

Department of Legislative Services
 Maryland General Assembly
 2005 Session

FISCAL AND POLICY NOTE

House Bill 725 (Chairman, Appropriations Committee)
 (By Request – Departmental – Public Safety and Correctional Services)
 Appropriations

Correctional Services - Pretrial Detention and Services - Reimbursement

This departmental bill requires Baltimore City to reimburse the Division of Pretrial Detention and Services for the cost of housing, care, and custody of each detainee confined to a division facility in Baltimore City that exceeds the detainee limit of 4,403. The Secretary of Public Safety and Correctional Services is required to adopt and enforce regulations to carry out this provision.

Fiscal Summary

State Effect: General fund revenues for the Division of Pretrial Detention and Services could increase \$2.4 million in FY 2006. Out-year revenues reflect inflation. Expenditures are not directly affected.

(in dollars)	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
GF Revenue	\$2,351,300	\$2,421,800	\$2,494,500	\$2,569,300	\$2,646,400
Expenditure	\$0	\$0	\$0	\$0	\$0
Net Effect	\$2,351,300	\$2,421,800	\$2,494,500	\$2,569,300	\$2,646,400

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect

Local Effect: Additional expenditures of \$2,351,280 for FY 2006. **This bill imposes a mandate on Baltimore City.**

Small Business Effect: The Department of Public Safety and Correctional Services (DPSCS) has determined that this bill has minimal or no impact on small business (attached). Legislative Services concurs with this assessment.

Analysis

Current Law/Background: The State became responsible for the Baltimore City jail in 1991. Upon the transfer of responsibility to DPSCS, the Division of Pretrial Detention and Services was established. The division is responsible for housing any individual arrested within the city limits of Baltimore City until the individual can be adjudicated.

The population capacity for the Baltimore City Detention Center is 3,508 detainees. The population capacity for the Central Booking and Intake Center is 895 detainees. Overall, the intended maximum detainee population for the division is 4,403. The projected average daily population for these facilities in fiscal 2006 is about 4,500 persons. However, there have been as many as 4,700 daily detainees during the summer months.

State Fiscal Effect: This bill requires Baltimore City to reimburse the division for the cost of housing, care, and custody for each detainee housed in excess of 4,403 based on the month-end count. Based on the fiscal 2006 budget allowance, the cost to house a detainee each day at the division is approximately \$67.30, or about \$2,020 per month per detainee.

With an average daily population of 4,500 for each month, this bill would result in monthly payments from Baltimore City to the division to account for the costs of housing 97 detainees per month (4,500 – 4,403) at a cost of \$2,020 for each detainee. This would total \$195,940 per month (97 x \$2,020) and \$2,351,280 per year. Actual payments will depend on actual detainee populations over any given month. In a worst case scenario, if a monthly population reflected the highest average daily population known to date (4,700), these monthly payments could be \$599,940 (annualized to \$7.2 million). Conversely, any monthly totals falling below 4,403 would obviate the need for a monthly payment from the city.

Out-year totals are assumed to increase by an inflation rate of 3% per year so that, by fiscal 2010, annual revenue from these monthly payments could be \$2,646,386.

Local Fiscal Effect: This bill could result in increased annual expenditures from Baltimore City of \$2,351,280, beginning in fiscal 2006, made in monthly installments of about \$195,940 per month.

Additional Comments: In recent years, DPSCS has been in litigation over the conditions existing in the facilities that comprise the Division of Pretrial Detention and Services. The division believes that the current overcrowding is due to the aggressive nature of policing in Baltimore City. The division advises that, without an avenue to

quickly facilitate the movement of detainees through the criminal justice system, the population maintains a “static crowding level.”

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Baltimore City, Department of Public Safety and Correctional Services, Department of Legislative Services

Fiscal Note History: First Reader - March 16, 2005
ncs/jr

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