

Q00B
Division of Correction
Department of Public Safety and Correctional Services

Operating Budget Data

(\$ in Thousands)

	<u>FY 17</u> <u>Actual</u>	<u>FY 18</u> <u>Working</u>	<u>FY 19</u> <u>Allowance</u>	<u>FY 18-19</u> <u>Change</u>	<u>% Change</u> <u>Prior Year</u>
General Fund	\$696,020	\$690,662	\$707,043	\$16,382	2.4%
Adjustments	0	-10,833	3,120	13,954	
Adjusted General Fund	\$696,020	\$679,828	\$710,164	\$30,335	4.5%
Special Fund	57,634	61,514	61,454	-60	-0.1%
Adjustments	0	-270	127	396	
Adjusted Special Fund	\$57,634	\$61,244	\$61,581	\$337	0.5%
Federal Fund	1,452	1,240	1,455	215	17.3%
Adjustments	0	-109	9	118	
Adjusted Federal Fund	\$1,452	\$1,131	\$1,464	\$333	29.5%
Reimbursable Fund	2,415	2,625	2,596	-30	-1.1%
Adjustments	0	0	15	15	
Adjusted Reimbursable Fund	\$2,415	\$2,625	\$2,610	-\$15	-0.6%
Adjusted Grand Total	\$757,521	\$744,829	\$775,820	\$30,991	4.2%

Note: FY 18 Working includes targeted reversions, deficiencies, and across-the-board reductions. FY 19 Allowance includes contingent reductions and cost-of-living adjustments.

- The Division of Correction (DOC) has a single general fund deficiency appropriation for fiscal 2018, which withdraws \$650,000 for fuel and utilities savings. In addition, there is a \$10.5 million across-the-board reduction for health insurance (\$10.2 million in general funds, \$270,000 in special funds, and \$108,000 in federal funds).
- DOC also has a single adjustment in fiscal 2019, a cost-of-living adjustment (COLA) of \$3.3 million (\$3.1 million in general funds, \$127,000 in special funds, \$9,484 in federal funds, and \$14,747 in reimbursable funds).

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

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Q00B – DPSCS – Division of Correction

- Overall, the division's fiscal 2019 allowance increases by \$31 million, or 4.2%. On a percentage basis, this is the largest funding increase among the Department of Public Safety and Correctional Services' (DPSCS) 10 subdivisions except for the Patuxent Institution, which saw a 5.2% increase in its budget. Minus the adjustments for health insurance and the COLA, the DOC allowance increases by just 2%.
- Together, special funds, federal funds, and reimbursable funds grow by \$665,000 with 79% of this growth attributable to the health insurance reduction and the COLA.

Personnel Data

	<u>FY 17</u>	<u>FY 18</u>	<u>FY 19</u>	<u>FY 18-19</u>
	<u>Actual</u>	<u>Working</u>	<u>Allowance</u>	<u>Change</u>
Regular Positions	5,834.00	5,576.00	5,576.00	0.00
Contractual FTEs	<u>46.76</u>	<u>52.12</u>	<u>44.52</u>	<u>-7.60</u>
Total Personnel	5,880.76	5,628.12	5,620.52	-7.60

Vacancy Data: Regular Positions

Turnover and Necessary Vacancies, Excluding New Positions	591.75	10.62%
Positions and Percentage Vacant as of 12/31/17	938.00	16.82%

- There are no changes in the allowance for regular positions in fiscal 2019. A decrease of 7.6 contractual full-time equivalents is reflected in the budget.
- As of December 2017, DOC had 938 vacant positions, for an overall vacancy rate of 16.82%, 150% of what is needed to meet budgeted turnover. In total, approximately 57% of the vacancies have existed for more than 12 months, a 16% increase over the previous fiscal year.
- The fiscal 2019 allowance includes language in the budget bill to abolish 100 vacant positions and use the general fund savings for overtime costs.

Analysis in Brief

Major Trends

Inmate Population Statistics: In terms of population, intakes, and commitments, the State correctional system continues to see declines. For the first time since the 1990s, the number of incarcerated individuals is under 20,000. Over 8,800 offenders entered State prisons and nearly 9,300 were released. Overall, the prison population declined by 391 inmates. **DPSCS should comment on the effect that Justice Reinvestment Act (JRA) provisions may have on the department's annual intake and release totals.**

Inmate Characteristics: Overall, the average age of the prison population continues to increase. For the last 20 years, the 30 and younger age group has been, and continues to represent, the majority of prison inmates. However, the percent of inmates age 41 and older has increased from 18% in 1997 to 36% in 2017. In addition, an older prison population requires more health care and other age-related services. **DPSCS should comment on the age of its offender population and the potential impact on costs, operations, and service delivery, particularly for health care.**

Facility Security: While inmate assaults in correctional facilities increased by 55% in fiscal 2016, assault rates across correctional facilities declined by 3% in fiscal 2017 and are expected to fall further in fiscal 2018. Total assaults are still over the department's Managing for Results goal of maintaining an assault rate that is below fiscal 2013 levels. **DPSCS should comment on the reason for the elevated assault levels, despite nominal decreases in fiscal 2017.**

Maryland Correctional Enterprises: Total sales for the Maryland Correctional Enterprises (MCE) declined 3.7% in fiscal 2017, to \$59.1 million. The number of inmates employed by MCE remained steady, with only a 1% decrease. However, net operating income decreased 50%. **DPSCS should comment on the substantial decline in MCE revenues and its ability to maintain current revenue levels.**

Issues

Division of Correction Transfers and Staffing: The large number of correctional officer (CO) vacancies and related issues, including required overtime for officers, has had a negative effect on recruiting and officer retention. Recently, the department has partially closed several facilities, allowing administrators to transfer COs to other prisons with staffing issues. This issue reviews CO and inmate transfers, locations, staffing issues, overtime, CO separations, and the cumulative effect on operations. **DPSCS should report on various transfer, staffing, and overtime issues by January 2, 2019.**

Prison Education Funding: In fiscal 2017, the General Assembly enacted legislation calling for better education of inmates in State prisons in order to reduce recidivism and improve public safety. Chapter 687 of 2017 allows fiscal 2019 funding to be derived from savings accrued as the State prison

population declines, and directs those funds toward educational programs for inmates. This issue examines the department's educational programs for prisoners, effect on recidivism rates, and potential for additional JRA-related funding. **DPSCS should report on inmate educational programs in its facilities and the potential for additional funding due to JRA-related reforms by December 1, 2018.**

Inmate Substance Abuse Treatment: Pursuant to Chapter 515 of 2016, the JRA, if offenders request drug treatment and the court approves, the State is required to place them in a treatment program immediately. While this may ease the burden on State prisons, if treatment is requested and denied, the department must offer similar, medically appropriate treatment to substance abusers when they are incarcerated. This issue reviews drug treatment programs in State prisons, their effectiveness, and the capacity of State prisons to offer these services as required. **DPSCS should report on inmate substance abuse programs and data by December 1, 2018.**

Operating Budget Recommended Actions

1. Add language restricting Department of Public Safety and Correctional Services personnel spending to that purpose only.
2. Adopt narrative requesting a report on the Division of Correction transfer and staffing issues.
3. Adopt committee narrative requesting a report on educational programs and the potential for added funding related to the Justice Reinvestment Act.
4. Adopt committee narrative requesting a report on inmate substance abuse programs and data.

