
Department of Public Safety and Correctional Services Capital Budget Overview

**Department of Legislative Services
Office of Policy Analysis
Annapolis, Maryland**

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Analysis of the FY 2011 Maryland Executive Budget, 2010

Department of Public Safety and Correctional Services – Capital Budget Overview

**Department of Public Safety and Correctional Services
Capital Budget Overview**

Capital Budget Summary

(\$ in Thousands)

	<u>Planning</u>	<u>Construction</u>	<u>Equipment</u>	<u>General Obligation</u>
North Branch Correctional Institution Maryland Correctional Enterprises Upholstery and Re-upholstery Plant	\$0	\$0	\$245	\$245
Western Correctional Institution Vocational Education Building	0	0	321	321
Division of Pretrial and Detention Services Youth Detention Center	0	17,520	0	17,520
Total	\$0	\$17,520	\$566	\$18,086

Analysis in Brief

Issues

Rifle Range Remediation at the Public Safety Education and Training Center: In accordance with direction provided by the General Assembly during the 2009 session, the Maryland Transportation Authority and the Police and Correctional Training Commissions are split-funding a project for improvements to the rifle firing range at the Public Safety Education and Training Center. Design of the project is currently underway. **The department should provide a status update for the rifle range remediation project and comment on how it will utilize the 20-year assessment in developing its future capital needs and requests.**

Overview

Fiscal 2011 Capital Budget

Projects

The fiscal 2011 capital request for the Department of Public Safety and Correctional Services (DPSCS) includes three projects for a total of approximately \$18.1 million in general obligation (GO) bonds. Two of the three projects are in the final year of funding and provide equipment funds only. All three projects have received funding in prior years.

DPSCS-related projects included in the fiscal 2011 capital budget reflect the continued efforts to address the need for additional bed space through construction of new facilities and reduce inmate idleness through increased employment and workforce development. Upon completion, the Youth Detention Center (YDC) will provide an additional 180 beds for the department, specifically targeted toward the juvenile charged as adult offender population. This will be the only facility in the State specifically addressing the needs of this population. The addition of the Maryland Correctional Enterprises (MCE) upholstery plant at the North Branch Correctional Institution (NBCI) and the Vocational Education building at the Western Correctional Institution (WCI) will provide employment and vocational training for an additional 300 inmates in the Western Region.

De-authorization of Prior Appropriations

The 2010 Maryland Consolidated Capital Bond Loan (MCCBL) provides for the de-authorization of \$3.8 million for two projects. Approximately \$1.7 million of the de-authorized funding is general obligation bonds and nearly \$2.2 million is bond premiums.

Chapter 46 of 2006 provided \$30.3 million in bond premiums from the Annuity Bond Fund to construct and equip the fourth housing unit at NBCI. The final housing unit was operational as of July 1, 2009, and approximately \$2.9 million in bond premiums remains unencumbered. The 2010 MCCBL de-authorizes \$2.0 million of the unencumbered funds. The department is retaining nearly \$950,000 to support security upgrades for the joint perimeter of NBCI and WCI.

Chapter 432 of 2004 provided \$3.3 million in general obligation bond funding to upgrade the chiller and ventilation system in the Women's Detention Center (WDC). The 2010 MCCBL includes the de-authorization of \$132,000 from the project because it has been completed, and the funds are no longer needed.

The remainder of the de-authorized funding relates to Property Acquisition and Demolition required to build the new Youth and Women's Detention Centers in Baltimore City. The de-authorized funding included in the 2010 MCCBL is as follows:

- Chapter 445 of 2005 – \$1,099,000 GO
- Chapter 46 of 2006 – \$188,000 bond premiums

- Chapter 488 of 2007 – \$428,000 GO

In total, \$10.1 million has been authorized for these projects. Construction for WDC has been deferred until fiscal 2013. The project will require demolition of the Jail Industries building, Baltimore Gas & Electric substation building, and other small buildings on the WDC site prior to construction, but the demolition funding will now be incorporated into the overall cost of the construction contract. The fiscal 2013 estimated appropriation for the WDC project, as identified in the five-year *Capital Improvement Program* (CIP), now includes \$5.6 million for demolition work at the site based on the de-authorization of these funds.

