

VE01A
Residential Services
Department of Juvenile Services

Overview

Issues

1. 2009 Department of Juvenile Services Gap Analysis and Rearrangement of Fiscal 2011 Priorities

Background

In the 1998 session, as the Department of Juvenile Services (DJS) was planning and constructing a series of regional detention centers, the General Assembly asked the department to submit an up-to-date facilities master plan. Though the department completed a plan, nothing was formally approved and submitted to the legislature.

Chapter 431 of 2004 formally required the department to submit a facilities master plan. In the 2004 interim, DJS contracted with an outside consultant to develop this plan. Two reports were submitted: first, in December 2004, a gap analysis to analyze the needs of the juvenile services system (both residential and non-residential) and to recommend steps to be taken in order to develop an ideal juvenile justice service delivery system; and second, in January 2006, a facilities master plan to articulate an implementation strategy and plan for facilities and programming based on the original gap analysis.

Following the 2006 elections and with the change of Administration, Chapter 498 of 2007 requested DJS to submit an updated facilities master plan to the Department of Budget and Management (DBM) by November 2007. DJS submitted a revised gap analysis and facilities master plan to DBM in January 2008, and these documents were approved by DBM and submitted to the legislature in March and April 2009.

Key Components of the 2009 Facilities Master Plan

The approved facilities master plan provides a \$601.5 million spending plan encompassing 20 projects. That spending plan is guided by three main principles:

- The delivery of services, to the extent practicable, on a regional basis.
- Limiting the construction of new secure detention and committed facilities to no more than 48 beds. This principle was established in statute for State-owned committed facilities by Chapter 498 and is extended here to include new secure detention facilities.

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- A relatively straightforward methodology to determine future demand for facilities. Using the 2007 calendar year data as a starting point, the analysis applies a discount rate to the various populations based on the implementation of reforms and the availability of alternative programming to residential placement.

A detailed review of the gap analysis and accompanying facilities master plan was provided to the legislature by the Department of Legislative Services (DLS) in July 2009 (see Analysis of the Department of Juvenile Services' 2009 Gap Analysis and Facilities Master Plan). The key policy issues and other concerns raised in that analysis are summarized in **Exhibit 1**. That review was undertaken because, in the fiscal 2009 capital budget, the legislature withheld initial planning and design funds for a 48-bed replacement detention facility at Cheltenham and a new 48-bed treatment facility, also at Cheltenham, pending the submission of the gap analysis and facilities master plan.

Exhibit 1
Policy Considerations and Other Issues Raised by the Department of Juvenile Services’
2009 Gap Analysis and Facilities Master Plan

<u>Policy/Other Issue</u>	<u>DJS Proposal</u>	<u>Current Law</u>	<u>Implications</u>
<i>Secure Detention</i>			
Regionalization	Six regions	Minimum of four regions	Determines the number of facilities required, especially secure detention. The addition of a sixth region, for example, requires the construction of a secure detention facility for the Southern Maryland region (St. Mary’s, Calvert, Charles, and Anne Arundel). Funding to acquire a site for that facility is included in the fiscal 2011 capital bill. The Department of Legislative Services (DLS) would note that the Office of the Attorney General (OAG) has indicated that the statute with regard to regional delivery of services is unclear and certainly does not require care be delivered regionally, with exceptions, even though that is the intent.
Secure detention facility size	48-bed limit for new facilities (<i>i.e.</i> , except Baltimore City Juvenile Justice Center)	No limit	Potential need for multiple new facilities in certain regions. Most obvious example of this is in the Metro area and specifically at Cheltenham where a 48-bed replacement is being proposed although data suggests that a larger (<i>e.g.</i> , 72-bed) facility may be more prudent.
Attaining reductions in Secure Detention/ Pending Placement Population	20% reduction of admissions for secure detention through statewide adoption of the Juvenile Detention Alternatives Initiative (JDAI) and implementation of the Detention Risk Assessment Instrument, as well as a 40% drop in pending placement based on case processing reforms and expanded treatment capacity	n/a	Underpinning the secure detention capacity analysis is the need to reduce the utilization of secure detention. The literature supports the notion that effective implementation of JDAI can result in a drop in the use of secure detention from 10-50%. However, it is unclear what the relative starting point is for that decline. For example, Maryland’s use of secure detention, a rate of 90 per 100,000 juveniles, is only slightly higher than the national average (84 per 100,000 juveniles). Maryland’s previous efforts to implement JDAI have not been considered successful. Exhibit 2 shows that to date Maryland is making little progress in moving secure detention and pending placement numbers from the calendar 2007 baseline toward the gap analysis goals although pending placement numbers cannot be expected to dramatically move until treatment capacity is expanded.

