

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

***Executive Summary***

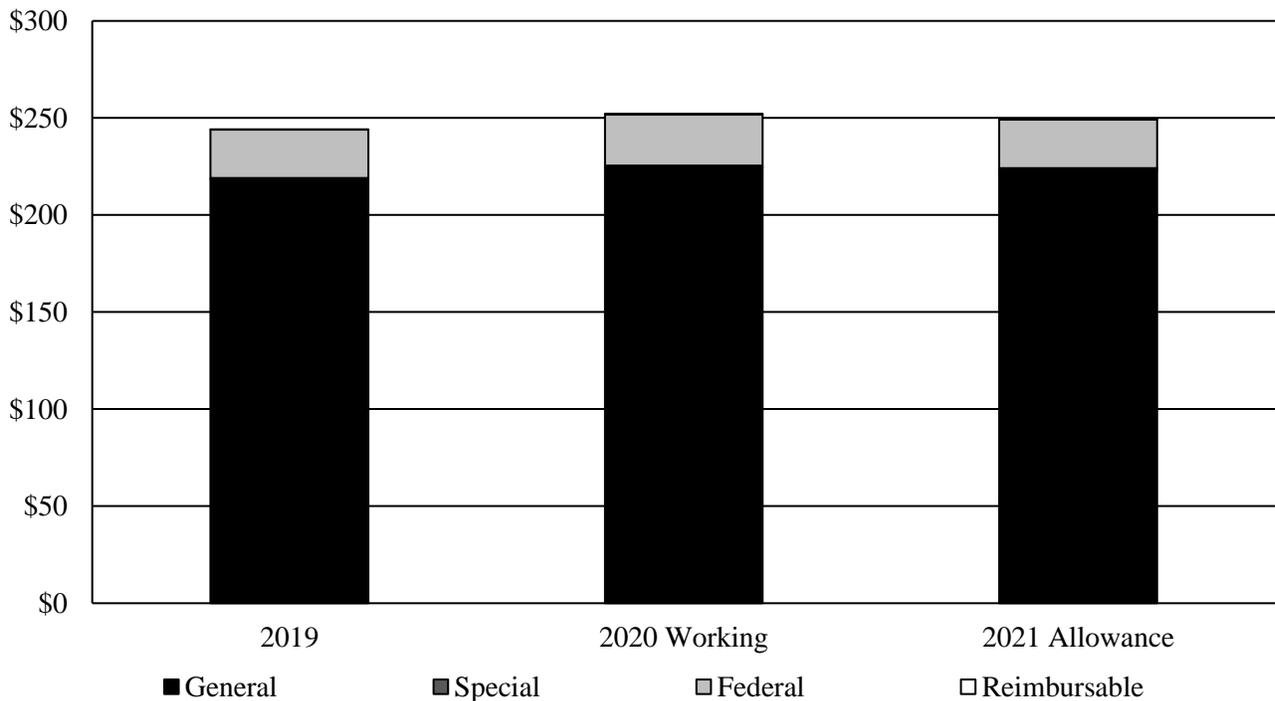
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The Division of Pretrial Detention (DPD) is responsible for processing and managing the care, custody, and control of Baltimore City arrestees and detainees in a safe, humane, and secure environment. DPD also supervises the operation of all Baltimore City Department of Public Safety and Correctional Services facilities, some of which incarcerate a portion of the State sentenced inmate population as well as federal detainees. DPD also oversees the Pretrial Release Services Program, which interviews, investigates, and presents recommendations to Baltimore City courts concerning the pretrial release of individuals accused of crimes in Baltimore as well as supervises those released on personal recognizance.

***Operating Budget Summary***

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**Fiscal 2021 Budget Decreases \$2.8 Million or -1.1% to \$249.4 Million**  
(\$ in Millions)



Note: Numbers may not sum due to rounding. The fiscal 2020 appropriation includes deficiencies, planned reversions, and general salary increases. The fiscal 2021 allowance includes contingent reductions and general salary increases.

*Q00T04 – DPSCS – Division of Pretrial Detention*

- Personnel expenses decrease by \$4.2 million due to lower health insurance costs.
- Operational expenses increase by \$2.9 million due to critical facility repairs.
- Inmate variable expenses decrease by \$1.5 million to reflect shifting inmate populations.

## ***Key Observations***

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- ***Arrests and Commitments Decline but Population in Custody Remains Steady:*** The overall downward trend of pretrial detainees continues in fiscal 2019, but defendants are staying in custody longer due to increased rates of no-bond detainments.
- ***Offender-on-offender Assaults Decline to Moderate Levels:*** After a number of years with elevated assault rates in detention facilities, levels are closer to the division’s stated goal.
- ***Chesapeake Detention Facility is No Longer Fully Federally Funded:*** Increased personnel and maintenance costs require an infusion of general funds to support operations at the federal detention center in Baltimore City.

## **Operating Budget Recommended Actions**

	<b><u>Funds</u></b>
1. Add language restricting Department of Public Safety and Correctional Services substance abuse treatment services spending to that purpose only or for the purpose of providing aid to local detention centers to implement Chapter 532 of 2019.	
2. Restrict funds pending receipt of a report on the Chesapeake Detention Facility.	
3. Delete additional substance abuse treatment appropriation.	\$ 886,258
<b>Total Reductions</b>	<b>\$ 886,258</b>

## **Updates**

- ***Baltimore Arrestee and Detainee Major Offense Data:*** This update provides a breakdown and analysis of the crimes that cause individuals to be arrested and detained in Baltimore City.

**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 operates four detention facilities including the Baltimore Central Booking and Intake Center (BCBIC), the Metropolitan Transition Center (MTC), the Youth Detention Center (YDC), and the Chesapeake Detention Facility (CDF), which houses federal offenders for the U.S. Marshals Service. The Baltimore City Correctional Center (BCCC) and the Maryland Reception, Diagnostic, and Classification Center (MRDCC) are correctional facilities holding State prisoners that fall under the organization of DPD due to their location. The Pretrial Release Services Program (PRSP) is also operated by DPD and provides investigative and supervisory services regarding the pretrial release of individuals accused of crimes in Baltimore City.

***Performance Analysis: Managing for Results***

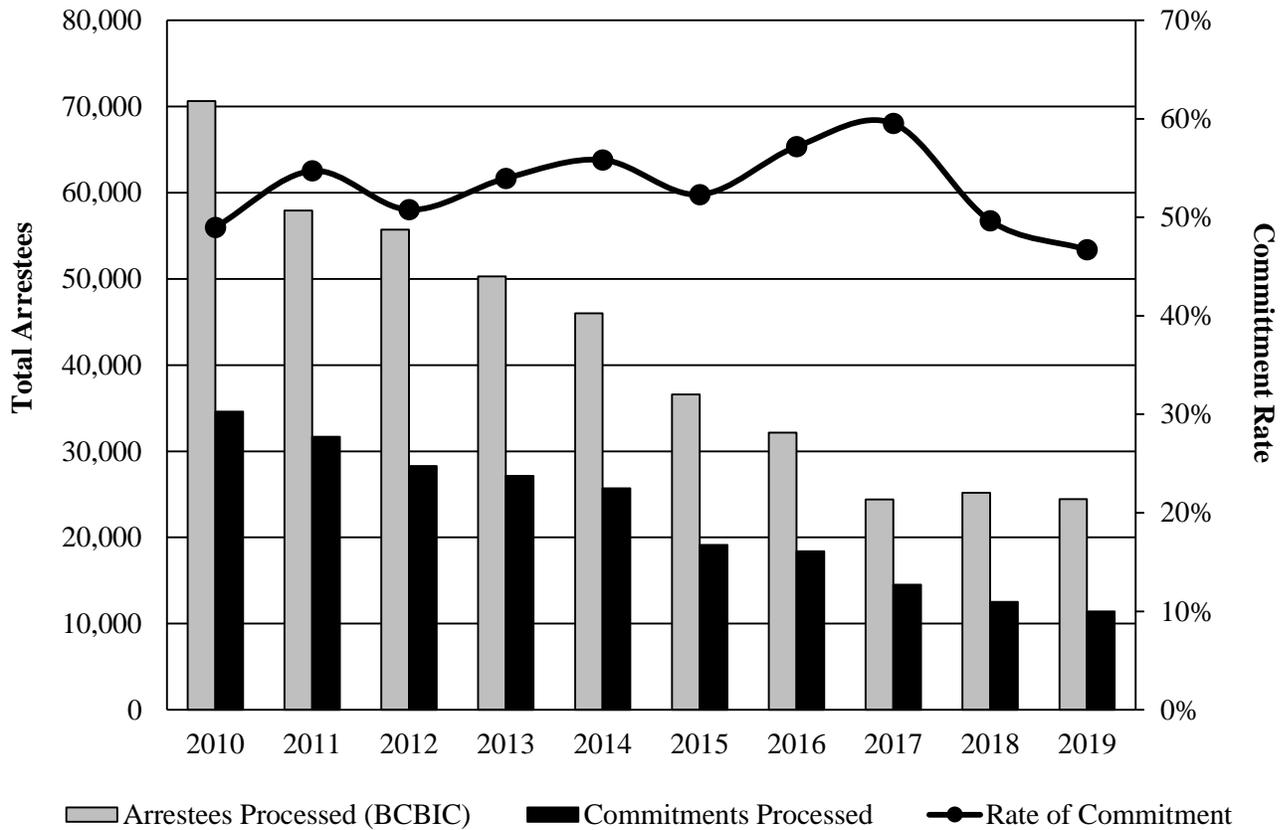
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**1. Detained Population Continues to Decline**

In Baltimore City, all arrestees are processed at BCBIC. The past decade saw a continued decline in overall activity through BCBIC, though the number of arrestees processed (or booked) reached a trough in fiscal 2017 and has stayed relatively steady in fiscal 2018 and 2019. The number of individuals committed to pretrial detention (those held in jail) has steadily declined by an average of 10% each year. As shown in **Exhibit 1**, the rate of commitment is at the lowest in 10 years due to the steady level of arrests but declining level of commitments. In fiscal 2019:

- arrestees processed declined by 730, or 3%;
- commitments declined by 1,082, or 9%; and
- rate of commitment declined by 3 percentage points to 47%.

