

**Q00Q**  
**Operations**  
Department of Public Safety and Correctional Services

***Operating Budget Data***

(\$ in Thousands)

	<u>FY 13</u> <u>Actual</u>	<u>FY 14</u> <u>Working</u>	<u>FY 15</u> <u>Allowance</u>	<u>FY 14-15</u> <u>Change</u>	<u>% Change</u> <u>Prior Year</u>
General Fund	\$947,773	\$975,882	\$1,025,635	\$49,753	5.1%
Contingent & Back of Bill Reductions	0	-15,577	-8,456	7,121	
<b>Adjusted General Fund</b>	<b>\$947,773</b>	<b>\$960,304</b>	<b>\$1,017,179</b>	<b>\$56,874</b>	<b>5.9%</b>
Special Fund	29,280	28,855	14,086	-14,769	-51.2%
Contingent & Back of Bill Reductions	0	0	-55	-55	
<b>Adjusted Special Fund</b>	<b>\$29,280</b>	<b>\$28,855</b>	<b>\$14,031</b>	<b>-\$14,824</b>	<b>-51.4%</b>
Federal Fund	24,628	24,126	25,134	1,007	4.2%
Contingent & Back of Bill Reductions	0	0	-202	-202	
<b>Adjusted Federal Fund</b>	<b>\$24,628</b>	<b>\$24,126</b>	<b>\$24,931</b>	<b>\$805</b>	<b>3.3%</b>
Reimbursable Fund	4,884	3,938	3,552	-386	-9.8%
<b>Adjusted Reimbursable Fund</b>	<b>\$4,884</b>	<b>\$3,938</b>	<b>\$3,552</b>	<b>-\$386</b>	<b>-9.8%</b>
<b>Adjusted Grand Total</b>	<b>\$1,006,566</b>	<b>\$1,017,223</b>	<b>\$1,059,693</b>	<b>\$42,470</b>	<b>4.2%</b>

- Fiscal 2014 deficiency appropriations for the Department of Public Safety and Correctional Services' (DPSCS) Operations functions total \$30.5 million in general funds. These funds are provided to support employee overtime; inmate expenses, such as food, medical, and other variable costs; implementation of a cell phone managed-access system at the Baltimore City Detention Center (BCDC); and funding to cover a shortfall in Drinking Driver Monitor Program (DDMP) revenues.
- The fiscal 2015 allowance reflects net growth of \$42.5 million. Once the fiscal 2014 deficiency appropriations are accounted for, true growth within the DPSCS Operations function is limited to \$11.9 million, or 1.1%.

Note: Numbers may not sum to total due to rounding.

For further information contact: Rebecca J. Ruff

Phone: (410) 946-5530

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- The \$56.9 million increase in general funds is primarily driven by personnel expenses, including 100 new correctional officers and \$6.0 million for employee overtime. Additional general funds are also provided for increased inmate medical expenses and to expand cell phone managed access systems to two Baltimore City correctional facilities.
- The \$14.8 million reduction in special funds is largely attributed to the loss of inmate welfare funds due to the privatization of commissary operations. Previously, commissaries were operated in each correctional facility by departmental staff. Under the new model, inmates order commissary goods through a catalog, and a private vendor is responsible for the provision of those goods.
- Federal funds increase by 3.3%, or \$805,000. This reflects an increase in federal funding from the U. S. Marshal for operation of the Chesapeake Detention Facility in Baltimore City.
- Reimbursable funds decline by nearly 10.0%, as funding for State Highway Administration work crews is reduced based on prior year actual spending, and grants for providing infectious disease treatment and mediation services have ended.

### ***Personnel Data***

	<b><u>FY 13</u></b> <b><u>Actual</u></b>	<b><u>FY 14</u></b> <b><u>Working</u></b>	<b><u>FY 15</u></b> <b><u>Allowance</u></b>	<b><u>FY 14-15</u></b> <b><u>Change</u></b>
Regular Positions	9,507.10	9,477.10	9,573.10	96.00
Contractual FTEs	<u>159.11</u>	<u>196.35</u>	<u>196.35</u>	<u>0.00</u>
<b>Total Personnel</b>	<b>9,666.21</b>	<b>9,673.45</b>	<b>9,769.45</b>	<b>96.00</b>

#### ***Vacancy Data: Regular Positions***

Turnover and Necessary Vacancies, Excluding New Positions	326.82	3.45%
Positions and Percentage Vacant as of 12/31/13	401.00	4.23%

- DPSCS Operations receives a net 96 additional positions and an associated \$4.2 million in fiscal 2015. This includes the provision of 100 new correctional officer positions offset by the abolishment of 4 vacant DDMP monitor positions. The new positions are budgeted at a 40.0% turnover rate and include 61 positions assigned to the North Region, 16 positions assigned to the South Region, and 23 positions assigned to the Central Region.
- As of the end of calendar 2013, DPSCS Operations had 74 vacancies beyond what is needed to meet its 3.45% budgeted turnover for fiscal 2015. Of the 401 current vacancies, 65 positions have been vacant for more than 12 months. The majority of the vacancies are

within the Central Region and the Corrections function. Correctional officer positions account for 40.4%, or 162 of the 401 vacancies; however, none of these are long-term vacancies.

## ***Analysis in Brief***

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### **Major Trends**

***Pretrial Release Services Program:*** Pretrial Release Services Program (PRSP) interviews, investigates, and presents recommendations to Baltimore City courts concerning the pretrial release of individuals accused of crimes in Baltimore. The PRSP also supervises defendants released on personal recognizance or conditional bail as ordered by the court. Between fiscal 2003 and 2013, investigations declined by more than 20,000, or 46.2%. On average, the PRSP receives 4,900 cases annually and supervises approximately 1,200 defendants in any given fiscal year. PRSP staff has been successful in meeting the goals of having 4.0% or less of its population arrested on new charges while under supervision and having 8.0% or less of the population fail to appear for required court dates. **DPSCS should discuss what is driving the decline in pretrial investigations. The department should also comment on how Baltimore City’s PRSP operations and performance measures compare to other pretrial supervision programs in Maryland or other states.**

***Facility Security:*** Detainee assaults occur at a much higher rate than assaults from inmates. Assaults on staff in detention facilities increased in fiscal 2013, while assaults on staff in correctional facilities declined. Assaults among offenders declined in fiscal 2013 for both detainees and inmates. In all instances, the majority of assaults are of the less serious nature. The number of inmates who escape is relatively small in comparison to inmates who walk off; however, with a goal of having no inmate escape each year, DPSCS has failed to meet its target in all but 1 of the past 12 years. The presence of contraband has been drastically reduced in the State’s correctional facilities, with the most significant reductions being among cell phones and weapons. **DPSCS Operations should identify how many inmates who have escaped or walked off in fiscal 2013 are still at large. The department should also provide fiscal 2014 year-to-date data for escapes and walk offs, including the status of those offenders. Furthermore, DPSCS Operations should discuss what actions have been taken to avoid similar escapes and walk offs in the future and whether the fiscal 2015 allowance includes funding to address the security deficiencies at the South Region facilities. The department should discuss how the additional dogs will limit the presence of contraband and whether the rate of contraband finds should be expected to increase or decrease as a result.**

## **Issues**

***Correctional Facility Security Issues and Upgrades:*** Since corruption issues at BCDC were made public in April 2013, nearly \$23.3 million has been provided to improve security and staffing within the department. Approximately \$16.1 million has been provided to upgrade security cameras, implement cell phone managed access systems, install x-ray machines and metal detectors, and purchase intelligence software. Slightly more than \$7.1 million and 109 new positions are provided to enhance correctional officer staffing, establish a pre-employment polygraph unit, expand the Canine Unit to detect contraband, and enhance the Internal Investigative Unit. **The department should discuss the ways that the identified resources have improved the security of the staff and offenders within the facilities, as well as those in the surrounding communities.**

***Community Supervision Caseload Study:*** Language added to the fiscal 2014 budget bill restricted funds until DPSCS completed a time study of community supervision general caseloads and submitted the results to the General Assembly, along with a recommendation for appropriate caseload standards for a general caseload by June 15, 2014. DPSCS sent a letter to the budget committees requesting release of the withheld appropriation for fiscal 2014, despite not having complied with the restrictive language. According to the letter, DPSCS anticipated awarding a contract for the study by December 2013 and estimated the researcher would require a full year to complete the study and issue a final report. As such, the department does not anticipate that results would be available by the June 2014 deadline. To date, DPSCS has yet to procure a contract for conducting the time study. **The Department of Legislative Services (DLS) recommends that the fiscal 2014 withheld appropriation be released to the department and additional language be added in fiscal 2015 to restrict funds pending the receipt of the time study results.**

***Central Region Finance Office Repeat Audit Findings:*** Language added to the fiscal 2014 operating budget bill restricted funds pending resolution of four repeat audit findings from an August 2012 legislative audit. Due to the department's reorganization, the four findings were consolidated into two for discussion purposes. The findings addressed irreconcilable differences between the department's inmate banking system and the Comptroller's records and issues with the proper maintenance of equipment records. To date, the department has been unable to resolve the findings and contends that the language should have never been added, as the audit report only discusses two repeat findings. DPSCS has submitted a corrective action plan to begin to address the repeat findings and has requested that the funds restricted in fiscal 2014 be released. **DPSCS should discuss what steps have been taken to resolve the repeat findings, particularly addressing the status of filling Central Region Finance Office vacancies, the timeline and cost estimate for development of a new inmate banking system, and communication with the Comptroller and the Department of Budget and Management to resolve the outstanding difference in the Maryland Offender Banking System. The department should comment on when it will have the difference between the two records accurately identified and whether the August 31, 2014 deadline for resolution of the outstanding items is realistic. DLS recommends that the funds restricted in fiscal 2014 not be released to DPSCS at this time, as the Office of Legislative Audits has not yet determined whether the repeat findings have been adequately addressed. DLS also recommends that funds be restricted in fiscal 2015 pending resolution of the items listed in the approved plan.**

***Non-emergency Involuntary Medication for Inmates:*** With the exception of a life-threatening crisis, DPSCS lacks the statutory authority to administer psychotropic medications over an inmate's objection. In order to administer psychotropic medication to an inmate involuntarily, the inmate must be transferred to a State psychiatric hospital, which is costly and impractical. DPSCS estimates that 10 to 20 inmates would directly benefit from medication over objection. For these inmates, medication noncompliance has been linked to suicide attempts, severe self-mutilation, head-banging, and assaults on staff and peers. **DPSCS should provide recommendations for addressing the issue of non-emergency involuntary medication and discuss whether the department has considered introducing legislation on the topic.**

## **Recommended Actions**

1. Add language to abolish 30 long-term vacant non-custodial positions and associated funds.
2. Add language restricting funds until the Office of Legislative Audits confirms the resolution of repeat audit findings within the Central Region Finance Office.
3. Add language to restrict funds pending the receipt of results from a time study of community supervision agent caseloads.

