



***When More is Less: How a Larger Women’s Jail in Baltimore will Reduce Public Safety and Diminish Resources for Positive Social Investments***

**FACTSHEET**

Despite declines in the number of women being held in the Baltimore City Detention Center (BCDC, or “the jail”), the State of Maryland, which operates the jail, is planning a new women’s facility with twice the beds currently being used, with an ability to increase capacity to up to 1,024 women.<sup>1</sup> Projections used for the planning of the new jail are based on old information and trends indicating an increase in crime, arrests and incarceration that never materialized. While the estimated operational costs for the new Women’s Detention Center are unavailable, the total project costs to plan and build it are estimated at \$181 million, including planning and construction, to be completed in 2015.<sup>2</sup> Instead of building a larger jail with the capacity to hold more than twice as many women as are currently detained, Maryland should focus on improving conditions for women who are detained, including providing more services and treatment, and work with Baltimore City to develop a strategic plan for further reducing the number of women held pretrial.

As about nine out of 10 women in the Baltimore jail are still awaiting trial on the current offense, multiple options are available to help ensure that people return to court and receive any services or programs they need to avoid future involvement in the justice system. Through modest programs and interventions like reminder phone call systems, expanded and more substantive pretrial release supervision, and more justice system diversion, jail should be a rare last resort for women awaiting trial in Baltimore.

**Who is in the jail?**

At the start of 2010, 400 women and six girls were being held in the Women’s Detention Center, with more than three-quarters of them charged with nonviolent offenses.<sup>3</sup> Women have unique needs that are frequently unmet in jail facilities, including a higher incidence of mental illness and substance abuse problems. In addition, many women in jail are mothers and caregivers to children; when mothers are incarcerated it impacts the entire family.

Most women in the jail are awaiting trial.

Ninety percent of the women held in the Baltimore Women’s Detention Center at the start of 2010 were pretrial, meaning that they had yet to be convicted and awaiting their day in court on the current offense.<sup>4</sup> There are a variety of options for pretrial release, including pretrial supervision and treatment. Pretrial detention in the jail should be used as a very last resort; it separates people from their families, jobs and education and can have a negative impact on trial results, including a higher likelihood of conviction and incarceration over probation.<sup>5</sup>

Most women are detained for nonviolent offenses.

At the start of 2010, 77 percent of women held in the Baltimore City Detention Center were arrested for nonviolent offenses.<sup>6</sup> One in four women was being held for a drug offense and one in five for a violation of probation (VOP). At this time, 11 women were held for trespassing and 26 for solicitation (prostitution).

Baltimore jails a disproportionate number of African American women.

African Americans make up 63 percent of the population in Baltimore City,<sup>7</sup> but account for 79 percent of women in the Baltimore City Detention Center.<sup>8</sup> In cities and states around the country, reasons for the disproportionate number of African Americans in jail can include policing practices and enforcement in certain communities, disproportionate allocation of resources in the community and within the court system, and disparate treatment by the courts.

**Projections for higher crime, arrests and incarceration used to plan a bigger jail are inaccurate.**

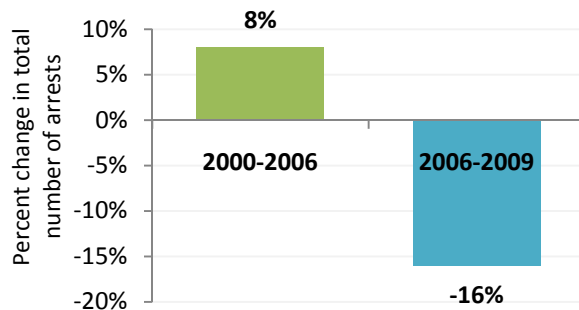
Crime is down in Baltimore City.

While some communities in Baltimore continue to face public safety challenges, the number and rate of reported crimes in the city continue to fall. Since 2000, the violent crime rate (per 100,000 people in Baltimore City) has fallen 38.74 percent and the property crime rate slightly more at 41.30 percent.<sup>9</sup>

Arrests are down in Baltimore City.