**Exhibit 1**  
**Arrestees Processed and Rate of Commitment**  
**Fiscal 2010-2019**

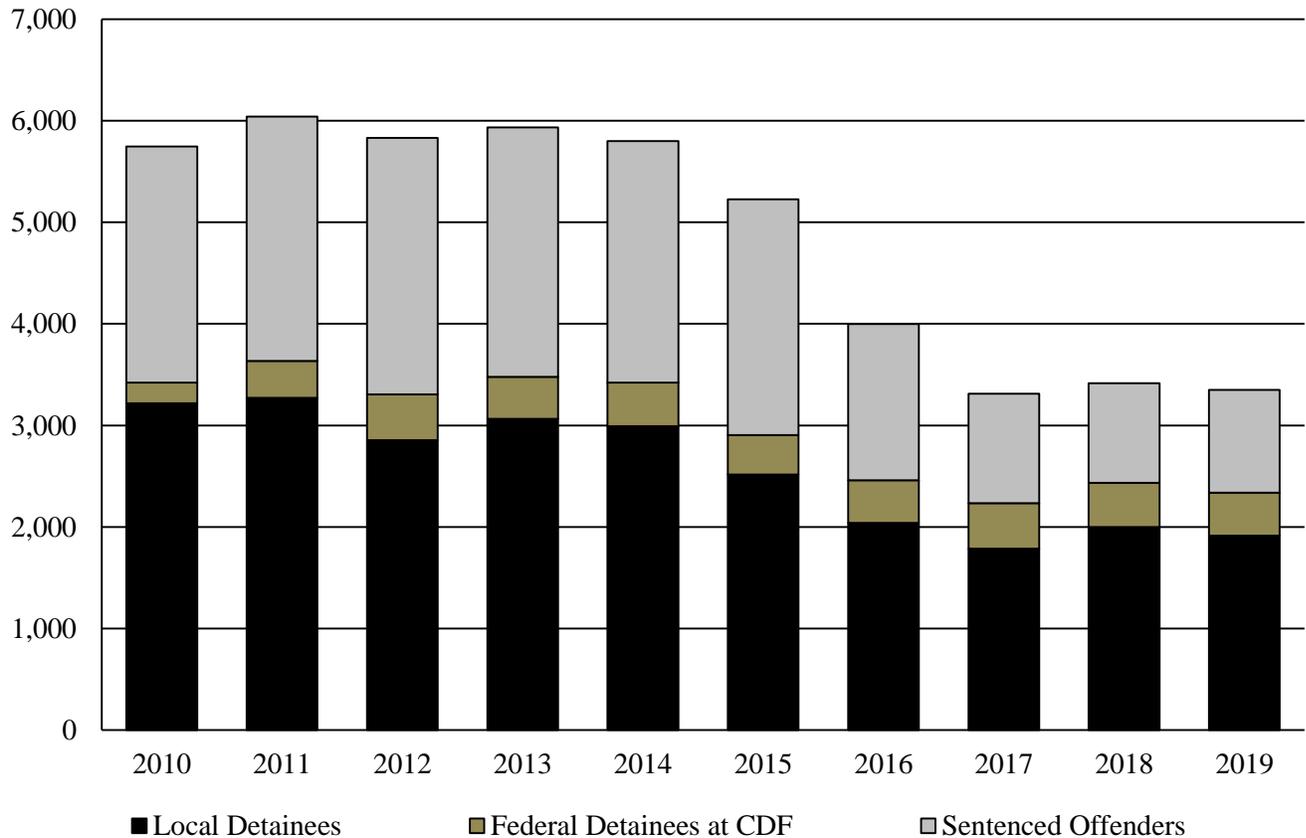


BCBIC: Baltimore Central Booking and Intake Center

Source: Department of Public Safety and Correctional Services

In addition to the pretrial detainees held in Baltimore City, DPD holds sentenced offenders in custody. **Exhibit 2** shows the average daily population (ADP) of sentenced offenders, local pretrial detainees, and federal pretrial detainees in Baltimore City for the past 10 years. The decline from fiscal 2014 to 2017 is attributable to the closure of several facilities in the Baltimore City Pretrial Complex and an overall reduction in arrests made in Baltimore City. Since fiscal 2017, the overall population under DPD jurisdiction has not changed to a great extent. This is due, in part, to bail reform, which has resulted in more defendants released without bond but has also increased those held without bond. While overall commitments have not increased, those committed are being held for longer periods. This is partially attributable to an increase in individuals held without bail. Fewer defendants are being held for longer, resulting in a leveling out of ADP.

**Exhibit 2  
ADP for Offenders Incarcerated in Baltimore City Facilities  
Fiscal 2010-2019**



ADP: average daily population  
CDF: Chesapeake Detention Facility

Source: Department of Public Safety and Correctional Services

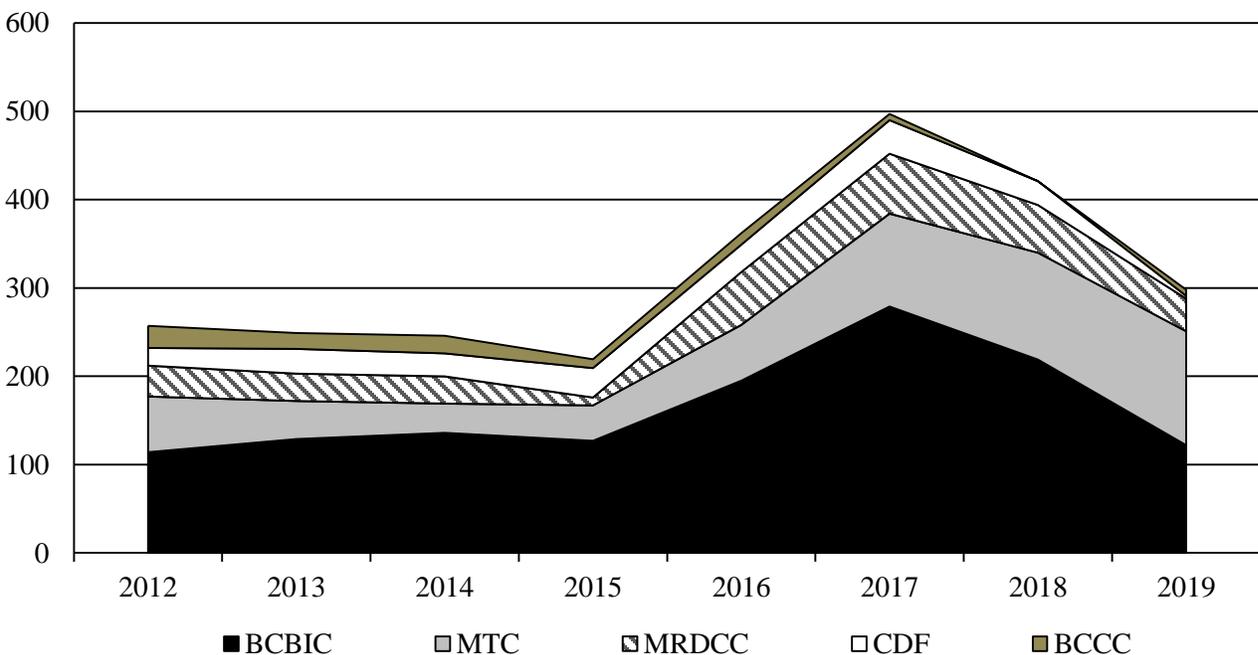
**Baltimore Detainees Held Outside the City**

There was an ADP of 2,045 Baltimore City detainees held during fiscal 2018. Of these, an ADP of 379 were held outside of Baltimore City, primarily at the Jessup Correctional Institution and Maryland Correctional Institution for Women. The Department of Public Safety and Correctional Services (DPSCS) reports that 1,576 transport trips were made to and from Baltimore City in fiscal 2018 to transport detainees for counseling, court appearances, and medical appointments. The department estimated that the related fuel, maintenance, and staffing costs to have been about \$354,000.

## 2. Assaults in DPD Facilities Return to Moderate Level

Assault rates in detention facilities for fiscal 2016, 2017, and 2018 were elevated above the Managing for Results goals. **Exhibit 3** shows the number of offender-on-offender assaults within BCBIC, MRDCC, MTC, CDF, and BCCC since fiscal 2012. It should be noted that the facilities that compose DPD and the operations of each facility have changed over the time period. For instance, assaults spiked at MTC and MRDCC when they took on pretrial detainees.

