

PS COMMITTEE #1
October 8, 2009

MEMORANDUM

October 6, 2009

TO: Public Safety Committee

FROM: Susan J. Farag, Legislative Analyst *SJF*

SUBJECT: Update -- Jail Population

Today, the Public Safety (PS) Committee will receive an update on the inmate population at the Montgomery County Correctional Facility (MCCF). Those expected to attend:

Arthur Wallenstein, Director, Department of Correction and Rehabilitation
Robert Green, Warden, MCCF

BACKGROUND

In 2006, MCCF experienced a significant increase in population growth, prompting DOCR to convene the Jail Population Work Group to explore the reasons for such growth and how to plan for it. Since then, the average daily population has continued to increase, albeit more slowly, and has averaged in the 700s this year. While MCCF has the capacity to house a total 1,028 inmates, actual available space is restricted by operational considerations, such as keeping gang members or other high-risk individuals separated.

Data on recent population trends has been included for your review. MCCF monthly and yearly population averages from 2003 through July 2009 are included on ©1. DOCR data on bookings, releases, average daily population, and average length of stay is included on ©2. Jail intakes for calendar 2009 and FY10 is included on ©3. Excerpts from the Monthly population report (September 2009) are attached at ©4-8 and include data on combined detention services from 2008 and 2009.

Pack Robberies and Multiple Arrests

Crime trends have changed over the past several years, with an increase in gang arrests involving groups and pack robberies with multiple defendants. These types of arrests necessitate new separation demands to meet safety challenge and prosecution needs. Currently, there are approximately 140 members of various local and national gangs housed at MCCF, requiring both that they be separated from rival gangs as well as from fellow gang members. Since the implementation of the Gang Prosecution Unit in the State's Attorneys Office, gang arrests have increased significantly, and are only expected to increase more over time. As such, MCCF will face more difficulty ensuring that these inmates are separated in sufficient manner to ensure safety – both of other inmates and MCCF staff. The separation of fellow gang members can also aid in prosecution, since one or more may choose to provide state's evidence. In these situations, it becomes even more critical to maintain sufficient separation due to safety concerns.

Other Mandatory Separations

In addition to gang members, there are other types of inmates that must be kept separated from one another, including codefendants, those who have made or received threats, and by request of defense attorneys, state's attorneys, or the Police Department. There are approximately 80 inmates who currently fall under this category.

Other Capacity Inefficiencies

While MCCF provides 1,028 beds, there are limitations on how these may be filled. Certain units house women, medical, or inmates placed in isolation and these populations cannot be mixed when additional bed space is needed.

Average Length of Stay

The average length of stay (ALOS) has not increased significantly from 2008 to 2009. The ALOS for Pretrial defendants averaged 20.3 days in calendar 2008, compared to 21 days so far in 2009. For sentenced individuals, the average has actually dropped from 98.3 days in 2008 to 88 days in 2009. These numbers, however, may not necessarily reflect the numbers of inmates who require separation from others.

According to the most recent jail intake data (© 4), for persons admitted between January 1 and August 31, 2009, 36% were released from custody within two days. Fifty-two percent were released within four days. This is equal to July. A one day snapshot of inmates present on September 18, 2009 indicates that 40% (503 inmates) have an average length of stay to date of less than 61 days, equal to July. Twenty-three percent (275 inmates) have an average length of stay to date of 181 days or more.

What Population Growth Means for MCCF

While the jail population remains fairly steady over time, the complexity of the types of inmates continues to increase, necessitating actions such as opening the last housing unit or even sending inmates to other jails. MCCF has had to send inmates to other jails between five and 10 times in the past year, including to state prison facilities. Population constraints required that Unit 6 was opened once during FY10 for approximately 45 days. It was opened two or three times in FY09 for a total of approximately 80 days.