## **Updates**

***Evaluation of Programming Needs and Resources:*** Fiscal 2014 budget bill language required the department to evaluate treatment programming needs and resources for the State correctional population. Information was provided on the use of mental health and substance abuse treatment services. DPSCS offers 4 different types of treatment beds for inmates requiring mental health services. This provides a total of 424 beds to address the needs of a potential population of 1,100 inmates. DPSCS also provides a variety of cognitive group therapies and social work programs through approximately 4,000 group therapy slots annually. Seven different substance abuse treatment programs, or therapeutic communities, provide a total of 3,282 treatment slots for offenders with substance abuse problems. An additional 24 treatment slots are provided for offenders in need of substance abuse treatment while under supervision in the community. According to the department, each type of treatment includes an integration of social work, psychology, psychiatric, and medical services.

***Use of Restraints on Pregnant Inmates:*** DPSCS established a new policy regarding the use of restraints on pregnant inmates in April 2013. That policy requires that restraints only be used when absolutely necessary and that only the least restrictive form of restraint be used on the expectant inmate. Between January and November 2013, restraints were used in 45 instances. The vast majority of restraint use was on Baltimore City detainees. DPSCS indicates that each instance was

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properly documented in accordance with the policy, was used for either medical or court transport, and typically last for a period of 30 minutes or less.

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## ***Operating Budget Analysis***

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### **Program Description**

The Department of Public Safety and Correctional Services (DPSCS) Operations has been created through a departmental reorganization to establish three regions within the State (North, Central, and South) for the purposes of creating a regional approach to providing all inmate-related functions, such as incarceration, probation, parole, and reentry into society. The services previously delivered by the Division of Correction, the Patuxent Institution, the Division of Parole and Probation, and the Division of Pretrial Detention and Services are now provided under each region in an attempt to keep inmates in one region as they move within the DPSCS system. The counties in each region are listed below:

- North Region: Allegany, Carroll, Frederick, Garrett, Harford, Howard, Montgomery, and Washington;
- Central Region: Baltimore and Baltimore City; and
- South Region: Anne Arundel, Calvert, Caroline, Cecil, Charles, Dorchester, Kent, Prince George's, Queen Anne's, Somerset, St. Mary's, Talbot, Wicomico, and Worcester.

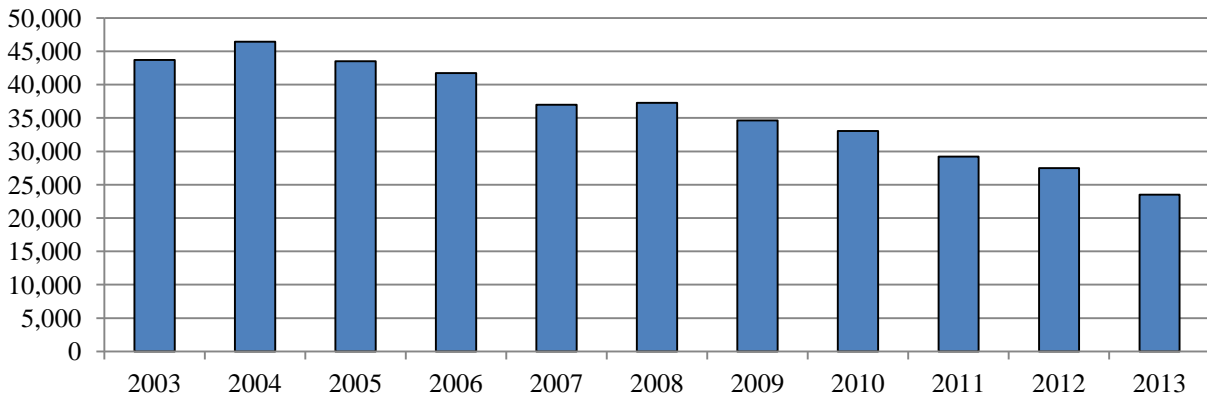
### **Performance Analysis: Managing for Results**

#### **1. Pretrial Release Services Program**

Pretrial Release Services Program (PRSP) interviews, investigates, and presents recommendations to Baltimore City courts concerning the pretrial release of individuals accused of crimes in Baltimore. The PRSP also supervises defendants released on personal recognizance or conditional bail as ordered by the court. **Exhibits 1 and 2** provide insight into the PRSP workload. As shown in Exhibit 1, the number of pretrial investigations has declined dramatically over the past decade. Between fiscal 2003 and 2013 investigations declined by more than 20,000, or 46.2%. Exhibit 2 reveals that the decline did not translate to fewer cases referred for supervision. The number of cases received annually, as well as the number of defendants under supervision, has been relatively stable over the past decade. On average, the PRSP receives 4,900 cases annually and supervises approximately 1,200 defendants in any given fiscal year.

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**Exhibit 1**  
**Pretrial Release Services Program**  
**Pretrial Investigations**  
**Fiscal 2003-2013**

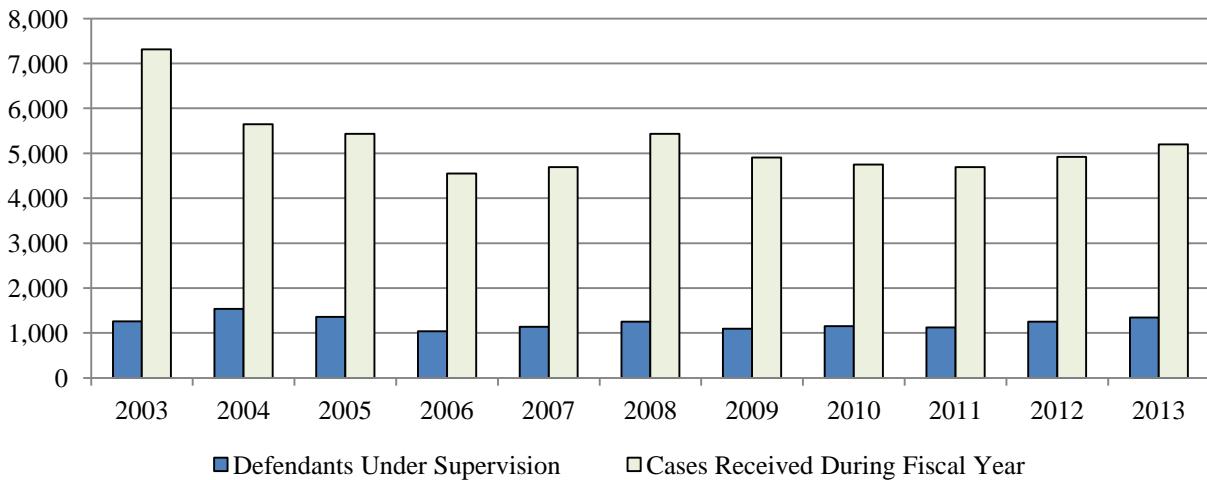


Source: Department of Public Safety and Correctional Services

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**Exhibit 2**  
**Pretrial Release Services Program**  
**Workload Trends**  
**Fiscal 2003-2013**



Source: Department of Public Safety and Correctional Services

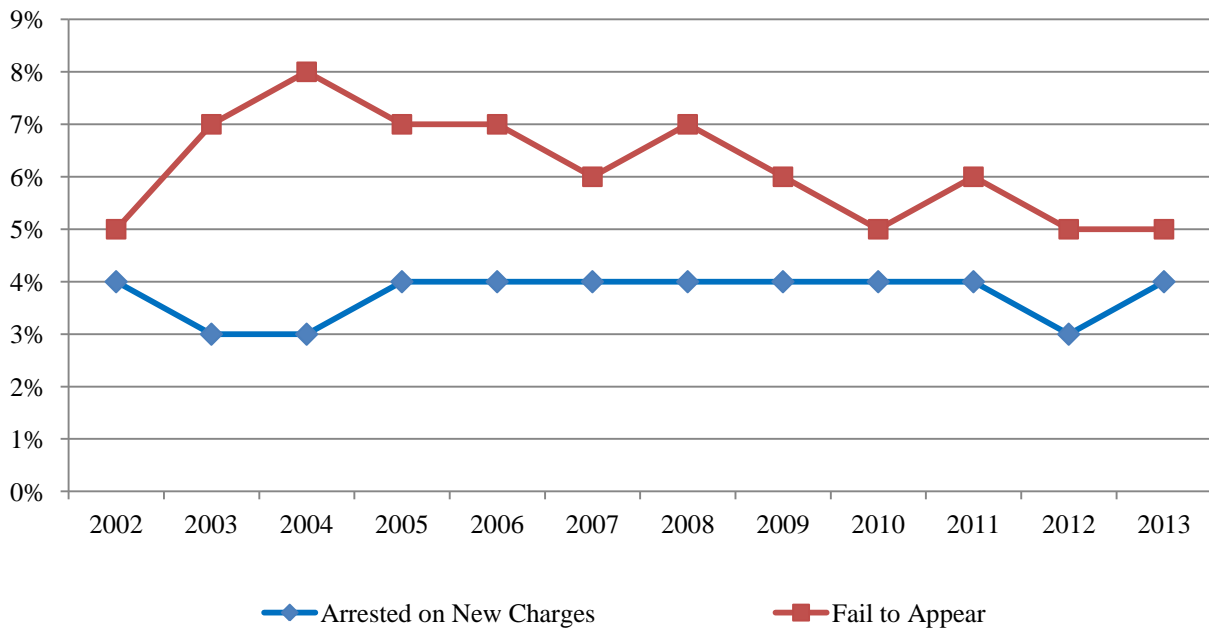
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The purpose of the PRSP is to ensure that pretrial defendants released into the community comply with bail conditions, do not engage in criminal activity while on release, and appear for court when required. **Exhibit 3** shows that the PRSP staff has been successful in meeting the goals of having 4% or less of its population arrested on new charges while under supervision and having 8% or less of the population fail to appear for required court dates. The PRSP met both of these goals in all but 1 of the past 12 fiscal years.