**Exhibit 3**  
**Assaults in Baltimore City Facilities**  
**Fiscal 2012-2019**



BCBIC: Baltimore Central Booking and Intake Center  
 BCCC: Baltimore City Correctional Center  
 CDF: Chesapeake Detention Facility  
 MRDCC: Maryland Reception, Diagnostic, and Classification Center  
 MTC: Metropolitan Transition Center

Source: Department of Public Safety and Correctional Services

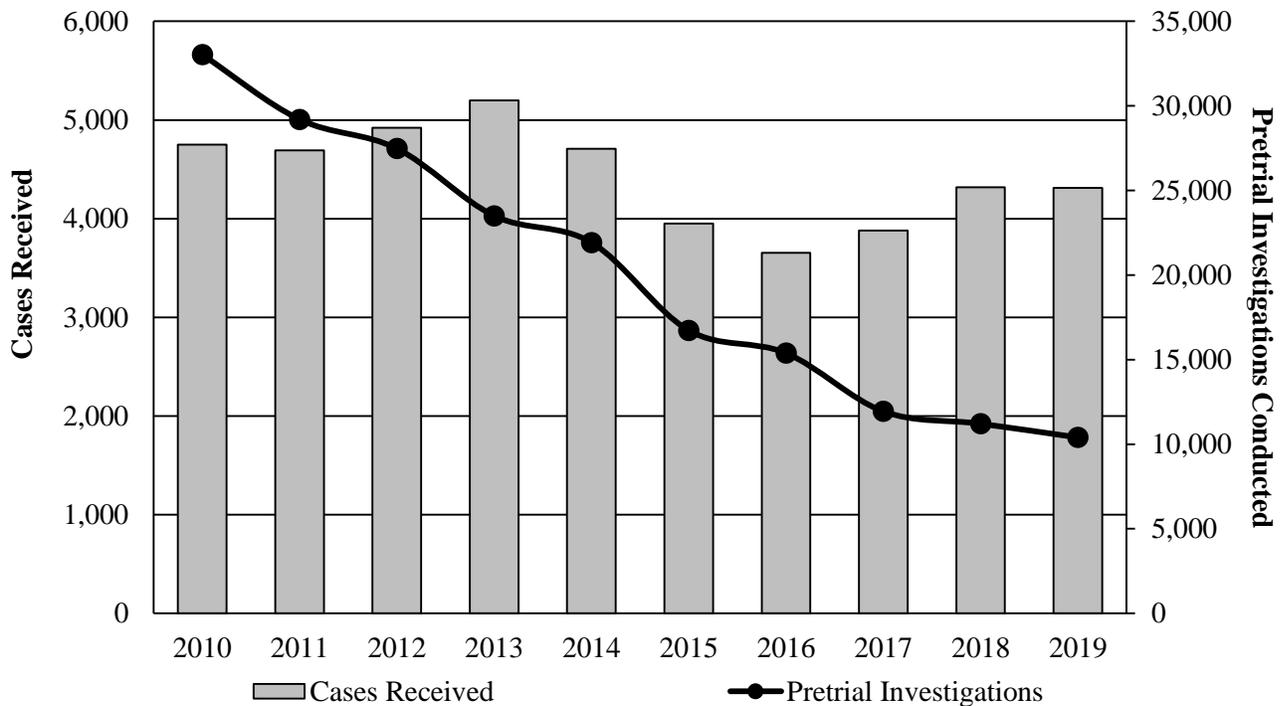
There were nearly 300 offender-on-offender assaults in these facilities in fiscal 2019. Levels are still higher than between fiscal 2012 and 2015, but assaults have declined by 40% since the peak in fiscal 2017. The facilities with the highest rate of assaults per 100 ADP are MTC and BCBIC with 19.8 and 12.7 offender-on-offender assaults per 100 ADP.

### 3. Pretrial Release Services Program

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 Division of Parole and Probation, PRSP is now part of DPD.

As arrest and detainee populations have decreased, the number of pretrial investigations have also decreased. The number of pretrial investigations held each year has not increased since fiscal 2008. The decline seen from fiscal 2010 to 2019 is 69%. Trends in pretrial investigations mirror the trends in overall arrests, which have steadily declined over the past decade. The number of cases received each year has remained relatively steady, only dropping 9% compared to the precipitous drop in pretrial investigations. There has been a year-over-year increase in cases received since the trough in fiscal 2016, though the number of cases received were nearly identical in fiscal 2018 and 2019. These levels have been affected by policy changes at the court level that encourages the placement of offenders on pretrial supervision instead of monetary bail. **Exhibit 4** shows the decline in pretrial investigations along with the number of supervision cases received each year over the past decade.

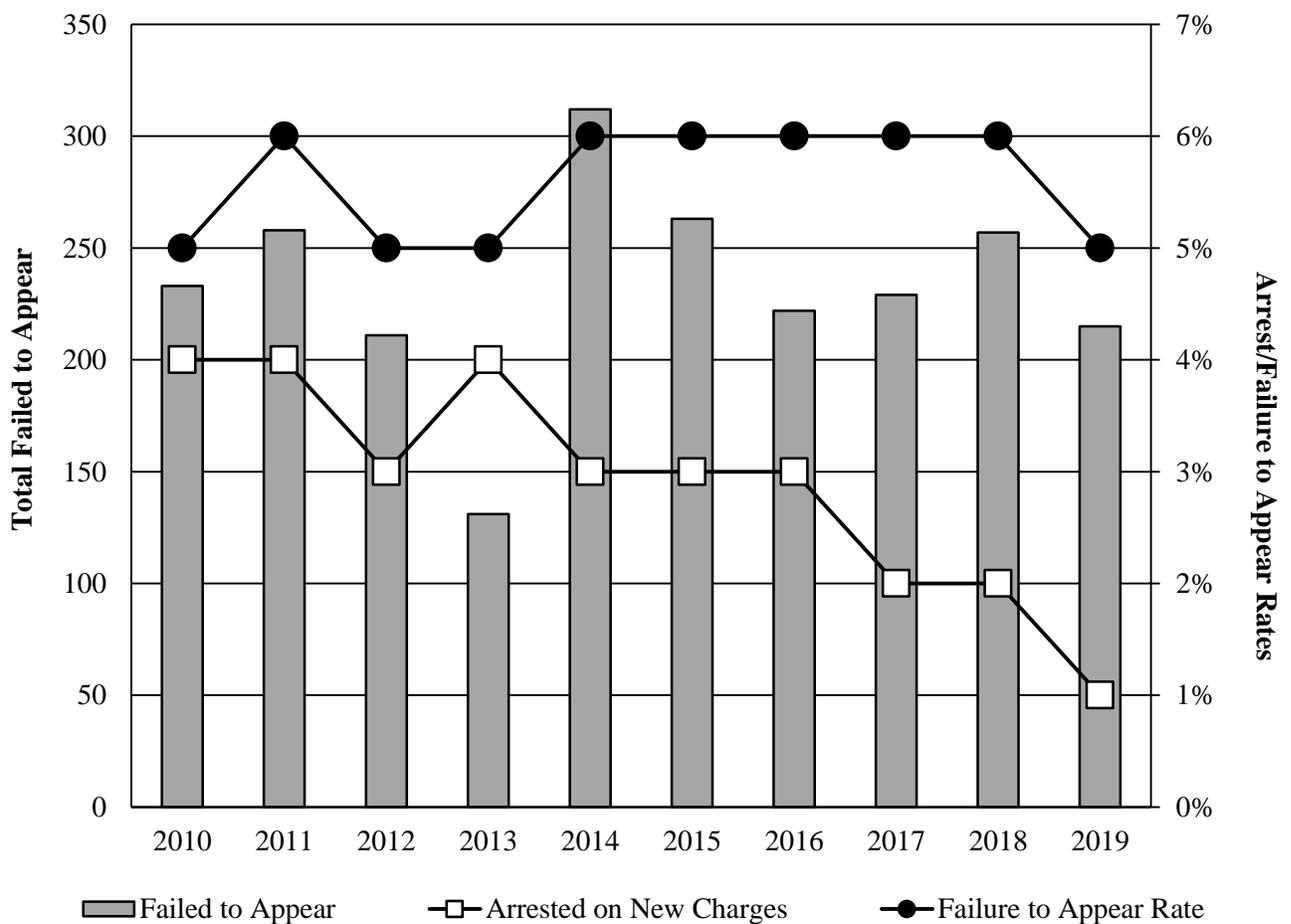
**Exhibit 4**  
**Defendants under Pretrial Release Supervision or Investigation**  
**Fiscal 2010-2019**



Source: Department of Public Safety and Correctional Services

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 5** 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 2019 – just 1% of defendants were arrested on new charges and 5% (215 individuals) failed to appear in court. PRSP has met both of its goals throughout the last decade.

