significantly reduced if the facility is redesigned to a lower capacity. To date, a total of \$32.7 million had been appropriated for this project, including approximately \$8.2 million for planning and \$24.5 million for construction. In addition, the Maryland Consolidated Capital Bond Loan (MCCBL) of 2011 pre-authorized \$41.1 million in fiscal 2013 and \$21.7 million in fiscal 2014 for out-year construction funding. The MCCBL of 2012 de-authorizes and repurposes \$16.9 million of the construction funding, leaving \$5.5 million for the department to redesign the facility to the 120-bed capacity.

To date, the department has encumbered approximately \$10.3 million of the \$32.7 million appropriated. Approximately \$7.9 million of the \$8.2 million in design funding has been encumbered. A total of \$2.4 million of the construction funding has been encumbered. The encumbered construction funding was used for procuring a construction management contract, which is needed toward the end of the design phase of the facility. DPSCS estimates needing \$5.5 million of the authorized funds to redesign the facility to the 120-bed capacity. The remaining \$16.9 million in previously authorized funding is de-authorized and repurposed in the MCCBL of 2012.

Potential Concerns

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

In addition, the NCCD report proposes a number of policy-oriented reforms for addressing the youth-charged-as-adult population, in order to reduce the bed space needed in an adult correctional facility. These alternatives primarily suggest handling this youth population within the juvenile services system, rather than the adult correctional system. Offering these alternatives does call into question the independent viewpoint of the analysis, as it does go beyond the original scope of the study, which was to provide a revised population projection based on existing statistical data and practices. It is also important to note that, as previously discussed, regardless of who has jurisdiction over this population a new youth detention facility in Baltimore City is a necessary project.

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

Conclusion

Neither the original nor the revised projections provide an analysis that encompasses all years of data. The original population projections, submitted to the Department of Budget and Management in November 2007, were based on a youth-charged-as-adult population of 120 youth, with a peak population near 150 youth. The average population of youth charged as adults over the last 12 months has ranged from 52 to 80 youths. Criminal justice trends across the country have been in decline for the past five years, particularly among the juvenile population; however, the reason for the decline has not been clearly identified. If the population remains in line with fiscal 2006 through 2011 data and follows the NCCD projections, a 120-bed facility would be adequate. If, however, the trends were to shift and the population began to increase significantly, like what occurred between fiscal 2000 and 2005, a 120-bed facility could be over capacity in less than 30 years. If that were the case, the State would have few options for resolution, particularly given the site constraints.

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There are inherent risks in determining the appropriate size of any new facility, in particular correctional facilities, where future populations can be heavily influenced by a myriad of other policy decisions. **Given the current size of the population, the downward trends seen across all aspects of the adult and juvenile criminal justice systems, and the ability to increase the building capacity through limited use of double-celled occupancy, DLS concurs with the rescope of the project to a 120-bed facility.**

In moving forward with construction of the new facility at the proposed 120-bed capacity, DPSCS will be required to reengage the design team so that new construction documents can be prepared to the revised facility size. The department has adequate unencumbered and unrestricted prior authorizations to fund the additional design effort. This extended design process is likely, after procurement, to delay the need for any construction funding authorization to fiscal 2014.

DLS, therefore, recommends approval of the de-authorization of \$16.9 million in previously authorized construction funding for the YDC project in Baltimore City.

Updates

1. Maryland House of Correction Deconstruction Project

The Maryland House of Correction was a medium-maximum security facility within the Jessup Correctional Complex designed to house 900 to 1,000 inmates, until it was closed in March 2007. The facility consists of 16 buildings, with the oldest dating back to the nineteenth century. During the 2011 legislative session, \$500,000 in GO bonds was provided to design the deconstruction of the facility. The proposed project would deconstruct 14 of the 16 buildings; the hospital building and adjacent waiting area building are still utilized by the department and would not be deconstructed. DPSCS awarded a design contract in February 2012 and requested construction funding for fiscal 2013; however, no funding for the project is provided in the fiscal 2013 capital budget. In order to reduce the cost of the project, the department has proposed supplementing the contractor with inmate labor to be used in as many trades as possible.