ISSUES THAT THE COMMITTEE MAY WISH TO DISCUSS

Pack robberies and the resulting multiple arrests are making prosecution issues much more complex and more time-consuming, meaning the defendants who require separation are staying at MCCF for longer periods of time. What are DOCR's plans for dealing with increased numbers of inmates who require separation? Does it foresee permanently opening Unit 6? If so, what are the projected costs? What costs are associated with sending inmates to other regional jails?

Other agencies such as the Public Defenders' Office are subject to furloughs, which may have a significant effect on postponing trials. These delays could lead to even longer confinement for certain inmates. Can DOCR work with other agencies to address and prevent potential delays? If County employees are furloughed, what impact will this have on DOCR operations? Could potential operational delays and other impacts be examined by the Criminal Justice Coordinating Committee?

How have budget cuts or freezes in other programs, such as Pre-Trial and Pre-Release impacted MCCF population?

There are plans to build out another housing unit of 224 additional beds. Has any thought been given to modifying its footprint to provide easier separation of inmates?

<u>This packet includes the following:</u>	<u>©#</u>
MCCF Local Population Comparison, Yearly Averages: 2003 – 2009	1
DOCR Bookings, Releases, ADP, and ALOS: 2008 – 2009	2
Jail Intakes for Calendar 2009 and FY 10 (September 18, 2009 Memo)	3
Excerpts from Monthly Population Report (September 18, 2009 Memo)	4-8

MCCF Local Population Comparison													
Year/Mo.	2003	2004	% change	2005	% change	2006	% change	2007	% change	2008	% change	2009	% change
January	0	634	#DIV/0!	614	-3.2%	644	4.9%	730	13.4%	639	-12.5%	734	14.9%
February	0	629	#DIV/0!	616	-2.1%	644	4.5%	719	11.6%	656	-8.8%	734	11.9%
March	195	647	231.8%	600	-7.3%	641	6.8%	694	8.3%	660	-4.9%	731	10.8%
April	608	642	5.6%	630	-1.9%	643	2.1%	662	3.0%	685	3.5%	730	6.6%
May	609	653	7.2%	644	-1.4%	634	-1.6%	673	6.2%	704	4.6%	725	3.0%
June	601	656	9.2%	621	-5.3%	645	3.9%	671	4.0%	744	10.9%	704	-0.1
July	589	658	11.7%	621	-5.6%	661	6.4%	673	1.8%	723	7.4%	731	0.0
August	613	658	7.3%	651	-1.1%	710	9.1%	688	-3.1%	723	5.1%	744	0.0
September	623	649	4.2%	664	2.3%	743	11.9%	683	-8.1%	763	11.7%		
October	628	645	2.7%	669	3.7%	738	10.3%	683	-7.5%	738	8.1%		
November	627	640	2.1%	639	-0.2%	750	17.4%	668	-10.9%	725	8.5%		
December	627	618	-1.4%	641	3.7%	726	13.3%	652	-10.2%	713	9.4%		
	5720	7729		7610		8179		8196		8473			
Yrly Avg	572	644	35.1%	634	-1.5%	682	7.5%	683	0.2%	706	3.4%		

Montgomery County Department of Correction and Rehabilitation Bookings, Releases, Average Daily Population, and Average Length of Stay

Calendar Year 2008

Month	CPU Bookings	DOCR Intakes	DOCR Releases	Combined Total ADP	ALOS Pretrial	ALOS Sentenced	ALOS Total Pop.	Total Bed Days
January	1307	822	764	835	20	94	38	28,764
February	1207	767	772	855	16	95	36	27,787
March	1278	759	753	848	20	109	40	30,000
April	1427	829	817	867	22	95	36	29,466
May	1358	841	793	876	20	93	36	28,413
June	1371	887	884	936	23	117	43	37,466
July	1469	947	936	913	18	104	36	33,144
August	1439	913	869	938	21	90	37	32,094
September	1410	902	948	961	20	95	37	35,012
October	1404	921	922	916	20	92	36	32,850
November	1189	750	779	904	23	89	41	31,780
December	1312	810	834	879	21	106	42	34,870
Total	16171	10148	10071	10728	244	1179	458	381,646
Avg/mo	1347.6	845.7	839.3	894.0	20.3	98.3	38.2	31803.8