**Exhibit 5**  
**Defendants Arrested on New Charges and Failure to Appear Rates**  
**Fiscal 2010-2019**



Source: Department of Public Safety and Correctional Services

## **Fiscal 2019**

Actual spending for DPD decreased by \$1.1 million from the legislative appropriation. Personnel funds totaling \$7.3 million were transferred to DPSCS Corrections to reflect the closure of facilities within the Baltimore Pretrial Complex. At fiscal year closeout, \$6.2 million was transferred into the DPD budget to make major facility improvements. For instance, \$2.7 million of these funds were encumbered at CDF to replace outdated elevators, renovate showers to comply with the Americans with Disabilities Act, and update the intercommunications and control systems. CDF general fund issues are discussed in the Issues section of this analysis.

## **Fiscal 2020**

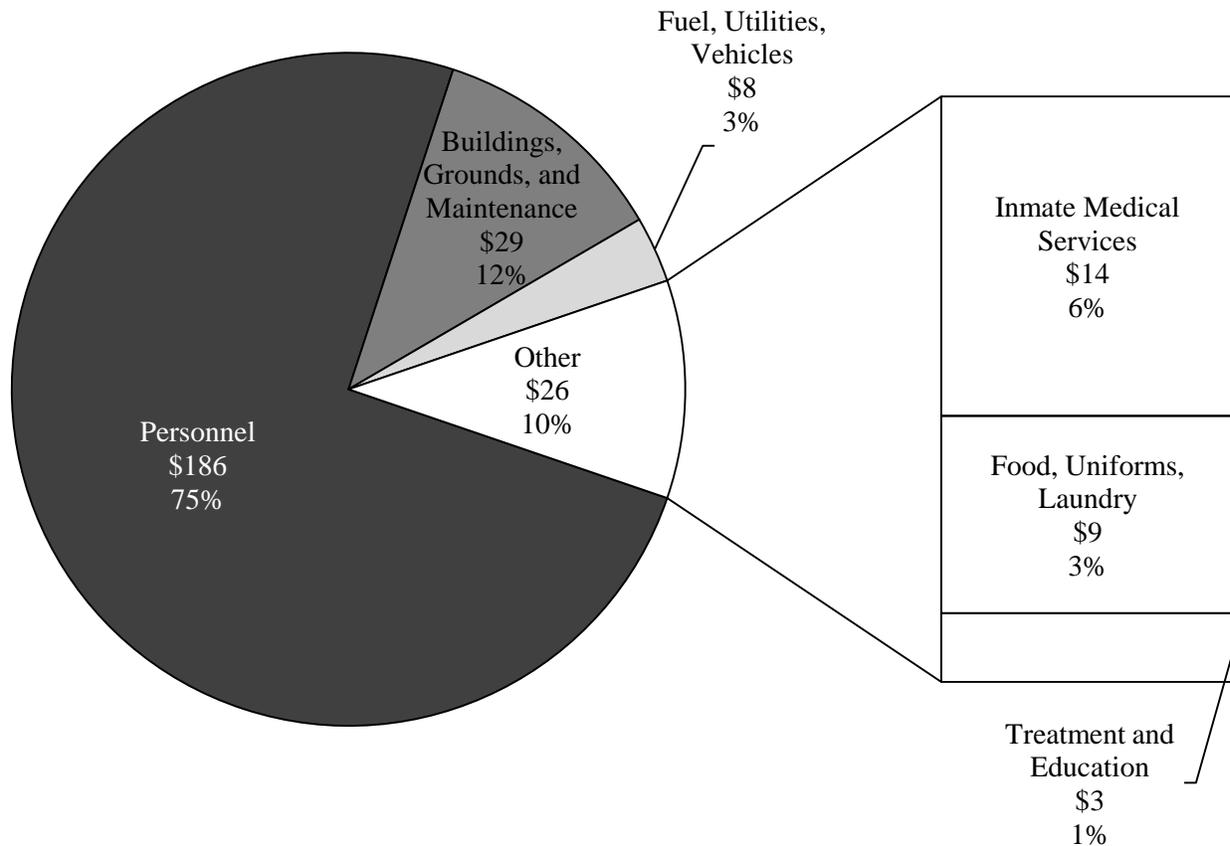
### **Deficiencies and Statewide Actions**

A fiscal 2020 deficiency of \$5.8 million for the Correctional Officer Retention Incentive bonus is budgeted within the Department of Budget and Management for disbursement across DPSCS. The amount that correlates to DPD is approximately \$1.4 million. This amount decreases to about \$660,000 in the allowance.

## **Fiscal 2021 Overview of Agency Spending**

The fiscal 2021 allowance for DPD is \$249.4 million. Three-quarters of agency spending is dedicated to personnel costs for 1,995 allowed positions. Inmate medical care, including mental health, dental, and pharmacy services, accounts for approximately \$29 million. Overall costs to operate the facility and provide services to inmates are \$34 million. **Exhibit 6** shows DPD expenses by category.

**Exhibit 6**  
**Overview of Agency Spending**  
**Fiscal 2021 Allowance**  
**(\$ in Millions)**



Source: Governor's Proposed Budget

**Proposed Budget Change**

The fiscal 2021 allowance decreases from the fiscal 2020 working appropriation by \$2.75 million, or 1.1%. **Exhibit 7** shows this change itemized by expense type.

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

<b>How Much It Grows:</b>	<b>General Fund</b>	<b>Special Fund</b>	<b>Federal Fund</b>	<b>Reimb. Fund</b>	<b>Total</b>
Fiscal 2019 Actual	\$218,372	\$702	\$24,965	\$168	\$244,208
Fiscal 2020 Working Appropriation	224,506	996	26,361	325	252,188
Fiscal 2021 Allowance	<u>223,030</u>	<u>1,048</u>	<u>25,190</u>	<u>170</u>	<u>249,438</u>
Fiscal 2020-2021 Amount Change	-\$1,476	\$52	-\$1,171	-\$155	-\$2,750
Fiscal 2020-2021 Percent Change	-0.7%	5.2%	-4.4%	-47.7%	-1.1%

**Where It Goes:**

**Personnel Expenses**

	<b>Change</b>
Fiscal 2021 2% COLA .....	\$1,075
Retirement contributions .....	850
Overtime earnings .....	700
Turnover expectancy adjustments .....	699
Net annualization of fiscal 2020 1% COLA .....	148
Unemployment insurance premiums .....	-1
Social Security contributions .....	-93
Interagency transfers and reclassifications .....	-819
Workers' compensation premiums .....	-1,189
Regular earnings .....	-1,283
Employee and retiree health insurance .....	-4,240

**Operational Expenses**

Shower repairs and renovations at BCBIC and BCCC .....	2,000
Medical exam room renovations and new door controls at BCBIC .....	1,340
Contraband netting at BCCC .....	900
Construction of hospital air-borne isolation rooms at MTC .....	900
Other .....	91
Contractual FTEs .....	76
Equipment purchases, rentals, and repairs .....	67
Maintenance and repair for roads, grounds, and buildings .....	-641
Water and electricity utility costs .....	-1,816

**Inmate Variable Expenses**

Substance abuse treatment services for opioid pilot program .....	1,157
Inmate payments .....	74
Dental services .....	-43

*Q00T04 – DPSCS – Division of Pretrial Detention*

<b>Where It Goes:</b>	<b><u>Change</u></b>
Inmate welfare funds.....	-131
Mental health services.....	-169
Pharmacy services.....	-437
Food .....	-582
Medical care.....	-1,383
<b>Total</b>	<b>-2,750</b>

BCBIC: Baltimore Central Booking and Intake Center  
BCCC: Baltimore City Correctional Center  
COLA: cost-of-living adjustment  
DPSCS: Department of Public Safety and Correctional Services  
FTE: full-time equivalent  
MTC: Metropolitan Transition Center

Note: Numbers may not sum due to rounding. The fiscal 2020 appropriation includes deficiencies, planned reversions, and general salary increases. The fiscal 2021 allowance includes contingent reductions and general salary increases.

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**Personnel Expenses Decrease by \$4.2 Million**

Overall personnel changes are driven by lower health insurance costs in fiscal 2021. This is primarily due to the division employing fewer individuals than in the past. Cost-of-living adjustments added a net \$1.2 million in fiscal 2021. Workers’ compensation costs go down due to lower levels of claims, while employee and retiree health insurance costs also decline due to fewer employees in the agency.

**Operational Expenses Increase by \$2.9 Million**

Funds for land and structures are \$0 in fiscal 2020, but \$5.1 million in fiscal 2021. Fiscal 2019 actuals were \$4.5 million, so there may be a budget shortfall for these expenses in the current fiscal year. Utility costs decreased from the working appropriation by \$1.8 million to align with fiscal 2019 actual utility costs.

**Inmate Variable Expenses Decrease by \$1.5 Million**

Medical expenses in the allowance decrease by at least \$2 million from the working appropriation, attributable to a realignment of the projected inmate population. Likewise, food costs are lower due to a smaller daily population. Payments to inmates increase slightly, attributable to the wage increase for inmate labor. Funding for substance abuse services increases in the allowance by \$1.2 million. While this is attributable to the Opioid Disorder Pilot Program at the Baltimore Pre-trial Complex, the agency has only spent a fraction of the funds appropriated for substance abuse services in recent years. The pilot program and topic of substance abuse treatment is discussed further in the Issues section of this analysis.