The 2010 MCCBL does require one technical amendment to alter the amount of de-authorized funding from Chapter 445 of 2005 from \$1,099,000 to \$1,095,000. Aside from the technical amendment, the Department of Legislative Services (DLS) recommends approval of the de-authorization of all identified funding.

Planned Pre-authorizations

There are two proposed pre-authorizations for the YDC project. These actions pre-authorize the remainder of construction funding required to complete the project, approximately \$63.6 million. The 2010 MCCBL pre-authorizes \$38.0 million in fiscal 2012 and \$25.6 million in fiscal 2013. This allows the department to award one contract for construction but phases the funding in line with what will actually be required each fiscal year, given that construction of the facility will occur over a 32-month period.

DLS recommends approval of the pre-authorization of general obligation bond funding totaling \$38.0 million in fiscal 2012 and \$25.6 million in fiscal 2013 for the construction of YDC.

Five-year Capital Improvement Program

Exhibit 1 shows the fiscal 2011 through 2015 CIP for the department, which includes funding to address capacity concerns, upgrade aging infrastructure, reduce inmate idleness, and provide additional training facilities. There are 10 projects included in the DPSCS capital program, requiring approximately \$456.5 million in general obligation bond funding over the next five years. Beyond the five-year period identified in the CIP, these projects will also require an estimated \$30.0 million in funding.

The Western Region, comprised of WCI and NBCI, has four projects designed to reduce inmate idleness and support the rapid growth in the number of inmate served at these facilities. Two of the projects are included in the 2010 MCCBL and are in the final year of funding. Funding for the WCI Maintenance Building has been delayed due to other budget priorities. Two projects are planned at the Jessup Complex: the Jessup Community Correctional Facility (JCCF) and an MCE Uniform Shop Expansion, although this project has also been delayed due to other budget priorities.

Exhibit 1
DPSCS Five-year Capital Improvement Program
 (\$ in Thousands)

<u>Project</u>	<u>Prior</u>	<u>FY 2011</u>	<u>FY 2012</u>	<u>FY 2013</u>	<u>FY 2014</u>	<u>FY 2015</u>	<u>Total in CIP</u>	<u>Future Funding</u>
Jessup Region								
JCI MCE Uniform Shop	-	-	-	-	\$450	\$6,700	\$7,150	\$100
Jessup Community Correctional Facility	\$23,224	-	\$14,250	\$9,700	500	-	47,674	-
Hagerstown Region								
MCTC Window/Heating Replacement	600	-	10,650	-	10,200	-	21,450	10,200
Western Region								
WCI Vocational Education Building	12,265	\$321	-	-	-	-	12,586	-
WCI Maintenance Building	-	-	-	-	300	5,400	5,700	150
WCI 280-bed Minimum Security Facility	-	-	-	-	600	700	1,300	17,400
NBCI MCE Upholstery and Textiles Plant	6,845	245	-	-	-	-	7,090	-
Police and Correctional Training Commissions								
Simulated Environment Training Facility	59,554	-	-	3,250	200	-	63,004	-
Division of Pretrial and Detention Services								
Women's Detention Center	11,459	-	-	5,650	83,650	90,100	190,859	2,000
Youth Detention Center	15,200	17,520	39,350	27,600	-	-	99,670	-
Total State-owned Facilities	\$129,147	\$18,086	\$64,250	\$46,200	\$95,900	\$102,900	\$456,483	\$29,850

CIP: Capital Improvement Program
 DPSCS: Department of Public Safety and Correctional Services
 JCI: Jessup Correctional Institution
 MCE: Maryland Correctional Enterprises
 MCTC: Maryland Correctional Training Center
 NBCI: North Branch Correctional Institution
 WCI: Western Correctional Institution

Source: Governor's Budget Books, Fiscal 2011

Funds are also budgeted to renovate housing units at the Maryland Correctional Training Center (MCTC) and construct improvements at the Public Safety Education and Training Center (PSETC). With regard to PSETC, funding for the Simulated Environment Training Facility has been delayed due to other budget priorities and because of the provision of funding for the Rifle Range project in fiscal 2010. Finally, the CIP provides funding to construct two new detention facilities in Baltimore City to address the needs of the female and youth offender populations.

