
Local Jails and Detention Centers Capital Budget Overview

**Department of Legislative Services
Office of Policy Analysis
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Analysis of the FY 2011 Maryland Executive Budget, 2010

Local Jails and Detention Centers – Capital Budget Overview

Local Jails and Detention Centers Capital Budget Overview

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 detention centers. 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.

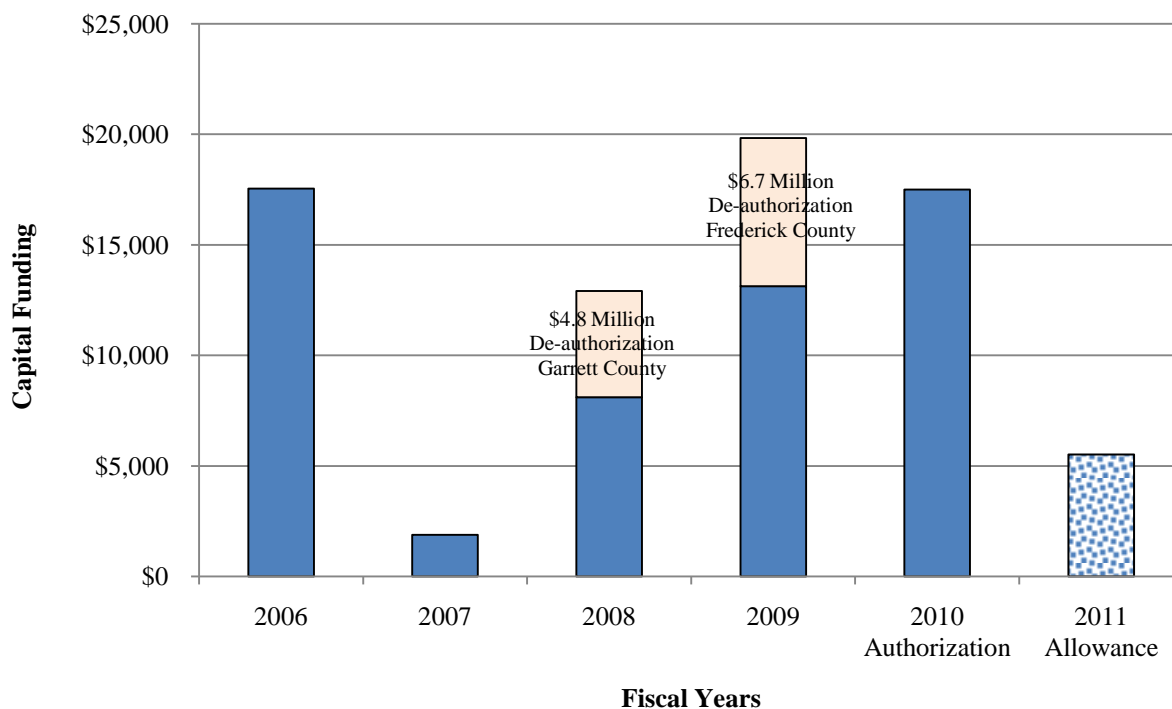
The Department of Public Safety and Correctional Services (DPSCS) processes the applications for State funding. The department determines the portion of the project cost eligible for State participation. State funds may only be used for costs directly related to incarceration. Ineligible costs include, 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 Chapter 246 of 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.

Fiscal 2011 Proposed Budget

Exhibit 1 shows the funding history for the Local Jails and Detention Centers capital construction program. Historically, \$15.0 million in general obligation bonds is included in the Governor's *Capital Improvement Program* for local jail projects. In three of the past five fiscal years, funding initially authorized by the General Assembly has exceeded \$15.0 million. In fiscal 2008 and 2009, however, as counties have opted to defer projects, actual authorizations have been reduced. The fiscal 2011 capital budget includes \$5.5 million to fund one project, the construction of a minimum security addition at the St. Mary's County Detention Center. This funding was pre-authorized in the 2009 Maryland Consolidated Capital Bond Loan (MCCBL). The provision of less funding for local jails and detention center capital projects in the 2010 MCCBL is indicative of both the constraints in the State's capital budget, as well as constraints in county budgets, which limits counties' abilities to provide the necessary fund match for proposed projects. Of the projects funded through this program in the past five years, the State has future funding commitments totaling \$9.0 million.