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**Exhibit 3**  
**Pretrial Release Services Program**  
**Performance Measures**  
**Fiscal 2002-2013**



Source: Department of Public Safety and Correctional Services

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**DPSCS should discuss what is driving the decline in pretrial investigations. The department should also comment on how Baltimore City’s PRSP operations and performance measures compare to other pretrial supervision programs in Maryland or other states.**

## **2. Facility Security**

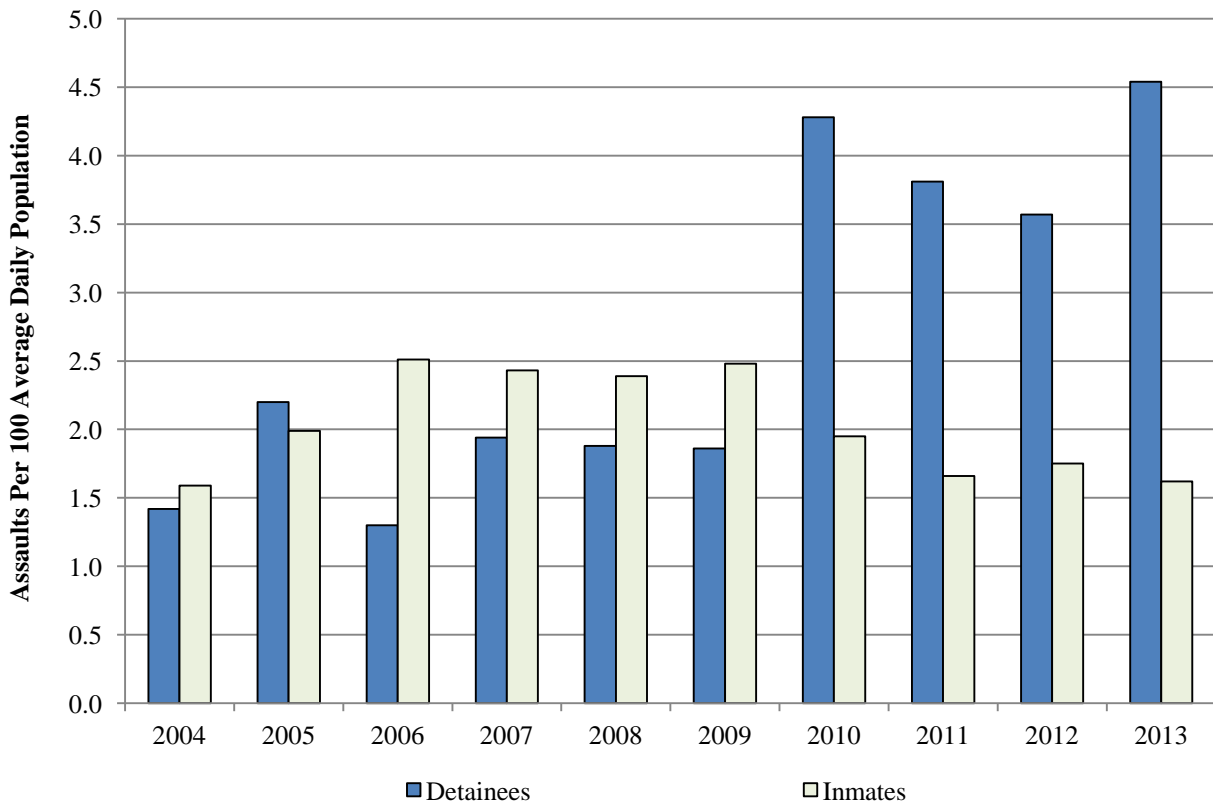
Maintaining secure facilities is of utmost importance in fulfilling the department’s mission to provide public safety to the citizens of Maryland and the general public. Achievement of this goal includes limiting the instance of assault on both staff and offenders, controlling the presence of

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contraband, and prohibiting the ability for an inmate to escape or walk off from a place of confinement.

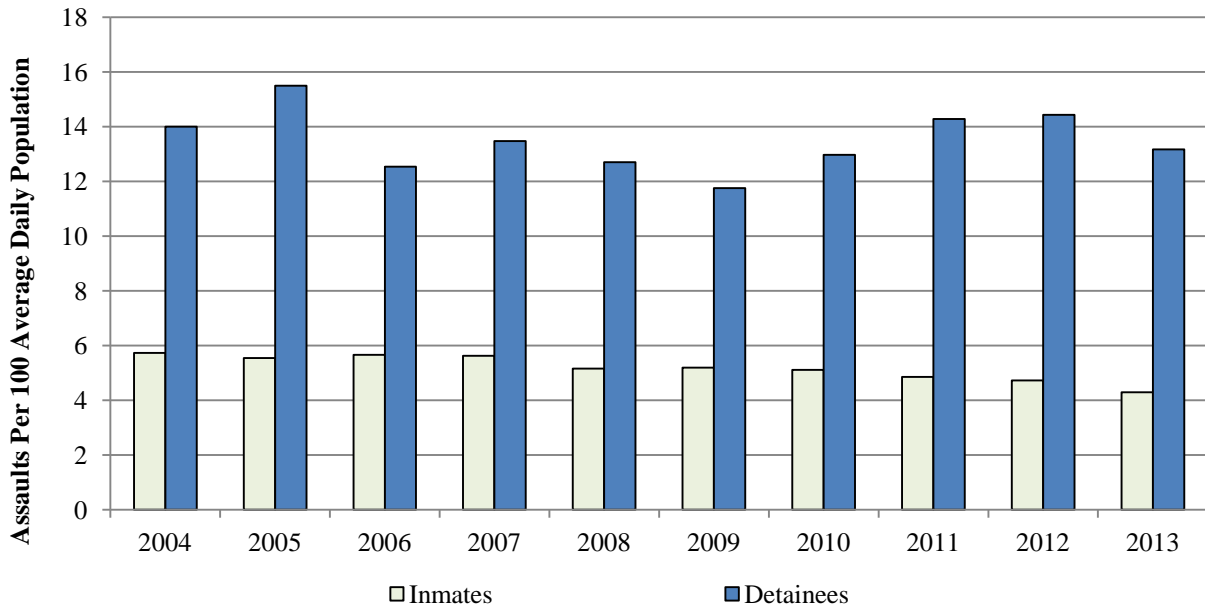
DPSCS Operations reports the rate of assaults on inmates, detainees, and staff per 100 offenders, as shown in **Exhibits 4 and 5**, in order to measure the department’s ability to maintain safe institutions. The goal is to have the inmate-on-staff and inmate-on-inmate assault rates at or below 1.75 and 4.73 assaults per 100 offenders, respectively. The detainee assault rates should be at or below 3.81 assaults on staff and 14.43 assaults on detainees. Overall, inmate assaults in correctional facilities decreased by 6.5%, and those in detention facilities decreased by 8.7%, compared to fiscal 2012.

**Exhibit 4**  
**Assaults on Staff**  
**Fiscal 2004-2013**



Source: Department of Public Safety and Correctional Services

**Exhibit 5**  
**Assaults on Other Offenders**  
**Fiscal 2004-2013**



Source: Department of Public Safety and Correctional Services

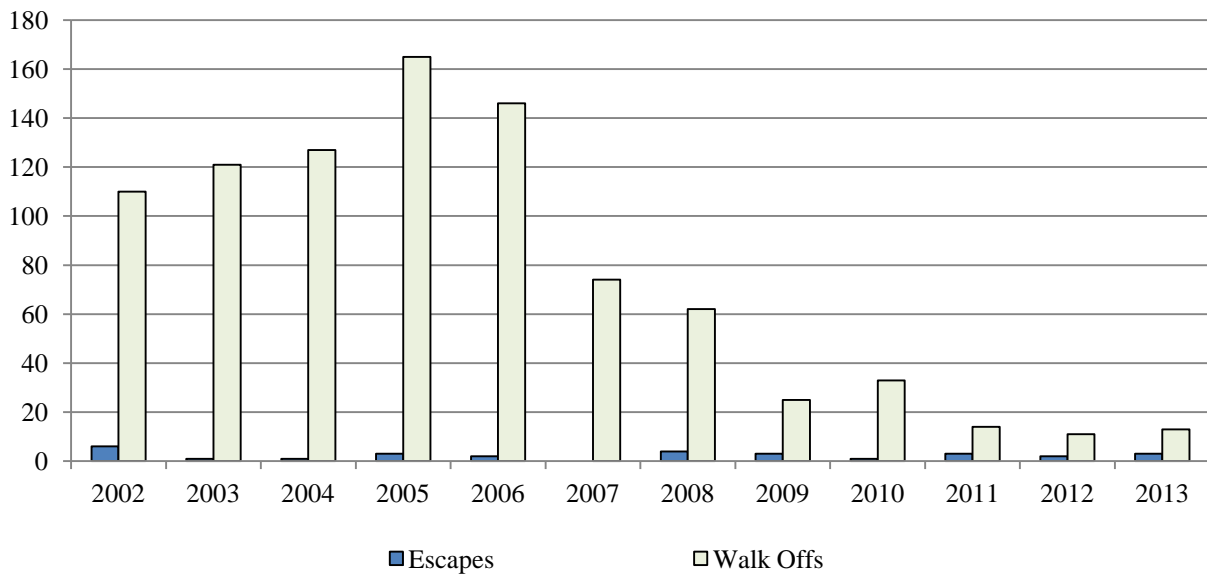
The detainee-on-staff assault rate increased significantly between fiscal 2012 and 2013, from 3.57 to 4.54 assaults per 100 offenders. The majority of these assaults was not serious and occurred at the Baltimore City Detention Center (BCDC). The total inmate-on-staff assault rate declined in fiscal 2013 to 1.62 assaults per 100 offenders. Although serious assaults were a minimal part of the overall assault rate in fiscal 2013, there was a slight increase in the rate of serious assaults on staff for the North Region. The vast majority of assaults on staff in correctional facilities were of a less serious nature. The South Region was the only region to experience an increase in the less serious assault rate. According to DPSCS, some of these assaults were gang related.

Offenders assault other offenders at a much higher rate than they assault staff; offenders in detention facilities commit assaults more often than inmates in correctional facilities. The fiscal 2013 inmate-on-inmate assault rate of 4.29 assaults per 100 offenders reflects the fourth consecutive year of decline for this measure. The inmate-on-inmate assault rate is at its lowest level in nearly a decade. The detainee-on-detainee assault rate also declined in fiscal 2013, to 13.17 assaults per 100 offenders, but this was following a two-year spike in fiscal 2011 and 2012 to more than 14.0 assaults per 100 offenders.

**Exhibit 6** shows the number of inmates who have escaped or walked off each year since fiscal 2002. An escape is an unauthorized departure from within the secure perimeter of any correctional facility, regardless of the security level, or while being escorted or transported in restraints. A walk off is an inmate classified as pre-release or minimum security who is not in restraints with or without direct supervision, and who makes an unauthorized departure from a pre-release security facility, during an authorized activity in the community, or while on a work detail outside the secure perimeter of a correctional facility. The goal is to have no inmates escape and less than 11 inmates walk off each year.