<u>Policy/Other Issue</u>	<u>DJS Proposal</u>	<u>Current Law</u>	<u>Implications</u>
<i>Residential Committed Programming</i>			
Regionalization	No regional analysis for committed facilities	Allows for exceptions for committed facilities	The lack of analysis around the need for regional treatment undermines the policy basis for developing regional programming (<i>i.e.</i> , smaller scale programming in the community that facilitates offender re integration). Also see earlier OAG comment on the lack of clarity in the statute regarding regional delivery of services.
Level V (staff- or hardware-secure) Treatment Capacity	Development of three 48-bed State-operated facilities for youth with high risk of reoffense, chronic repeat offenders, and/or serious offenses	Consistent with current law on State-operated committed facility size and allowed as an exception to regional delivery of services	The gap analysis does not justify demand for three 48-bed State-operated Level V facilities, especially with the recent opening of the Silver Oak Academy. The Department of Juvenile Services is conducting a new analysis which may result in a very different outcome not only for Level V treatment but also for Level III and IV treatment. That data has yet to be submitted to the legislature.
Level V Program Operation	State operation of facilities	n/a	Initial recidivism data from Victor Cullen is underwhelming. Exhibit 3 compares Victor Cullen one-year recidivism for the fiscal 2008 cohort to out-of-state enhanced programs serving Maryland youth. While these kinds of comparisons can be problematic, the data shows Victor Cullen outperforms those facilities as a group. However, its recidivism rates are still high. It should also be noted that Victor Cullen does not take youth with some of the more violent offenses, and is also significantly more expensive (\$160,000 per year excluding education costs compared to \$133,000 inclusive of education in the more expensive out-of-state programs). Undermining performance at Victor Cullen was a variety of start-up issues (especially around staffing). The department is now utilizing three evidence-based programs at Victor Cullen; EQUIP (emphasizing cognitive skills training, moral reasoning and problem solving), ART (to correct anti-social thinking), and Seven Challenges (a drug counseling program) and believes that outcomes will improve.

Policy/Other Issue

DJS Proposal

Current Law

Implications

Female Programming

Female secure detention programming

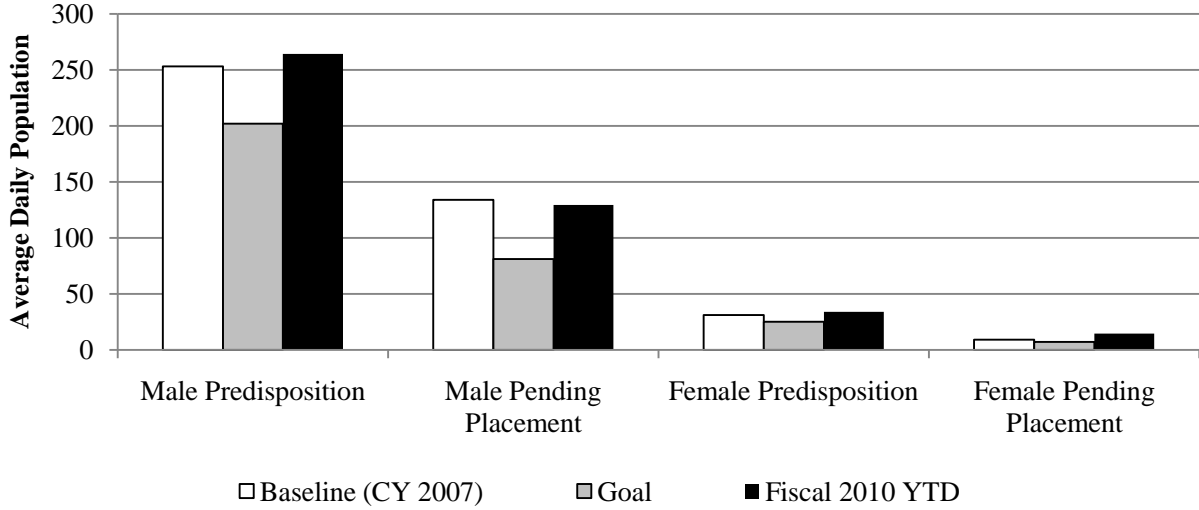
Maintain current structure with limited regional capacity and one central facility