Jessup Community Correctional Facility

There is no federal pay-as-you-go (PAYGO) funding included in the fiscal 2011 allowance. A total of \$10.0 million in federal PAYGO funding was included in fiscal 2010, in conjunction with \$13.2 million in general obligation bond funding for JCCF. In total, the federal government offered to provide \$20.0 million toward construction of the new facility, in exchange for increasing the number of federal detainees housed at the Maryland Correctional Adjustment Center (MCAC) in Baltimore City. The General Assembly restricted the fiscal 2010 funding, however, until the department met a variety of conditions, including providing assurance that the federal government would fully cover the cost of operating the MCAC once it housed only federal detainees. To date, the funds have not been released, as the restrictive conditions have not been met. DPSCS has met several times with the Office of Federal Detention Trustee (OFDT), the U.S. Marshal, and federal judges in an effort to expedite the release of federal funding; however, OFDT has yet to receive federal approval for the \$10.0 million currently promised to the State. **DPSCS should provide an update on the current status of negotiations with the federal government with regard to the JCCF project.**

The additional capacity that JCCF will provide is needed in the short term to accommodate the demolition of the Jail Industries Building as part of the construction of the new Women's Detention Center. In the long term, an increase in minimum bed capacity will help the department eliminate the use of non-conventional housing. With the delays in the timeline for constructing JCCF, the department has subsequently had to delay progress on WDC, as well. **DPSCS should provide a revised timeline for construction of JCCF and how that corresponds to the movement of inmates associated with the WDC construction.**

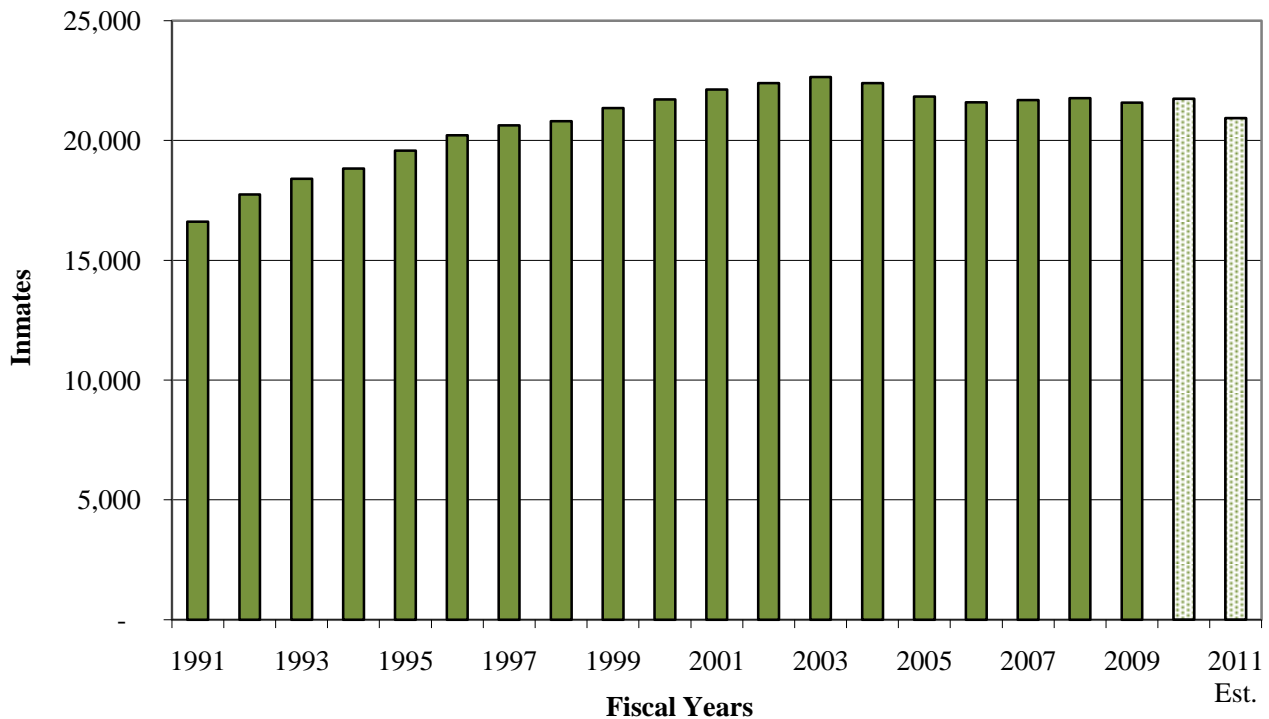
Baltimore City Detention Center – Youth and Women's Detention Centers