Exhibit 1
Local Jails and Detention Centers
Capital Program Funding History
Fiscal 2006-2011
(\$ in Thousands)



Notes: Excludes funding for Baltimore City Detention Center projects as this facility is under State jurisdiction. Funding for Garrett County Detention Center was de-authorized in the 2009 Maryland Consolidated Capital Bond Loan.

Source: Department of Legislative Services

De-authorization of Prior Appropriations

The fiscal 2011 capital budget includes the de-authorization of \$14.9 million for two projects that received funding in prior years but have since been postponed.

Chapter 336 of 2008 provided Frederick County with \$7.4 million to construct a new 112-bed inmate housing unit and a new 24-bed centralized medical unit. The appropriation also provided funding for a roof replacement and fire alarm system upgrade. As a result of fiscal constraints on the county’s budget, the county commissioners decided not to provide the funding match necessary to complete all aspects of the project. The county utilized \$700,000 of the original appropriation to complete the renovation improvements but will not be moving forward with the housing and medical unit expansions.

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Chapter 432 of 2004 and Chapter 445 of 2005 provided a total of \$8.2 million to Montgomery County to assist in funding the renovation of the detention center in Rockville into a 300-bed short-term holding facility. The county expended the \$853,000 appropriated for design of the renovation but has yet to move forward with construction of the project. In a letter to the Department of Budget and Management, the county expressed its intention to review and rescope the project but indicated the prior appropriations would not be needed at this time. Once the county reconsiders and submits a new program plan, new funding will be considered.

The Department of Legislative Services (DLS) recommends approval of the de-authorization of all three authorizations.

St. Mary's County Detention Center – Minimum Security Addition

Exhibit 2 details the funding provided to support the minimum security addition at the St. Mary's County Detention Center.

Exhibit 2
St. Mary's County Detention Center
Project Funding
(\$ in Thousands)

| | <u>Prior</u> <u>Authorization</u> | | <u>Fiscal 2011</u> <u>Pre-authorized</u> <u>Funding</u> | | <u>Future</u> <u>Request</u> | | <u>Total</u> <u>Funding</u> | <u>Total Share</u> <u>of Funding</u> |
|--------------|--------------------------------------|---|---|---|---------------------------------|----|--------------------------------|---|
| State Share | \$698 | P | \$5,513 | C | \$4,541 | CE | \$10,752 | 49.9% |
| County Match | 756 | P | 6,756 | C | 4,541 | CE | 10,810 | 50.1% |
| Total | \$1,454 | | \$12,269 | | \$9,082 | | \$21,562 | 100.0% |

C: Construction
E: Equipment
P: Planning

Source: Governor's Budget Books, Fiscal 2011

Funding for the project was first provided in the 2008 MCCBL. Approximately \$698,000 in general obligation bond funding was provided to support design of five 56-bed housing units, needed because of severe overcrowding at the facility. In fiscal 2009, the county's average daily population (ADP) exceeded the operational capacity of the current facility by 74 beds. The 2009 MCCBL, as introduced by the Governor, included \$5.5 million in funding to support construction of the facility. The General Assembly deferred the construction funding, pre-authorizing the appropriation for fiscal 2011, because the county had yet to award a design contract, delaying the anticipated start of construction until May 2010.

Local Jails and Detention Centers – Capital Budget Overview

The 2010 MCCBL includes the pre-authorized amount, \$5,513,000 in general obligation bond funding, to support construction of the minimum security addition. The county, however, has again experienced delays in its procurement of the design contract. The county just recently made the award for design to the selected vendor, meaning the start of the design process has now been delayed from May 2009 to March 2010. With a 12-month design period, construction will not begin until July 2011 (the start of fiscal 2012) and will be completed by January 2013. Additionally, the current cost estimates for the project were prepared in August 2006, and the county's new architecture/engineering contractor will need to revise the cost estimates for the project.