Current law is unclear as to whether each region should have female secure detention capacity. Exceptions to regional delivery of services apply only to committed facilities

The Office of the Attorney General has advised that the current law should be clarified with regard to regional delivery of services and the intent for secure female detention. DLS would note that a truly regional system would be expensive.

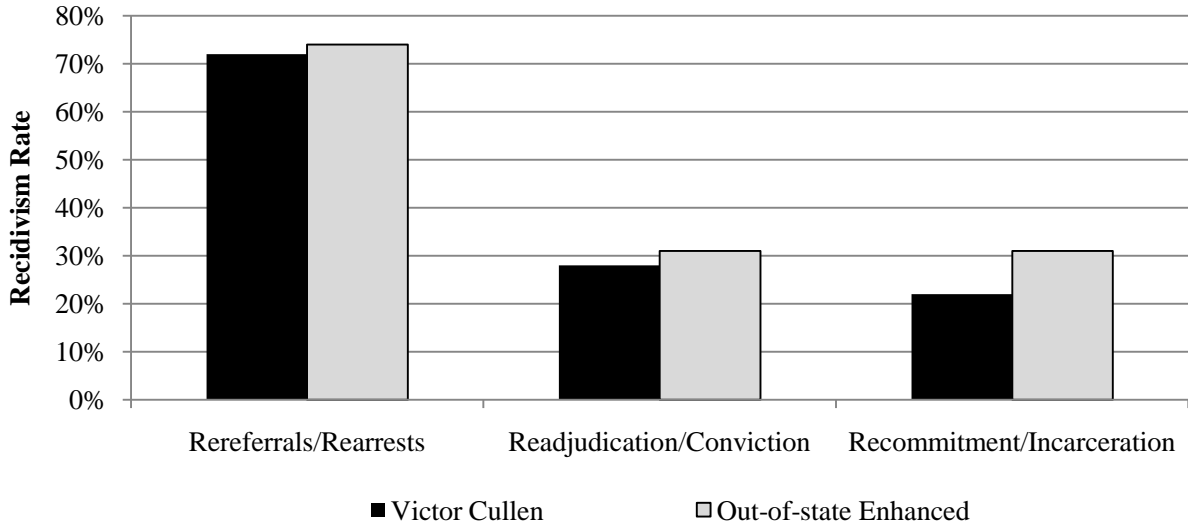
Source: Department of Legislative Services; Department of Juvenile Services

**Exhibit 2
Secure Detention; Predisposition and Pending Placement
Various Data**



Source: Department of Legislative Services; Department of Juvenile Services

**Exhibit 3
One-year Recidivism Data
Victor Cullen and Out-of-state Enhanced Programming
Fiscal 2008**



Source: Department of Legislative Services; Department of Juvenile Services

Rearranged Capital Priorities

As shown in **Exhibit 4**, the fiscal 2011 capital plan somewhat rearranges the DJS capital plan. Specifically, the plan:

- delays the new treatment facility at Cheltenham and de-authorizes the associated fiscal 2009 funds;
- changes the Baltimore City Treatment Facility to a regional facility and de-authorizes a portion of fiscal 2010 funds; and
- adds funds to acquire a site and begin design of a Southern Maryland regional detention facility.