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**Exhibit 6**  
**Offender Escapes and Walk Offs**  
**Fiscal 2002-2013**



Source: Department of Public Safety and Correctional Services

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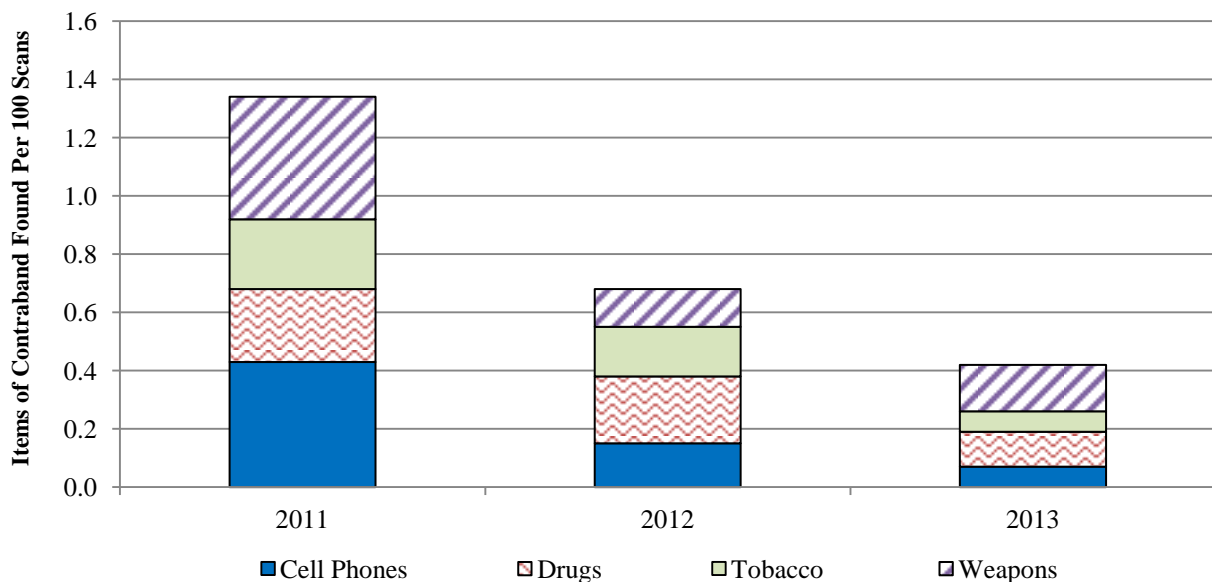
The number of inmates who escape is relatively small in comparison to inmates who walk off; however, with a goal of having no inmate escape each year, DPSCS has failed to meet its target in all but one of the past 12 years. In fiscal 2013, one arrestee and two inmates escaped from DPSCS facilities, all three occurring within the Baltimore City Correctional Complex (BCCC). In fiscal 2013, 13 inmates walked off while in DPSCS custody. This is a relatively small number in comparison to inmate walk offs prior to fiscal 2006, when more than 100 inmates would walk off from DPSCS facilities annually. However, fiscal 2013 still reflects an increase in walk offs compared to fiscal 2012 and a failure to meet the department's goal of less than 11 walk offs annually. According to DPSCS, nearly half of the walk offs occurred in the South Region and were the result of

facilities lacking proper perimeter security and staffing while inmates are participating in yard recreation. The remainder of the walk offs occurred outside of the correctional environment, while offenders were on work-release, road crews, or at job interviews.

**DPSCS Operations should identify how many inmates who have escaped or walked off in fiscal 2013 are still at large. The department should also provide fiscal 2014 year-to-date data for escapes and walk offs, including the status of those offenders. Furthermore, DPSCS Operations should discuss what actions have been taken to avoid similar escapes and walk offs in the future and whether the fiscal 2015 allowance includes funding to address the security deficiencies at the South Region facilities.**

**Exhibit 7** provides data measuring the presence of contraband in DPSCS facilities since fiscal 2011. The department reports this measure as the rate of items found per 100 scans conducted by the Canine Unit. Since fiscal 2011, the overall rate of contraband finds has decreased from 1.34 to .42 items per 100 scans. The majority of items found in fiscal 2013 were weapons and drugs. The rate of cell phone finds declined overall, from 0.43 to 0.07 per 100 scans. Cell phones are most frequently found in the Central Region, although this should be expected to decline if the implementation of managed access systems at Baltimore facilities achieves the anticipated impact.

**Exhibit 7**  
**Presence of Contraband in Departmental Facilities**  
**Fiscal 2011-2013**



Source: Department of Public Safety and Correctional Services

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The fiscal 2015 allowance provides funding to add 7 positions and six detector dogs to enhance the department's Canine Unit and assist in detecting contraband in DPSCS facilities. **The department should discuss how the additional dogs will limit the presence of contraband and whether the rate of contraband finds should be expected to increase or decrease as a result.**

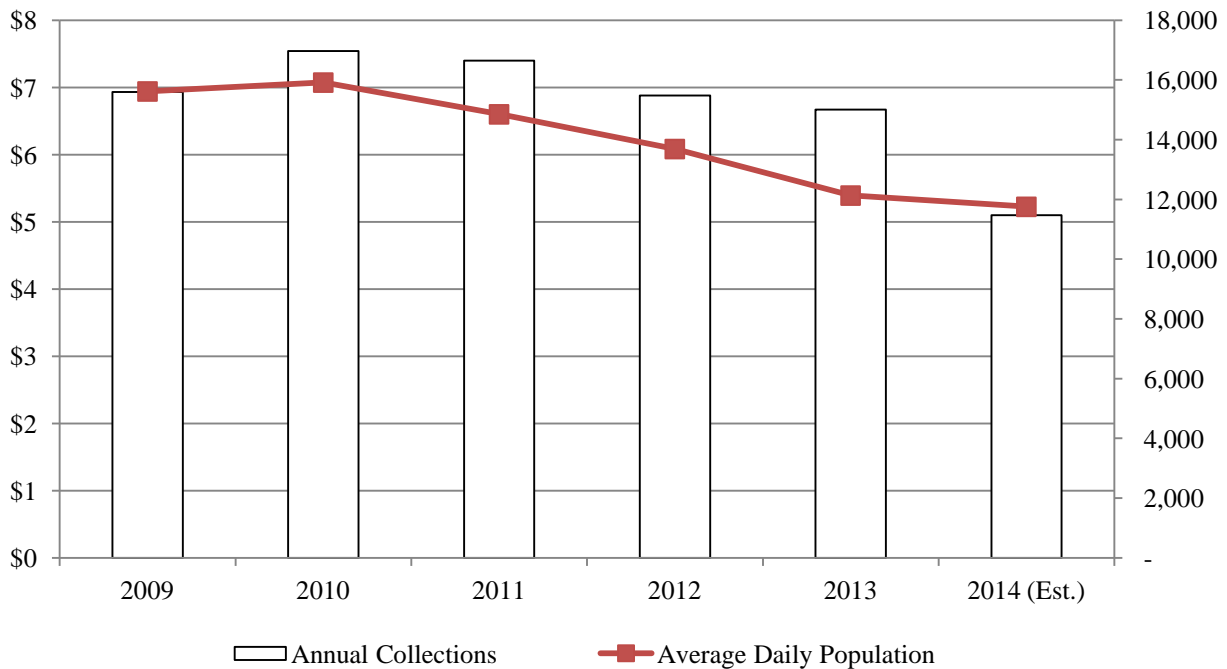
## **Fiscal 2014 Actions**

### **Proposed Deficiency**

Fiscal 2014 deficiency appropriations for DPSCS Operations totals \$30.5 million in general funds. These include the following items:

- \$9.0 million to support custodial employee overtime. This increases the fiscal 2014 overtime appropriation to \$39.8 million, which reflects growth of \$1.2 million, or 3.1%, in comparison to actual overtime expenditures in fiscal 2013. When compared to the fiscal 2015 allowance, the revised fiscal 2014 appropriation is \$2.0 million greater;
- \$10.8 million to cover inmate variable costs associated with a higher inmate population than is currently budgeted in fiscal 2014 and the increased cost of food purchases. Approximately \$8.5 million of the deficiency is needed because DPSCS misestimated the number of offenders who would be released in fiscal 2014 under its now defunct Earned Release Policy. The fiscal 2014 budget was created using the assumption that the department would release an additional 1,200 offenders under the policy. The eligible population proved to be considerably smaller than anticipated; as such, the fiscal 2014 population is approximately 900 to 1,000 higher than budgeted;
- \$5.6 million for contractual inmate pharmacy services. The department has struggled to award a new pharmacy contract, which has resulted in multiple contract extensions with the current vendor. The fiscal 2014 budget had assumed that a new contract would be awarded in fiscal 2014. DPSCS is currently engaged in a new procurement for the contract and an award is not expected before fiscal 2015. This issue is more fully discussed in the DPSCS – Administration analysis;
- \$4.7 million to implement a cell phone managed-access system at BCDC. This provides funding for equipment and software to prohibit the use of unauthorized cell phones inside of the facility (including the Jail Industries Building) without restricting the public in any way. The anticipated annual maintenance cost for the system at this facility is \$260,000; and
- \$400,000 to cover a shortfall in Drinking Driver Monitor Program (DDMP) revenues. As shown in **Exhibit 8**, DDMP fee collections have steadily decreased over the past three years from \$7.4 million in fiscal 2011 to \$6.7 million in fiscal 2013. The DDMP population has simultaneously fallen from nearly 15,000 participants annually to 12,000 participants.

**Exhibit 8**  
**Drinking Driver Monitor Program**  
**Population and Revenue Trends**  
**Fiscal 2009-2014 (Est.)**  
**(\$ in Millions)**



Source: Department of Public Safety and Correctional Services

Year-to-date collections in fiscal 2014 suggest that DDMP fee collections could drop significantly to approximately \$5.1 million. DPSCS suspects that the decrease may be related to newly enacted legislation (Chapter 363 of 2013), which requires that victim restitution be the first priority and the DDMP fee be a subordinate priority. Prior to the enactment of this law, the DDMP program fee was established by the department as the first priority for payment from collections from DDMP offenders. DPSCS has noted a significant decrease in monthly collections since this law was implemented; however, it is unclear as to whether this drop will continue, or if DDMP collections will increase after an initial decrease. At the same time that revenues have been declining, DDMP expenditures have consistently increased from \$6.8 million in fiscal 2011 to \$7.3 million in fiscal 2013. It is anticipated that fiscal 2014 expenditures will be approximately \$7.7 million, meaning the \$400,000 general fund deficiency may be inadequate to fully cover DDMP operations. The fiscal 2015 allowance is approximately \$7.3 million, which includes \$750,000 in general funds; DDMP was able to reduce fiscal 2015 expenditures via the abolition of 4 DDMP monitor positions, and

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increasing turnover for DDMP from 7.5% in the fiscal 2014 appropriation to 16.4% in the allowance. Prior to the position abolitions, DDMP caseloads averaged 150 cases per monitor. **DPSCS should comment on whether current DDMP monitor caseloads are appropriate and whether the fiscal 2014 deficiency and fiscal 2015 allowance are adequate.**

### **Cost Containment**

There are three across-the-board withdrawn appropriations that offset the increase in deficiency appropriations. This includes reductions to employee/retiree health insurance, funding for a new Statewide Personnel information technology system, and retirement reinvestment. These actions are fully explained in the analyses of the Department of Budget and Management (DBM) – Personnel, the Department of Information Technology, and State Retirement Agency (SRA), respectively.