Updates

Staffing Data and Vacancy Reduction Plan: Fiscal 2018 budget bill language restricted funds pending receipt of staffing data and a plan to address the department's ongoing staffing difficulties. This update reviews the staffing plan, recommendations, and the progress made toward reducing vacancies and improving hiring.

Polygraph Testing and Improvements in Hiring: The budget committees requested that the department review its use of polygraph testing in the correctional officer hiring process, and its strategies to improve hiring in State correctional facilities. This update reviews both reports and evaluates the recommendations regarding polygraph testing and correctional officer hiring.

Downsizing the Maryland Correctional Institution in Hagerstown: Due to reductions in the inmate population, the department was able to partially close the Maryland Correctional Institution in Hagerstown. The budget committees requested a report regarding the closure along with data on where staff and inmates were relocated. This update reviews the report and evaluates the closure's impact on the department's budget and operations.

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Services for Female Offenders: The budget committees requested that the department submit a report on the pre-release, medical, transportation, and family services offered to female offenders at the Maryland Correctional Institution for Women. This update reviews the report and services offered by the department for female inmates.

Maryland Correctional Enterprises Revolving Loan Fund: For fiscal 2017, the budget committees directed MCE to submit audited financial statements for the revolving loan fund. This update discusses the new data as well as the new end-of-year balance for fiscal 2017.

Q00B – DPSCS – Division of Correction

Q00B
Division of Correction
Department of Public Safety and Correctional Services

Operating Budget Analysis

Program Description

The Division of Correction (DOC) supervises the operation of State correctional institutions in accordance with applicable State and federal law. The division provides public safety and victim services through information sharing and the supervision of offenders located in places of safe, secure, and humane confinement. DOC also includes the Maryland Correctional Enterprises (MCE), which provides work and job training for incarcerated inmates through the production of goods and the provision of services used by local, State, and federal agencies, in addition to a variety of nonprofit organizations.

Performance Analysis: Managing for Results

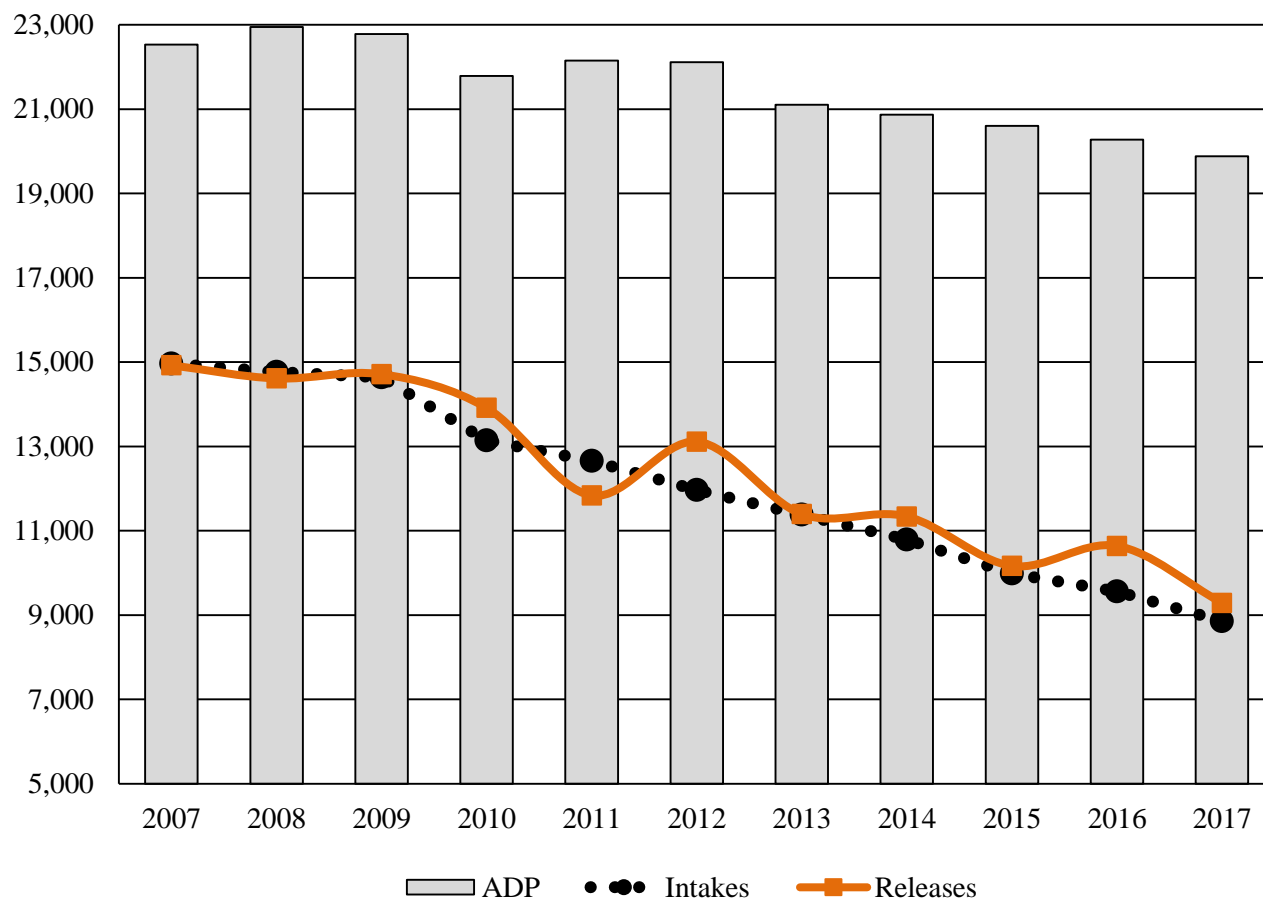
1. Inmate Population Statistics

When the number of offenders released annually exceeds the number of offenders brought into the Department of Public Safety and Correctional Services (DPSCS) system, the prison population will decline or at least slow its rate of growth; when intakes exceed releases, the prison population will rise. Overall, DPSCS experienced the following trends in fiscal 2017:

- In total, over 8,800 offenders entered State prisons and nearly 9,300 were released.
- Overall, the prison population declined by 391 inmates.
- The inmate average daily population (ADP) is now under 20,000 for the first time since the 1990s.

Exhibit 1 shows the number of offender intakes and releases from DPSCS between fiscal 2007 and 2017 and the impact on the incarcerated population. Continuing the trend of lower inmate populations across its facilities, the total number of DPSCS intakes continues to decline and remains below 10,000 offenders for the second year in a row. Similarly, total releases have also declined and are now under the 10,000 mark for the first time in at least 15 years. In addition, the number of releases declined nearly 13% in fiscal 2017.