Funds are provided in the CIP for two new detention facilities for women and youth at the Baltimore Correctional Complex over the next five years. Construction funding for these projects has been planned over multiple years as a result of the multi-year construction timeline. The third and fourth year of construction funding for YDC is pre-authorized in the 2010 MCCBL. The construction funding for WDC has been deferred from fiscal 2012 through 2014 to fiscal 2013 through 2015. Necessary demolition work for WDC has been included in the total project cost, allowing for the de-authorization of \$1.7 million in the current fiscal year. These actions, however, have resulted in an estimated cost increase of \$11.5 million for this project.

Inmate Population and Capacity

The Division of Correction (DOC) population has experienced significant growth over the past 15 years. **Exhibit 2** demonstrates how the average daily population (ADP) of housed inmates for DOC grew 31.0% between fiscal 1991 and 2008. The ADP hit an all-time high in fiscal 2003 at 22,648 inmates but has since declined. The fiscal 2009 population was 4.7% below the 2003 peak at 21,575. This also reflects a decrease of 186 inmates from the fiscal 2008 ADP. The fiscal 2011 projection reflects a decline of 7.6% from the fiscal 2003 peak, with an inmate population below the 21,000 mark for the first time since fiscal 1998.

Exhibit 2
Division of Correction
Average Daily Population of Housed Inmates
Fiscal 1991-2011 Est.



Source: Department of Public Safety and Correctional Services

Exhibit 3 shows the agency's current capacity versus the end-of-month inmate population for January 2010, delineating between conventional and non-conventional bed space. The exhibit also indicates the relationship of the population with the current operational bed capacity. This differs from the design capacity in that it counts beds which are created through the use of double-celled and non-conventional bed space.

**Exhibit 3
Inmate Bed Space vs. Population by Security Classification**

<u>Facility</u>	<u>Total Capacity</u>	<u>Conventional Beds</u>	<u>Non-conventional Beds</u>	<u>End of Month Population January 2010</u>
Maximum and Administrative Security				
Jessup Correctional Institution	1,748	1,748		1,714
Maryland Correctional Adjustment Center	570	570		483
Maryland Correctional Institution – Women	888	888		827
Maryland Reception, Diagnostic and Classification Center	808	768	40	600
North Branch Correctional Institution	1,514	1,514		1,415
Total Maximum and Administrative Beds	5,528	5,488	40	5,039
Medium Security				
Eastern Correctional Institution	2,766	2,766		2,692
Maryland Correctional Institution – Hagerstown	1,835	1,643	192	1,748
Maryland Correctional Institution – Jessup	1,068	1,018	50	1,005
Maryland Correctional Training Center – Main Compound	2,443	2,443		2,386
Roxbury Correctional Institution	1,771	1,771		1,692
Western Correctional Institution	1,787	1,787		1,650
Total Medium Beds	11,670	11,428	242	11,173
Minimum Security				
Baltimore City Correctional Center	508	508		495
Brockbridge Correctional Facility	651	651		636
Central Maryland Correctional Facility (formerly CLF)	516	516		506
Eastern Correctional Institution – Annex	608	608		599
Jessup Pre-release Unit	596	596		588
Maryland Correctional Institution – Hagerstown	340		340	330
Maryland Correctional Training Center – Quonset Hut (Demolished)	-	-	-	-
Metropolitan Transition Center (West Wing Closed)	697	697		680
Total Minimum Beds	3,916	3,576	340	3,834
Pre-release Security				
Baltimore Pre-release Unit	201	201		189
Baltimore Pre-release Unit for Women (Closed)	-	-		-
Eastern Pre-release Unit	180	180		176
Herman L. Toulson Correctional Boot Camp (Closed)	-	-		-
Maryland Correctional Training Center	142	142		128
Poplar Hill Pre-release Unit	128	128		121
Southern Maryland Pre-release Unit	180	180		175
Total Pre-release Beds	831	831		789
Total Division of Correction Beds	21,945	21,323	622	20,835

