

Department of Legislative Services
Maryland General Assembly
2009 Session

FISCAL AND POLICY NOTE

House Bill 967 (Delegate George, *et al.*)
Judiciary and Health and Government
Operations

**Local Correctional Facilities - New Construction - Residential Programs for
Substance Abuse Treatment**

This bill requires an application for financial assistance for the construction, enlargement, or maintenance of a local correctional facility to include: (1) a plan for a residential substance abuse treatment program at the facility; and (2) a specified plan for employing best practices to manage the inmate population, minimize periods of pretrial detention, and increase efficiency for bail review procedures.

Fiscal Summary

State Effect: Potential increase in future State capital and operating assistance to local governments for correctional programs. Revenues are not affected.

Local Effect: Potential significant increase in future local capital and operating costs for correctional programs. Revenues are not affected. **This bill imposes a mandate on a unit of local government**

Small Business Effect: Potential meaningful. This bill may, at some future date, increase substance abuse treatment opportunities at local correctional facilities.

Analysis

Bill Summary: The bill specifies that the residential substance abuse treatment program must have a capacity of at least 45 participants that:

- lasts from 6 to 12 months;
- separates the participants from other inmates;
- focuses on the substance abuse problems of the participants;
- develops the participant's cognitive, behavioral, social, vocational, and other skills to solve the participant's substance abuse and related problems;
- provides treatment for participants that are dually diagnosed with alcohol or drug dependency and mental illness;
- is based on effective, scientific practices; and
- includes an aftercare component that assists participants on release.

Current Law: In order to meet the needs of growing inmate populations at the local level, the State pays a minimum of 50% of eligible costs for construction or expansion of local correctional facilities. If a county can demonstrate that a portion of the expansion is necessary to house additional offenders serving between 6- and 12-month sentences due to changes in sentencing made by Chapter 128 of 1986, then the State provides 100% of funding for that portion of the project.

The Department of Public Safety and Correctional Services (DPSCS) processes the applications for State funding. The department determines the portion of the project cost eligible for State participation. State funds may only be used for costs directly related to incarceration. Ineligible costs include, but are not limited to, air conditioning, single cells, maintenance work on current facilities, utility connections, and space not directly attributable to detention functions, such as office space.

Legislation enacted in 2004 clarified that the local inmates that DPSCS must use to determine anticipated confinement levels at a local correctional facility should reflect only those inmates who are serving sentences between 6 and 12 months, rather than all inmates sentenced to 12 months or less. If DPSCS determines that the anticipated confinement of those inmates serving between 6 and 12 months in a county's local correctional facility would exceed the capacity of the local correctional facility, the State must pay 100% of the costs to construct a new facility or to expand the existing local correctional facility.

Background: The federal Residential Substance Abuse Treatment (RSAT) for State Prisoners Formula Grant Program assists states and units of local government in developing and implementing residential substance abuse treatment programs in state and local correctional and detention facilities. RSAT programs provide individual and group treatment activities for offenders and must:

- last between 6 and 12 months;
- be provided in residential treatment facilities set apart from the general correctional population;
- focus on the substance abuse problems of the inmate; and
- develop the inmate's cognitive, behavioral, social, vocational, and other skills to solve the substance abuse and related problems.

The Governor's Office of Crime Control and Prevention is the designated grant recipient for RSAT grants. While grant amounts to Maryland totaled about \$1 million in fiscal 2007 and 2008, the total RSAT grant for use statewide in fiscal 2009 is about \$160,000. The proposed State budget for fiscal 2010, projects total federal funding under this program to be less than \$150,000. It is unclear whether federal RSAT formula grants will continue after fiscal 2010.

Existing Substance Abuse Treatment Program

Montgomery County operates a Jail Addiction Services Unit within 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 \$141 per inmate, with the State paying 50% of the costs after 90 days. Current per diem costs for HHS to operate this program is estimated at \$25 per bed for a capacity of 96 beds. Total program costs for this unit are about \$773,000 annually.

State Fiscal Effect: Currently, local governments apply for matching grants to cover at least 50% of the cost for construction or expansion of local correctional facilities. The five-year *State Capital Improvement Program* includes \$83.0 million in general obligation (GO) bonds for matching grants to the counties for design, construction, and capital equipping of local jails and detention centers. The proposed State capital budget for fiscal 2010 includes \$23.0 million in funding for local correctional projects in Cecil, Prince George's, and St. Mary's counties. **Exhibit 1** lists the projects that received State funding over the last five years.

Pursuant to this legislation, local governments will need to provide a plan for a residential substance abuse treatment program at the local correctional facility when the jurisdiction applies for State funding. This requirement may increase the need for additional space at the local correctional facility, thus increasing the overall cost for the capital project. These higher costs may either result in the issuance of additional GO bonds which may

increase State debt service expenditures, or it may delay the approval of certain local projects.

Local Fiscal Effect: Local government expenditures for correctional facilities may increase by a significant amount. In order to accommodate a substance abuse treatment program that meets specified requirements, local correctional facilities may need to be expanded.

Anne Arundel County estimates that it will cost \$6.2 million to design and construct a 12,000 square foot unit, comprised of 45 beds for male inmates and 15 beds for female inmates. Per diem operating costs for the facility, assuming full capacity, is estimated at \$45, or \$985,500 per year for all 60 inmates.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Anne Arundel County, Department of Budget and Management, Department of General Services, Department of Health and Mental Hygiene, Department of Public Safety and Correctional Services, Department of Legislative Services

Fiscal Note History: First Reader - March 18, 2009
ncs/hlb

Analysis by: Guy G. Cherry

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

Exhibit 1
State Capital Funding for Local Correctional Facilities
Fiscal 2006-2010

Fiscal	County	Facility	Amount
2006	Baltimore	County Detention Center – expansion	8,089,000
	Frederick	County Detention Center – expansion	364,000
	Montgomery	County Detention Center	5,189,000
	Worcester	County Jail – expansion and renovation	3,899,000
	Subtotal		
2007	Dorchester	County Detention Center – master control panel	63,000
	Garrett	County Detention Center – new facility	518,000
	Harford	County Detention Center – housing unit expansion	853,000
	Prince George’s	County Detention Center – renovate housing unit	357,000
	Washington	County Detention Center – central booking	94,000
Subtotal			\$1,885,000
2008	Garrett	County Detention Center – new facility	4,800,000
	Harford	County Detention Center – housing unit expansion	5,815,000
	Prince George’s	County Detention Center – renovate housing unit	358,000
	Somerset	County Detention Center – work release unit	536,000
	Washington	County Detention Center – central booking	1,400,000
Subtotal			\$12,909,000
2009	Cecil	County Detention Center – additions and alterations	788,000
	Frederick	County Detention Center – expansion	7,401,000
	Harford	County Detention Center – housing unit expansion	6,336,000
	St. Mary’s	County Detention Center – minimum security addition	698,000
	Worcester	County Jail – expansion and renovation	4,606,000
Subtotal			\$19,829,000
2010	Cecil	Correctional Facility – renovations and additions	9,857,000
	Prince George’s	County Detention Center – expansion	7,635,000
	St. Mary’s	County Detention Center – minimum security addition	5,514,000
Subtotal			\$23,006,000