Exhibit 1
Facility Average Daily Population
Fiscal 2007-2017



ADP: average daily population

Note: Intakes and releases include all Department of Public Safety and Correctional Services facilities.

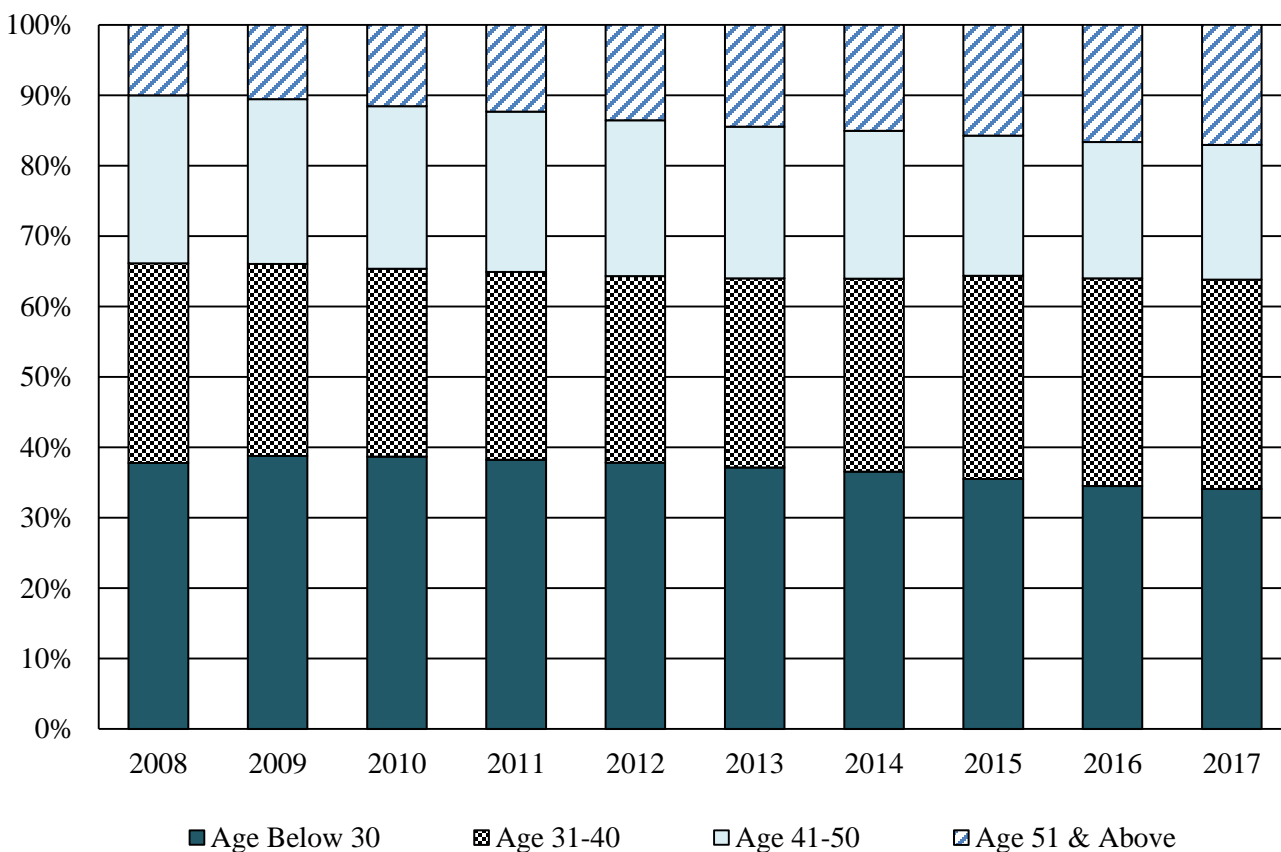
Source: Department of Public Safety and Correctional Services

Overall, both intakes and releases have declined by approximately 40% since fiscal 2007, which is attributable to lower crime rates and lower total arrests and commitments. In addition, the lower ADP has enabled the department to close or downsize several facilities, including the Maryland Correctional Institution in Hagerstown (MCI-H) and the Poplar Hill Pre-Release Unit (PHPRU) in fiscal 2017. **As the inmate population continues to decline, DPSCS should comment on the effect that the new Justice Reinvestment Act (JRA) provisions may have on the department's intake and release totals.**

2. Inmate Characteristics

In Maryland, the average age of the prison population continues to increase. **Exhibit 2** shows inmate population grouped by age. In July 2017, the average inmate age was 37.7 years. For the last 20 years, the 30 and younger age group has been, and continues to represent, the majority of prison inmates. However, in recent years, the under 30 age group has decreased as a percentage of the total, from 45% to 34%. Meanwhile, the 51 and older cohort has more than quadrupled, from 3.6% to 17%. Overall, the number of inmates age 41 and older has doubled, from 18% in 1997 to 36% in 2017. **DPSCS should comment on the age of its offender population and its potential impact on operations, service delivery, and costs – particularly for health care.**