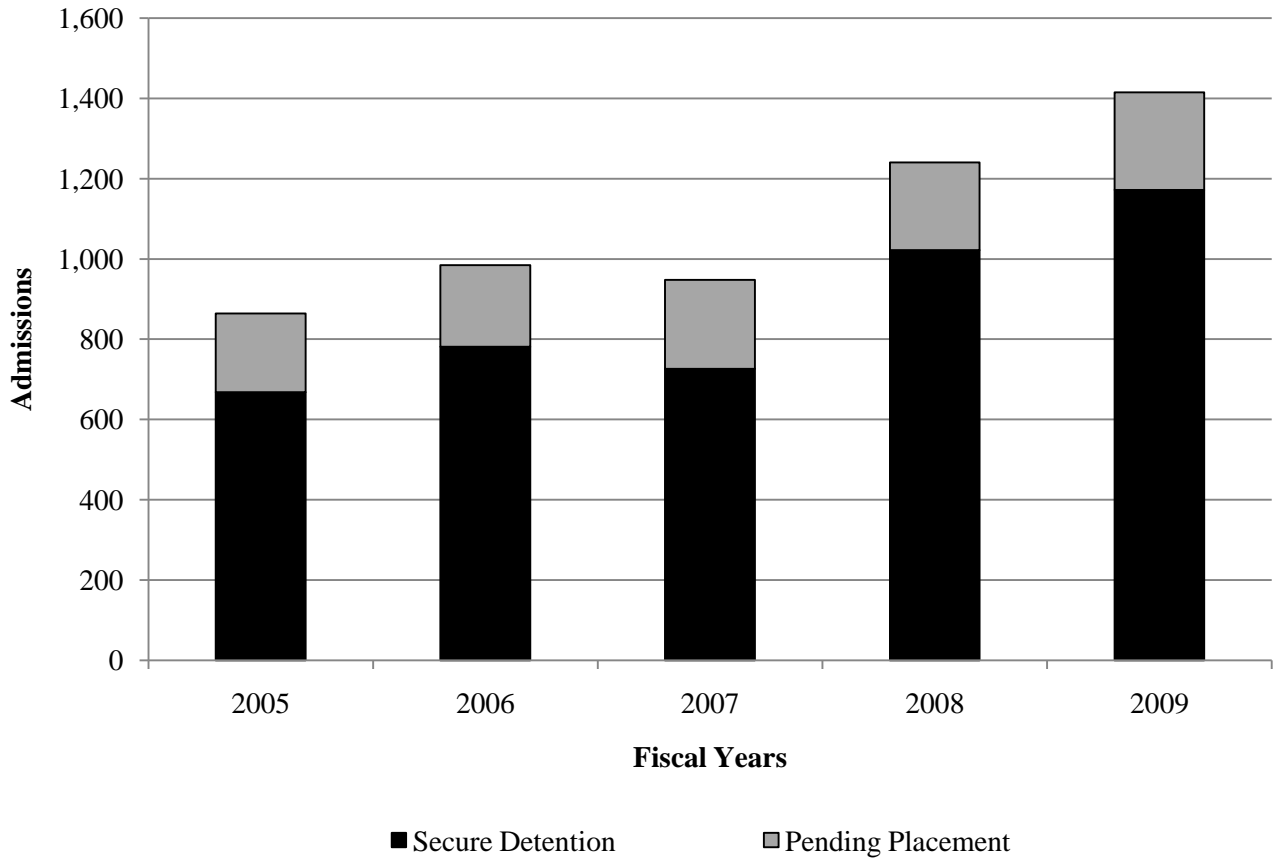
Exhibit 4
Key Changes in the Department of Juvenile Services' Fiscal 2011 Capital Plan

