

Q0
Department of Public Safety and Correctional Services – Capital
Capital Budget Summary

State-owned *Capital Improvement Program*
(\$ in Millions)

Projects	Prior Auth.	2022 Request	2023 Est.	2024 Est.	2025 Est.	2026 Est.	Beyond CIP
Jessup Region Electrical Infrastructure Upgrade	\$10.046	\$3.681	\$6.273	\$0.000	\$0.000	\$0.000	\$0.000
ECI Temperature Distribution and Perimeter Security	25.011	0.000	12.189	0.000	0.000	0.000	0.000
Jessup Region and Western Maryland Perimeter Security	0.921	0.000	3.775	9.112	4.261	0.000	0.000
Therapeutic Treatment Center	8.000	0.000	17.762	64.766	116.653	120.653	61.526
MRDCC Façade Replacement	0.000	0.000	1.353	0.000	6.080	18.908	3.825
Jessup Regional Infirmary and ADA Housing	0.000	0.000	2.287	0.000	7.965	19.072	94.007
MCI-H Perimeter Security Upgrade	0.000	0.000	0.000	1.440	0.000	11.537	11.341
RCI Gatehouse, Perimeter Security, and ADA Housing	0.000	0.000	0.000	1.844	0.000	9.058	41.301
MCE Textiles and Graphics Shop	0.000	0.000	0.000	0.000	0.716	0.000	11.511
Total	\$43.978	\$3.681	\$43.639	\$77.162	\$135.675	\$179.228	\$223.511

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Fund Source	Prior Auth.	2022 Request	2023 Est.	2024 Est.	2025 Est.	2026 Est.	Beyond CIP
GO Bonds	\$43.978	\$3.681	\$43.639	\$77.162	\$135.675	\$179.228	\$223.511
Total	\$43.978	\$3.681	\$43.639	\$77.162	\$135.675	\$179.228	\$223.511

ADA: Americans with Disabilities Act

CIP: *Capital Improvement Program*

ECI: Eastern Correctional Institution

GO: general obligation

MCE: Maryland Correctional Enterprises

MCI-H: Maryland Correctional Institution – Hagerstown

MRDCC: Maryland Reception, Diagnostic, and Classification Center

RCI: Roxbury Correctional Institution

Note: The Therapeutic Treatment Center is funded in fiscal 2021 with \$8 million in bond premium funds reflected as general obligation bonds.

Key Observations

- ***Project Delays Hamper Department of Public Safety and Correctional Services (DPSCS) Capital Program:*** Three of the four projects scheduled to receive funding in fiscal 2022 are delayed and deferred until fiscal 2023. A number of factors contribute to the delays, including the impact that the COVID-19 pandemic has had on DPSCS capital management resources and the ability to gain access to facilities to complete various due diligence tasks. This includes a deferral of second year design funding for the Therapeutic Treatment Center (TTC), which is still evaluating and refining the program plan prior to the design solicitation process.

Summary of Recommended Bond Actions

1. Jessup Region Electrical Infrastructure Upgrade

Approve the \$3,681,000 general obligation bond authorization for the Jessup Region electrical infrastructure project.

2. SECTION 13 – Department of Public Safety and Correctional Services – Jessup Region Electrical Infrastructure Upgrade

Approve the \$6,273,000 general obligation bond preauthorization for the Jessup Region electrical infrastructure project.