Exhibit 2
Inmate Age
Fiscal 2008-2017



Source: Department of Public Safety and Correctional Services

3. Facility Security

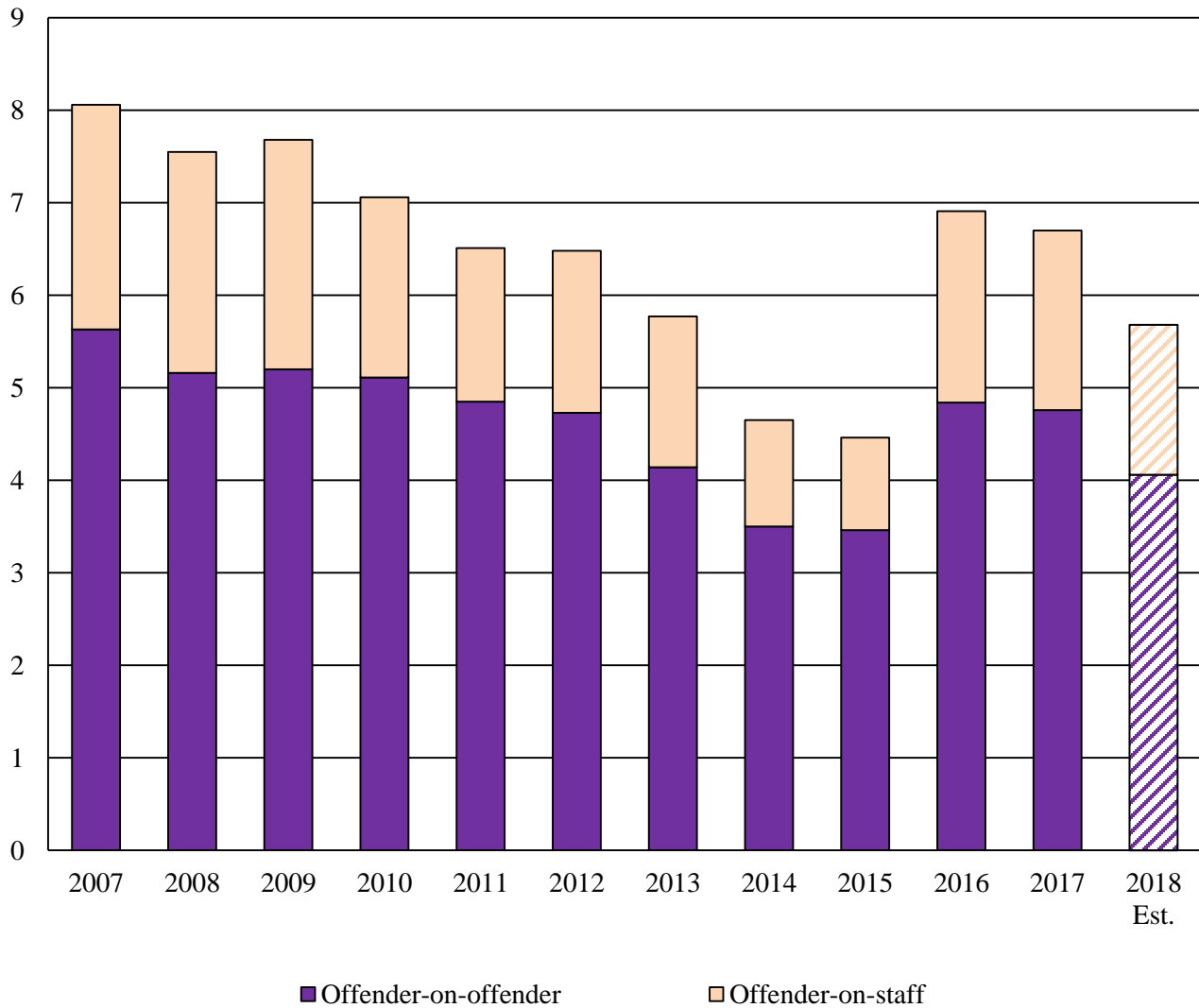
Maintaining secure facilities is of the utmost importance in fulfilling the department's mission to provide public safety. Achievement of this goal includes limiting instances of assault on both staff and offenders, avoiding offender homicides and suicides, and prohibiting the ability of an inmate to escape or walk off from a place of confinement.

DOC reports the rate of assaults on offenders and staff per 100 ADP in order to measure the department's ability to maintain safe institutions. The goal is to have offender-on-offender and offender-on-staff assault rates at or below fiscal 2013 levels, which are 4.14 and 1.63 assaults per 100 ADP, respectively. **Exhibit 3** shows that in fiscal 2016, overall offender assaults in correctional facilities increased for the first time since fiscal 2012; however, assaults have declined slightly in fiscal 2017, by 3%. Additional security-related points of interest from fiscal 2017 include the following:

- Offender-on-offender assault rate: 4.76 per 100 ADP, down 1.7%.
- Offender-on-staff assault rate: 1.94 per 100 ADP, down 6.3%.
- Offender homicides increased to 5, the highest number since fiscal 2013.
- Correctional Facility Walk-offs increased from 4 to 11.
- As stated in the Overview analysis, cell phone contraband recoveries increased tenfold.

DPSCS should comment on elevated assault levels, despite nominal decreases in fiscal 2017. In addition, the department should comment on why walk-offs and offender homicides increased and where they occurred. Given the recent corruption indictments and the fact that the U.S. Attorney's Office stated that cell phones were central to illegal contraband smuggling efforts, the department should comment on the increase in cell phone finds and whether intensified Cellsense deployment could deter future contraband smuggling.

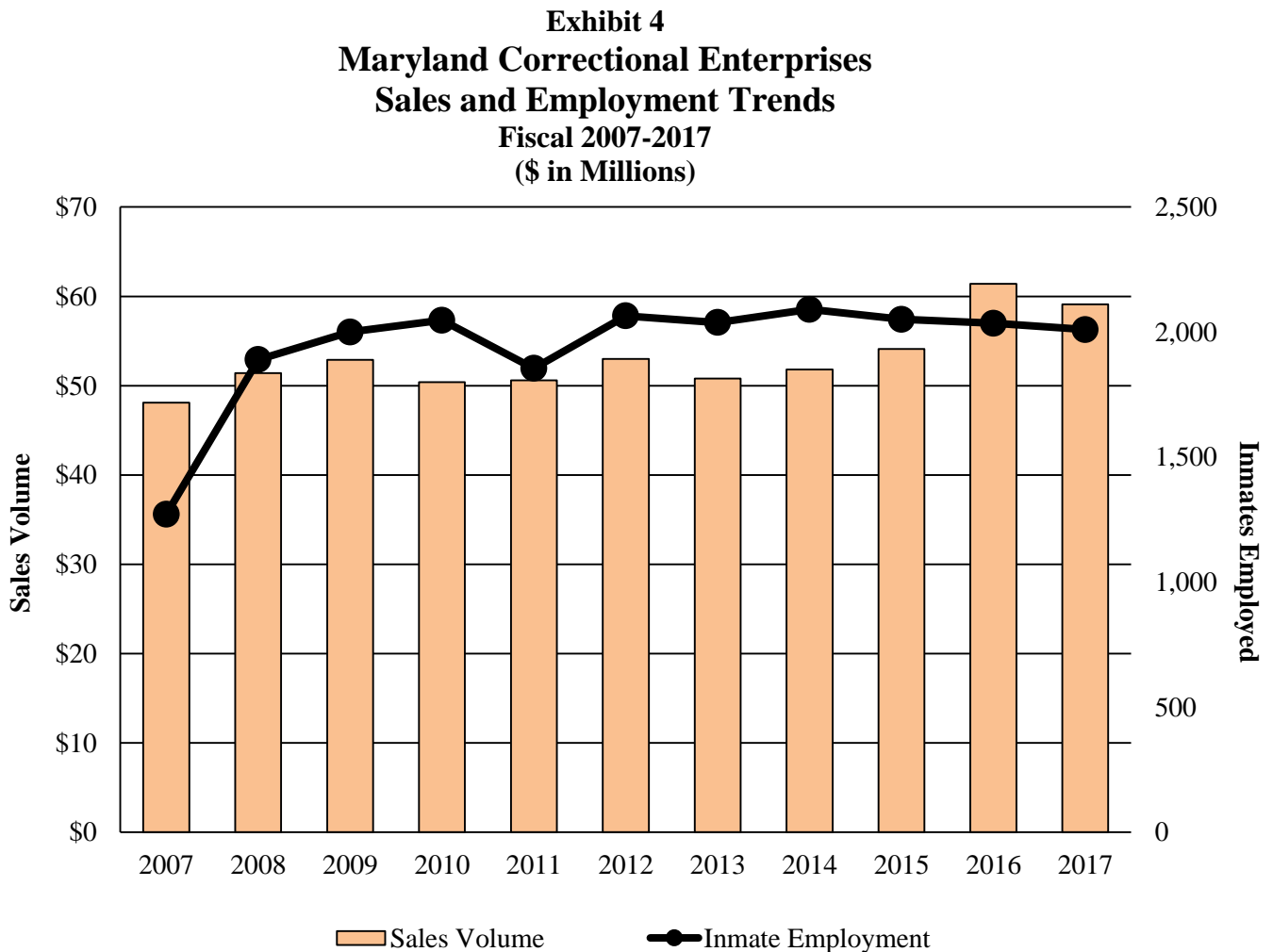
Exhibit 3
Offender Assaults
Rate Per 100 Average Daily Population
Fiscal 2007-2018 Est.