### **Proposed Budget**

As seen in **Exhibit 9**, the fiscal 2015 allowance for DPSCS Operations increases by \$42.5 million, or 4.2%, when compared to the fiscal 2014 working appropriation. Once the \$30.5 million in fiscal 2014 general fund deficiency appropriations are accounted for, actual growth is approximately \$11.9 million, or 1.1%.

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**Exhibit 9**  
**Proposed Budget**  
**DPSCS – Operations**  
**(\$ in Thousands)**

<b>How Much It Grows:</b>	<b><u>General Fund</u></b>	<b><u>Special Fund</u></b>	<b><u>Federal Fund</u></b>	<b><u>Reimb. Fund</u></b>	<b><u>Total</u></b>
2014 Working Appropriation	\$960,304	\$28,855	\$24,126	\$3,938	\$1,017,223
2015 Allowance	<u>1,017,179</u>	<u>14,031</u>	<u>24,931</u>	<u>3,552</u>	<u>1,059,693</u>
Amount Change	\$56,874	-\$14,824	\$805	-\$386	\$42,470
Percent Change	5.9%	-51.4%	3.3%	-9.8%	4.2%



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**Where It Goes:**

**Personnel Expenses**

Annualization of general salary increase and increments .....	\$18,548
Turnover and other adjustments.....	7,329
Overtime.....	5,986
Employee retirement system .....	4,564
New positions.....	4,210
Workers' compensation premium assessment .....	580
Contractual employment .....	172
Abolished/transferred positions .....	-290
Employee and retiree health insurance .....	-8,125

**Inmate Expenses**

Inmate medical care .....	10,851
Inmate food supplies .....	2,808
Fuel and utilities.....	1,912

**Facility Enhancements**

Cell phone managed access systems implemented at MRDCC and BCBIC .....	7,180
Critical maintenance projects.....	970

**Other Changes**

Other .....	60
Security services for community supervision offices .....	-220
Consolidation of ammunition throughout the department .....	-482
One-time funding to replace fire alarm system at the Baltimore City Correctional Center in fiscal 2014.....	-545
Loss of Inmate Welfare Funds due to privatization of commissary.....	-13,038

<b>Total</b>	<b>\$42,470</b>
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BCBIC: Baltimore Central Booking and Intake Center

MRDCC: Maryland Reception, Diagnostic, and Classification Center

Note: The fiscal 2014 working appropriation reflects negative deficiencies and contingent reductions. The fiscal 2015 allowance reflects back of the bill and contingent reductions. Numbers may not sum to total due to rounding.

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**Personnel**

Personnel expenses increase by \$33.0 million. This includes a \$6.0 million increase for employee overtime; however, once the \$9.0 million fiscal 2014 deficiency appropriation is accounted for, the \$37.8 million provided for overtime in fiscal 2015 is likely underfunded by at least \$3.0 million. The agency receives an additional \$18.5 million for employee increments and \$7.3 million for employee turnover. At the end of calendar 2013, DPSCS Operations had 74 vacancies beyond what is needed to meet its 3.45% budgeted turnover for fiscal 2015. Of the

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401 current vacancies, 65 positions have been vacant for more than 12 months. The majority of the vacancies are within the Central Region and the Corrections function. Correctional officer positions account for 40.4%, or 162, of the 401 vacancies; however, none of these are long-term vacancies. The long-term vacancies are primarily administrative positions.

Having more positions vacant than what is required to meet budgeted turnover provides the department with additional personnel funding beyond what is needed to fund salaries and fringe benefits for existing employees. As DPSCS is habitually underfunded with regard to employee overtime, inmate medical expenses, and other variable costs, the department often uses this additional funding to offset these deficiencies. However, this does not reflect accurate budgeting and misconstrues the department's need with respect to these underfunded areas. If additional funds are needed for overtime or other operating expenses, adequate appropriations should be provided in those areas, not provided through the use of funded vacancies. Nearly a quarter of the 65 long-term vacancies have been vacant for more than two years, meaning DPSCS has operated without a specific employee providing those functions since calendar 2011. This would suggest that these positions are not required for the department to operate efficiently. **As such, the Department of Legislative Services (DLS) recommends that the DPSCS Operations regular position complement be reduced by 30 positions and the associated funds. The abolished positions should be long-term vacancies and should not include any correctional officer or community supervision agent positions.**

As previously discussed, 4 DDMP monitor positions are abolished in fiscal 2015 in an effort to reduce DDMP operating expenditures, as special fund revenues from the DDMP fee are no longer adequate to fully fund the program's operations. The abolition of these positions results in a \$290,000 decrease. The fiscal 2015 allowance also adds \$4.2 million and 100 correctional officer positions to the agency's personnel complement. The addition of these positions is in line with fiscal 2014 budget bill language expressing legislative intent that the department be provided positions to begin to address custodial staffing deficiencies identified in an August 2010 staffing analysis submitted to the General Assembly. The language is also supported by the Special Joint Commission on Public Safety and Security in State and Local Correctional Institutions.

The 2010 staffing analysis consisted of a post-by-post review for each DPSCS facility in order to identify an accurate number of positions needed to safely and securely staff the State's correctional and detention institutions. The analysis included a comprehensive study that incorporated each facility's mission, security level, physical design characteristics, programs, inmate population, and standards. Members of the American Federation of State, County, and Municipal Employees and the National Institute of Corrections assisted in the review. The analysis identified:

- the minimal number of positions needed to safely staff the facilities and reduce the use of Special Assignment Posts (SAP), which are costly and contribute significantly to overtime spending; and
- the ideal number of positions needed in order to address all operational requirements without the need to collapse posts or excessively use SAPs funded via overtime.

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In the aggregate, DPSCS identified the need for an additional 377 regular positions statewide (364 non-supervisory and 13 supervisory) to provide the minimum standard of staffing. Of the 377 positions, 118 would be needed to staff the pretrial/detention facilities in Baltimore City. To achieve the ideal staffing standard, the department would require an additional 833 regular positions statewide (766 non-supervisory and 67 supervisory), including 175 at the Baltimore City pretrial/detention facilities.

The General Assembly's fiscal 2014 budget bill language directed the Administration to provide DPSCS with the 377 additional correctional officer positions needed to minimally staff the State correctional facilities at a rate of 100 per year, beginning in fiscal 2015. The 100 positions provided in the allowance include 61 positions for the North Region, 16 positions for the South Region, and 23 positions for the Central Region. The majority will be placed at the North Branch Correctional Institution (NBCI), BCDC, the Baltimore Central Booking and Intake Center (BCBIC), and the Eastern Correctional Institution.

The initial request for DPSCS to conduct the staffing analysis in 2010 also required the department to submit revised staffing assessments every two years. In January 2014, DPSCS submitted its most recent staffing analysis to the budget committees. Although the submission did not include any justification or discussion of the data, the analysis indicates the department needs 523 additional positions to minimally staff its facilities, based on its fiscal 2013 relief factor. This is an increase of 146 positions over the 377 additional positions identified in the original staffing assessment.

The relief factor is the multiplier used by the department to determine the number of permanent staff positions required for appropriate coverage of a post for a given year. When the department is determining its necessary security position complement, it must inflate the number beyond the number of identified posts in order to account for all of the variables that may result in the need for more than one employee to staff a post. This can include weekends; sick, annual, and administrative leave; and training. A higher relief factor because an employee is unavailable for work means more positions are required to cover those posts. The three primary drivers in an employee being unavailable for work are (1) sick leave; (2) annual leave; and (3) holidays. DPSCS experienced a 6.3% increase in sick leave usage between calendar 2011 and 2012 and was expecting a continued increase for calendar 2013. In addition, the implementation of five administrative days in lieu of employee furloughs has also impacted the overall relief factor and is a likely contributor to the increased need identified in the 2014 staffing assessment.

**DPSCS should comment on its policies for monitoring and controlling employee leave usage, in addition to discussing the results of the most recent staffing assessment.**

The fiscal 2015 allowance includes \$202,840 in general funds budgeted within DBM for DPSCS salary increases provided through the Annual Salary Review (ASR) process. The ASR provides a one-grade increase for DPSCS psychiatrist, addictions, counselor and criminal justice social worker positions. These are mid-year increased, effective January 1, 2015.

## **Inmate Expenses**

The fiscal 2015 allowance for inmate medical care is approximately \$166.2 million, an increase of nearly \$10.9 million compared to the fiscal 2014 working appropriation. A deficiency appropriation provides an additional \$11.8 million for medical care in fiscal 2014, increasing the working appropriation to \$167.1 million. Although spending in both fiscal 2014 and 2015 reflects a 5% increase over fiscal 2013 actual expenditures, the allowance is nearly \$1.0 million below the revised working appropriation. The growth is in part due to inflation increases and a higher inmate population, but is also attributed to increased pharmacy costs resulting from delays in awarding a new contract. The fiscal 2015 allowance does not allow for any additional growth, inflationary or otherwise, when compared to the most recent expenditure projections for fiscal 2014.

The allowance for inmate food supply purchases increases by \$2.8 million in fiscal 2015, providing \$24.4 million for this purpose. Similar to the situation with the medical expenses, a \$3.7 million fiscal 2014 deficiency is provided for increased food costs. This increases the fiscal 2014 working appropriation to \$25.3 million. With the deficiency, the fiscal 2015 allowance is approximately \$900,000 below the fiscal 2014 appropriation. Historically, food costs have increased by at least 8% annually.

Fuel and utility expenses increase by \$1.9 million, or 4.1%, in fiscal 2015. The \$48.2 million allowance reflects growth of \$2.2 million when compared to fiscal 2013 actual expenditures. The majority of the increase is for Maryland Environmental Service charges and electricity.

## **Facility Enhancements**

The allowance includes an increase of \$8.2 million for specific facility enhancements. This includes \$970,000 for critical facility maintenance projects, such as replacing the fire alarm system and hospital elevators at the Metropolitan Transition Center (MTC) and upgrading the perimeter security at the correctional facilities in Cumberland.