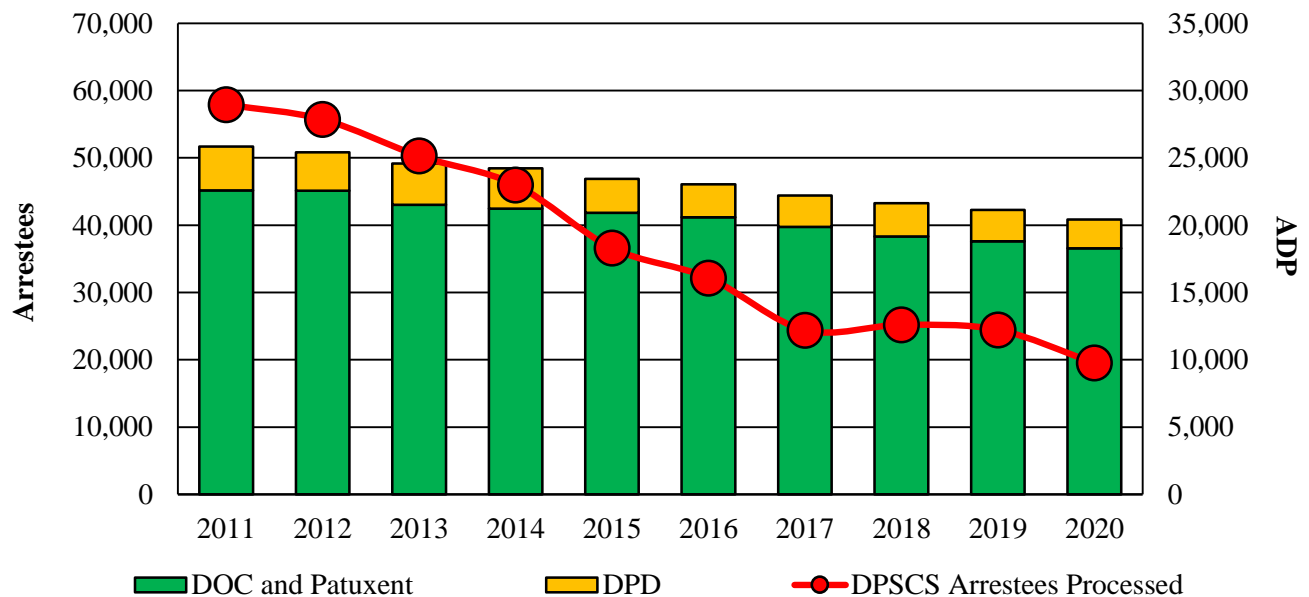
3. SECTION 13 – Department of Public Safety and Correctional Services – High Temperature Distribution and Perimeter Security Improvements

Approve the \$11,840,000 general obligation bond preauthorization for the Eastern Correctional Institution high temperature distribution and perimeter security improvements project.

Inmate Population Statistics

Since fiscal 2012, the number of offenders released each year has exceeded the number of offenders entering State prisons (including the Patuxent Institution). As a result, the incarcerated population continues to decline and is at its lowest total since fiscal 1992. The COVID-19 pandemic accelerated the inmate population decline by increasing releases and decreasing intakes due to court closures. **Exhibit 1** shows the number of sentenced offenders and detainees under DPSCS jurisdiction along with the total number of arrestees processed at the DPSCS Baltimore Central Booking and Intake Center (BCBIC).

Exhibit 1
Offenders under DPSCS Custody
Fiscal 2011-2020



APD: average daily population
DOC: Division of Correction

DPD: Division of Pretrial Detention
DPSCS: Department of Public Safety and Correctional Services

Source: Department of Public Safety and Correctional Services

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Since fiscal 2011, the number of arrestees processed declined 66%, the average detainee population declined 45%, and the incarcerated population decreased 64%. **Exhibit 2** shows how these populations changed from fiscal 2019 to 2020.