## ***Personnel Data***

	<b><u>FY 19</u></b> <b><u>Actual</u></b>	<b><u>FY 20</u></b> <b><u>Working</u></b>	<b><u>FY 21</u></b> <b><u>Allowance</u></b>	<b><u>FY 20-21</u></b> <b><u>Change</u></b>
Regular Positions	2,065.60	2,011.60	1,994.60	-17.00
Contractual FTEs	<u>57.55</u>	<u>111.66</u>	<u>91.55</u>	<u>-20.11</u>
<b>Total Personnel</b>	<b>2,123.15</b>	<b>2,123.26</b>	<b>2,086.15</b>	<b>-37.11</b>

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

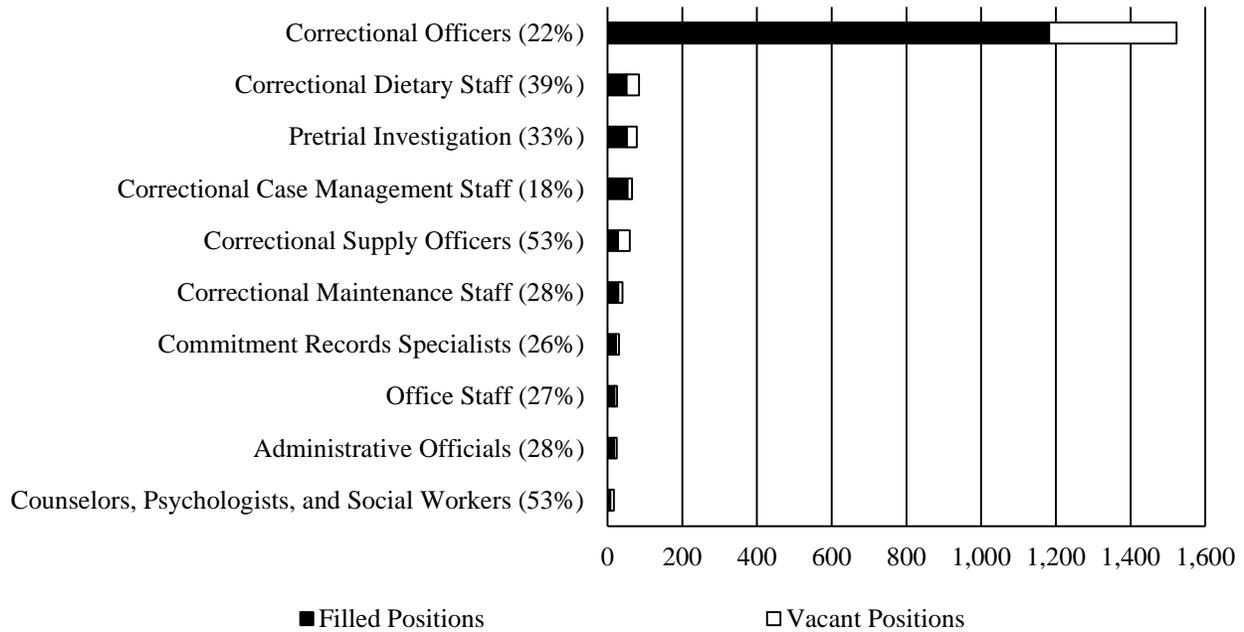
Turnover and Necessary Vacancies, Excluding New Positions	390.34	19.57%
Positions and Percentage Vacant as of 12/31/19	496.00	24.66%
Vacancies Above Turnover	105.66	

- The fiscal 2021 allowance reduces the regular position complement by 17 PINs. This decrease is primarily due to the interagency transfer and reclassification of correctional officers. The overall cost decrease associated with these changes is \$820,000.
- Contractual full time equivalents doubled between the fiscal 2019 actual and the fiscal 2020 working appropriation, mostly due to correctional dietary officers, correctional supply officers, and administrative aides.
- Turnover expectancy is set at almost 20% for fiscal 2021. This requires about 390 positions to remain vacant throughout the fiscal year. Current vacancies total almost 500 as of January 2020. Even with the high budgeted turnover rate, DPD will operate with about 100 excess vacant positions.
- Several classifications received an Annual Salary Review grade increase of 6% in fiscal 2021. The correlating positions in this division are 31 commitment records specialists, 75 pretrial release investigators, 6 social workers, and 5 psychologists. Overall, these positions are currently 32% vacant.

## **Vacancies**

Positions within DPD are 24.7% vacant as of January 2020. Vacancies are highest within the correctional supply officer series (53%), the correctional dietary officer series (39%), and the pretrial investigator series (33%). The most vacancies are within the correctional officer (CO) series responsible for maintaining custody of offenders. DPD is allowed 1,523 CO positions, but 341 are currently vacant, or 22%. **Exhibit 8** lists the programs with the highest vacancies in the division with their respective vacancy rate.

**Exhibit 8**  
**Vacancies by Employee Category**  
**January 2020**



Source: Fiscal 2021 Governor’s Budget Books

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## ***Issues***

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### **1. Baltimore Pretrial Complex Opioid Pilot Program**

Chapter 532 of 2019 established specified programs of opioid use disorder screening, evaluation, and treatment in local correctional facilities and in the Baltimore Pretrial Complex. Four counties were to begin the program by January 1, 2020, with six additional counties beginning by October 1, 2021. The bill phases in to include all counties by January 1, 2023.

The Baltimore Pretrial Complex, currently consisting of BCBIC, MTC, and YDC, was required to establish a Medication Assisted Treatment (MAT) program by January 1, 2020. Through the program DPD is required to:

- screen each inmate for opioid use disorder using evidence-based practices;
- conduct an evaluation of each inmate indicated as having an opioid use disorder;
- provide information to all diagnosed inmates and provide MAT to those who opt-in;
- provide at least three formulations of medication;
- provide behavioral health counseling for diagnosed inmates;
- provide on-premises access to peer recovery specialists;
- following release; provide MAT services or connect inmates to MAT; and
- develop individualized reentry plans that include continuity of medication access and supportive therapy.

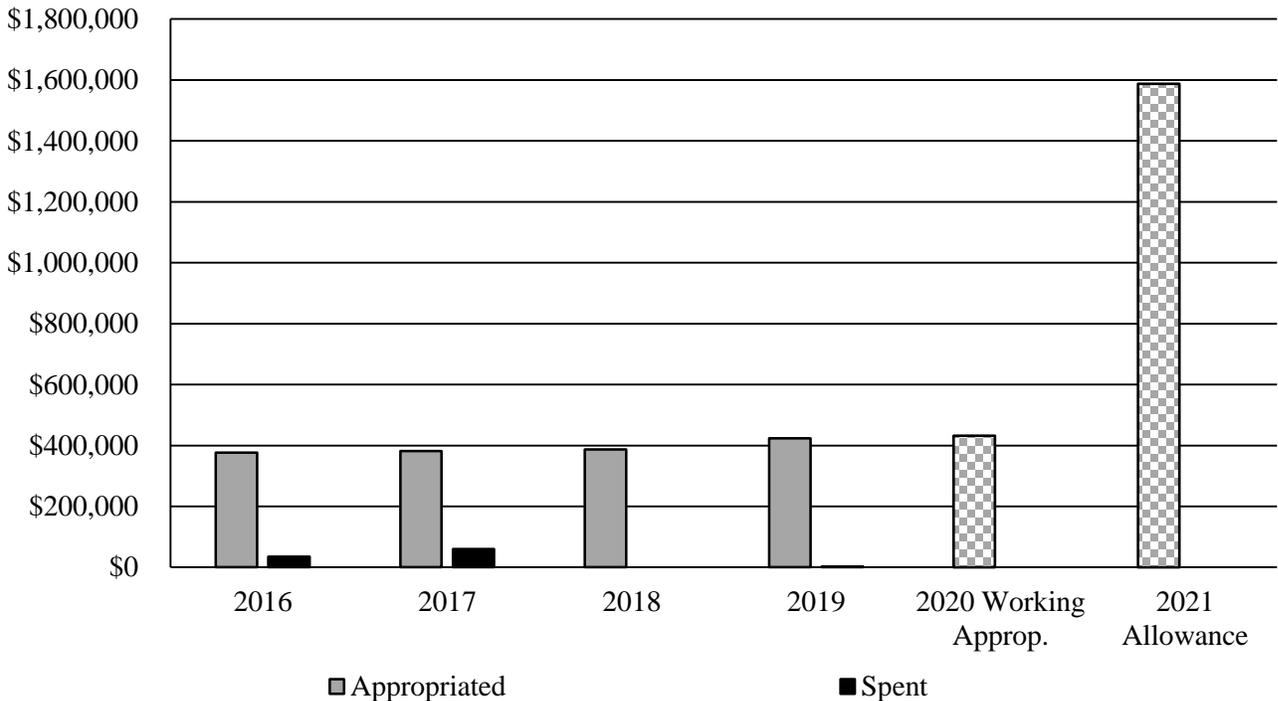
### **Space Concerns**

As of January 2020, DPSCS had not begun the pilot program, citing issues with space and operational modifications. BCBIC is a unique facility with many inefficiencies and limited space. Onsite counseling requires programming space that is currently insufficient. The physical layout of the pharmacy must also be modified to meet federal narcotics regulations and ensure that access to opioids is tightly restricted. The department is also concerned about these medications being diverted as contraband. While some county detention centers with active MAT programs report that a fraction of medications are diverted as contraband, they report that overall drug usage has dramatically reduced as a result of providing medications and services within their facilities.