Source: Governor's Budget Books, Fiscal 2007-2019

4. Maryland Correctional Enterprises

MCE is the self-sustaining prison industry arm of the department. **Exhibit 4** depicts MCE sales and employment trends during the past 10 fiscal years. Overall, inmate employment has remained above the MCE goal of at least 2,000 employed offenders – MCE employed a total of 2,010 offenders in fiscal 2017. While total MCE sales grew dramatically in fiscal 2016 to more than \$61 million, they were due primarily to a one-time contract with the State Board of Elections and additional sales from increased DPSCS food service responsibilities in the Baltimore region. In fiscal 2017, sales were \$59 million – lower than the previous fiscal year, but still above the running 8-year average of \$54 million. While net operating income has been halved, from \$3.2 million to \$1.6 million, this represents a return to a more average level, as net operating income in fiscal 2014 and 2015 averaged \$1.2 million.



Source: Managing for Results, Fiscal 2019

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MCE maintains financial goals of (1) achieving a 3% increase in net operating income every fiscal year; and (2) generating annual sales of at least \$50 million. **Exhibit 5** shows that since fiscal 2010, MCE met its sales goal every year, but met its profit goal in just two of the past eight fiscal years. In fiscal 2017, adjusted net operating income declined by 4.2%, but this was due to the fact that MCE transferred \$2.5 million to the General Fund, the largest transfer since fiscal 2010.

Exhibit 5
Maryland Correctional Enterprises
Annual Sales and Net Profit
Fiscal 2010-2017
(\$ in Millions)

	<u>2010</u>	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>
Annual Sales	\$50.4	\$50.5	\$53.0	\$50.8	\$51.8	\$54.0	\$61.4	\$59.1
% Change from Previous Year	-4.7%	0.2%	4.9%	-4.2%	1.9%	4.3%	13.7%	-3.7%
Net Operating Income	0.9%	2.7%	4.2%	-1.2%	2.2%	2.3%	5.3%	-50.0%
Adjusted Net Operating Income (After Transfers)	-2.4%	2.0%	2.6%	-2.2%	-1.3%	0.0%	5.3%	-4.2%

Source: Maryland Correctional Enterprises, *Fiscal 2017 Annual Report*

DPSCS should comment on its ability to maintain current MCE revenue levels.

The National Correctional Industries Association ranked Maryland seventh nationwide in inmate employment and eighth in sales for fiscal 2017. Maryland has been ranked in the top 10 for sales and employment for over a decade now in both categories. The MCI-H Upholstery Shop and Meat Plant led all MCE units in sales, with nearly \$18 million in sales (30% of all sales). Additional information on MCE is discussed in the Budget section of this analysis.

Fiscal 2018 Actions

Proposed Deficiency

The fiscal 2019 allowance includes one general fund deficiency appropriation withdrawing \$1.9 million for DPSCS which adjusts for fuel and utilities savings for fiscal 2018. The DOC share of this deficiency is \$650,000.

Cost Containment

The Board of Public Works actions in September 2017 reduced the department's fiscal 2018 general fund appropriation by approximately \$8.4 million. This amount was related to salary savings due to the department's high vacancy rate. The DOC share of this total is \$4,233,200.

Across-the-board Employee and Retiree Health Insurance Reduction

The budget bill includes an across-the-board reduction for employee and retiree health insurance in fiscal 2018 to reflect a surplus balance in the fund. This agency's share of this reduction is \$10,183,460 in general funds, \$269,633 in special funds, and \$108,945 in federal funds.

Proposed Budget

As shown in **Exhibit 6**, the Governor's fiscal 2019 allowance for DOC increases by \$31 million, or 4.2%. This increase takes into account the previously mentioned fiscal 2018 deficiency appropriation and across-the-board reduction for employee and retiree health insurance, as well as the fiscal 2019 cost-of-living adjustment (COLA), all of which are discussed further in this section.

Exhibit 6
Proposed Budget
DPSCS – Division of Correction
(\$ in Thousands)

How Much It Grows:	<u>General</u> <u>Fund</u>	<u>Special</u> <u>Fund</u>	<u>Federal</u> <u>Fund</u>	<u>Reimb.</u> <u>Fund</u>	<u>Total</u>
Fiscal 2017 Actual	\$696,020	\$57,634	\$1,452	\$2,415	\$757,521
Fiscal 2018 Working Appropriation	679,828	61,244	1,131	2,625	744,829
Fiscal 2019 Allowance	<u>710,164</u>	<u>61,581</u>	<u>1,464</u>	<u>2,610</u>	<u>775,820</u>
Fiscal 2018-2019 Amount Change	\$30,335	\$337	\$333	-\$15	\$30,991
Fiscal 2018-2019 Percent Change	4.5%	0.5%	29.5%	-0.6%	4.2%

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Where It Goes:

Personnel Expenses

Employee overtime	\$17,647
Employee health insurance	5,766
Correctional officer employee referral and bonus program	4,327
General salary increase	3,271
Workers' compensation premium assessment	987
Accrued leave payout.....	60
Employee retirement system	-170
Turnover adjustments (includes restoration of BPW cost containment measure)	-17,566
Other fringe benefit adjustments.....	-38

Maryland Correctional Enterprises

Equipment purchases	377
Production equipment	-240
Inmate wages	-301
New Maryland Correctional Enterprises warehouse/showroom.....	-500

Inmate Variable Costs

Inmate medical care	16,510
Food purchases.....	-583

Facility Security and Maintenance

Supplies.....	1,207
Building/road repairs and maintenance.....	813
Sanitation	97
Equipment repairs and maintenance	-365
Fuel and utility expenses.....	-829

Other

Contractual turnover adjustment	256
Rent	125
Employee and inmate uniforms	103
Contractual services	54
Education and training contracts.....	-16

Total	\$30,991
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BPW: Board of Public Works

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

General Salary Increase

The fiscal 2019 allowance includes funds for a 2% general salary increase for all State employees, effective January 1, 2019. These funds are budgeted in the Department of Budget and Management's statewide program and will be distributed to agencies during the fiscal year. The DOC share of the general salary increase is \$3,120,315 in general funds, \$126,730 in special funds, \$9,484 in federal funds, and \$14,747 in reimbursable funds. In addition, employees will receive another 0.5% increase and a \$500 bonus effective April 1, 2019, if actual fiscal 2018 general fund revenues exceed the December 2017 estimate by \$75 million. These funds have not been budgeted. The Administration will need to process a deficiency appropriation if revenues are \$75 million more than projected.

