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TTY USERS CALL VIA MD RELAY

August 23, 2010

Ms. Hathaway Ferebee
Executive Director
Safe and Sound Campaign
2 East Read Street, 3rd Floor
Baltimore, MD 21202

Dear Ms. Ferebee:

Thank you for your August 20th letter regarding the construction of a new prison facility for juveniles charged as adults. I would also like to thank you for working with the Administration to review the size of this proposed facility.

I share your optimism that our work together will help the Administration make the best choices it can concerning the proposed facility. My hope is that this process will also serve as a model for future discussions.

After reviewing the letter, I would like to respond to the six specific recommendations in your letter to clarify the Administration's position.

1. Stop all actions on the proposed new jail for youth charged as adults. As we discussed during our meeting, we will not move forward on the construction of the prison until we have had a chance to complete the population analysis underway and review its results. As a practical matter, this means that we will not award construction bids for this facility during the third week of September as the original construction schedule for this project envisioned and will first complete and review the population analysis that is currently underway.
2. End the practice of charging youth as adults and in the interim -- hold youth charged as adults in juvenile detention facilities, not adult jails. Maryland law requires that juveniles charged with certain serious offenses (Governor O'Malley's previous June 22 letter to you details which charges) require that a juvenile be charged as an adult. Charging and detention decisions are determined by the State's Attorney's Office and the courts and not any agency under the Governor's jurisdiction.

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3. Decrease the number of youth held in detention (both youth charged as juveniles and those charged as adults), by increasing the use of community-based programming and support services as alternatives to detention. The Governor's June 22 letter also summarizes the Administration's successful efforts to increase the use of community-based programming. As noted in the Governor's letter, this Administration has embraced the use of evidence-based programming – increasing the number of slots by 300 percent. These tools, combined with other strategies, were a key part of the Governor's ability to reduce juvenile homicides by 46 percent from calendar year 2007 through 2009.
4. Use a portion of capital funds for the construction of the proposed new jail to improve community-based facilities for youth services, education and recreation. Until we have received the results of the population analysis that is ongoing, it is premature to discuss the use of funds that are currently dedicated to the construction of the proposed facility. In addition, it is important to note that capital and operating funds are separately appropriated and funds cannot be redirected from one appropriation to another without the approval of the General Assembly.
5. Use a portion of the operational budget for the proposed jail to support more youth jobs. As noted in our response to Recommendation #4 above, it is premature to discuss the use of funds that are currently dedicated to the construction of the proposed facility until we have received the results of the ongoing population analysis.
6. Establish a standing youth justice work group, comprised of policymakers and community advocates, to ensure the reform of policies mentioned above and to monitor the implementation of these new policies. We believe that the workgroup currently examining the size of the proposed facility can serve as a model for future discussions and look forward to working with you to determine the best way to form such an advisory group.

I hope this helps clarify the Administration's position on these issues as we proceed forward. Please do not hesitate to contact me should you have any other questions or if I can be of further assistance.

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Thank you again for your letter and for your continued advocacy on behalf of juveniles in Maryland.

Sincerely,

A handwritten signature in black ink, appearing to read 'Theodore Dallas', written in a cursive style.

Theodore Dallas
Deputy Chief of Staff

TD:kt

c: The Honorable Martin O' Malley
Matthew D. Gallagher, Chief of Staff
Secretary Donald W. Devore, Department of Juvenile Services
Secretary Gary D. Maynard, Department of Public Safety
and Correctional Services