## Funding for Substance Abuse Assessments and Treatment Services

For the Baltimore Pretrial Pilot Program, funds through the Substance Abuse Treatment subprogram are currently available in the fiscal 2020 and 2021 budgets. **Exhibit 9** shows a summary of funding and spending associated with substance abuse assessments and treatment. DPSCS has lacked a contractor to provide comprehensive substance abuse treatment services but is currently soliciting proposals for a private provider. DPD has only spent about 6.5% of allotted funds each year since fiscal 2016 and none of the funds appropriated for substance abuse assessments have been spent since fiscal 2016. The remaining funds have historically been reverted or transferred for other purposes.

**Exhibit 9**  
**Pretrial Substance Abuse Treatment Appropriations vs. Actual Spending**  
**Fiscal 2016-2021 Allowance**



Source: Governor’s Proposed Budget; Department of Public Safety and Correctional Services

The fiscal 2021 allowance for these services increases by about \$1.2 million from the working appropriation, specifically for BCBIC. While these funds could be used to support the pilot program, the department currently has no plan in place to make the program a reality. Thus, the necessity of this increase is questionable until the department determines a viable path forward.

## **Local Detention MAT Funding**

Local jails are required to create their own MAT programs to comply with Chapter 532 of 2019 but are eligible for reimbursement from the State to the extent that resources are provided in the budget. DPSCS; the Governor’s Office of Crime Prevention, Youth, and Victim Services (GOCPYVS) (previously the Governor’s Office of Crime Control and Prevention); and the Maryland Department of Health (MDH) are required to apply for federal grant funding.

For fiscal 2020, these programs are supported by federal State Opioid Response (SOR) grants totaling \$2.3 million. These funds support treatment services for up to 30 individuals per detention center for nine detention centers. For fiscal 2021, these programs are supported by the federal Comprehensive Opioid Site-Based Program totaling \$2.8 million for three existing and six new Law Enforcement Assisted Diversion (LEAD) and detention-based diversion programs. SOR funding is administered by MDH, while the Site-Based Program is administered by GOCPYVS. These grants satisfy the requirements of Chapter 532, but they are not expected to cover all costs of these programs or support every jurisdiction.

## **Reporting**

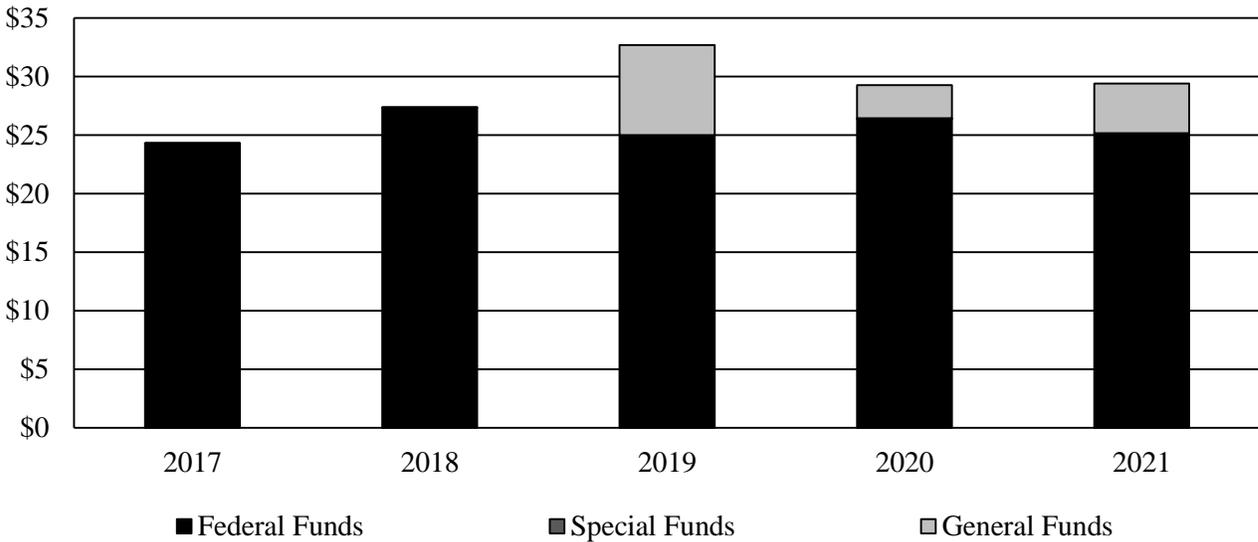
A report by GOCPYVS is due by November 1, 2020, and annually thereafter, that provides data in 18 categories regarding opioid use disorders and treatment in each local detention center. The agencies responsible for applying for funding must also report to the General Assembly on efforts to obtain funds. If the pilot program of the Baltimore Pretrial Complex has not been fully implemented by January 2023, DPSCS shall report to the Senate Finance Committee and House Judiciary Committee on the status and timeline of implementation.

**Because the funds in question have not been historically used to support substance abuse treatment services, the Department of Legislative Services (DLS) recommends reducing the fiscal 2021 appropriation to be more in line with realistic expenditures and adding budget bill language to restrict the remaining appropriation for substance abuse treatment services so that it may only be used for that purpose.**

## **2. Chesapeake Detention Facility Funding Concerns**

DPSCS entered an agreement starting in 2012 with the U.S. Marshals Service to use the CDF (previously a “Supermax” facility called the Maryland Correctional Adjustment Center) solely as a federal pretrial detention center in Baltimore City. CDF is a maximum-security facility staffed by State employees but housing male and female federal pretrial detainees with an average length of stay of six months. The federal government supplies DPSCS with a contractually negotiated per diem fee for each inmate housed, which is adjusted periodically for inflation. Additionally, the federal government provided \$20 million in federal pay-as-you-go funding to construct Dorsey Run Correctional Facility in 2012. The actual construction costs for the facility totaled \$54.2 million. The current per diem rate is no longer sufficient to support CDF operations, primarily due to rising personnel costs, increased inmate medical expenses, and necessary facility repairs. **Exhibit 10** shows CDF funding since 2017.

**Exhibit 10**  
**Chesapeake Detention Facility Fund Sources**  
**Fiscal 2017-2021**  
**(\$ in Millions)**



Source: Governor’s Proposed Budget; Department of Legislative Services

In fiscal 2019, DPSCS diverted \$7.7 million in general funds via budget amendment. The fiscal 2020 budget appropriated \$2.8 million, and \$4.3 million is provided in fiscal 2021. The current arrangement expires in fiscal 2025. Until then, the State must fill the gap between expenditures and federal funds using general funds, meaning the State is subsidizing the costs for federal detainees. Additionally, maintaining operations of CDF means that valuable personnel resources cannot be devoted to State needs. Overtime costs for the department are currently \$149 million, which could be reduced if the 221 allowed positions were transferred to other facilities in the region. CDF has the lowest vacancy rate of all DPD facilities and is a close second to Dorsey Run Correctional Facility for the lowest vacancy rate for all DPSCS facilities. If these PINs were distributed across DPD, the division’s overall vacancy rate would decrease from 24% to 13% and greatly reduce overtime expenses.

**It is clear that the agreement that runs through fiscal 2025 at the current per diem rate is not in the best interest of the State. Therefore, DLS recommends budget bill language to restrict \$1,000,000 from CFD general fund appropriation until DPSCS submits a report detailing the history of the agreement, efforts to renegotiate the agreement, the response from the U.S. Marshals Service, ways that DPSCS can reduce the reliance on general funds for this facility, and future plans for the facility following the conclusion of the agreement.**

## Operating Budget Recommended Actions

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1. Add the following language:

Provided that \$6,270,972 of this appropriation for the purpose of substance abuse treatment services may only be expended for that purpose or for the purpose of providing aid to political subdivisions to implement Chapter 532 of 2019. Funds unexpended at the end of the fiscal year shall revert to the fund of origin.

**Explanation:** Chapter 532 of 2019 directs the Department of Public Safety and Correctional Services (DPSCS) to create a Medication Assisted Treatment (MAT) program within the confines of the Baltimore Pretrial Complex as well as apply for funding to support local detention centers required to create their own treatment programs. DPSCS has historically underspent the appropriation for substance abuse services and does not have a contract in place for these services. Additionally, current funding for local detention centers may not be adequate to ensure the efficient creation of MAT programs for local detainees. This language ensures that funds for substance abuse services will only be spent for that purpose or shall revert to the fund of origin at the end of the fiscal year.

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

, provided that \$1,000,000 of this appropriation may not be expended until the Department of Public Safety and Correctional Services conducts a review of the agreement to operate the Chesapeake Detention Facility as a federal facility, reaches out to the U.S. Marshals Service to renegotiate the agreement, and submits a report on these efforts to the budget committees. The report shall include a detailed history of the use of this facility as a federal detention center, results of efforts to renegotiate the agreement, options to reduce the reliance on general funds for this facility (including the consequences of exiting the agreement prior to expiration), and plans for the facility following the conclusion of the agreement. The report shall be submitted by December 1, 2020, and the budget committees shall have 45 days to review and comment. Funds restricted pending the receipt of 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:** The Chesapeake Detention Facility (CDF) is used as a federal detention center for the U.S. Marshals Service but is operated by the Division of Pretrial Detention (DPD). DPD received \$20 million as supplemental funding to construct the Dorsey Run Correctional Facility and receives a contractually negotiated per diem payment for each inmate housed. The per diem rate is no longer sufficient to support CDF operations, resulting in the State subsidizing the detainment of federal offenders. In this report, DPD shall revisit the federal agreement, seek ways to increase the per diem rate, and report on these efforts to the General Assembly. The report will include a history of the Department of Public Safety and Correctional Services (DPSCS) actions regarding the contract and address plans for CDF usage following the conclusion of the contract.