CLF: Central Laundry Facility

Source: Department of Public Safety and Correctional Services

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A number of changes have occurred in the current fiscal year, which impact bed space throughout the department. Since the end of fiscal 2009, the department has taken 1,334 beds off line. DPSCS closed the Herman L. Toulson Correctional Facility (HLTCF), eliminating 384 conventional beds. Additionally, the closure of the west wing of the Metropolitan Transition Center in Baltimore City reduced the number of inmate beds by 950. A number of the facilities, such as the Jessup Correctional Institution, reflect an increase in capacity largely due to more inmates being double-celled.

The January ADP indicates that not only is the inmate population more than 1,100 beds below total operational capacity, but the current population is actually 488 inmates below the agency's conventional capacity. The division was able to reduce non-conventional bed space by nearly 900 beds. This is partially attributable to an overall reduction in the inmate population but also reflects the impact of facility closures as a result of cost containment and the replacement of the Quonset Huts at MCTC with the new 192-cell housing unit.

The department should explain the decision to eliminate conventional bed space at HLTCF, as opposed to further reducing non-conventional bed space at other facilities. The department should also discuss its plans for the vacant HLTCF facility.

The identified excess bed space is somewhat deceiving. The total operational capacity still includes the use of 622 non-conventional beds. In addition, the total number of conventional beds includes double-celling inmates who under the use of best practices would be single-celled, such as maximum security inmates. NBCI, which is the State's primary maximum security facility, has a conventional capacity of 1,514 inmates, yet the original design capacity was for 1,024 inmates. The January 2010 ADP for this facility was 1,415 inmates, meaning that three of the four housing units are double-celled.

With the addition of a 192-cell medium security housing unit at MCTC and the construction of JCCF, the division will add 384 medium and 1,120 minimum security beds by fiscal 2014. In addition, a 280-bed minimum security facility at WCI is scheduled to receive initial design funding in fiscal 2014. According to the department, these projects will help further reduce reliance on non-conventional bed space.

Overview Issues

1. Rifle Range Remediation at the Public Safety Education and Training Center

The Maryland Transportation Authority's (MDTA) fiscal 2009-2014 capital budget included a \$3 million project for the construction of a firing range for MDTA Police near the Key Bridge. In reviewing MDTA's capital program, the budget committees noted that the project was duplicative of a project planned for PSETC in Sykesville, programmed to receive funding in the 2010-2014 CIP in fiscal 2013. Noting the PSETC mission to serve as a central facility for the training of all law enforcement, correctional, and parole and probation employees, the General Assembly saw an opportunity to have MDTA and the Police and Correctional Training Commissions (PCTC), which runs PSETC, partner together to remediate the PSETC rifle range that has been rendered unusable since construction due to design flaws. Therefore, MDTA and PCTC were directed to collaborate on the project to make the facilities at PSETC more accessible to MDTA Police and to split-fund a project to improve the firing range at PSETC.

Section 56 of the fiscal 2010 operating budget bill required MDTA and PCTC to submit a memorandum of understanding (MOU) concerning the use of PSETC facilities and a needs assessment evaluating whether sufficient capacity exists at PSETC to accommodate MDTA's needs for pistol firing ranges. If sufficient pistol lanes exist, the split-funded improvements to the firing range should include remediation of the rifle ranges only. If sufficient capacity did not exist, the project was to include remediation of the rifle ranges as well as the construction of up to 10 additional pistol lanes. Additionally, PCTC was directed to work with all law enforcement agencies to develop a long-term needs assessment for firing ranges.