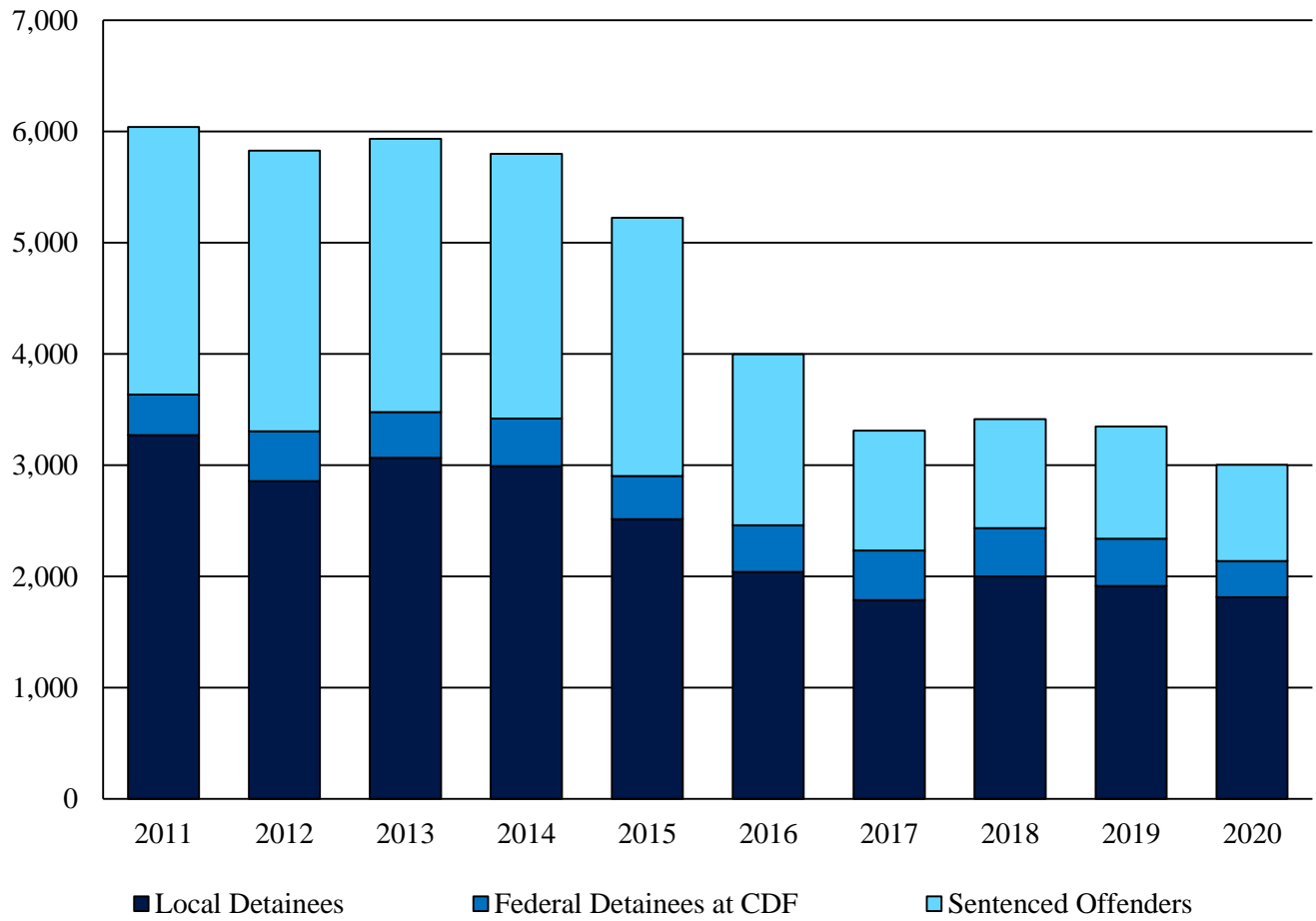
Exhibit 2
Inmate Population Changes
Fiscal 2019-2020

	<u>2019</u>	<u>2020</u>	<u>Difference</u>	<u>% Change</u>
Arrestees	24,450	19,529	-4,921	-20.1%
Sentenced Inmates	18,803	18,281	-522	-2.8%
Baltimore City Detainees	1,914	1,815	-99	-5.2%
Federal Detainees	425	325	-100	-23.5%

Source: Department of Public Safety and Correctional Services

Exhibit 3 shows the total population across all Baltimore City facilities, which fall under the Division of Pretrial Detention (DPD) despite the Baltimore City Correctional Center and the Maryland Reception Diagnostic and Classification Center (MRDCC) primarily incarcerating sentenced offenders. While DPD is responsible for local detainees, it also holds a number of federal detainees at the Chesapeake Detention Facility. In addition, nearly 400 Baltimore City detainees are kept in facilities in Jessup due to the lack of space and the need for cell-based housing to maintain safety. From fiscal 2019 to 2020, there were 146 fewer incarcerated offenders and 99 fewer pretrial detainees in Baltimore City facilities on average each day. Sentenced, incarcerated individuals make up about one-third of the population in Baltimore City facilities.

Exhibit 3
ADP of Baltimore City Facilities
Fiscal 2011-2020



ADP: average daily population
CDF: Chesapeake Detention Facility

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

Budget Overview

One Project Funded; Three Deferred

Jessup Region Electrical Infrastructure Upgrade

Only the Jessup Region electrical infrastructure upgrade project is funded in the fiscal 2022 capital budget, which provides \$3.7 million in general obligation (GO) bonds to continue construction funding for the project. An additional \$6.3 million is required to complete the project; these funds were scheduled for fiscal 2022 but will not be needed until fiscal 2023 due to delays in the design phase.