Prior Authorizations			Capital Plan as Proposed in Fiscal 2011		
Fiscal Year	Project	Prior Year Authorization	Fiscal Year	Project/Comment	Revised Prior Authorizations/ Fiscal 2011 Allowance
2009 and 2010	48-bed Regional Detention Center at Cheltenham	\$4,208,000	2009 and 2010	\$0 funding provided in fiscal 2011. Fiscal 2009 funding has yet to be released by the House Appropriations Committee. Construction funding is now anticipated in fiscal 2012 and 2013. Under the department's own population estimates which rely on significant reductions in secure detention admissions and pending placement, a 48-bed facility barely accommodates projected demand. Given that the State has not yet seen the population reductions hoped for in the gap analysis (see Exhibit 2) and admissions to secure detention and secure pending placement from Prince George's County continue to rise (see Exhibit 5), a more conservative approach would be to build a 72-bed unit. The Department of Legislative Services (DLS) recommends that the prior year authorizations be amended to specify a 72-bed unit.	\$4,208,000
2009	48-bed Regional Treatment Center at Cheltenham	4,074,000	2011	De-authorization of full amount in fiscal 2011. Design funding is pushed back to fiscal 2014 and 2015. While the gap analysis called for the development of two additional 48-bed secure treatment facilities at Cheltenham and in Baltimore City (to complement Victor Cullen), the data did not support that proposal. The Department of Juvenile Services has indicated that it will be resubmitting data on the need for various levels of committed facilities, but has yet to do so. Even without this data, given the number of youth currently served in out-of-state facilities of a similar intensity to Cullen, moving forward with one additional facility in Baltimore seems more appropriate until the department can justify the need for both. DLS recommends approval of the de-authorization.	0

Prior Authorizations			Capital Plan as Proposed in Fiscal 2011		
Fiscal Year	Project	Prior Year Authorization	Fiscal Year	Project/Comment	Revised Prior Authorizations/ Fiscal 2011 Allowance
2010	48-bed Regional Treatment Center in Baltimore City	4,000,000	2011	De-authorization of \$1.5 million. Based on difficulties identifying a site in Baltimore City, the project has been changed to a Baltimore regional treatment center. No site has formally been announced. Construction funding is anticipated in fiscal 2014 and 2015. If the department is now comfortable proceeding with a regional facility rather than one strictly for Baltimore City, this project can be begun in fiscal 2011 while at the same time saving the State the cost of land acquisition by building on a State-owned site. DLS recommends doing so on the grounds of the Hickey School. DLS also recommends reducing funds provided for the project by an additional \$650,000, leaving \$1.85 million for planning and design as called for in the <i>Capital Improvement Program</i> (CIP) for fiscal 2012, effectively moving the project forward by a year.	2,500,000
			2011	48-bed Regional Detention Center in Southern Maryland at a site yet to be identified. Land acquisition and design funding is provided in fiscal 2011 with construction funding in fiscal 2013 and 2014. Although this is a new project in the CIP, it is consistent with the gap analysis, and its development will enable a speedier closure of existing detention capacity at Cheltenham. DLS recommends approval with similar language added last year to the proposed Baltimore City Treatment Center concerning notification on site selection.	4,650,000

Source: Department of Legislative Services

Exhibit 5
Prince George’s County
Secure Detention and Pending Placement Admissions
Fiscal 2005-2009



Note: Total unduplicated admissions. Includes male and female admissions. Female admissions account for 10 to 15% of admissions from Prince George’s County.

Source: Department of Juvenile Services

Summary of Recommendations

DLS’ recommendations noted in Exhibit 4 concerning the various DJS capital projects are summarized as follows:

- **Amend the 2008 and 2009 capital bills to clarify that the replacement detention facility at Cheltenham should be a 72-bed facility.**

VE01 CHELtenham YOUTH FACILITY
(Prince George’s County)

- (B) New Youth Detention Center. Provide funds for preliminary design of a new 72-bed detention center], provided that no funds may be expended until:
- (1) the Department of Budget and Management has approved the gap analysis and facilities master plan submitted to it by the Department of Juvenile Services in January 2008; and
 - (2) an approved gap analysis and facilities master plan have been submitted to the budget committees for review and comment. The budget committees shall have 45 days to review and comment]..... 1,661,000

VE01 CHELtenham YOUTH FACILITY
(Prince George’s County)

- (A) New Youth Detention Center. Provide funds for a detailed design of a new 72-bed detention center 2,547,000

- **Concur with de-authorization of funds for a regional treatment center at Cheltenham (page 27 of First Reading Copy of House Bill 152/Senate Bill 142).**
- **Amend de-authorization of funds for a new Baltimore regional treatment center to identify the site (at the Hickey School) and reduce available funds by an additional \$650,000.**