The Intakes and Releases include all defendants entering and leaving the department's custodial facilities (MCDC, MCCF, PRC, and CART). The average length of stay data (ALOS) also counts days spent by defendants in both the Detention and Pre-Release Divi

Calendar Year 2009

Month	CPU Bookings	DOCR Intakes	DOCR Releases	Combined Total ADP	ALOS Pretrial	ALOS Sentenced	ALOS Total Population	Total Bed Days
January	1,242	775	747	882	24	103	44	32,423
February	1,450	848	828	928	20	100	39	32,230
March	1,452	895	889	930	21	98	41	35,780
April	1,406	871	907	900	25	75	36	32,687
May	1,457	902	880	898	20	85	38	32,844
June	1,529	908	942	886	17	82	33	31,117
July	1,515	999	917	919	19	83	35	31,580
August	1,488	936	950	928	20	79	35	32,904
September								
October								
November								
December								
Total	11,539	7,134	7,060	7,271	166	705	301	261,565
Avg/mo	1,442	892	883	909	21	88	38	32,696

MEMORANDUM

September 18, 2009

TO: Arthur M. Wallenstein
Department Director

FROM: Claire Gunster-Kirby
Corrections Consultant

SUBJECT: Jail intakes for Calendar Year 2009 and Fiscal Year 2010

A review of jail intake figures through 11:59 p.m., August 31, 2009, reflects that the CY2009 eighth month intake is 372 greater than the CY2008 eighth month intake. The CY2009 eighth month intake was 7,134 while the eighth month intake for CY2008 was 6,762. The 2009 eighth month intake was 899 greater than CY2007, 935 greater than CY2006 988 greater than CY2005, 700 greater than CY2004, 996 greater than CY2003, 990 greater than CY2002, 1,388 greater than CY2001, 1,402 greater than CY2000, 980 greater than CY1999, 1,600 greater than CY1998, and 2,081 greater than CY1997.

Intake figures for calendar years 1997 through 2009 are as follows:

<u>YEAR</u>	<u>TOTAL INTAKE</u>	<u>INTAKE AS OF 11:59 P.M. AUGUST 31</u>
1997	7547	5053 (67.0% of calendar year total)
1998	8362	5534 (66.2% of calendar year total)
1999	9010	6154 (66.2% of calendar year total)
2000	8435	5732 (68.0% of calendar year total)
2001	8598	5746 (66.8% of calendar year total)
2002	8948	6144 (68.7% of calendar year total)
2003	9173	6138 (66.9% of calendar year total)
2004	9246	6434 (66.7% of calendar year total)
2005	9191	6146 (69.6% of calendar year total)
2006	9392	6199 (66.0% of calendar year total)
2007	9312	6235 (67.0% of calendar year total)
2008	10,145	6762 (66.7% of calendar year total)
2009	10,624*	7134 (67.2% of *estimated calendar year total)

A review of jail intake figures through 11:59 p.m., August 31, 2009, reflects that the second month of FY10 intake is 75 greater than the second month intake for FY09. The FY10 second month intake is 1,935 while the FY09 second month intake was 1,860. The FY10 second month intake was 292 greater than FY08, 278 greater than FY07, 274 greater than FY06, 420 greater than FY05, 385 greater than FY04, 339 greater than FY03, 536 greater than FY02, 577 greater than FY01, 373 greater than FY00, 488 greater than FY99, and 602 greater than FY98.