Project Justification

The Jessup Region electrical grid provides power to six correctional facilities, Maryland Environmental Service plants, and a State firing range in Anne Arundel County. The existing grid, which is more than 40 years old, does not provide reliable uninterrupted power and also is unable to support any additional buildings. The more than 120 buildings serviced by the current infrastructure include approximately 4,500 inmates and 1,600 State employees. In addition, the Jessup electrical system has failed at least seven times in recent years.

There are three main reasons for the current infrastructure failures: (1) the age of the existing system; (2) the main substation transformers lack the capacity to adequately power future loads (based on peak load data from Baltimore Gas and Electric); and (3) the main switching station lacks the proper protection relays to disconnect from power during a single phase event. Another item of note is that one of the main transformers on the grid did not meet national recommended standards for explosive gases.

Power Outages and Repairs

Due to power outages, the area's prisons have been unable to function properly and must operate under full lockdown. There have been numerous outages in the past eight years that have caused parts of the complex to completely lose power. Perimeter security, the opening/closing of secured doors, and maintaining sufficient lighting have been compromised in the past and increase the risk of inmate escape. In addition, the department has continued to incur costs for repairs and added overtime for employees; cost estimates for repairs average \$50,000 to \$100,000 for each repair.

DPSCS reports that it is typical for outages to last 12 to 24 hours before power is restored due to the time that it takes for an electrical contractor to respond and obtain necessary materials. Power failures at correctional facilities present a significant safety risk for inmates and staff. The most recent electrical failure occurred during spring 2020 and lasted 4 hours. During power outages, prisons struggle to function properly in terms of opening and closing doors, maintaining the perimeter security systems, and having so little light that it creates a risk to the inmates, officers, and staff.

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Power outages increase the risk of inmate(s) escaping. Further, the loss of power during the winter months hinders the institutions' ability to provide adequate heating levels. Cold temperatures are considered cruel and unusual punishment and can increase the risk of illness. Additionally, power outages can cause damage to equipment. The lack of power and lighting puts the public at risk in terms of lessening the ability of the institution to provide adequate security and also makes it easier for people from the outside to get contraband into the institution, which puts the officers and staff at risk in the event any weapons get into the hands of the inmates. Additionally, DPSCS facilities rely on cameras and outdoor lighting to monitor the perimeter and gates at all times. While the department has relied on additional officers to staff utilities during power outages, the risk of contraband entering facilities remains high.

Schedule and Cost Changes

Construction was initially scheduled to begin in December 2019, with a completion date in December 2021. Delays last year pushed the estimated start dates to June 2020 for construction and June 2022 for completion. However, additional requirements, including civil surveys and value engineering efforts to keep the cost within the amount budgeted, now place the construction start date at March 2021 with a completion date of March 2023. Due to the new construction schedule, funding is less in fiscal 2022 than previously anticipated. As a whole, however, the project has increased in cost. The original project was estimated to cost \$15.5 million but is now estimated to cost \$20 million, an increase of 29%. The primary justification for the additional funding is an increase in the amount of underground utility work. To better assess this need, the design was halted while over 100 test pit sites could be dug and evaluated.