According to a 2011 *Joint Chairmen's Report* request for information on the use of inmate labor for this project, a pool of approximately 150 inmates, who either have previous construction experience or are relatively unskilled but are medium security and within five years of release, will receive some form of training to fill approximately 75 job positions needed throughout the duration of the project. The cost of providing the training is estimated at \$130,000. DPSCS is anticipating receiving grant funding from nonprofit, nongovernment sources to offset the cost. The actual number of inmates working on a given day will vary. Work crews assigned to an activity will operate in small groups of 6 to 12 inmates, depending on the activity. Inmate labor is expected to be utilized in two ways. Some inmates, under the supervision of correctional maintenance officers, will be involved in dismantling and soft demolition work. This largely involves stripping off loose or lightly fastened items and storing them for salvage or disposal by the contractor. Other inmates will be under the oversight of the deconstruction contractor and will be involved in work requiring heavy equipment and specialized training for removal and disposal activities.

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

- Occupational Safety and Health Administration (OSHA) compliance, a 10-hour course providing inmates with an understanding of safety issues on the job site;
- Construction Orientation and Retention for Employment (CORE), a three-week training block that teaches safety protocols, the basics of working with common construction tools and equipment, and provides practical exercises for the demonstration of learned skills;
- hazmat training for inmates involved in the cleanup of hazardous materials, such as lead paint, asbestos, universal wastes, etc.; and
- other training in applicable trades or disciplines identified as necessary prior to the deconstruction start date.

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The hazmat and OSHA training will result in a certificate for all inmates who complete the training. The CORE training provided through the project is only part of the training necessary to obtain a CORE certificate but will allow the inmate the opportunity to receive the certificate upon release from incarceration and completion of on-the-job training and documentation. In addition, DPSCS is working with the Department of Labor, Licensing, and Regulation to develop programs which would allow inmates to count time worked on the deconstruction project toward the hours needed to complete an apprenticeship program and obtain employment in the field upon reentry. If the use of inmate labor for this project is successful in training inmates for employment in the construction field upon release, DPSCS has indicated it would evaluate how the training programs can be effectively sustained once the project is complete.

According to the CIP, the deconstruction will not be funded until fiscal 2017. DPSCS is still in the process of developing the training curriculum, as the selected inmates will likely not need to be trained until closer to the project start date.

PAYGO Recommended Actions

1. Concur with Governor's allowance.

GO Bond Recommended Actions

1. Q00 Department of Public Safety and Correctional Services Overview

Add the following language:

Provided that on or before June 1, 2013, the Department of Public Safety and Correctional Services shall provide to the budget committees a Facilities Master Plan that is consistent with the structural and operational changes resulting from the department’s reorganization. The new capital plan should continue to address the needs of deteriorating facilities but should also reflect the department’s new focus on regional operations and community-based reentry and transition services. The department should also include an inmate security classification study and departmentwide population analysis as part of the Facilities Master Plan submission.

Explanation: The language requires the Department of Public Safety and Correctional Services (DPSCS) to complete a Facilities Master Plan (FMP) that is consistent with the structural and operational changes resulting from the departmental reorganization. The reorganization focuses on regional operations and community-based reentry and transition services. The department’s capital program should be updated to align with those changes. The submission will also include an inmate security classification study and a departmentwide population analysis. The new FMP is to be submitted no later than June 1, 2013.

Information Request	Author	Due Date
FMP	DPSCS	June 1, 2013

2. Approve \$1.2 million in general obligation bond funding for Phase I equipment at Dorsey Run Correctional Facility.
3. Approve the de-authorization of \$16.9 million in general obligation funding for construction of the Youth Detention Center project in Baltimore City. Due to delays associated with rescoping the project, construction funding will not be required in fiscal 2013.