Nearly \$7.2 million is provided to implement cell phone managed access systems at the Maryland Reception, Diagnostic, and Classification Center (MRDCC) and BCBIC. A similar system was implemented in fiscal 2013 at MTC, and a \$4.2 million deficiency appropriation is provided to fund implementation at BCDC in fiscal 2014. Nearly all facilities within BCCC will be covered under a managed-access system with the funds provided in fiscal 2015.

The managed-access systems at MTC and BCDC are operated by Tecore Networks. The Intelligent Network Access Controller allows for the control of wireless devices within a specified coverage area. Users are classified into categories and either allowed to access the commercial network or prohibited access. The implemented systems block the requests of illegal devices while permitting legal devices access to commercial service. The system complies with legal and regulatory requirements and allows for 911 calls and lawful intercept of voice and text messages. The system also has the potential to be expanded to accommodate new technologies as they become available.

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Implementing managed access at MTC cost approximately \$2.0 million because it was considered a pilot to install such a system in an urban setting. BCDC and BCBIC are each estimated to cost \$4.2 million to implement. MRDCC is a slightly smaller facility and is estimated to cost \$3.0 million. Included in the cost is funding for equipment, installation, and software. According to the department, the system is very labor intensive to install, requiring digging for the installation of the cabling system that connects to antenna boxes, which are spaced every 25 to 30 feet throughout the entire facility. The urban setting, age, and antiquated layout of the facilities require additional equipment and cabling to assure that unwanted calls are prevented from being made inside the facility but do not restrict the public from making calls outside of the facility. The annual operating cost for MTC and BCDC is \$200,000 and \$260,000, respectively. DPSCS anticipates similar operating costs for BCBIC and MRDCC when those projects come online.

DPSCS has been unable to provide data to demonstrate the impact of managed access on the use of contraband and presence of cell phones in Baltimore City facilities. The department anticipates that a decrease in cell phone usage by inmates inside the prison will result in an increase in calls made through the telephone vendor. Data from the telephone vendor has not been made available.

Curbing the presence of contraband, particularly cell phones, within correctional facilities is a worthwhile goal. To the extent that managed access systems can help achieve that goal, they should be considered; however, it is worth noting that DPSCS and the Governor's five-year *Capital Improvement Program* intend to demolish and reconstruct a number of the existing facilities within the Correctional Complex.

### **Other Changes**

The aforementioned increases are most significantly offset by the \$13.0 million loss of inmate welfare funds (special funds) due to the privatization of commissary operations. Under the previous model, each facility independently operated a commissary for its inmates. This required each facility to purchase goods for resale and essentially operate a small store within the facility for the sale of goods to inmates. With the privatized contract, the vendor is responsible for providing commissary goods and delivering those goods to inmates and offenders in all DPSCS facilities. The contract also specifies that the vendor shall design, develop, and implement a new Inmate Banking System for the department to replace the existing antiquated system.

Implementation from the State-operated commissaries to the privatized commissaries was phased in over a six-month period, beginning in June 2013. At this point, all facilities have implemented privatized commissary operations, and all State-operated commissaries in DPSCS facilities have been eliminated. The contract specifies that the State receives \$0.38 per inmate per day in revenue from the vendor. All revenues from commissary operations go to the Inmate Welfare Fund, which is used to purchase goods and services that are beneficial to the general inmate population. These expenditures can include educational or recreational equipment, medical supplies, repairs to damaged property, indigent inmate welfare packages, etc. It is anticipated that commissary operations will generate \$2.7 million in fiscal 2014 and \$3.8 million in fiscal 2015.

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The shift to privatization allows for greater consistency of items offered for sale in the commissaries at various institutions, as well as consistency in pricing. Commissary revenue is expected to increase, as the private vendor can operate more efficiently due to volume discounts, automated inventory management system, etc. DPSCS is no longer required to maintain commissary inventories, and any inventory losses would now be the responsibility of the vendor. The new system also eliminates the need to manually post transactions to inmate accounts, reducing the potential for irreconcilable differences. Commissary orders are now handled on an automated basis and commissary purchases are automatically posted to the inmates' account.

Additional reductions within DPSCS Operations include:

- a \$545,000 reduction from one-time funding in fiscal 2014 to replace the fire alarm system at the Baltimore City Correctional Center;
- a \$482,000 reduction reflective of efforts to consolidate ammunition expenditures across the entire department to improve inventory control. An associated increase is reflected in the Deputy Secretary for Operations within the DPSCS Administration;
- a \$220,000 decrease for unarmed security guards at community supervision offices. Funding had been included in fiscal 2014 to expand the security presence at community supervision field offices; however, this expansion never came to fruition. As such, these funds are not required in fiscal 2015.

### **Cost Containment**

There is one across-the-board reduction and one contingent reduction reflected in the Governor's spending plan for the fiscal 2015 allowance. This affects funding for employee/retiree health insurance and retirement reinvestment. These actions are fully explained in the analyses of DBM – Personnel and SRA.

## Issues

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### 1. Correctional Facility Security Issues and Upgrades

On April 23, 2013, a federal grand jury returned an indictment charging 25 individuals, including inmates and 13 correctional officers employed by DPSCS, with conspiring to run operations of the Black Guerilla Family (BGF) gang inside BCDC and related facilities. Charges included racketeering, drug distribution, money laundering, victim and witness retaliation, bribery, and extortion. According to the indictment, correctional officers helped leaders of the BGF smuggle cell phones, drugs, and other contraband into State correctional facilities.

Since the issues at BCDC were made public, nearly \$23.3 million has been provided to improve security and staffing within the department. **Exhibit 10** outlines these improvements.

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**Exhibit 10**  
**Department of Public Safety and Correctional Services**  
**Improvement to Security and Staffing at BCDC**  
**Fiscal 2013-2015**

	<u>2013</u>	<u>2014</u>	<u>2015</u>
<b>Facilities</b>			
Upgrade Security Cameras Statewide	\$300,000	\$555,000	\$788,000
Cell Phone Managed Access Systems at Baltimore Facilities	2,000,000	4,200,000	7,200,000
X-Ray Machines/Metal Detectors Installed Statewide	600,000	0	0
Intelligence Software Purchased to Monitor Inmate Phone Calls		375,000	125,000
<b>Total Facility Improvements</b>	<b>\$2,900,000</b>	<b>\$5,130,000</b>	<b>\$8,113,000</b>
<b>Staffing</b>			
Polygraph Unit Created for Pre-employment Examinations	\$0	\$347,000	\$0
Internal Investigative Unit Operations Enhanced and Expanded	0	1,037,000	0
Employee Relations Unit Staff to Address COBR Cases	0	182,000	0
100 Correctional Officers Positions Added to Personnel Complement	0	0	4,800,000
Canine Unit Expanded to Detect Contraband	0	0	593,000
Centralized Hiring Unit Staff to Conduct Background Checks	0	0	152,000
<b>Total Staffing Enhancements</b>	<b>0</b>	<b>\$1,566,000</b>	<b>\$5,545,000</b>
<b>Total Improvements to Security and Staffing</b>	<b>\$2,900,000</b>	<b>\$6,696,000</b>	<b>\$13,658,000</b>

BCDC: Baltimore City Detention Center

COBR: Correctional Officers' Bill of Rights

Source: Department of Public Safety and Correctional Services; Governor's Fiscal 2015 Allowance

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A total of \$16.1 million has been spent on upgrading security within DPSCS facilities. Approximately \$2.9 million was provided in fiscal 2013 to upgrade the security camera system at BCDC and implement a managed access system for cell phone detection at MTC. The department also purchased 9 x-ray machines and 27 metal detectors to be implemented at various facilities across the State. Fiscal 2014 deficiency appropriations provide \$5.1 million to upgrade the security camera and video recording system at BCBIC, expand managed access to BCDC, and purchase key word recognition software to assist with intelligence gathering and allow for the efficient monitoring of inmate phone calls. In the fiscal 2015 allowance, the department receives \$8.1 million to fund ongoing maintenance for the intelligence software purchased in fiscal 2014, upgrade security cameras at NBCI and Jessup Correctional Institution, and implement managed access systems at BCBIC and MRDCC.

With regard to staffing, the department receives \$1.6 million in fiscal 2014 deficiency appropriations to fund the reclassification of existing vacancies to provide additional staff to address an anticipated increase in workload from the Correctional Officers' Bill of Rights, create a Polygraph Unit to conduct pre-employment polygraph examinations on custodial employees, and enhance staffing and expand the role for the Internal Investigative Unit. In fiscal 2015, the department receives 109 new positions and \$5.5 million in associated funding to improve security within the facilities. This includes the provision of 100 correctional officers to begin to address significant staffing deficiencies in all of the department's facilities, 7 detector dog handlers and six dogs to expand the detection of contraband, and 2 positions within the Centralized Hiring Unit to provide more comprehensive background checks for correctional applicants.

**The department should discuss the ways that the identified resources have improved the security of the staff and offenders within the facilities, as well as those in the surrounding communities.**

## **2. Community Supervision Caseload Study**

Identifying appropriate caseload for parole and probation agents has been an area of ongoing concern. DPSCS has indicated that 30 to 40 cases per agent is appropriate for specialized cases, such as sex offenders or Violence Prevention Initiative participants, but establishing ideal caseloads for general supervision cases requires completion of a time study. Language added to the fiscal 2014 budget bill restricted funds until DPSCS completed a time study through an outside contractor and submitted the results of the time study to the General Assembly, along with providing appropriate caseload standards for a general caseload. The report is to be submitted by June 15, 2014.

DPSCS sent a letter to the budget committees requesting release of the withheld appropriation (\$200,000) for fiscal 2014, despite not having complied with the restrictive language. According to the letter, DPSCS anticipated awarding a contract for the study by December 2013 and estimated the researcher would require a full year to complete the study and issue a final report. As such, the department does not anticipate that results would be available by the June 2014 deadline.



To date, DPSCS has yet to procure a contract for conducting the time study. A request for proposals was issued in December 2013, but the department did not receive any responses. DPSCS has indicated that it is currently investigating the potential for entering into a memorandum of understanding with the Schaefer Center for Public Policy at the University of Baltimore to complete the study. Since a researcher has yet to be enlisted, the department cannot anticipate when the results of the study will be available.

**DLS recommends that the fiscal 2014 withheld appropriation be released to the department and additional language be added in fiscal 2015 to restrict funds pending the receipt of time study results.**

### **3. Central Region Finance Office Repeat Audit Findings**

During the 2014 session, the Joint Audit Committee (JAC) requested that budget bill language be added for each unit of State government that has four or more repeat audit findings in its most recent fiscal compliance audit. Each identified agency had a portion of its administrative budget withheld pending confirmation from the Office of Legislative Audits (OLA) that each finding was corrected. DPSCS had \$200,000 of its fiscal 2014 appropriation for the General Administration unit within the South Region withheld because of four repeat audit findings included in the August 2012 audit of the Central Region Finance Office (CRFO).