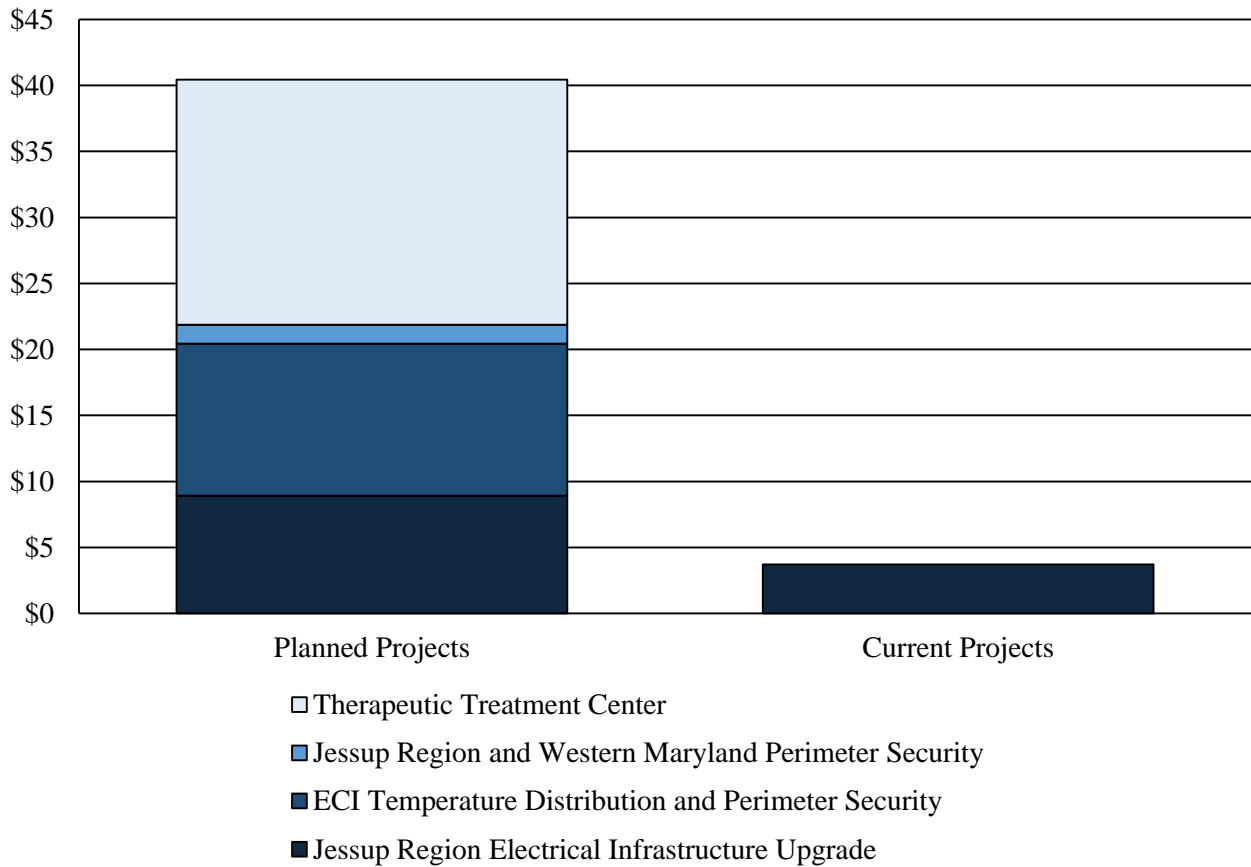
Project Deferrals

Three projects that were programmed in last session's *Capital Improvement Program (CIP)* to receive fiscal 2022 funding are delayed. Several factors contribute to the delays, including that:

- the COVID-19 pandemic has diverted DPSCS capital management resources stretched thin in order to manage inmate populations and movement during the pandemic;
- the pandemic has made gaining access to facilities to complete various contracted design phase due diligence tasks more difficult; and
- more specifically, the TTC project will require an extended design solicitation and bidding process due to the size and complexity of what is programmed; the Part I program, which is required to be completed before design procurement is initiated, is still in review awaiting final approval.

Exhibit 4 illustrates what was programmed for fiscal 2022 in last session's CIP compared to what is included in the 2021 session CIP.

Exhibit 4
Planned vs. Current Projects
Fiscal 2022
(\$ in Millions)



ECI: Eastern Correctional Institution

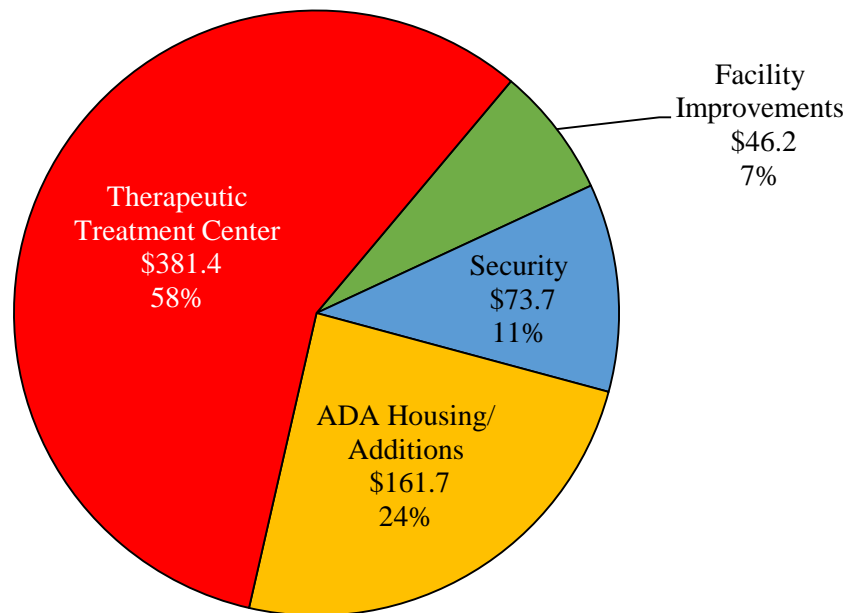
Note: The first column shows fiscal 2022 projects programmed in the 2021 *Capital Improvement Program* (CIP). The second column shows fiscal 2022 funding actually programmed in the 2022 CIP.