*Q00T04 – DPSCS – Division of Pretrial Detention*

<b>Information Request</b>	<b>Author</b>	<b>Due Date</b>
CDF Funding Report	DPSCS	December 1, 2020

	<b><u>Amount Reduction</u></b>
3. Delete \$886,258 in additional substance abuse treatment funding based on prior year actual expenditures. This reduction still allows for a nearly \$300,000 increase over the fiscal 2020 appropriation.	\$ 886,258 GF
<b>Total General Fund Reductions</b>	<b>\$ 886,258</b>

## Updates

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### 1. Baltimore Arrestee and Detainee Major Offense Data

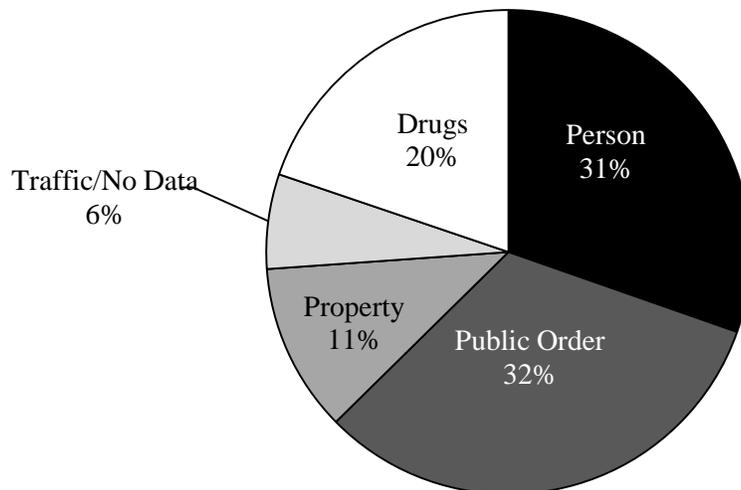
Fiscal 2020 budget bill language restricted \$150,000 in general funds until DPD submitted a report providing statistical information regarding the Baltimore detainee populations. On December 3, 2019, DPSCS submitted the *Baltimore City Detainee Information Report* containing the majority of the information requested but did not provide breakdowns of the detainee population by facility due to the frequent movement of pretrial detainees from one facility to another.

#### Major Offense Category

In fiscal 2019, approximately 24,500 arrestees were processed by DPD, while 12,405 were committed to detention. **Exhibit 11** shows that public order violations and offenses against persons were the most prevalent arrest categories in Baltimore City for fiscal 2019 followed by drug crimes, property crimes, and traffic or other crimes. **Exhibit 12** shows that arrests did not necessarily coincide with detainments. Drug and public order charges made up a smaller proportion of detainments compared to their share of arrests. Likewise, crimes against persons or property made up a greater share of detainments than they did arrests. This is likely due to the intake and risk assessment process, which results in the release of many nonviolent offenders who pose a minimal flight risk. Violent offenses made up 34% of detainees but only 28% of arrestees.

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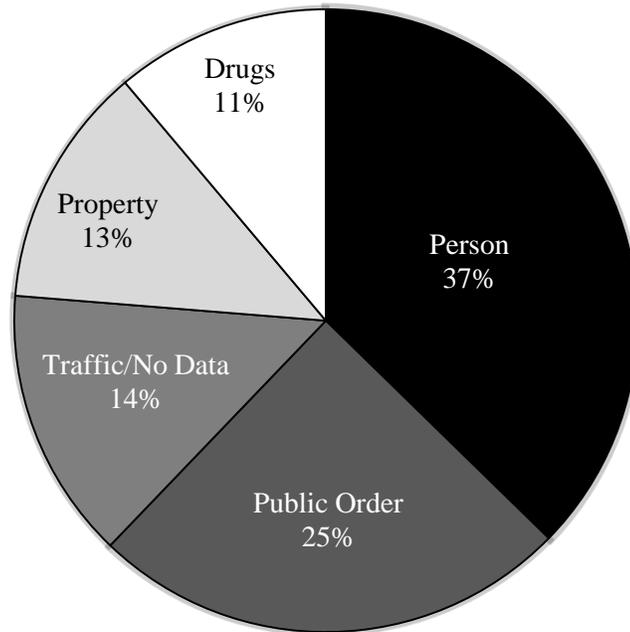
**Exhibit 11**  
**Major Offense Category at Arrest: Arrestees**  
**Fiscal 2019**



Source: Department of Public Safety and Correctional Services

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**Exhibit 12**  
**Major Offense Category at Arrest: Detainees**  
**Fiscal 2019**



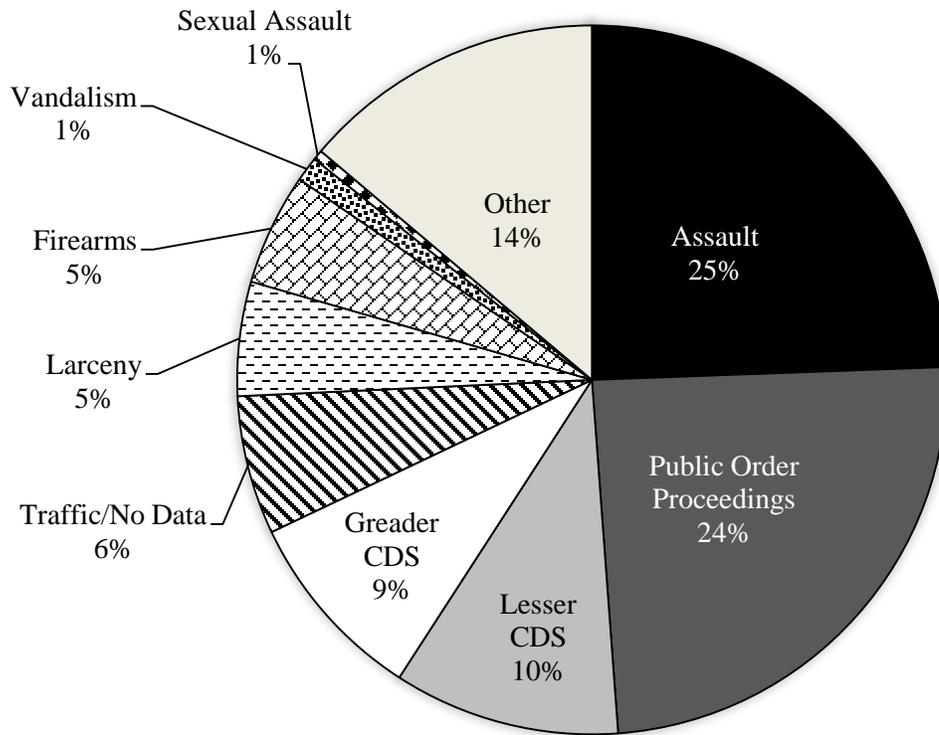
Source: Department of Public Safety and Correctional Services

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**Major Offense Subcategory**

**Exhibit 13** and **Exhibit 14** break down the arrestee and committed populations into more specific offense categories. Assaults and miscellaneous public order charges (commonly relating to alcohol charges) led arrests with almost 6,000 arrestees each. Drug crimes resulted in 4,840 arrests, though only 82 of these were organizers. In terms of those committed to pretrial detention in Baltimore, Exhibit 14 reflects that miscellaneous public order proceedings and drug charges are less likely to result in commitment, while assault, sexual assault, vandalism, and gun charges are more likely to result in commitment. There were also significantly more burglary arrestees (863) compared to detainees (195). In Exhibits 13 and 14, “Other” includes offenses such as burglary, robbery, sex crimes, disorderly conduct, domestic violence, and fraud.