CRFO is responsible for processing all fiscal transactions, such as those relating to cash receipts, disbursements, payroll, and inmate funds, and maintaining the related accounting records. CRFO was established by DPSCS through a consolidation completed in May 2010 of the fiscal operations of the Baltimore Region, Jessup Region, Pre-release System, Patuxent Institution, and the Women's Facilities as a way to improve fiscal oversight and record keeping. The August 2012 OLA audit included a review to determine the status of the 22 findings in the preceding audit report for each of the five consolidated regions. OLA determined that 18 of the 22 findings had been satisfactorily addressed. The remaining 4 findings were consolidated, for discussion purposes, into 2 findings in the CRFO audit. The repeat findings were as follows:

- CRFO had not fully reconciled its inmate fund records with the corresponding records maintained by the Comptroller of Maryland; and
- equipment records were not adequately maintained, and certain individuals had unnecessary access to adjust the records.

To date, DPSCS has not corrected any of the repeat findings and is at risk of losing the \$200,000 in restricted funding. In January 2014, the department submitted a letter to JAC requesting that the withheld appropriation be released for two reasons: (1) DPSCS argues that the restrictive language was inappropriately applied to the department because the August 2012 audit report consolidated the four repeat findings into two, and (2) DPSCS is unable to satisfactorily resolve the outstanding issues with the inmate funds records before the end of the fiscal year.

In its letter to JAC, DPSCS also submitted a Corrective Action Plan, which identifies August 31, 2014, (fiscal 2015) as the anticipated compliance date for resolving the issues; however, the problems regarding the reconciliation of inmate funds are substantial, and the August 2014 deadline could be optimistic. At issue is CRFO's inability to fully reconcile the aggregate balance of inmate accounts recoded in the Maryland Offender Banking System (MOBS) with the corresponding records of the Comptroller of Maryland. This means that the amount of funds on deposit with the Comptroller may not be sufficient to cover the aggregate balance of inmate accounts in MOBS. Within the Baltimore Region, this issue has been a repeat finding for nearly a decade. The audit report identifies the irreconcilable difference as \$309,000; however, DPSCS has been unable to consistently confirm this amount. To effectively resolve the issue, DPSCS needs to develop a proper system for reconciling its records. The department has indicated that this involves hiring additional staff for CRFO and development of a new inmate banking system. Implementing a replacement for MOBS is a requirement in the contract with the new commissary vendor and will be completed at no cost to the State. DPSCS will also need to work with the Comptroller and DBM to resolve the outstanding difference, once the proper amount has been consistently verified, by way of a write-off or deficiency appropriation.

**DPSCS should discuss what steps have been taken to resolve the repeat findings, particularly addressing the status of filling CRFO vacancies, the timeline for development of a new inmate banking system, and communication with the Comptroller and DBM to resolve the outstanding difference in MOBS. The department should comment on when it will have the difference between the two records accurately identified and whether the August 31, 2014 deadline for resolution of the outstanding items is realistic.**

**DLS recommends that the funds restricted in fiscal 2014 not be released to DPSCS at this time, as OLA has not yet determined whether the repeat findings have been adequately addressed. DLS also recommends that funds be restricted in fiscal 2015 pending resolution of the items listed in the approved plan.**

#### **4. Non-emergency Involuntary Medication for Inmates**

According to the Bureau of Justice Statistics, approximately 50% of the incarcerated population has mental health issues. DPSCS estimates that approximately 1,100 inmates within the State correctional system have a serious mental illness, which may or may not require separation from the general inmate population. At the request of the General Assembly, DPSCS conducted a study of the use of non-emergency involuntary medication on inmates in DPSCS custody.

##### **Current Law**

With the exception of a life-threatening crisis, DPSCS lacks the statutory authority to administer psychotropic medications over an inmate's objection. Under Maryland code, legal guardians may not authorize psychiatric medications, and there is no alternative route through administrative or court proceedings. In order to administer a psychotropic medication to an inmate over his/her objection, the inmate must be transferred to a State psychiatric hospital where a clinical

review panel determines whether to administer medication over objection. According to DPSCS, a successful transfer to a State psychiatric hospital is not only costly but is also impractical because admissions are often prioritized for individuals in the community and even if the transfer is successful, involuntary treatment must be discontinued once the inmate is returned to DPSCS.

Maryland's statutory treatment of this issue is in contrast to 41 states that provide the authority to treat inmates involuntarily through either judicial or non-judicial processes. Non-judicial procedures involve an institutional review panel of the inmate's need for involuntary treatment, with critical due process steps included in the notification, hearing, representation, and appeal process. Correctional systems in at least 20 states and the Federal Bureau of Prisons use an administrative hearing process, sanctioned by the Supreme Court. Judicial proceedings, allowed in at least 15 states, include court decisions approving petitions by designated treatment providers or the appointment of legal guardians with authority to consent to treatment. At least 6 additional states have procedures to provide non-emergency involuntary treatment to inmates, but the policies are not readily available.

### **Safety Concerns and the Impact of Current Law**

DPSCS has developed a comprehensive continuum of mental health services to ensure that inmates with serious mental illness receive appropriate services. These services range from outpatient levels of care for offenders in the general population, to Special Needs Unit environments to provide residential services within a correctional facility, to Inpatient Mental Health Units for treating the most acute needs. Services provided by DPSCS are consistent with community standards, with the exception that there is no ability to provide non-emergency involuntary treatment when it is needed.

DPSCS indicated that the number of inmates and detainees who would benefit from medication over objection fluctuates with inmate acuity, but typically ranges between 10 and 20 inmates. Although there is only a small subset of inmates who would directly benefit from involuntary medication, their untreated mental illness has profound negative effects on the inmates themselves, their peers, and the staff charged with their safekeeping and treatment. Inmate quality of life, functioning level, mental status, and medical conditions all deteriorate. Among these inmates, medication noncompliance has been linked to suicide attempts, severe self-mutilation, head-banging, and assaults on staff and peers. Bizarre symptoms, unpredictable behavior, and incoherent communication are also frequent occurrences. DPSCS estimates the fiscal impact to be significant, as well; the department notes that two inmates incurred over \$450,000 in medical expenses as a result of self-injurious behaviors and managing this population often results in the frequent use of employee overtime.

### **Potential Solutions**

Legislation was introduced in the 2011 session (House Bill 654) to authorize the use of clinical review panels for the provision of medication over objection for inmates. Similarly, in January 2014, the Continuity of Care Advisory Panel, convened by the Department of Health and Mental Hygiene (DHMH) for the purpose of exploring ways to enhance continuity of care for individuals with serious mental illness, released its final report, which included consideration of this

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issue. Using the information provided in the DPSCS report to the General Assembly, the Advisory Panel recommended that DHMH work in conjunction with DPSCS to implement a pilot program for extending clinical review panel decisions rendered by DHMH to individuals within the custody of DPSCS. This recommendation would allow for the continuation of medication over objection upon return to a DPSCS facility for those inmates who had received treatment in a State psychiatric hospital. It does not address the population of inmates who are not eligible for admission to state psychiatric hospitals.

**DPSCS should provide recommendations for addressing the issue of non-emergency involuntary medication and discuss whether the department has considered introducing legislation on the topic.**

## ***Recommended Actions***

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1. Add the following language:

Provided that 30 regular positions and at least \$2,000,000 in associated general funds shall be deleted from within the General Administration, Corrections, Community Supervision, and Detention programs within the North, South, and Central Regions of the Department of Public Safety and Correctional Services (DPSCS). The department should use its discretion in selecting the specific positions to abolish; however, it is the intent of the General Assembly that the abolished positions should be long-term vacancies and should not include correctional officer or community supervision agent positions.

Further provided that DPSCS shall submit a report to the budget committees specifying the Position Identification Numbers, salary and fringe benefit expenses, and budget codes for the abolished positions. The report shall be submitted to the budget committees no later than July 15, 2014.

**Explanation:** The Operations function within DPSCS has 74 vacancies beyond what is needed to meet fiscal 2015 budgeted turnover; 65 of the vacancies have been vacant for more than 12 months, and 15 of the positions have been vacant for longer than two years. This action abolishes 30 positions and reduces the associated general funds by \$2 million. The language allows DPSCS to select the specific positions to be abolished but expresses legislative intent that the abolished positions should not be filled and should not include correctional officers or community supervision agents. The action also requires the department to submit a report to the legislature identifying the specific positions once they are abolished.

<b>Information Request</b>	<b>Author</b>	<b>Due Date</b>
DPSCS – Operations Abolished Positions	DPSCS	July 15, 2014

2. Add the following language to the general fund appropriation:

, provided that since the Central Region Finance Office has had four or more repeat findings in the most recent fiscal compliance audit issued by the Office of Legislative Audits (OLA), \$300,000 of this agency's administrative appropriation may not be expended unless:

- (1) the Central Region Finance Office has taken corrective action with respect to all repeat audit findings on or before November 1, 2014; and

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- (2) a report is submitted to the budget committees by OLA listing each repeat audit finding along with a determination that each repeat finding was corrected. The budget committees shall have 45 days to review and comment to allow for funds to be released prior to the end of fiscal 2015.

**Explanation:** Language was added in fiscal 2014 to restrict funds pending the resolution of repeat audit findings within the Central Region Finance Office. The Department of Public Safety and Correctional Services has indicated that the repeat findings will not be resolved until August 31, 2014, at the earliest. This action reiterates the fiscal 2014 language and restricts funds until the Office of Legislative Audits confirms that the repeat findings have been resolved.

Information Request	Author	Due Date
Central Region Finance Office Resolution of Repeat Findings	OLA	Not later than May 15, 2015

3. Add the following language to the general fund appropriation:

, provided that \$200,000 of this appropriation made for the purpose of community supervision may not be expended until the Department of Public Safety and Correctional Services Operations submits a report to the budget committees on the results from a time study to determine an appropriate general caseload standard for parole and probation agents. The report shall be submitted by May 15, 2015, and the budget committees shall have 45 days to review and comment. Funds restricted pending the receipt of a report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted to the budget committees.

**Explanation:** Funds had been restricted in fiscal 2014 pending the receipt of results from a time study of community supervision agent caseloads. The results are necessary to determine an appropriate caseload standard for general supervision cases. The Department of Public Safety and Correctional Services (DPSCS) encountered delays in procuring a researcher to conduct the study and is unable to provide results in fiscal 2014. This action reiterates the restrictive language until the time study results are submitted in fiscal 2015.