Source: Department of Legislative Services

CIP Emphasizes Aging Infrastructure, Americans with Disabilities Act Housing, and Baltimore Jail Replacement

The CIP is a vital source of facility renewal, security enhancement, and housing construction for DPSCS. The current projects programmed into the CIP are no exception: three projects will rebuild failing perimeter security systems at 9 correctional facilities; two projects will build crucial housing units for those with accessibility needs; and the TTC will provide a state-of-the-art replacement for the Baltimore City Detention Center, which is currently being demolished using prior authorized GO bond funds. There is also funding for additions in the Jessup Region: a new regional infirmary and an expansion to the Maryland Correctional Enterprises textiles shop. **Exhibit 5** shows the total cost of projects included in the 2021 session CIP, several of which extend beyond the scope of the five-year CIP.

Exhibit 5
Current Capital Improvement Program
Fiscal 2022-2026*
(\$ in Millions)



ADA: Americans with Disabilities Act

Note: Two projects are split between categories. The Eastern Correctional Institution High Temperature Distribution and Perimeter Security project has both security and facility improvement components. The Roxbury Correctional Institution Gatehouse, Perimeter Security, and ADA Housing Unit project has both security and housing components. The full amount required to complete each project is included in these figures, despite one-third of costs occurring beyond the current *Capital Improvement Program* end in fiscal 2026.

Source: Governor’s Fiscal 2022 *Capital Improvement Program*; Department of Legislative Services

Aging Infrastructure Is Primary Concern

DPSCS Estimated to Require at Least \$84 Million in Capital Funds, \$90 Million in Facility Renewal Funds, and \$9 Million in Operating Funds

Overall, the largest project is the TTC with a total cost of nearly \$400 million. However, the most numerous, complex, and time consuming projects for the Division of Capital Construction and Facilities Maintenance are facility renewal projects. Including the out-year costs to complete each project, there are currently about \$46 million in funds planned for facility improvement projects. These include replacement of failing electrical infrastructure in Jessup, replacement of failing steam tunnels on the Eastern Shore, and replacement of a failing building façade in Baltimore City. Additionally, there are about \$74 million in funds for the replacement of failing perimeter security systems across nearly a dozen State correctional facilities.

The aging infrastructure across DPSCS facilities is also addressed through the department’s operating budget and through the Department of General Services (DGS) Facility Renewal and Facility Maintenance programs. From fiscal 2018 through 2021, this DGS program has contributed an average of \$7.25 million annually to address failing and inadequate DPSCS infrastructure. Importantly, however, the current maintenance and renewal backlog submitted by DPSCS totals \$70 million in deferred maintenance projects and an additional \$20 million in newly required maintenance projects for a total of \$90 million.

DPSCS also addresses its aging infrastructure problems through its annual operating budget. In fiscal 2020, \$7.9 million went toward critical maintenance, construction, and renovations. In fiscal 2021 and 2022, \$3.9 million and \$9.1 million are identified for these purposes, respectively, including boiler replacements, shower renovations, and door control systems.

Summary of Other Projects in the Capital Improvement Program

Projects Deferred in Fiscal 2022

Exhibit 6 shows that projects to construct new security perimeter systems at correctional facilities, replace outdated hot water infrastructure, and construct a TTC received funding in fiscal 2021 but will not receive new funding until fiscal 2023.