Fiscal year intake figures for fiscal years 1998 through 2010 are as follows:

<u>YEAR</u>	<u>TOTAL INTAKE</u>	<u>INTAKE AS OF 11:59 P.M. AUGUST 31</u>
1998	7914	1333 (16.8% of fiscal year total)
1999	8867	1447 (16.3% of fiscal year total)
2000	8663	1562 (18.0% of fiscal year total)
2001	8435	1358 (16.1% of fiscal year total)
2002	8772	1372 (15.6% of fiscal year total)
2003	8983	1596 (17.8% of fiscal year total)
2004	9511	1550 (16.3% of fiscal year total)
2005	8812	1515 (17.2% of fiscal year total)
2006	9250	1661 (18.0% of fiscal year total)
2007	9442	1657 (17.6% of fiscal year total)
2008	9622	1643 (17.1% of fiscal year total)
2009	10,442	1860 (17.8% of fiscal year total)
2010	11,349*	1935 (17.1% of *estimated fiscal year total)

MEMORANDUM

September 18, 2009

TO: Arthur M. Wallenstein, Director
Department of Correction and Rehabilitation

FROM: Claire Gunster-Kirby
Corrections Consultant

SUBJECT: Monthly population report

Attached please find the monthly population report for August 2009 and FY2010

GENERAL OBSERVATIONS:

1. The FY10 two month combined ADP for local inmates in detention is 917. A comparison between FY10 two month and FY09 reflects that the FY10 two month local ADP is 24 greater than the FY09 ADP. Local bed days for FY10 two months are 1,488 greater than FY09.
2. The August combined local average daily population is 10 greater than July and 16 greater than August 2008 (922 in August vs 912 in July). The backlog of inmates awaiting transfer to the State Division of Corrections was 12, equal to July.
3. The combined calendar year ADP for local inmates for August 2009 is 48 greater than August 2008, 899 local ADP in 2009 vs 851 local ADP in 2008. This is equal to over two thirds of one housing unit at MCCF. This translates into an increase of 11,664 bed days for the first eight months of CY2009.
4. The intakes for August 2009 totaled 936, 63 fewer than July and 23 greater than August 2008. Intakes were 91 greater than August 2007, 33 greater than August 2006, 61 greater than August 2005, 212 greater than August 2004, 142 greater than August 2003, 111 greater than August 2002, 192 greater than August 2001, 215 greater than August 2000, 152 greater than August 1999, 236 greater than August 1998, and 273 greater than August 1997.
5. For persons admitted between January 1 and August 31, 2009, 36% were released from custody within two days. Fifty-two percent were released within four days. This is equal to July. A one day snapshot of inmates present on September 18, 2009 indicates that 40% (503 inmates) have an average length of stay to date of less than 61 days, equal to July. Twenty-three percent (275 inmates) have an average length of stay to date of 181 days or more.
6. Releases for August 2009 totaled 950 (includes all final releases from MCDC and PRC/HC), an increase of 33 over July.
7. The total number of arrestees processed by the Central Processing Unit in August 2009 was 1,488, 27 fewer than July and 49 greater than August 2008.
8. The PRC FY10 two month ADP is 153, seven greater than August 2008. The August 2009 ADP is 159, 11 greater than July.
9. The Home Confinement (HC) FY10 two month ADP is ten, 11 less than August 2008. The August 09 ADP is 12, four greater than July.

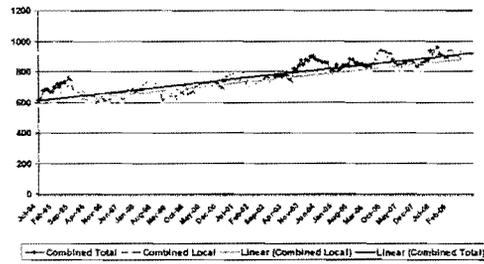
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cc: Tim Firestine, CAO
Phil Andrews, Chair, Public Safety Committee
County Council Staff

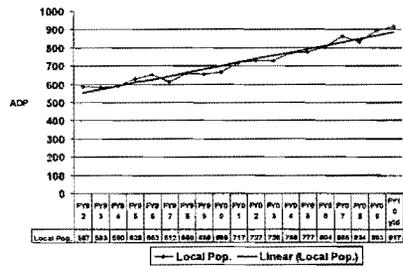
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DOCR Staff
CJCC

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Detention Services Combined Monthly Average Daily Population