Information Request	Author	Due Date
Time study of community supervision agent caseloads	DPSCS	May 15, 2015

## ***Updates***

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### **1. Evaluation of Programming Needs and Resources**

Fiscal 2014 budget bill language required the department to evaluate treatment programming needs and resources for the State correctional population. Information was provided on the use of mental health and substance abuse treatment. According to the department, each type of treatment includes an integration of social work, psychology, psychiatric, and medical services.

#### **Mental Health Services**

Assessment and treatment for mental health issues begins at intake. Beginning in March 2012, DPSCS began working with DHMH to develop the DataLink Project. DataLink is a medical record sharing initiative which enables the electronic matching of arrest records for persons arrested in Baltimore City with individuals served by local mental health service providers. This eliminates the errors/unreliability that results when mental health providers must rely on self-reported information only, and ensure continuity of care. Currently this link is only provided in Baltimore City, but the department is evaluating the potential for expanding to other jurisdictions across the state. To date, 49% of Baltimore City arrests match with a community mental health provider.

DPSCS offers 4 different types of treatment beds for inmates requiring mental health services. These services include providing acute treatment for individuals who require 24-hour 7-day a week treatment, a step down unit to help transition back to the general population, a special needs unit for offenders in the general population who need outpatient treatment, and a transition unit to assist offenders as they reenter into the community. The department estimates that approximately 1,100 inmates within the State correctional system have a serious mental illness, which may or may not require separation from the general inmate population. There are 424 beds across the department dedicated to assisting these individuals.

DPSCS also provides a variety of cognitive group therapies and social work programs through approximately 4,000 group therapy slots annually. Inmates are placed in group therapy programs based on their individual risk assessment results. Group therapy programs include both structured and non-structured curriculums and average 10 to 25 participants per session. Specific group therapy programs focus on stress management, basic cognitive restructuring, and improving self-esteem. A variety of noncognitive group programs are also offered. These programs include support groups for inmates with HIV, confined to a wheelchair, need assistance establishing healthy relationships with children, have been diagnosed with a chronic illness, or have received life sentences.

#### **Substance Abuse Services**

DPSCS provides seven different substance abuse treatment programs, or therapeutic communities, for offenders within the State's correctional facilities. This provides a total of 3,282 treatment slots. These specialized housing units maintain a strict schedule with 12 hours of

programming daily. Aftercare for the individual is also provided upon successful completion of the program. An additional 24 treatment slots are provided for offenders in need of substance abuse treatment while under supervision in the community. The community supervision slots are funded through a Community Options Program grant.

DPSCS estimates that 2,792 inmates were admitted into a therapeutic community between June and October 2013. Data from a recent StateStat report shows that in any given month since fiscal 2012, the department has maintained a utilization rate higher than 90%; however, the overall utilization has declined in recent months due to issues with staff availability and vendor issues. DPSCS is working to resolve the staffing issues and has replaced the previous vendor at the Maryland Correctional Institution for Women (MCI-W).

Overall, the ability of the department to provide treatment services to the offender population is limited by the available resources. To improve access to and continuity of treatment, DPSCS has partnered with other State agencies, implemented new technology, and offers a variety of treatment programs.

## **2. Use of Restraints on Pregnant Inmates**

In response to a 2012 *Joint Chairmen's Report* request, DPSCS conducted an evaluation of its policy for using restraints on pregnant detainees and inmates. The current policy was established in April 2012 and requires that pregnant women in DPSCS custody should only be restrained when absolutely necessary to protect the pregnant individual from self-harm, harming others, or to prevent escape. When restraining a pregnant offender, the restraint must be the least restrictive form. This is typically a wheelchair with one handcuff or, in the event a wheelchair is unavailable, special handcuffs with at least a 10 inch chain connecting each cuff.

Between January 1 and November 30, 2013, the department restrained two pregnant inmates at the MCI-W. Restraints were used based on security concerns expressed by the medical institution or emergency transport team providing services to the offenders. The use of restraint did not exceed 30 minutes in either case, and both instances were documented in accordance with departmental policy.

During the same time period, there were 30 detainees at the Women's Detention Center in Baltimore City who were restrained a total of 43 times. All instances were documented in accordance with departmental policy. Eleven of the trips were for medical appointments and 32 were for court transfers. The use of restraint typically did not exceed 30 minutes. A higher number of detainees are likely to be restrained because there is greater population turnover, resulting in an increase in the total number of expectant women in the population. Also, less is known about the security risk of a detainee versus a sentenced offender whose security risk level has been thoroughly assessed and evaluated for a longer period of time.



## ***Audit Findings***

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Audit Period for Last Audit:	December 14, 2009 – March 14, 2012
Issue Date:	December 2012
Number of Findings:	2
Number of Repeat Findings:	1
% of Repeat Findings:	50%
Rating: (if applicable)	N/A

### **Community Supervision (formerly Division of Parole and Probation)**

**Finding 1:** Did not adequately reconcile its cash balance of fines, costs, fees, and restitution funds collected and disbursed with the corresponding balance on the State's accounting records.

**Finding 2:** Did not ensure that it received all deliverables required by its agreement with a local health department for substance abuse treatment services, and the agreement did not specify the basis for payment by the division.

\*Bold denotes item repeated in full or part from preceding audit report.

**Object/Fund Difference Report  
DPSCS – Operations**

<u>Object/Fund</u>	<u>FY 13 Actual</u>	<u>FY 14 Working Appropriation</u>	<u>FY 15 Allowance</u>	<u>FY 14 - FY 15 Amount Change</u>	<u>Percent Change</u>
<b>Positions</b>					
01 Regular	9,507.10	9,477.10	9,573.10	96.00	1.0%
02 Contractual	159.11	196.35	196.35	0.00	0%
<b>Total Positions</b>	<b>9,666.21</b>	<b>9,673.45</b>	<b>9,769.45</b>	<b>96.00</b>	<b>1.0%</b>
<b>Objects</b>					
01 Salaries and Wages	\$ 690,544,873	\$ 724,233,582	\$ 750,038,096	\$ 25,804,514	3.6%
02 Technical and Spec. Fees	4,898,807	4,717,158	4,888,731	171,573	3.6%
03 Communication	2,617,356	2,702,179	2,502,595	-199,584	-7.4%
04 Travel	245,058	291,628	265,050	-26,578	-9.1%
06 Fuel and Utilities	45,977,613	46,314,834	48,227,087	1,912,253	4.1%
07 Motor Vehicles	2,822,667	2,776,600	2,622,715	-153,885	-5.5%
08 Contractual Services	188,305,476	185,281,362	199,469,334	14,187,972	7.7%
09 Supplies and Materials	40,247,847	39,551,502	41,516,864	1,965,362	5.0%
10 Equipment – Replacement	1,505,972	221,257	277,453	56,196	25.4%
11 Equipment – Additional	3,746,281	22,050	4,175,677	4,153,627	18837.3%
12 Grants, Subsidies, and Contributions	19,476,694	21,135,855	8,244,663	-12,891,192	-61.0%
13 Fixed Charges	4,908,682	5,006,991	5,167,135	160,144	3.2%
14 Land and Structures	1,268,695	545,800	1,010,800	465,000	85.2%
<b>Total Objects</b>	<b>\$ 1,006,566,021</b>	<b>\$ 1,032,800,798</b>	<b>\$ 1,068,406,200</b>	<b>\$ 35,605,402</b>	<b>3.4%</b>
<b>Funds</b>					
01 General Fund	\$ 947,773,471	\$ 975,881,706	\$ 1,025,634,865	\$ 49,753,159	5.1%
03 Special Fund	29,280,439	28,854,896	14,086,038	-14,768,858	-51.2%
05 Federal Fund	24,628,299	24,126,408	25,133,644	1,007,236	4.2%
09 Reimbursable Fund	4,883,812	3,937,788	3,551,653	-386,135	-9.8%
<b>Total Funds</b>	<b>\$ 1,006,566,021</b>	<b>\$ 1,032,800,798</b>	<b>\$ 1,068,406,200</b>	<b>\$ 35,605,402</b>	<b>3.4%</b>

Note: The fiscal 2014 appropriation does not include deficiencies. The fiscal 2015 allowance does not include contingent reductions.

**Fiscal Summary  
DPSCS – Operations**

<u>Program/Unit</u>	<u>FY 13 Actual</u>	<u>FY 14 Wrk Approp</u>	<u>FY 15 Allowance</u>	<u>Change</u>	<u>FY 14 - FY 15 % Change</u>
01 General Administration	\$ 3,229,624	\$ 3,342,046	\$ 3,832,323	\$ 490,277	14.7%
02 Corrections - North Region Operations	348,019,060	351,429,006	362,202,577	10,773,571	3.1%
03 Community Supervision - North Region Operations	19,074,214	19,759,604	20,368,219	608,615	3.1%
01 General Administration	5,732,291	6,455,118	6,718,981	263,863	4.1%
02 Corrections - South Region Operations	297,455,102	300,579,746	308,442,939	7,863,193	2.6%
03 Community Supervision - South Region Operations	24,185,776	25,948,396	27,163,340	1,214,944	4.7%
01 General Administration	3,903,451	4,391,008	4,345,652	-45,356	-1.0%
02 Corrections - Central Region Operations	108,643,182	113,791,715	116,808,163	3,016,448	2.7%
03 Community Supervision - Central Region Operations	41,167,484	43,490,896	45,005,478	1,514,582	3.5%
04 Detention - Central Region Operations	155,155,837	163,613,263	173,518,528	9,905,265	6.1%
<b>Total Expenditures</b>	<b>\$ 1,006,566,021</b>	<b>\$ 1,032,800,798</b>	<b>\$ 1,068,406,200</b>	<b>\$ 35,605,402</b>	<b>3.4%</b>
General Fund	\$ 947,773,471	\$ 975,881,706	\$ 1,025,634,865	\$ 49,753,159	5.1%
Special Fund	29,280,439	28,854,896	14,086,038	-14,768,858	-51.2%
Federal Fund	24,628,299	24,126,408	25,133,644	1,007,236	4.2%
<b>Total Appropriations</b>	<b>\$ 1,001,682,209</b>	<b>\$ 1,028,863,010</b>	<b>\$ 1,064,854,547</b>	<b>\$ 35,991,537</b>	<b>3.5%</b>
Reimbursable Fund	\$ 4,883,812	\$ 3,937,788	\$ 3,551,653	-\$ 386,135	-9.8%
<b>Total Funds</b>	<b>\$ 1,006,566,021</b>	<b>\$ 1,032,800,798</b>	<b>\$ 1,068,406,200</b>	<b>\$ 35,605,402</b>	<b>3.4%</b>

Note: The fiscal 2014 appropriation does not include deficiencies. The fiscal 2015 allowance does not include contingent reductions.

0000 - DPSCS - Operations

Appendix 3