The county's need for additional bed space is evident. It is unclear, however, why the county has struggled so significantly to procure a design contractor. When the original funding was awarded in the 2008 MCCBL, construction was estimated to begin in October 2009. Based on the most recently revised schedule, construction of this project has now been delayed 21 months. **St. Mary's County should provide an explanation for the delays in awarding a design contract and comment on the status of the county's commitment to providing the necessary funding match to support the construction of the new addition. The county should also comment on what changes are anticipated with the revised cost estimate, given that the current estimate was developed nearly four years ago.**

Given the county's need for additional bed space and the availability of an authorization prior to awarding a construction contract, **DLS recommends approval of the \$5.5 million in general obligation bond funding for this project.**

Local Jail and Detention Center Inmate Population

As a result of discrepancies in the reporting of population statistics for inmates held in local correctional facilities, the committees requested a report providing a variety of data on facility bed capacity and the size of the inmate population. This is the second year for the Local Jails/Detention Center Annual Population Statistics Report, with fiscal 2008 serving as a base year comparison of changes in local detention center capacities and inmate populations. **Appendix 1** provides information found in the fiscal 2009 Local Jail and Detention Center Inmate Population Survey.

Exhibit 3 shows ADP by jurisdiction from fiscal 2005 through 2009. The number of inmates has increased by 516, or 5.9%, over the past five years, but the total average annual rate of growth, approximately 1.9% from fiscal 2005 to 2009, is considerably slower than in previous years. As a comparison, the average annual rate of growth from fiscal 2003 to 2007 was 3.4%. The largest real growth in ADP was in Baltimore County (271 more inmates in fiscal 2009 than in fiscal 2005) and Anne Arundel County (127 more inmates). Baltimore County also had the fastest average annual growth rate, increasing 5.7% annually. Eight counties (Caroline, Carroll, Charles, Frederick, Garrett, Kent, Wicomico, and Worcester) have experienced declines in the inmate population, both in real growth and in the rate of growth. Charles County has experienced the most significant population decline over the past five years. The county's ADP declined 23.2% between fiscal 2005 and 2009.

Exhibit 3
Average Daily Population and Inmate Growth by Jurisdiction
Fiscal 2005-2009

| <u>County</u> | <u>2005</u> | <u>2006</u> | <u>2007</u> | <u>2008</u> | <u>2009</u> | <u># Change 2005-09</u> | <u>% Change 2005-09</u> | <u>Average Annual Growth</u> |
|-----------------|--------------|--------------|--------------|--------------|--------------|-----------------------------|-----------------------------|--------------------------------------|
| Allegany | 166 | 163 | 178 | 203 | 168 | 3 | 1.5% | 0.4% |
| Anne Arundel | 982 | 1,034 | 1,110 | 1,083 | 1,109 | 127 | 12.9% | 3.1% |
| Baltimore | 1,092 | 1,240 | 1,372 | 1,381 | 1,363 | 271 | 24.8% | 5.7% |
| Calvert | 219 | 212 | 238 | 230 | 230 | 11 | 5.2% | 1.3% |
| Caroline | 85 | 93 | 96 | 85 | 83 | -2 | -2.7% | -0.7% |
| Carroll | 283 | 287 | 293 | 224 | 240 | -43 | -15.2% | -4.0% |
| Cecil | 215 | 241 | 253 | 240 | 234 | 20 | 9.1% | 2.2% |
| Charles | 436 | 425 | 407 | 348 | 335 | -101 | -23.2% | -6.4% |
| Dorchester | 162 | 180 | 200 | 200 | 183 | 21 | 13.1% | 3.1% |
| Frederick | 460 | 460 | 501 | 479 | 449 | -11 | -2.4% | -0.6% |
| Garrett | 53 | 51 | 54 | 38 | 49 | -4 | -7.3% | -1.9% |
| Harford | 409 | 405 | 432 | 415 | 490 | 81 | 19.8% | 4.6% |
| Howard | 255 | 247 | 297 | 278 | 284 | 29 | 11.3% | 2.7% |
| Kent | 82 | 93 | 93 | 97 | 77 | -5 | -6.6% | -1.7% |
| Montgomery | 1,045 | 1,051 | 1,085 | 1,002 | 1,057 | 12 | 1.1% | 0.3% |
| Prince George's | 1,238 | 1,340 | 1,482 | 1,460 | 1,299 | 61 | 4.9% | 1.2% |
| Queen Anne's | 92 | 99 | 112 | 118 | 98 | 6 | 6.1% | 1.5% |
| St. Mary's | 293 | 317 | 328 | 334 | 319 | 26 | 8.9% | 2.2% |
| Somerset | 77 | 77 | 80 | 87 | 80 | 3 | 4.2% | 1.0% |
| Talbot | 83 | 95 | 98 | 95 | 98 | 15 | 18.3% | 4.3% |
| Washington | 343 | 374 | 400 | 400 | 418 | 75 | 21.9% | 5.1% |
| Wicomico | 508 | 560 | 631 | 584 | 456 | -52 | -10.2% | -2.7% |
| Worcester | 222 | 221 | 234 | 220 | 196 | -26 | -11.6% | -3.0% |
| Total | 8,799 | 9,266 | 9,973 | 9,601 | 9,315 | 516 | 5.9% | 1.4% |