Personnel

Personnel expenses increase by approximately \$14.3 million when adjusted for the fiscal 2018 across-the-board health insurance deduction holiday and the fiscal 2019 COLA. A decrease of \$17.6 million raises the budgeted turnover rate from 4.2% to 10.6%. The reduction is offset by increases of \$17.6 million for overtime expenses (part of a total increase of \$23 million for fiscal 2019), \$5.8 million for the health insurance reduction, \$4.3 million for the correctional officer (CO) employee bonus program, \$3.3 million for the COLA, and \$987,000 in workers' compensation.

Vacant Positions and Spending

Overall, DPSCS has had high vacancy rates, particularly among COs. While the high vacancy rates have led to substantial increases in overtime spending, the department also has a high level of salary savings due to unfilled positions. In fiscal 2017, the department used these salary savings (approximately \$25.4 million) to cover shortfalls in other areas of its budget that included the following:

- \$8.6 million for critical maintenance and repair projects;
- \$8.2 million for equipment replacement;
- \$4.7 million for security equipment (including Cellsense contraband detectors);
- \$316,000 for vehicle replacements;
- \$303,000 for supplies and materials; and
- additional amounts for Division of Parole and Probation security vests and employee uniforms.

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Utilizing vacancy savings in this manner has allowed DPSCS to avoid some lease financing agreements and gives the department added flexibility for certain expenditures. However, spending these funds in this manner, without requesting deficiency appropriations, does not provide the same level of transparency to the budget committees regarding these transactions.

The fiscal 2019 allowance provides \$86.4 million for overtime costs. It is estimated, based on current vacancies, that DPSCS could have \$46.5 million in additional salary savings. If the department spent \$100 million on overtime, it would still have \$32.9 million in excess salary savings. These are funds that DPSCS should either use to improve its hiring or should revert to the General Fund. The overall DPSCS allowance also includes \$6.9 million for a one-time CO employee bonus program to address over 1,000 CO vacancies. As a point of comparison, the cost of moving all COs up one pay step is approximately \$9.1 million, including fringe benefits – just \$2.2 million more than the budgeted bonus program.

The Department of Legislative Services (DLS) recommends the addition of budget language restricting fiscal 2019 personnel funds to be spent for that purpose only. This does not preclude overtime spending, nor will it affect CO-related bonus and compensation programs. It will, however, ensure that necessary spending has budget committee oversight.

MCE

Funding for MCE, the self-sustaining prison industry arm of DPSCS, is funded entirely with special fund sales revenue. The main spending increase is for equipment purchases (\$377,000), with decreases in the allowance of \$240,000 for production equipment, \$301,000 for inmate wages, and a \$500,000 reduction for the renovation of the former Department of General Services warehouse on Brock Bridge Road, which is now almost complete. The facility will feature an MCE showroom and office space. Upgrades will be completed in fiscal 2018; no funding is required in fiscal 2019. The \$301,000 decrease in inmate wages is due to a realignment to match fiscal 2017 expenditures, which reflect a decreased population.

Inmate Variable Costs

Overall, as inmate populations decrease, DOC has a \$583,000 reduction in food purchases for fiscal 2019. There is a \$16.5 million increase in funding for the inmate medical contract that will, in part, go to increased mental health costs. The contract is for a six-year period starting in November 2017 through December 2023 with a total value of \$156 million, or approximately \$26 million annually. In comparison, the prior contract averaged \$14.8 million annually. The increase includes costs related to contractual staff and services required to address the Duvall consent decree and JRA-related medical and mental health treatment issues. Additional services funded include activity therapists for Cumberland, Maryland Correctional Institution for Women (MCI-W) (an inpatient mental health unit) and special needs units at the Roxbury Correctional Institute (RCI) and the North Branch Correctional Institution. Inmate pharmacy and dental costs are budgeted in line with fiscal 2017 spending.

Facility Security and Maintenance

Increases in the fiscal 2019 allowance provide \$1.2 million in funding for supplies, \$813,000 for various DOC facility projects, and \$97,000 for sanitation, which are offset by a decrease of \$1.2 million for equipment repairs and fuel/utility expenses. Details for various DOC facility upgrades include the following:

- Brockbridge Correctional Facility (BCF) – \$145,000 for restroom renovations;
- Eastern Correctional Institution (ECI) – \$150,000 for Central Warehouse freezer for problems with condensation;
- Jessup Correctional Institution (JCI) – \$50,000 for building electrical and mechanical upgrades;
- Maryland Correctional Institution – Jessup (MCI-J) – \$225,000 for a housing unit valve replacement;
- MCI-W – \$184,000 to replace boilers in A and B buildings;
- Maryland Correctional Training Center (MCTC) – \$90,000 for an emergency generator;
- RCI – \$162,000 to replace gate and regulating valves;
- Southern Maryland Pre-Release Unit – \$87,000 for metal exterior doorframe replacements; and
- Western Correctional Institution (WCI) – \$39,000 for a domestic hot water boiler replacement.

Issues

1. Division of Correction Transfers and Staffing

With the dramatic declines in arrests, offenders committed to custody, and overall offender populations, DPSCS has been able to close, or partially close, a number of facilities. These include the Men's and Women's Detention Centers (July 2015), the Jail Industries building in Baltimore (August 2017), MCI-H (Maryland's oldest prison; downsized in January 2017), and PHPRU (July 2017). Along with these closures, the department was able to transfer inmates to other facilities with more space, and move COs to other prisons to alleviate staffing issues.

In association with the MCI-H downsizing, the fiscal 2018 budget was reduced by 400 vacant positions and \$16.9 million. **Exhibit 7** lists the CO transfers from MCI-H, the prison where they were relocated, and the consequent effect on vacancy rates. Overall, each facility had a 5 to 6 percentage point reduction in vacant positions.

Exhibit 7 Maryland Correctional Institute in Hagerstown CO Transfers Calendar 2016-2017

Destination	<u>Total COs</u>	<u>Previous Vacancy Rate</u>	<u>New Vacancy Rate</u>
North Branch Correctional Institution	8	13%	8%
Western Correctional Institution	8	13%	7%
Roxbury Correctional Institution	16	13%	8%
Maryland Correctional Training Center	17	13%	8%
Total	49		

CO: correctional officer

Source: Department of Public Safety and Correctional Services

Poplar Hill Closure

PHPRU was closed in July 2017 and will remain so for the foreseeable future. The closure of PHPRU allowed the department to transfer 39 correctional staff to ECI, including: 28 COs, 4 supervisors, 4 correctional dietary officers, and 3 case managers. Additionally, 170 inmates were transferred from PHPRU to the ECI Annex (ECI-A). DOC states that inmates who had pre-release work assignments (including DOC farm duties or Maryland Department of Transportation highway

maintenance) were able to maintain those responsibilities, with no negative impact on the public services they provided.

