

**DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES
FY 2019 BUDGET DIVISION OF PRETRIAL DETENTION**

Population Statistics

Issue: DPSCS should comment on its rising detainee population and the expected impact on operations

Response: The increase in the detainee population in the Division of Pretrial Detention and Services (DPDS) is primarily due to three factors:

1. The number of intakes resulting in admissions has increased;
2. The number of detainees held on no bail status has increased. For example in January 2017 the number held with no bail was 1,167 and in January 2018 the number increased to 1,729; and
3. The Average Length of Stay (ALOS) has increased from 68 days in January of 2017 to 102 days in January of 2018.

Despite the slight increase in the population, Exhibits 1 & 2 in the analysis demonstrate that the detention population is well below historical counts. Moving forward, the Administration is working to design a modern treatment facility that will incorporate treatment space for medical, mental health and substance abuse needs.

Facility Security

Issue: DPD should comment on the significant increase in detainee assault rates and how long it plans to continue placing detainees in dormitory-style housing. Lastly, the DPSCS fiscal 2019 MFR submission notes that urinalysis drug tests were not conducted at BCBIC in fiscal 2017. The department should comment on why these tests were not conducted.

Response: The Division of Pretrial Detention is committed to operating safe and secure facilities for both employees and offenders under the division's custody. As discussed in prior testimony the population has been disrupted due to the realignment of the population caused from the closure of the Jail Industry (JI) building.

In addition, the Department takes every effort to ensure that detainees are housed according to their appropriate security level and known gang affiliations. However, the utilization of dormitory style housing because of the openness of the unit, allows for a more relaxed environment for inmate movement, which has

led to an increased frequency of assaults. It is also important to note that for historical purposes in comparing data that in mid Fiscal Year 2016 the Department revamped the policy on how assaults are reported, including all minor assaults. Due to this shift and focus on reporting all incidents this has led to an increase in the number of assaults reported.

In order to ensure safety and security the Department has proactively increased utilization and reliance on intelligence gathering. Facilities have increased the number of inspections and searches through the Tactical and K-9 unit teams and are increasing the number of activities available to the population to reduce idleness.

With respect to the number of urinalysis drug tests conducted at BCBIC, the data reflected captures random drug testing. However, the facility did test 319 detainees for routine samples utilizing a targeted approach to testing based on increased security and intelligence gathering.

Inmate Variable Costs

Issue: DPSCS should comment on the status of the dietary worker conversions and when it expects this process to be complete.

Response: The Department continues to work on moving contractual dietary staff into full-time positions. However, many of the dietary staff fail to show up for pre-employment interviews with HR staff and fail to provide the necessary documentation. The Department has successfully hired 23 contractual workers into vacant positions and will continue to work on converting all dietary workers that want to into full-time positions.

Bail Reform

Issue: While bail reform and pretrial release initiatives outside of Baltimore City will be monitored by the Judiciary, the department should comment on bail reform, the potential impact it estimates reforms will have on DPD ADP and costs, and any efforts it will make to join other counties in expanding pretrial release initiatives, developing shared risk assessment tools, and how (to the extent possible) the PRSP, which is now under DPD control, can assist.

Response: The Division of Pretrial Detention is responsible for the detention population as determined by Court decisions, which includes the assessment or non-assessment of monetary bail. As demonstrated in the analysis, the number of offenders held with monetary bail has experienced a slight decrease over the

past year while the number of offenders held without bail has increased. In terms of the impact on cost, the inmate variable cost in fiscal year 2017 to house a detainee was \$10,906. The population would have to increase quite considerably to impact this figure. At the same time as discussed previously the overall population including the committed population continues to decrease which would assist in offsetting any new costs.

DPDS's Pretrial Release Services Program (PRSP), established in the late 1960s, was the first pretrial program in the State. PRSP has continuously expanded and improved its program. PRSP is in the process of working with the State's Attorney's Office to revalidate its risk assessment tool. Additionally, PRSP recently partnered with a company to deploy a new tool for texting services. This tool allows investigators to communicate with clients easily and often to remind them of court dates and obligations. While this is still relatively new to PRSP, the experience thus far has been encouraging which are reducing the number of failure to appear rates.

Recommended Actions

1. Adopt the following narrative:

DPD Dormitory Housing, Vacancies, and Overtime Spending: The budget committees request that the Department of Public Safety and Correctional Services (DPSCS) submit a report due December 1, 2018 on the following:

- the long term plan for Baltimore City detainees in State prisons (how long they will remain outside of their jurisdiction, the length of time they are expected to remain in dormitory-style housing, and the number of staff hours and/or transports to Baltimore so that the costs can be determined);
- efforts to permanently move away from or mitigate the use of dormitory housing;
- efforts to reduce assaults at DPD facilities particularly at BCBIC and MTC;
- data on assault rates at JCI (including the detainee B-Building) for the last six months;
- information on why BCBIC has the highest overtime spending per capita among all DOC and DPD facilities;
- actual overtime data at all DPD facilities which includes total CO drafted overtime hours by shift; and

- a brief summary of the department's options for detainees given that the plan for a new Baltimore detention center was removed from the Capital Improvement Plan.

Response: The Department concurs with the recommended action.