Source: Local jurisdictions furnished figures to the Department of Public Safety and Correctional Services

The slowing in the growth of the inmate population is evident in the comparison of ADP and local facility operating capacity, as illustrated in **Exhibit 4**. Across the State, local operating capacity is 1,000 beds in excess of the fiscal 2009 total local inmate population. In comparison, the total excess capacity in fiscal 2008 was 737 beds.

**Exhibit 4
Local Jail and Detention Center
Fiscal 2009 Population versus Capacity by County**

| <u>County</u> | <u>Average Daily Population</u> | <u>Operational Capacity</u> | <u>Exceeded Capacity</u> | <u>ADP as a Percent of Capacity</u> |
|-----------------|---------------------------------|-----------------------------|--------------------------|-------------------------------------|
| Allegany | 168 | 234 | -66 | 72% |
| Anne Arundel | 1,109 | 1,175 | -66 | 94% |
| Baltimore | 1,363 | 1,513 | -150 | 90% |
| Calvert | 230 | 228 | 2 | 101% |
| Caroline | 83 | 120 | -37 | 69% |
| Carroll | 240 | 185 | 55 | 130% |
| Cecil | 234 | 204 | 30 | 115% |
| Charles | 335 | 387 | -52 | 87% |
| Dorchester | 183 | 280 | -97 | 65% |
| Frederick | 449 | 476 | -27 | 94% |
| Garrett | 49 | 77 | -28 | 64% |
| Harford | 490 | 454 | 36 | 108% |
| Howard | 284 | 361 | -77 | 79% |
| Kent | 77 | 75 | 2 | 103% |
| Montgomery | 1,057 | 1,401 | -344 | 75% |
| Prince George's | 1,299 | 1,332 | -33 | 98% |
| Queen Anne's | 98 | 104 | -6 | 94% |
| St. Mary's | 319 | 245 | 74 | 130% |
| Somerset | 80 | 120 | -40 | 67% |
| Talbot | 98 | 148 | -50 | 66% |
| Washington | 418 | 345 | 73 | 121% |
| Wicomico | 456 | 628 | -172 | 73% |
| Worcester | 196 | 224 | -28 | 88% |
| Total | 9,315 | 10,316 | -1,001 | 90% |

ADP: average daily population

Source: 2009 Joint Chairmen's Report on Local Jails and Detention Centers Population Statistics, Fiscal 2010

Montgomery County, which experienced annual population growth of 0.3% between fiscal 2005 and 2009, has the largest amount of excess bed space, with 344 beds in excess of fiscal 2009 ADP. In terms of population as a percentage of total capacity, Garrett County has the most room for growth. Seven of 23 counties had inmate populations in excess of operational capacity, with St. Mary's and Carroll counties being the highest, housing inmate populations at 130% capacity. Four counties, Carroll, Cecil, Kent, and St. Mary's counties, had at least one inmate in excess of operational capacity for every day of the fiscal year. Cecil, Harford, and St. Mary's counties have received State funding to address capacity needs in the past three fiscal years which are not yet reflected in the data presented in Exhibits 3 and 4. Alternately, 10 of 23 counties, or 43.5%, never had the inmate population exceed capacity.