VE01

RESIDENTIAL SERVICES

(B) Baltimore [City Juvenile] **REGIONAL** Treatment Center. Provide funds to ~~acquire land for a~~ **for preliminary design of** a new treatment center **at the Hickey School**, ~~provided that before the Departments of Juvenile Services and General Services acquires or lease land for a new treatment center [in Baltimore City], the departments shall submit a report to the budget committees detailing the site selection process including:~~

- ~~(1) site selection criteria;~~
- ~~(2) written appraisals;~~
- ~~(3) what other sites were considered and why they were rejected; and~~
- ~~(4) the extent to which the departments pursued already publicly owned property.~~

~~The budget committees shall have 45 days from the receipt of the report to review and comment. ([Baltimore City] **REGIONAL**).....~~ [4,000,000]
~~2,500,000~~
1,850,000

- **Approve funding for the proposed Southern Maryland Regional Detention Center with the following language concerning site selection notification:**

, provided that before the Department of Juvenile Services and the Department of General Services acquire for a new regional detention center in Southern Maryland, the departments shall submit a report to the budget committees detailing the site selection process including:

- (1) site selection criteria;
- (2) written appraisals;
- (3) what other sites were considered and why they were rejected; and
- (4) the extent to which the departments pursued already publicly owned property.

The budget committees shall have 45 days from the receipt of the report to review and comment.

2. Juvenile Services Facilities Grant Program

The Juvenile Justice Facilities Grant Program assists in the acquisition, design, construction, and equipping of residential and nonresidential facilities that provide services for youth in the juvenile justice system or at-risk for juvenile delinquency. Projects include community residential facilities and non-residential facilities that contribute to the treatment, control, and prevention of delinquency. No funding was provided in the fiscal 2011 capital budget for this program.

As shown in **Exhibit 6**, there are three outstanding projects funded through the Juvenile Services Facilities Grant Program. Of these projects, one for the design of a new multipurpose center at San Mar Children’s Home, originally funded at \$60,000 in fiscal 2007, has yet to begin. **DLS recommends de-authorization of the \$60,000 in fiscal 2007 funds.**

Exhibit 6
Department of Juvenile Services
Juvenile Services Facilities Grant Program
Prior Year Grant Activity

<u>Project (Location/Fiscal Year(s))</u>	<u>Status</u>
Carroll County Youth Services Bureau, Inc. (Carroll/Fiscal 2008, 2007, 2006, 2005)	Planning and construction contracts approved by the Board of Public Works (BPW). Construction is complete.
San Mar Multipurpose Complex (Washington/Fiscal 2007)	Design work has not begun.
National Center for Children and Families (Fiscal 2005 and 2006)	Construction funding approved by BPW in February 2009. Construction anticipated to be completed in September 2010.

Source: Department of Juvenile Services; Department of Legislative Services

Recommended Action

<u>VD01</u>	<u>OFFICE OF THE SECRETARY</u>	
(A)	<u>Juvenile Services Facilities Grant Program. Provide grants to acquire, design, construct, renovate, and equip residential and non-residential facilities. The funds appropriated for this purpose shall be administered in accordance with [Article 83C, Sections 4-101 through 4-106] Human Services Article, Sections 9-401 through 9-410 (Statewide).....</u>	<u>[1,136,000]</u> <u>1,076,000</u>

Southern Maryland Regional Detention Center (Regional)

General Obligation Bonds **\$4,650,000** **Recommendation:** **Approve with language**

Bill Text: Provide funds for acquisition and preliminary design of a new detention center.

Project Description: Construct a new 48-bed secure detention center to serve male youth from Anne Arundel, Calvert, Charles, and St. Mary’s counties. Total project cost is estimated at \$55.35 million.