**Exhibit 13**  
**Major Offense Subcategory at Arrest: Arrestees**  
**Fiscal 2019**

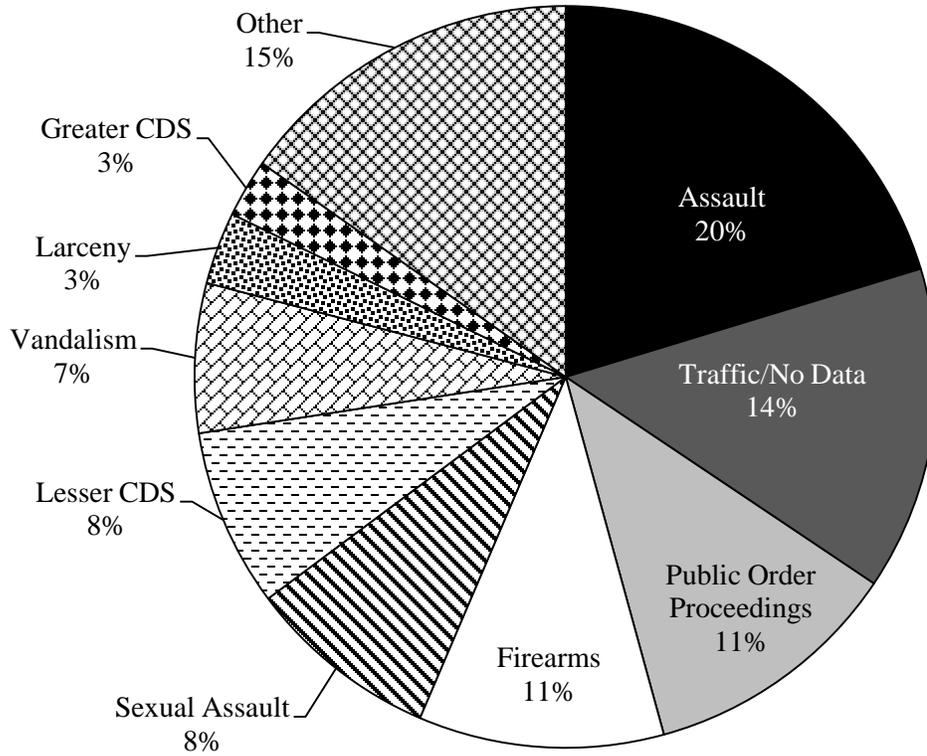


CDS: controlled dangerous substance

Source: Department of Public Safety and Correctional Services

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**Exhibit 14**  
**Major Offense Subcategory at Arrest: Detainees**  
**Fiscal 2019**



CDS: controlled dangerous substance

Source: Department of Public Safety and Correctional Services

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**Appendix 1**  
**2019 Joint Chairmen’s Report Responses from Agency**

The 2019 *Joint Chairmen’s Report* (JCR) requested that the Department of Public Safety and Correctional Services – Division of Pretrial Detention (DPD) prepare four reports. Electronic copies of the full JCR responses can be found on the Department of Legislative Services Library website.

- ***Baltimore City Detainee Information Report:*** DPD provided tables listing all Baltimore City arrestees and detainees by major offense category in fiscal 2019. DPD was unable to provide data by facility due to the frequent movement of pretrial detainees from one facility to another. DPD reports that 1,576 transport trips were made to and from Baltimore City in fiscal 2018 to transport detainees for counseling, court appearances, and medical appointments. The department estimated the related fuel, maintenance, and staffing costs to have been about \$350,000. Further information can be found in the Updates section of this analysis.
- ***DPD Criminal Justice and Data Report:*** DPD and the Judiciary presented cases for the effect of bail reform on pretrial populations. DPD has seen a stabilization of the average daily population despite fewer committed inmates each year because the average length of stay (ALOS) is on the increase. ALOS increased largely because more defendants are being held without bond even though more defendants are also being released without bond. The sustained decline earlier in the decade was attributable to the decriminalization of marijuana and reduced prosecution of lower level crimes. Further discussion can be found in the Performance Evaluation section of this analysis.
- ***Pretrial Release Services Program (PRSP) Report:*** DPD determined that PRSP case agents currently enjoy considerably lower salaries than in competing jurisdictions and lack the career path that exists for Parole and Probation case agents despite similar work conditions. The department recommended the following recommendations: (1) create a new Pretrial Release case agent trainee classification, (2) create a new Pretrial Release case agent senior classification, (3) reclassify Pretrial Release supervisor from administrative officer II to a position on par with a Parole and Probation agent supervisor, and (4) alter the entry-level requirements to include, at minimum, an associate degree and one year of investigation experience.
- ***PRSP Report:*** A snapshot of August 2019 showed that PRSP supervised 945 clients. About 73% were male and 24% were employed, but the department does not track insurance status as requested in the JCR. DPD provided a list of services that PRSP clients can be referred to, though participation is not tracked. The department reports that PRSP was moved to DPD without issue, allowing all units involved with the pretrial population to report to the same commissioner.

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

<u>Object/Fund</u>	<u>FY 19</u> <u>Actual</u>	<u>FY 20</u> <u>Working</u> <u>Appropriation</u>	<u>FY 21</u> <u>Allowance</u>	<u>FY 20 - FY 21</u> <u>Amount Change</u>	<u>Percent</u> <u>Change</u>
<b>Positions</b>					
01 Regular	2,065.60	2,011.60	1,994.60	-17.00	-0.8%
02 Contractual	57.55	111.66	91.55	-20.11	-18.0%
<b>Total Positions</b>	<b>2,123.15</b>	<b>2,123.26</b>	<b>2,086.15</b>	<b>-37.11</b>	<b>-1.7%</b>
<b>Objects</b>					
01 Salaries and Wages	\$ 182,793,579	\$ 190,904,676	\$ 185,528,476	-\$ 5,376,200	-2.8%
02 Technical and Spec. Fees	2,304,350	884,500	960,664	76,164	8.6%
03 Communication	711,944	640,775	632,757	-8,018	-1.3%
04 Travel	11,885	8,645	13,439	4,794	55.5%
06 Fuel and Utilities	7,212,693	9,106,595	7,290,888	-1,815,707	-19.9%
07 Motor Vehicles	576,593	507,920	581,034	73,114	14.4%
08 Contractual Services	36,419,747	39,475,413	37,831,387	-1,644,026	-4.2%
09 Supplies and Materials	8,510,690	9,311,440	8,769,013	-542,427	-5.8%
10 Equipment – Replacement	294,254	31,165	136,570	105,405	338.2%
11 Equipment – Additional	172,707	0	2,500	2,500	N/A
12 Grants, Subsidies, and Contributions	390,765	899,550	842,974	-56,576	-6.3%
13 Fixed Charges	352,769	268,845	336,739	67,894	25.3%
14 Land and Structures	4,455,600	0	5,140,000	5,140,000	N/A
<b>Total Objects</b>	<b>\$ 244,207,576</b>	<b>\$ 252,039,524</b>	<b>\$ 248,066,441</b>	<b>-\$ 3,973,083</b>	<b>-1.6%</b>
<b>Funds</b>					
01 General Fund	\$ 218,371,914	\$ 224,367,097	\$ 221,791,399	-\$ 2,575,698	-1.1%
03 Special Fund	702,213	995,869	1,048,000	52,131	5.2%
05 Federal Fund	24,964,952	26,351,558	25,057,042	-1,294,516	-4.9%
09 Reimbursable Fund	168,497	325,000	170,000	-155,000	-47.7%
<b>Total Funds</b>	<b>\$ 244,207,576</b>	<b>\$ 252,039,524</b>	<b>\$ 248,066,441</b>	<b>-\$ 3,973,083</b>	<b>-1.6%</b>

DPSCS: Department of Public Safety and Correctional Services

Note: Numbers may not sum due to rounding. The fiscal 2020 appropriation includes deficiencies, planned reversions, and general salary increases. The fiscal 2021 allowance includes contingent reductions and general salary increases.

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

<u>Program/Unit</u>	<u>FY 19</u> <u>Actual</u>	<u>FY 20</u> <u>Wrk Approp</u>	<u>FY 21</u> <u>Allowance</u>	<u>Change</u>	<u>FY 20 - FY 21</u> <u>% Change</u>
01 Chesapeake Detention Facility	\$ 32,680,370	\$ 29,267,112	\$ 29,396,443	\$ 129,331	0.4%
02 Pretrial Release Services	6,185,677	6,138,708	5,569,667	-569,041	-9.3%
04 Central Booking and Intake Facility	68,472,142	71,379,393	73,956,040	2,576,647	3.6%
05 Baltimore Pretrial Complex	20,009,246	25,648,226	17,321,778	-8,326,448	-32.5%
06 Maryland Reception, Diagnostic, and Classification Center	39,425,389	40,841,455	38,569,018	-2,272,437	-5.6%
07 Baltimore City Correctional Center	16,705,696	16,530,057	19,146,191	2,616,134	15.8%
08 Metropolitan Transition Center	58,427,825	59,713,498	61,817,075	2,103,577	3.5%
09 General Administration	2,301,231	2,521,075	2,290,229	-230,846	-9.2%
<b>Total Expenditures</b>	<b>\$ 244,207,576</b>	<b>\$ 252,039,524</b>	<b>\$ 248,066,441</b>	<b>-\$ 3,973,083</b>	<b>-1.6%</b>
General Fund	\$ 218,371,914	\$ 224,367,097	\$ 221,791,399	-\$ 2,575,698	-1.1%
Special Fund	702,213	995,869	1,048,000	52,131	5.2%
Federal Fund	24,964,952	26,351,558	25,057,042	-1,294,516	-4.9%
<b>Total Appropriations</b>	<b>\$ 244,039,079</b>	<b>\$ 251,714,524</b>	<b>\$ 247,896,441</b>	<b>-\$ 3,818,083</b>	<b>-1.5%</b>
Reimbursable Fund	\$ 168,497	\$ 325,000	\$ 170,000	-\$ 155,000	-47.7%
<b>Total Funds</b>	<b>\$ 244,207,576</b>	<b>\$ 252,039,524</b>	<b>\$ 248,066,441</b>	<b>-\$ 3,973,083</b>	<b>-1.6%</b>

DPSCS: Department of Public Safety and Correctional Services

Note: Numbers may not sum due to rounding. The fiscal 2020 appropriation includes deficiencies, planned reversions, and general salary increases. The fiscal 2021 allowance includes contingent reductions and general salary increases.