Exhibit 6
Projects Deferred
Fiscal 2022

<u>Project</u>	<u>Description</u>	<u>Reason for Deferral</u>
Therapeutic Treatment Center	Construct a 1,465-bed facility for adult men and women in Baltimore City, focusing on issues of substance use disorder and mental health in the detained population.	Funding is deferred to fiscal 2023, due to a delay in the project schedule. The delay is attributable to a continued refinement of the project scope.
Eastern Correctional Institution High Temperature Distribution and Perimeter Security Improvements	Replace outdated high temperature hot water system and perimeter security fence system at the Eastern Correctional Institution.	Funding is deferred to fiscal 2023, due to a delay in the project schedule. Construction can commence utilizing funds already authorized for the project.
Jessup Region and Western Maryland Perimeter Security Upgrades	Construct new electronic perimeter security systems at nine correctional facilities.	Funding is deferred to fiscal 2023, due to a delay in completing the design procurement.

Source: Department of Budget and Management, 2021 *Capital Improvement Program*

Therapeutic Treatment Center

This project will construct a 1,465-bed facility for adult men and women in Baltimore City. The TTC will replace buildings recently demolished in the Baltimore Pretrial Complex and provide substance use disorder (SUD) and mental health services to the detained inmate population. These services will resolve a number of legal and policy issues regarding the availability and quality of medical and mental health services provided to pretrial detainees. The TTC is estimated to require nearly \$400 million in total.

The planned facility will consolidate therapeutic SUD treatment, mental health treatment, and medical treatment. The facility will also position the State to be in compliance with the major components of the Duvall Agreement, specifically the mental health treatment and medical treatment components. Independent monitors assess the State’s progress in meeting the agreement. The proposed facility entails a collaborative effort by DPSCS and community providers of treatment and programming services. The new TTC design consists of three components:

- **Deflection:** In cases where chargeable offenses are present but a police officer determines that the individual in need of services does not pose a risk to the community, the person will be offered transportation to the deflection center where they can receive care and immediate linkages to treatment rather than arrest. A sobering station and detoxification unit will be

available to accommodate those brought in on public intoxication incidents. The deflection center will be “outside the fence” and focus on community engagement.

- ***Detention Treatment:*** Those that cannot be deflected or diverted will be taken to BCBIC for their assessment and determination of eligibility for the TTC program. Specialized treatment, programming, housing, and transitional and reentry services will be provided to those committed to pretrial detention at the TTC.
- ***Reentry/Day Reporting:*** A Centralized Inmate Release area will be connected to a wraparound Reentry Resource and Day Reporting Center. Aftercare coordinators, peer support specialists, partner organizations, and service providers will be deployed in this area to work closely with all inmates leaving the facility, providing individualized services and connections to the next stages of community supervision or direct reentry. The Day Reporting Center will add a convenient parole and probation office to the pretrial complex to provide a central hub of services where returning citizens may access the services and advice that they need to continue succeeding.

Scheduling Delays

The TTC planning phase is currently behind schedule due to necessary changes in the project scope. Due to cost containment measures, the consultant team updated and revised the entire program document to incorporate a phased approach with less bed space. The smaller phased approach will save an estimated \$58 million. Phase 1 of the project would build a portion of beds and shell space for Phase 2, which would complete the remainder of needed beds in the future. This would spread costs out, while allowing for quicker utilization by the department. The number of beds was also downsized to reflect less estimated future need for bed space. DGS is responsible for the procurement process, which is delayed due to the project rescoping. Therefore, the \$8 million currently provided in bond premium funds is sufficient to continue the planning process, and additional funds will not be required until fiscal 2023. Construction is now slated for fiscal 2024, a year behind last year’s schedule.

Eastern Correctional Institution High Temperature Distribution and Perimeter Security Improvements

This project will replace the outdated high temperature hot water system and the perimeter security fence system at the Eastern Correctional Institution (ECI). The project will install new pipe lines for housing units and support buildings as well as replace the existing perimeter security fencing. Project funding began in fiscal 2017 with \$6.9 million for planning. Fiscal 2021 provided \$18.1 million to begin construction in February 2020, and the final \$11.5 million was preauthorized for fiscal 2022.