In June 2009, MDTA and PCTC reached a MOU to provide additional access to PSETC. The MOU granted MDTA exclusive access to one pistol range of at least 11 firing positions and pre-scheduled access to the other resources at PSETC, including classrooms, weapon storage and cleaning areas, and specialized training resources.

In December 2009, MDTA and PCTC submitted the short-term needs assessment report concluding that there is currently sufficient capacity at PSETC to accommodate all of MDTA's pistol firing range needs. In January 2010, the budget committee chairmen approved the release of funds that had been held until submission of these reports and noted that since the short-term needs assessment concluded that sufficient pistol lane capacity currently exists, the capital project for improvements to the PSETC firing range should include only remediation of the rifle firing range and should move forward. Currently, the design phase is underway at the direction of the Department of General Services in consultation with PCTC and MDTA.

In February 2010, PCTC submitted a long-range needs assessment evaluating firing range needs by all law enforcement agencies over the next 20 years. The assessment concluded that the most immediate need is firing range capacity for long guns (rifles and shotguns), although this need would somewhat be alleviated by completion of the rifle range remediation project at PSETC currently underway. Over the next 20 years, although there will be sufficient capacity for pistol firing

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ranges in normal light conditions, there will be a need for additional long gun firing range capacity and pistol firing range capacity in reduced light conditions. Reduced light firing is required of all officers in accordance with standards set by PCTC. Reduced light firing conditions can be met by reducing the lighting at indoor facilities or firing at dusk at outdoor facilities. However, the proximity of some firing ranges to residential neighborhoods significantly limits the amount of reduced light firing allowed at outdoor facilities, thus adding to the capacity problem.

The department should provide a status update for the rifle range remediation project and comment on how it will utilize the 20-year assessment in developing its future capital needs and requests.

Recommended Actions

Amend the following language:

DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES

QP00 DIVISION OF PRETRIAL DETENTION AND SERVICES
(Baltimore City)

- (A) Property Acquisition/Demolition. Provide funds for design and demolition of acquired properties to expand the Baltimore Detention Center, provided that no funds may be expended on this project until a program plan has been submitted and approved. The budget committees shall have 45 days to review and comment upon the plan....
- [2,640,000]
~~1,541,000~~
1,545,000

Explanation: This action makes a correction to a de-authorization proposed in the capital budget bill as introduced to reduce the amount de-authorized to reflect the amount of funds available that can be cancelled.

Summary of Recommended Actions – Fiscal 2011

<u>Program</u>	<u>Proposed Action</u>	<u>DLS Recommendation</u>
North Branch Correctional Institution Maryland Correctional Enterprises Upholstery and Re-upholstery Plant	\$245,000	Delete funding
Western Correctional Institution Vocational Education Building	321,000	Approve
Division of Pretrial and Detention Services Youth Detention Center	17,520,000	Approve
Chapter 432 of 2004 – Women’s Detention Center Air System	-132,000	Approve
Chapter 445 of 2005 – Baltimore City Detention Center Property Acquisition/Demolition	-1,099,000	Technical Amendment – -1,095,000
Chapter 46 of 2006 – North Branch Correctional Institution 1,024-Cell Housing Complex and Support Space; Baltimore City Detention Center Property Acquisition/Demolition	-2,188,000	Approve
Chapter 488 of 2007 – Baltimore City Detention Center Property Acquisition/Demolition	-428,000	Approve
Section 12. Pre-authorization for 2011 Session – Baltimore City Detention Center Youth Detention Facility	38,000,000	Approve
Section 13. Pre-authorization for 2012 Session – Baltimore City Detention Center Youth Detention Facility	25,600,000	Approve
<u>Program</u>	<u>New Action</u>	<u>DLS Recommendation</u>
Chapter 485 of the Acts of 2009 – North Branch Correctional Institution Maryland Correctional Enterprises Upholstery and Re-upholstery Plant	-\$800,000	Approve