Detainee Transfers

In addition to these transfers, the Division of Pretrial Detention (DPD) moved detainees out of the Baltimore detention complex's Jail Industries building to facilities under DOC control, including JCI. While the CO transfers helped alleviate vacancy rates at select facilities, the fact remains that Baltimore City jail closures have added to the population of offenders managed in the State's prison facilities. **Exhibit 8** shows the number of detainees held in State prisons. **DOC should comment on detainee populations at State facilities and efforts to keep detainees, particularly at JCI and MCI-W, separate from State prisoners and whether these efforts require any additional staff and/or costs, particularly for detainee transportation back to Baltimore City courts.**

Exhibit 8 Detainees Transferred to DOC Prisons Fiscal 2018

<u>Facility</u>	<u>DPD Detainees</u>
Brockbridge Correctional Facility	1
Central Home Detention Unit	2
Central Maryland Correctional Facility	2
Dorsey Run Correctional Facility	1
Jessup Correctional Institution B-Building	318
Maryland Correctional Institution – Jessup	4
Maryland Correctional Institution for Women	21
Maryland Correctional Institution in Hagerstown	2
Maryland Correctional Training Center	2
North Branch Correctional Facility	9
Roxbury Correctional Institution	5
Western Correctional Institution	6
Total	373

DOC: Division of Correction

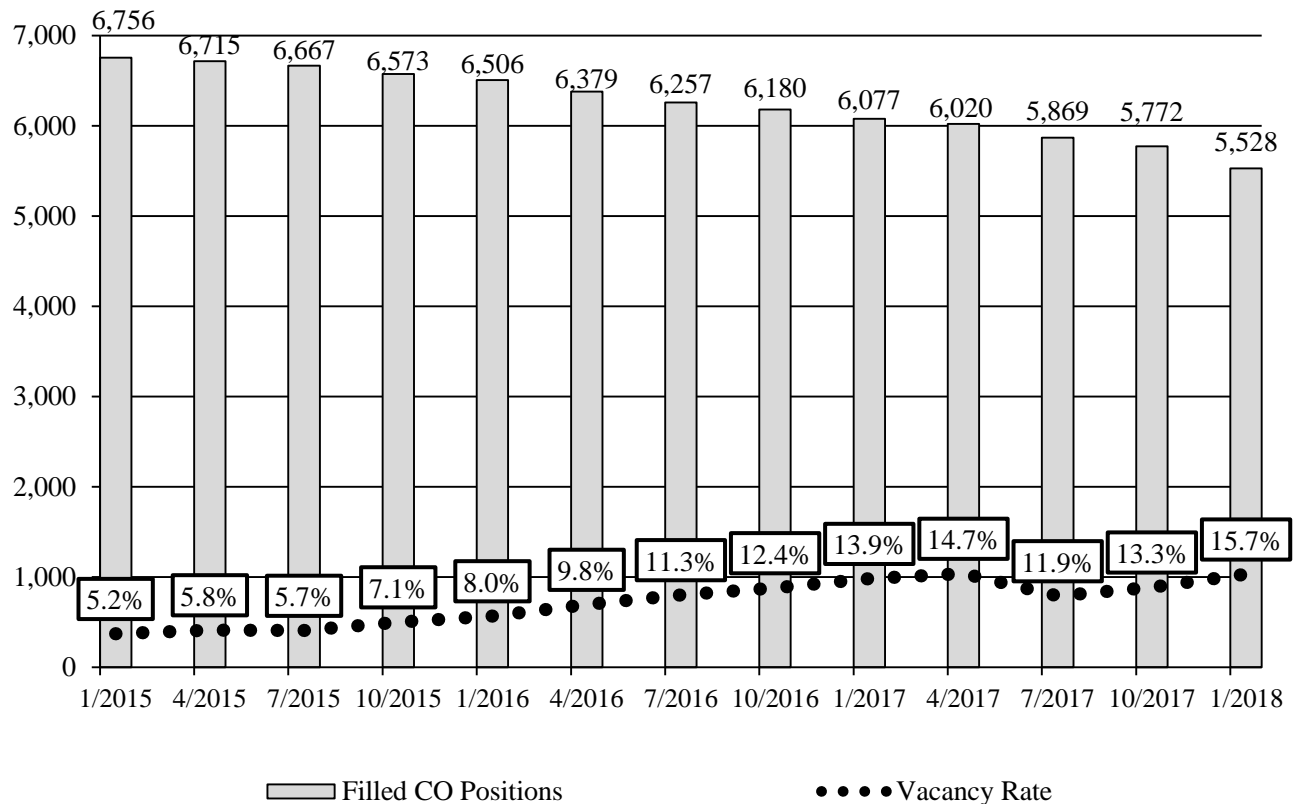
DPD: Division of Pretrial Detention

Source: Department of Public Safety and Correctional Services

Correctional Officer Vacancies

Because 400 positions were abolished due to the partial closing of MCI-H, the CO vacancy rate decreased in July 2017 for the first time in five years, from 14.7% to 11.9%. However, this was a misleading decrease, as eliminating vacancies to lower the vacancy rate does not reflect an improved ability to staff DOC facilities. Since then, a decrease of 241 filled positions has moved total CO vacancies to approximately the same level they were before the 400 positions were abolished. There are now 1,030 CO vacancies across the department. As a result, despite efforts to close facilities and take advantage of the space that lower prison populations have generated, DOC must continue to pay additional overtime costs to COs due to high vacancy rates. In addition, assaults on both staff and inmates have climbed because facilities are undermanned and COs are working longer hours. In fiscal 2019, DPSCS has \$86.5 million for overtime expenses; however, actual overtime spending is expected to reach \$91 million. **Exhibit 9** shows vacancy rates for DPSCS COs from January 2015 through January 2018.

Exhibit 9
Correctional Officer Vacancies
January 2015 to 2018



CO: correctional officer

Source: Department of Public Safety and Correctional Services

Vacancy Factors and the 2018 DOC Staffing Report

DOC has submitted the required fiscal 2018 *Report on Reducing Vacancies and Improving Hiring* to the budget committees. In the report, the agency detailed efforts to address vacancies and also presented data regarding CO separations, overtime hours, and overtime costs.

Separations

The average number of employees leaving DPSCS within two years of being hired was 108 per year from fiscal 2015 to 2017, with approximately 40% of this population leaving within the first six months. More than 35% of COs who left DPSCS in fiscal 2015 had worked for the department for two years or less. However, that trend has decreased; in fiscal 2017, approximately 17% of COs left DPSCS within two years or less.