Local Jails and Detention Centers – Capital Budget Overview

The provision of population data, like that provided in Appendix 1, is integral to helping the State prioritize the projects that receive funding each year, especially when the amount of funding requested consistently exceeds funding available. **As such, the Department of Legislative Services recommends the budget committees continue to adopt narrative requiring DPSCS to submit a report providing population statistics by jurisdiction in order to accurately assess the capacity needs of local jails and detention centers.**

Exhibit 5 provides a summary of all recommended actions relating to the Local Jails and Detention Centers Capital Program. DLS recommends approval of approximately \$5.5 million for the St. Mary's County Detention Center. DLS also recommends approval of the de-authorization of three separate authorizations totaling \$14.9 million.

Exhibit 5
Summary of Recommended Actions
Local Jails and Detention Centers Capital Program
Fiscal 2011

| <u>Program</u> | <u>Proposed Action</u> | <u>DLS Recommendation</u> |
|--|------------------------|---------------------------|
| St. Mary's County Detention Center – Phase I – Minimum Security Addition | \$5,513,000 | Approve |
| Chapter 432 of 2004 – Montgomery County Detention Center | -3,048,000 | Approve |
| Chapter 445 of 2005 – Montgomery County Detention Center | -5,189,000 | Approve |
| Chapter 336 of 2008 – Frederick County Detention Center | -6,700,000 | Approve |

Source: Department of Legislative Services

Recommended Actions

Adopt the following narrative:

Local Jails and Detention Centers Population Statistics Report: As overseer of the Local Jails and Detention Center Capital Improvement Program, the committees direct the Department of Public Safety and Correctional Services (DPSCS), on an annual basis, to coordinate the submission of local jail and detention center population statistics on behalf of the counties and provide that information in a report to the budget committees. At a minimum the report shall include:

- the operational capacity for each facility, making note of specialized population beds which cannot be used by general population inmates;
- the total average daily population for the fiscal year for total population and separated by male and female offenders;
- the number of days the population exceeded operational capacity;
- the most consecutive days the population exceeded capacity;
- the range in the number of inmates exceeding operational capacity;
- the average amount the population exceeded capacity; and
- the peak inmate population.

Receipt of this information for every county on an annual basis would allow the General Assembly, the Department of Budget and Management, DPSCS, and the counties to better assess local jails and detention centers capital needs. The report shall be submitted to the budget committees no later than September 1, 2010, and annually thereafter.

| Information Request | Author | Due Date |
|--|---------------|--|
| Local jails and detention centers population statistics report | DPSCS | September 1, 2010, and annually thereafter |