Detention Services Combined FY ADPs Local Population



Combined Detention Services Division 2008	Combined Temp Rel	Combined US Marshal	Combined Juvenile	Combined DOC	Combined total ADP	Combined w/Temp Rel	Combined Local ADP	Combined Total FY	Combined Local FY	Combined Total CY	Combined Local CY
January	16.6	30.98	9.6	10.3	835.3	851.9	804.5	852	828	835	805
February	21.5	33.5	6.8	11.2	854.6	876.1	821.1	853	827	845	813
March	23.1	40.3	7.2	13.8	848	871.1	807.7	852	825	846	811
April	21	36.8	9.6	14.1	867.1	888.1	830.3	854	825	851	816
May	23.7	29.2	10.3	0	875.6	899.3	846.4	856	827	856	822
June	33.3	28	10.4	16.8	936.1	969.4	908.1	862	834	870	836
July	39.3	32.7	13.4	21.2	912.6	951.9	879.9	913	880	876	843
August	34.2	31.8	12.1	8.6	938.1	972.3	906.3	925	893	883	851
September	34.7	29.4	11.8	12.2	960.6	995.3	931.2	937	906	892	860
October	42.2	23.5	15.2	12.5	916.2	958.4	892.7	932	903	894	863
November	39	21.6	15.8	13.7	903.5	942.5	881.9	926	898	895	865
December	37.6	16.5	14.8	16.4	879	916.6	862.5	918	892	894	864

Pre-Release Services

2008	PRC Local	PRC Fed	PRC State	PRC Total ADP	HC Local	HC Fed	HC Total	PRC FY Total ADP	PRC CY Total ADP	HC FY Total ADP	HC CY Total ADP	Total PRS FY ADP	Total PRS CY ADP
January	115.4	11.8	9	136.2	31.3	2.8	34.1	142	136	29	34	171	170
February	126.6	9.7	7.8	144.1	25	1.3	26.3	142	140	29	30	171	170
March	127.8	9.9	7.3	145	26.2	0.9	27.1	143	142	29	29	172	171
April	129.1	15	8.4	152.5	28.7	0.4	29.1	144	145	29	29	173	174
May	117.3	19	8.6	144.9	28.6	0.1	28.7	144	146	29	29	173	175
June	107.1	24.5	7.6	139.2	22.2	1.9	24.1	143	144	28	28	171	172
July	109.5	32.3	7.5	149.3	17.8	1.9	19.7	149	145	20	27	169	172
August	97.8	37.5	8.2	143.5	20.1	2	22.1	146	144	21	26	167	170
September	96.0	37.2	7.6	140.8	21.2	1.4	22.6	145	144	22	26	167	170
October	94.6	38.2	9.2	142	18.4	1.7	20.1	144	144	21	25	165	169
November	97.5	41.4	9.2	148.1	17	3.5	20.5	145	144	21	25	166	169
December	97.3	39.2	7.4	143.9	17	5	22	145	144	21	25	166	169

Montgomery County Detention Center

Month/Year 2009	Arrestees processed in CPU	Total Intakes (includes PRS)	Total Discharges (includes PRS)	MCDC Temp Releases	MCDC US Marshal	MCDC DOC	MCDC Juvenile	MCDC In-House Total ADP	MCDC Total ADP w/ Temp Releases	MCDC In-House Local ADP	MCDC FY ADP Total	MCDC FY ADP Local	MCDC CY ADP Total	MCDC CY ADP Local	MCDC Department In-custody ADP Total/ Local
January	1242	775	747	2.2	0	11.7	0	135.2	137.4	135.2	158	158	135	135	1036/983
February	1450	848	828	1.3	0	12.4	1.3	182.6	183.9	182.6	161	161	159	159	1072/1028
March	1452	895	889	1.5	0	12.1	1.3	188.4	189.9	188.4	164	164	169	169	1085/1032
April	1406	871	907	1.6	0	14.3	0.5	159.8	161.4	159.8	164	164	167	167	1063/1007
May	1457	902	880	2.2	0	14.5	0.5	162.8	165	162.8	166	166	164	164	1056/1004
June	1529	908	942	1.7	0	13.1	2	174.3	176	174.3	165	164	167	167	1038/993
July	1515	999	917	2.6	0	12.1	0.6	181.3	183.9	181.3	181	181	169	169	1076/1034
August	1488	936	950	3.3	0	11.6	0.8	178.2	181.5	178.2	180	180	170	170	1099/1062
September															
October															
November															
December															