The project, however, is currently behind schedule. The 95% construction documents created a project that could not be constructed within the allocated budget. The project was reengineered to utilize pole foundations in good shape and eliminate certain concrete reinforcements without changing the project scope. However, this shifted the timeline by at least a year or more as the project is in the

construction procurement stage. The fiscal 2022 preauthorization was deferred, and the \$12.2 million in funding to complete construction is now programmed for fiscal 2023.

The project requires a total of \$37.2 million to complete, including \$25 million in prior authorizations and \$12.2 million to complete construction in fiscal 2023.

Jessup Region and Western Maryland Perimeter Security Upgrades

This project will construct new electronic perimeter security systems at nine correctional facilities. Four are in the Jessup Region, three are in Hagerstown, and two are in Cumberland. Replacement parts are no longer available for the systems in place at these facilities. This project will minimize threats, risks of intrusion, introduction of contraband, and inmate escapes.

This project initially only included the Jessup Region but has been increased to include all perimeter security system replacements other than the ones at ECI and Roxbury Correctional Institution (RCI), which are included in the larger capital projects at those facilities. Initial planning funding of \$0.9 million was provided in fiscal 2021. The project schedule put forth in the fiscal 2021 legislative session proved to be too aggressive, as the inclusion of nine correctional facilities in the project required additional planning time. The estimated amount for fiscal 2022 was originally \$1.4 million but is now deferred until fiscal 2023 as the project remains in review. Construction was estimated to begin in May 2022 but will now begin during fiscal 2023.

Other Out-year Projects

- ***160-bed Jessup Regional Infirmery and Americans with Disabilities Act (ADA) Housing Unit:*** This new facility will contain a 160-bed medical treatment center and a 64-bed ADA accessible housing unit on the site of the former Maryland House of Corrections. The estimated total cost for this project is \$123.3 million, with \$2.3 million in planning funding for fiscal 2023, \$8.0 million for fiscal 2024, and \$19.1 million for fiscal 2025.
- ***MRDCC Building Façade Replacement:*** Construct a new building façade for MRDCC in Baltimore City. The exterior walls and walls of the interior courtyard are finished with concrete masonry veneer units that have begun to slowly fail and fall to the ground. This situation poses a threat to inmates, staff, and passersby. The estimated total cost is \$30.2 million and will receive \$1.4 million in fiscal 2023 to complete planning and \$6.1 million in fiscal 2025 to begin construction.
- ***Maryland Correctional Institution – Hagerstown Perimeter Security Upgrade:*** These improvements and upgrades will consist of a new visitor’s center, intrusion systems and alarms, and a gymnasium. The project’s estimated total is \$24.3 million with initial planning funded in fiscal 2024 at \$1.4 million.

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- ***RCI Gatehouse and Perimeter Security System and ADA Housing:*** This project will construct a 32-bed ADA housing unit and a new gatehouse for the facility. Total costs are estimated to be \$52.2 million with initial planning funded in fiscal 2024 at \$1.8 million.
- ***Maryland Correctional Enterprises (MCE) Textiles and Graphics Shop:*** This project is designed to construct a new building for MCE on the grounds of the Jessup Correctional Institution (JCI) to expand the division’s textile and graphics work. This initiative will provide 190 new jobs for the JCI inmates as well as additional revenue to the department. Total program costs are \$11.3 million with initial planning funded at \$716,000 for fiscal 2025.

Projects Removed from the CIP

Exhibit 7 shows that a project to build a MCE furniture renovation shop has been removed from the current CIP.

Exhibit 7 Projects Removed from the *Capital Improvement Program*

<u>Project</u>	<u>Description</u>	<u>Reason for Deferral</u>
Maryland Correctional Enterprises (MCE) Furniture Restoration Plant Expansion	Expand the MCE plant at the Eastern Correctional Institution to provide 25 more inmate jobs and a safer facility for existing inmate workers.	MCE experienced a significant decrease in incoming sales and production activity as a result of COVID-19.

Source: Department of Budget and Management, 2021 *Capital Improvement Program*

GO Bond Recommended Actions

1. Approve the \$3,681,000 general obligation bond authorization for the Jessup Region Electrical Infrastructure project.
2. Approve the \$6,273,000 general obligation bond preauthorization for the Jessup Region Electrical Infrastructure project.
3. Approve the \$11,840,000 general obligation bond preauthorization for the Eastern Correctional Institution High Temperature Distribution and Perimeter Security Improvements project.