Prior Authorization and Capital Improvement Program

**Authorization Uses
(\$ in Millions)**

<i>Fund Uses</i>	<i>Prior Authorization</i>	<i>2011 Allowance</i>	<i>2012 Estimate</i>	<i>2013 Estimate</i>	<i>2014 Estimate</i>	<i>2015 Estimate</i>
Acquisition	\$0.000	\$3.000	\$0.000	\$0.000	\$0.000	\$0.000
Planning	0.000	1.650	2.000	0.750	0.000	0.000
Construction	0.000	0.000	0.000	22.900	22.900	0.000
Equipment	0.000	0.000	0.000	0.000	0.450	1.700
Total	\$0.000	\$4.650	\$2.000	\$23.650	\$23.350	\$1.700

**Authorization Sources
(\$ in Millions)**

<i>Fund Sources</i>	<i>Prior Authorization</i>	<i>2011 Allowance</i>	<i>2012 Estimate</i>	<i>2013 Estimate</i>	<i>2014 Estimate</i>	<i>2015 Estimate</i>
GO Bond	\$0.000	\$4.650	\$2.000	\$23.650	\$23.350	\$1.700
Total	\$0.000	\$4.650	\$2.000	\$23.650	\$23.350	\$1.700

Project Summary Information

Total Project Cost:	\$55.35 million	Cost Per Square Foot – Base:	\$315
Budget Estimate Stage:	Budget	With Escalation and Contingencies:	\$388
Program Plan Status:	No	Gross Square Footage:	97,084
Green Building:	Yes	Net Usable Square Footage:	55,477
Est. Completion Date:	October 2014	Building Efficiency:	57.1%
Project Design Cost %:	9.6%	Regional Cost Factor:	100.0%

Recommended Actions

VE01A Southern Maryland Regional Detention Center..... \$ 4,650,000

Add the following language:

. provided that before the Department of Juvenile Services and the Department of General Services acquire for a new regional detention center in Southern Maryland, the departments shall submit a report to the budget committees detailing the site selection process including:

- (1) site selection criteria;
- (2) written appraisals;
- (3) what other sites were considered and why they were rejected; and
- (4) the extent to which the departments pursued already publicly owned property.

The budget committees shall have 45 days from the receipt of the report to review and comment.

Explanation: Adds a reporting requirement prior to use of funds for site acquisition.

Information Request	Author	Due Date
Southern Maryland Regional Detention Center Site Selection Issues	Department of Juvenile Services Department of General Services	Prior to expenditure of funds

Capital Project Cost Estimate Worksheet

Department: Department of Juvenile Services
Project Number: VE01A
Project Title: Southern Maryland Regional Detention Center
Analyst: Simon G. Powell

Structure

New Construction:	97,084 Sq. Ft. X	\$315.00 Sq. Ft. =	\$30,581,460
New Construction:	0 Sq. Ft. X	\$0.00 Sq. Ft. =	0
Renovation:	0 Sq. Ft. X	\$0.00 Sq. Ft. =	0
Renovation:	0 Sq. Ft. X	\$0.00 Sq. Ft. =	0
Built-in Equipment:			485,420
Demolition:			0
Information Technology:	97,084 GSF X	\$15.00 GSF =	1,456,260
Telecommunications:			0
Miscellaneous – Other:			0
Miscellaneous – Other:			0
Miscellaneous – Other:			0
Subtotal			\$32,523,140
Regional Factor:	100.0%		0
Subtotal			\$32,523,140
Escalation to Mid-point:	4.75 Yrs. X	3.2% =	15.00% 4,878,471
Total Cost of Structure (Bid Cost)			\$37,401,611

Site Work and Utilities

Site Improvements:	2,276,620 + regional factor + mid-point escalation	\$2,618,113
Utilities:	1,626,157 + regional factor + mid-point escalation	1,870,081
Project Subtotal (Bid Cost)		\$41,889,805

Fees and Miscellaneous Costs

Green Building Premium:	2.0%	\$837,769
Total Construction Contingency:	5.0%	2,094,490
Inspection Cost:	2.2%	921,576
Miscellaneous:	CPM	48,838
Miscellaneous:	Moveable Equipment	1,739,024
Miscellaneous:	Information Technology Equipment	434,756
Miscellaneous:	Property Acquisitions	3,000,000
A/E Fee through Construction Phase @	9.6%	4,398,430
Total Cost of Project		\$55,364,688

Base Cost Per New Square Foot	\$315
Adjusted Cost Per New Square Foot (incl. escalation, contingencies, and Green Bldg.)	\$388
Base Cost Per Renovated Square Foot	\$0
Adjusted Cost Per Renovated Square Foot (incl. escalation, conting., and Green Bldg.)	\$0