Montgomery County Correctional Facility

Month/Year 2009	MCCF 7am Count Total High/Local High	MCCF 7am Count Total Low/Local Low	MCCF Temp Releases	MCCF US Marshal	MCCF Juvenile	MCCF DOC	MCCF In-House Total ADP	MCCF Total ADP w/ Temp Releases	MCCF In-House Local ADP	MCCF FY ADP Total	MCCF FY ADP Local	MCCF CY ADP Total	MCCF CY ADP Local
January	767/753	720/708	32.8	13	12	0	746.5	779.3	733.5	755	731	747	734
February	767/756	724/714	31.6	11.5	9.5	0	745.1	776.7	733.6	754	732	746	734
March	751/741	726/716	31	9.7	9.6	0	741.1	772.1	731.4	752	732	744	733
April	758/748	728/709	32.2	10.6	10.4	0	741	773.2	730.4	751	731	743	732
May	745/735	725/714	33.6	10.1	9.1	0	734.7	768.3	724.6	750	731	742	731
June	731/694	720/688	35.5	7.7	9.5	0	711.8	747.3	704.1	747	729	737	726
July	763/757	717/709	35.5	6.9	12.1	0	737.6	773.1	730.7	738	731	737	727
August	796/794	722/715	41.2	6.2	9.6	0	750.2	791.4	744	744	737	739	729
September													
October													
November													
December													

Combined Detention Services Division 2009	Combined Temp Rel	Combined US Marshal	Combined Juvenile	Combined DOC	Combined total ADP	Combined w/Temp Rel	Combined Local ADP	Combined Total FY	Combined Local FY	Combined Total CY	Combined Local CY
January	35	13	12	11.7	881.7	916.7	868.7	913	889	882	869
February	32.8	11.5	10.8	12.4	927.7	960.5	916.2	915	892	905	893
March	32.5	9.7	10.9	12.1	929.5	962	919.8	917	896	913	902
April	32.9	10.6	10.9	14.3	900.8	934.7	890.2	915	895	910	899
May	35.7	10.1	9.6	14.5	897.5	933.2	887.4	913	894	907	897
June	37.1	7.7	11.5	13.1	886.1	923.2	878.4	911	893	904	894
July	38.1	6.9	12.7	12.1	918.9	957	912	919	912	906	896
August	44.5	6.2	10.4	11.6	928.4	972.9	922.2	924	917	909	899
September											
October											
November											
December											

Pre-Release Services

2009	PRC Local	PRC Fed	PRC State	PRC Total ADP	HC Local	HC Fed	HC Total	PRC FY Total ADP	PRC CY Total ADP	HC FY Total ADP	HC CY Total ADP	Total PRS FY ADP	Total PRS CY ADP
January	96.9	30.1	7	134	16.6	3.5	20.1	143	134	21	20	164	154
February	98.7	31.3	6.5	136.5	13.4	2.5	15.9	142	135	20	18	162	153
March	103	32.4	8	143.4	9.2	2.9	12.1	142	138	19	16	161	154
April	106	35.3	7.7	149	10.9	2.2	13.1	143	141	19	15	162	156
May	103	30.5	8.3	141.8	14.2	2.1	16.3	143	141	19	16	162	157
June	102.7	28.4	5	136.1	12.1	3.2	15.3	142	140	18	16	160	156
July	116.6	26.5	4.6	147.7	5.3	2.8	8.1	148	141	8	14	156	155
August	130.9	24.2	4.1	159.2	8.6	3.1	11.7	153	143	10	14	163	157
October													
November													
December													