One of the reasons cited in the projection report for a need for more jail beds was increasing arrests.<sup>10</sup> From 2000 to 2006, the total number of arrests in Baltimore City increased 8 percent.<sup>11</sup> From these numbers, the Division of Pretrial Detention and Services forecasted 104,018 total

**The number of arrests fell 16 percent from 2006 to 2009.**



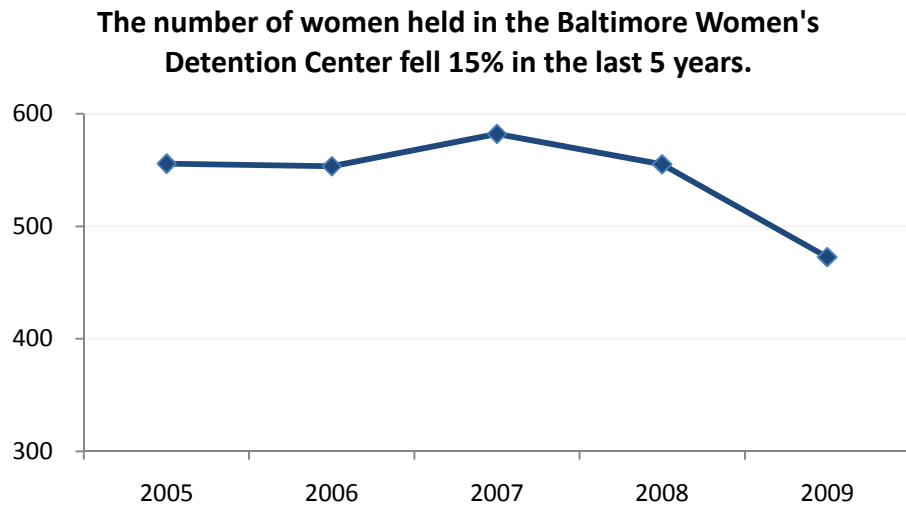
Sources: Maryland Department of Public Safety and Correctional Services, *Project Program for New Youth Detention Center* (Baltimore, MD: Division of Pretrial Detention and Services, 2007) Page I-31; Baltimore Police Department, Quality Assurance Unit, Planning and Research Section, as reported to the Uniform Crime Reporting Unit of the Maryland State Police, provided March 30, 2010.

arrests in 2010. However, due to changes in policing practices, falling crime rates and other factors, the number of arrests fell 16 percent from 2006 to 2009 to around 75,000,<sup>12</sup> and the Police Commissioner has noted that arrests are down an additional 11 percent in 2010.<sup>13</sup>

*The number of women in the jail is down.*

In its population projections for planning the new Women’s Detention Center (WDC), the Department of Public Safety and Correctional Services forecasted that it would need up to 621 beds for pretrial and sentenced women in 2010, or 810 accounting for “peaks” in the population.<sup>14</sup> This is not the case, and unlike the overall population of the BCDC, the number of women in the Women’s Detention Center has dropped 15 percent in the last five years.

The decrease in the number of women in the jail is primarily due to a reduction in women held for drug offenses and violations of probation, indicating a possible shift in priorities of law enforcement and other justice agencies. Since these two offenses consistently make up the highest percentage of women in jail, this drop also points to a decreased need for jail space.



Source: Jail Daily Extract, provided by Division of Pretrial Detention and Services

## Recommendations

In times of budget crises like Maryland is now facing, scarce funds should be spent on the most cost-effective programs and policies that are shown to improve public safety and promote positive life outcomes. The money Maryland is planning to spend on increasing the number of women who could potentially be held in the jail is not the most effective use of public resources. The State of Maryland should postpone any additional planning or construction until it has completed a new population projection that takes into account the implementation of the following recommendations:

- 1. The State of Maryland should abandon plans to build an 800-bed women's jail.** The 2007 projections that were used are overstated even without any systematic reforms. And a number of changes to policies and practices in the jail system could have a significant impact on reducing the number of women held in the Baltimore jail and the costs associated with pretrial detention, as well as on improving the outcomes of Baltimore women charged with an offense.
- 2. Baltimore police should provide citations rather than arrests for certain offenses.** Baltimore should determine which policies and practices are causing more people to go to jail for offenses that do not create a public safety threat, like zero-tolerance policies that incarcerate people for quality-of-life offenses.
- 3. Low-risk people should be identified up front.** The State's Attorney's Office should review low-level arrests in addition to more serious ones and make recommendations on pretrial release.
- 4. People with substance abuse and mental health problems should be diverted to treatment.** Judges should refer more people to drug treatment outside of the justice system, as appropriate. But for the people with substance abuse problems who should be detained for public safety reasons, judges should make more referrals to treatment programs for people awaiting trial in the jail. People with a serious mental illness decompensate quickly in jail environments and should be given non-incarcerative pretrial placement at every possible opportunity.
- 5. Pretrial risk assessments and screening tools should be used to help determine who is released pretrial.** Using an objective, research-based approach, particularly one that is gender-specific, can lead to fairer and more effective decisions on who is released pretrial and who is held in jail because of they are a flight risk or a risk to public safety.
- 6. The use of Pretrial Supervision should be increased.** Expanding this program could save thousands of dollars a month, reduce the jail population and reduce the number of people who fail to appear at court.
- 7. There should be expanded pretrial release options outside of money bail.** Baltimore should identify and implement means other than money bail to increase the number of people released to await trial in the community.
- 8. Remind people to go to court.** Baltimore should consider implementing a court date notification system modeled after effective programs in other jurisdictions.
- 9. Follow best practices and models in re-entry.** The Division of Pretrial Detention and Services should utilize best practices in jail re-entry to reduce the number of people returning to the jail.

**The Justice Policy Institute is a non-profit research and public policy organization dedicated to reducing society's reliance on incarceration and promoting fair and effective solutions to social problems.**

**For more information on Maryland's plans to build a new jail and ways to reduce the number of women in the Baltimore City Women's Detention Center, please read our full report, *When More is Less: How a Larger Women's Jail in Baltimore will Reduce Public Safety and Diminish Resources for Positive Social Investments*, available at [www.justicepolicy.org](http://www.justicepolicy.org).**

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<sup>1</sup> Division of Pretrial Detention and Services, *Analysis of the FY 2010 Maryland Executive Budget, 2009, New Women's Detention Facility (Baltimore City)*

<sup>2</sup> Division of Pretrial Detention and Services, *Analysis of the FY 2010 Maryland Executive Budget, 2009, New Women's Detention Facility (Baltimore City)*

<sup>3</sup> DPDS Daily Population Report, January 4, 2010

<sup>4</sup> DPDS Daily Population Report, January 4, 2010

<sup>5</sup> See, for example, Anne Rankin, "The Effect of Pretrial Detention," *New York University Law Review* 39 (1964), 641–655; Michael R. Gottfredson and Don M. Gottfredson, *Decision Making in Criminal Justice: Toward a Rational Exercise of Discretion* (New York: Plenum Press, 1988); Williams, "The Effect of Pretrial Detention on Imprisonment Decisions," 299–316; C. E. Frazier and J.K. Cochran, "Detention of Juveniles: Its Effects on Subsequent Juvenile Court Processing and Decisions," *Youth and Society* 17, no. 3 (1986): 286-305.

<sup>6</sup> Jail Daily Extract

<sup>7</sup> U.S. Census Bureau Quick Facts, Accessed October 26, 2010, <http://quickfacts.census.gov/qfd/states/24/24510.html>

<sup>8</sup> Jail Daily Extract, January 4, 2010

<sup>9</sup> FBI Uniform Crime Report, *Crime in the United States*, Table 8: Offenses Known to Law Enforcement, [www.fbi.gov/ucr/ucr.htm](http://www.fbi.gov/ucr/ucr.htm)

<sup>10</sup> Maryland Department of Public Safety and Correctional Services, *Project Program for New Youth Detention Center* (Baltimore, MD: Division of Pretrial Detention and Services, 2007)

<sup>11</sup> Maryland Department of Public Safety and Correctional Services, 2007 Page I-31.

<sup>12</sup> Baltimore Police Department, Quality Assurance Unit, Planning and Research Section, as reported to the Uniform Crime Reporting Unit of the Maryland State Police, provided March 30, 2010.

<sup>13</sup> Meeting notes, November 11, 2010, Baltimore City Criminal Justice Coordinating Council.

<sup>14</sup> Maryland Department of Public Safety and Correctional Services, 2007 Page I-32.