Fiscal 2009 Local Jails/Detention Centers Annual Population Statistics Report

| Facility | Operating Capacity of Facility | | | Number of Specialized Population Beds | Total ADP for Fiscal Year | | | Number of Days Population Exceeded Capacity | Most Consecutive Days Population Exceeded Operational Capacity | Range in Number of Inmates Exceeded Capacity | Average Amount Population Exceeded Capacity | Peak Inmate Population |
|---|--------------------------------|--------|-------|---------------------------------------|---------------------------|--------|-------|---|--|--|---|------------------------|
| | Male | Female | Total | | Male | Female | Total | | | | | |
| Allegany County Detention Center | 204 | 30 | 234 | 26 | 149 | 19 | 168 | 0 | 0 | 0 | 0 | 209 |
| Anne Arundel County Detention Center – Jennifer Road Facility | 609 | 26 | 635 | 95 | 632 | 24 | 656 | 249 | 142 | 1-120 | 30 | 756 |
| Anne Arundel County Detention Center – Ordnance Road Facility | 420 | 120 | 540 | 0 | 360 | 93 | 453 | 31 | 3 | 1-97 | 28 | 639 |
| Baltimore County Department of Corrections | 1,289 | 224 | 1,513 | 237 | 1,202 | 161 | 1,363 | 3 | 2 | 7-14 | 10 | 1,527 |
| Calvert County Detention Center | 212 | 16 | 228 | 36 | 211 | 19 | 230 | 181 | 70 | 1-60 | 14 | 288 |
| Caroline County Detention Center | 100 | 20 | 120 | 4 | 72 | 11 | 83 | 0 | 0 | 0 | 0 | 90 |
| Carroll County Detention Center | 173 | 12 | 185 | 10 | 212 | 28 | 240 | 365 | 365 | 48-52 | 65 | 263 |
| Cecil County Community Correctional Center | 56 | 8 | 64 | 0 | 40 | 5 | 45 | 12 | 2 | 1-7 | 0 | 71 |
| Cecil County Detention Center | 128 | 12 | 140 | 29 | 164 | 25 | 189 | 365 | 365 | 15-81 | 47 | 215 |
| Charles County Detention Center | 339 | 48 | 387 | 41 | 307 | 28 | 335 | 0 | 0 | 0 | 0 | 367 |
| Dorchester County Detention Center | 242 | 38 | 280 | 46 | 167 | 16 | 183 | 0 | 0 | 0 | 0 | 208 |
| Frederick County Adult Work Release Center | 112 | 16 | 128 | 0 | 77 | 3 | 80 | 0 | 0 | 0 | 0 | 100 |
| Frederick County Adult Detention Center | 318 | 30 | 348 | 51 | 331 | 38 | 369 | 354 | 349 | 0-102 | 51 | 420 |
| Garrett County Detention Center | 65 | 12 | 77 | 2 | 42 | 7 | 49 | 0 | 0 | 0 | 0 | 62 |
| Harford County Detention Center | 390 | 64 | 454 | 30 | 425 | 65 | 490 | 349 | 179 | 1-107 | 37 | 561 |
| Howard County Detention Center | 305 | 56 | 361 | 18 | 251 | 33 | 284 | 0 | 0 | 0 | 0 | 340 |
| Kent County Detention Center | 69 | 6 | 75 | 5 | 69 | 8 | 77 | 365 | 365 | 1-35 | 9 | 110 |
| Montgomery County Correctional Facility | 897 | 131 | 1,028 | 216 | 696 | 50 | 746 | 0 | 0 | 0 | 0 | 812 |
| Montgomery County Work Release Center | 144 | 29 | 173 | 0 | 129 | 13 | 142 | 0 | 0 | 0 | 0 | 170 |
| Montgomery County Detention Center | 185 | 15 | 200 | 4 | 162 | 7 | 169 | 2 | 2 | 10 | 5 | 207 |
| Prince George’s County Department of Corrections | 1,236 | 96 | 1,332 | 164 | 1,197 | 102 | 1,299 | 149 | 48 | 1-96 | 28 | 1,428 |
| Department of Corrections for Queen Anne’s County | 96 | 8 | 104 | 2 | 86 | 12 | 98 | 0 | 0 | 0 | 0 | 98 |
| St. Mary’s County Detention Center | 221 | 24 | 245 | 6 | 280 | 39 | 319 | 365 | 365 | 27-128 | 74 | 373 |
| Somerset County Detention Center | 112 | 8 | 120 | 2 | 71 | 9 | 80 | 0 | 0 | 0 | 0 | 92 |
| Talbot County Detention Center | 132 | 16 | 148 | 16 | 88 | 10 | 98 | 0 | 0 | 0 | 0 | 130 |
| Washington County Detention Center | 291 | 54 | 345 | 69 | 361 | 57 | 418 | 364 | 0 | 31-102 | 66 | 456 |
| Wicomico County Department of Corrections | 538 | 90 | 628 | 72 | 396 | 60 | 456 | 0 | 0 | 0 | 0 | 495 |
| Worcester County Jail | 200 | 24 | 224 | 60 | 180 | 16 | 196 | 17 | 13 | 1-17 | 4 | 237 |

ADP: Average Daily Population