

Department of Legislative Services  
Maryland General Assembly  
2008 Session

FISCAL AND POLICY NOTE

House Bill 160  
Judiciary

(Delegate George, *et al.*)

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Anne Arundel County - Correctional Facilities - Residential Substance Abuse  
Treatment Program

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This bill requires the administrator of correctional facilities for Anne Arundel County to establish a residential substance abuse treatment pilot program with a capacity to serve a minimum of 45 participants. The bill specifies services that must be included under the pilot program, and requires that correctional staff receive training on the goals of the program. Program participants must be kept separated from other inmates. The program must also include an aftercare coordinator.

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Fiscal Summary

**State Effect:** None. The bill's requirements for the Governor's Office of Crime Control and Prevention (GOCCP) could be handled with existing budgeted resources as a part of the continuing operations of the office. Any potential State, federal, or private assistance to help cover the costs of local pilot programs cannot be readily estimated.

**Local Effect:** Significant new program costs for Anne Arundel County, including the potential for additional capital costs. **This bill imposes a mandate on a unit of local government.**

**Small Business Effect:** None. Anne Arundel County would operate the program "in-house" and not via a contract with an outside vendor.

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## **Analysis**

**Bill Summary:** The bill expresses an intent of the General Assembly that GOCCP work with individual counties to ensure that Maryland secures all available federal, State, and local funding available for the implementation and development of any authorized residential substance abuse treatment programs or required under specified provisions of the Correctional Services Article, including funds for training and equipment.

**Current Law:** Anne Arundel County is authorized to establish and operate rehabilitation, home detention, pretrial release, and work programs. The Department of Public Safety and Correctional Services (DPSCS) operates a Local Jails and Detention Center Program under provisions of Title 11 of the Correctional Services Article to cover the costs of constructing or enlarging local correctional facilities for qualifying jurisdictions. Potential local projects to be covered by State money are considered on an annual basis and may be submitted by a county as a part of their long-range planning needs.

Under Title 11, if a county decides to construct or maintain a local correctional facility, the county may apply to the Secretary of Public Safety and Correctional Services for financial assistance for the construction or enlargement of the local correctional facility. The applicant county must provide information in the form required by the Secretary, including the program and plans for construction and the rehabilitation and training programs to be instituted.

If the Secretary approves such a construction plan, the State must pay the same share as that provided for jail construction or rehabilitation. The Secretary may receive a grant of funds from the federal government or any other public or private foundation or agency for these purposes.

If a county that maintains, operates, or participates in a local correctional facility provides for improvements to the local correctional facility that are required as the result of the adoption of mandatory or approved standards, the Board of Public Works must make provision for the State to pay 50% of the costs of the construction or improvements. The plans and costs for covered construction or improvements is subject to approval by the Secretary, the Division of Correction, the Department of General Services, and the Department of Budget and Management.

A county may also apply to the Secretary for financial assistance for the construction of a new or enlarged existing local correctional facility, if the Secretary determines that the anticipated confinement of inmates who are serving sentences of more than 6 months but not exceeding 12 months in a county's local correctional facility would exceed the

capacity of the current facility. Subject to the State budget appropriation process, if a county applies for financial assistance under this provision and the Board of Public Works approves the construction plan, the State must pay 100% of the approved costs of acquisition, construction, architectural and engineering services, and capital equipment for a new local correctional facility or enlargement of an existing local correctional facility.

**Background:** Anne Arundel County currently operates two facilities; one on Ordinance Road and the other on Jennifer Road. The total combined bed capacity for these facilities is 1,175 beds. Both pre-trial and post-conviction inmates are housed at these units. Post-conviction inmates scheduled for release, and with substance abuse issues, are provided a limited pre-release substance abuse education, put in touch with county health department personnel, and are included in the development of a personalized aftercare program. All this is done for an inmate on a voluntary participation basis. The county health department has a vendor contract with the Hope House Residential Treatment Center, a private provider, for referrals after release. There is no actual substance abuse treatment program within the county's correctional units.

Anne Arundel County advises that it will be submitting plans for an additional 700-bed unit at the Ordinance Road location under the Local Jails and Detention Center Program. This unit would address current overcrowding needs and none of these beds are in the engineering plans as dedicated and separate substance abuse treatment beds. The anticipated cost of the new unit is \$29 million. It is not known whether DPSCS will be able to add this project to other local correctional facility projects making application. Anne Arundel County hopes that groundbreaking could begin in fiscal 2010.

**State Expenditures:** While it is unclear whether capital costs to construct a new 45-bed residential substance abuse treatment unit for Anne Arundel County to meet the requirements of this bill would qualify for State funding under the current Local Jails and Detention Center Program operated by DPSCS, it is believed by the Department of Budget and Management and DPSCS that such capital costs would not qualify for State coverage under the that program.

**Local Expenditures:** Anne Arundel County advises that this bill would require per diem costs for inmate participants in the program of \$190 per person, plus capital costs to construct a new dedicated facility. The county assumes that treatment would not be provided by an outside vendor for security reasons and that annual treatment costs will total about \$3.1 million ( $\$190 \times 45 \text{ persons} \times 365 \text{ days}$ ). These costs are based on the current costs borne by Hope House, less any costs for housing, food, and medical care already provided to inmates. Capital costs for a new 45-bed facility are estimated by the county to be \$8.4 million, with annual debt service payments of about \$481,000.

DLS advises that these operating cost estimates by the county are likely too high. Current per diem costs for an inmate in local facilities in Anne Arundel are estimated at \$85, with the State paying half of those costs after an inmate has served 90 days.

Montgomery County operates a Jail Addiction Services Unit within the walls of its correctional facilities, as a modified therapeutic community program. Inmates in the unit are kept separate from other inmates. The actual program, however, is operated by the county's Department of Human Services (HHS) and not by the county Department of Correction and Rehabilitation (DOCR). Per diem inmate costs for DOCR for inmates in this unit are the same as inmates in the general population, or \$129 per inmate, with the State picking up a 50% share of these costs after 90 days. Current per diem costs for HHS to operate this program is estimated at about \$22 per bed for a capacity of 96 beds. Annual total program costs for this unit in Montgomery County is about \$773,000.

Accordingly, if per diem costs of \$22 per bed, as currently experienced by Montgomery County, were to be applied to the Anne Arundel County program required under this bill, annual therapeutic operating expenses would total about \$361,350 (\$22 x 45 persons x 365 days).

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Anne Arundel County, Governor's Office of Crime Control and Prevention, Department of Public Safety and Correctional Services (Division of Capital Construction), Montgomery County, Department of Legislative Services

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Analysis by: Guy G. Cherry

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510