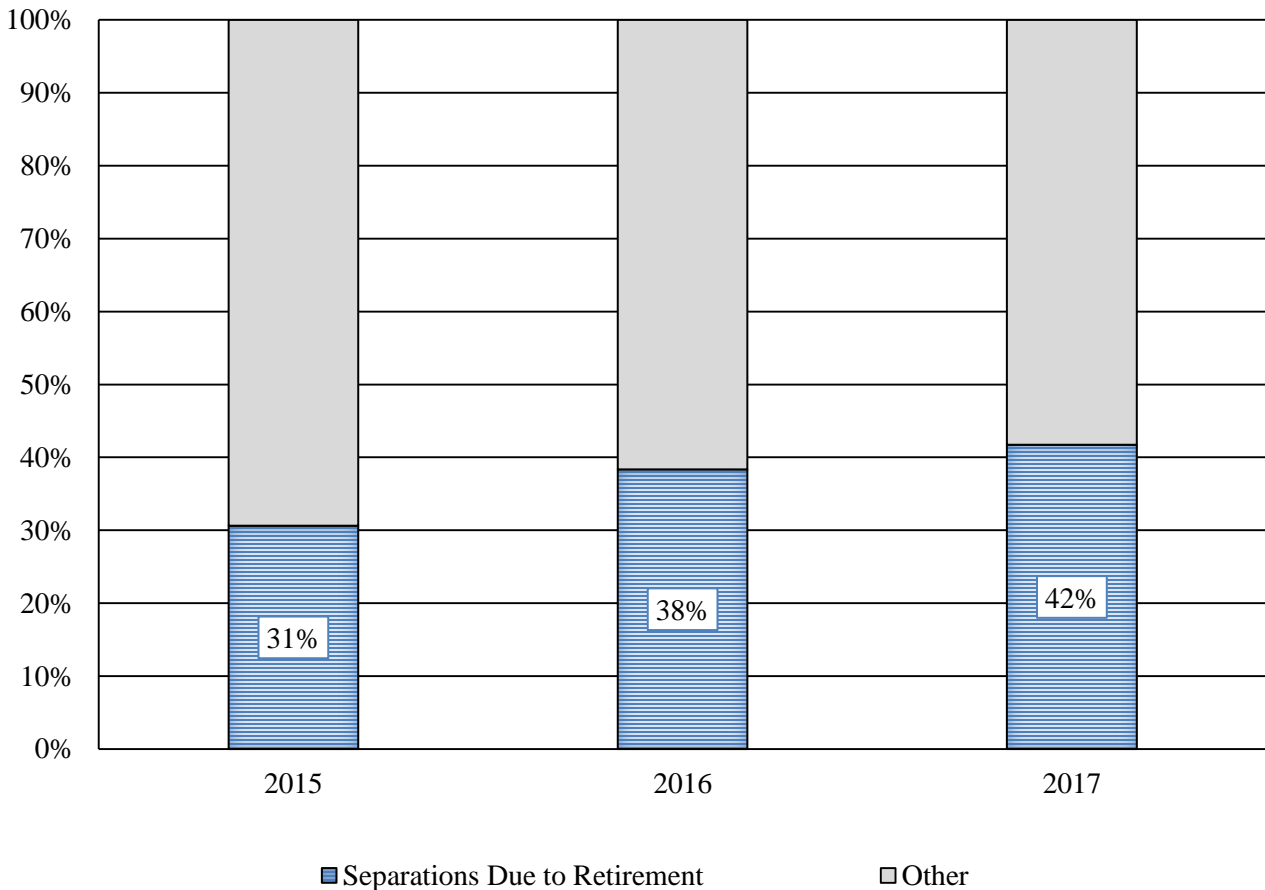
The most common reasons that employees left DPSCS were due to voluntary resignations and retirement. From fiscal 2015 to 2016, the number of voluntary CO resignations increased by 47%, but have decreased slightly in fiscal 2017, by 3%. Similarly, the number of retirees grew 67% from fiscal 2015 to 2016, with an 11% increase from fiscal 2016 to 2017. Overall, the grand total of all employee separations since fiscal 2015 to 2017 is 642, 785, and 815, respectively, a 27% increase over a three-year period. In addition, Chapter 690 of 2017 expands membership in the CO retirement system and, in some cases, allows for earlier retirement. **Exhibit 10** shows the growth of retirement as a reason for CO separations from fiscal 2015 to 2017. **DPSCS should comment on how the CO rule modifications regarding retirement have affected CO separations.**

Overtime

While the report asked for the amount of mandatory overtime hours worked in order to better understand employee workloads, the department indicated that the Workday personnel system does not allow it to parse out which hours are nonvoluntary. In lieu of this information, DPSCS provided the number of COs who earned nonvoluntary overtime pay at each of its facilities for the first six pay periods of fiscal 2018. Between July and October 2017, the number of COs who worked mandatory overtime trended downward from 1,169 to 518. This means that approximately 20% of the active CO workforce had required overtime duties in July, versus 9% in October 2017.

Overtime utilization can vary significantly from one pay period to the next for a variety of reasons, meaning that the submitted data does not provide a significant amount of insight. However, looking at the data by facility does reveal that four State prisons had a large percentage of its COs working mandatory overtime during the reported period, including the Central Maryland Correctional Facility (CMCF) (85%), Southern Maryland Pre-Release Unit (60%), ECI (32%), and WCI (16%). It is not clear, however, if these mandatory overtime amounts are drafted overtime. The department notes that all overtime is technically mandatory as there is a requirement to cover posts. However, drafted overtime, which occurs when there are not enough volunteers to cover mandated posts, is information that is needed. Again, the current personnel system does not break out which hours are technically drafted overtime hours. Additional evaluation of this data at the facility level, including a comparison of similar data from prior years, is warranted.

Exhibit 10
Retirement as a Reason for CO Separations
Fiscal 2015-2017



CO: correctional officer

Source: Department of Public Safety and Correctional Services

Overtime by Region

In its submitted report, DPSCS did not provide a distribution of overtime earnings among individual correctional employees but did submit the total hours worked and dollars earned by facility. During the last three fiscal years, total overtime hours worked and total overtime payouts have grown significantly. Since fiscal 2015, overtime hours increased from 1.6 million hours to 2.2 million hours; an increase of over 37%. This translates to \$54 million in overtime paid in fiscal 2015, growing to over \$80 million in fiscal 2017.

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From fiscal 2015 to 2017, the following average results were noted.

- **Eastern Maryland:** The eastern region of the State accounts for the most overtime hours worked (789,608) and generates more overtime costs than any other region (\$28.2 million).
- **Central Maryland:** Baltimore City detention facilities account for 637,276 overtime hours and \$22.9 million in costs.
- **Western Maryland:** Facilities in the western half of the State account for 441,893 overtime hours and \$15.6 million in costs.

Exhibit 11 has information about overtime by region. DOC COs account for most of the growth in overtime hours; in the Central Region, DPD COs, who work in Baltimore City detention facilities, had their overtime hours grow by only 0.5%.

Exhibit 11
Regional Overtime Data
Fiscal 2015-2017

<u>Region</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>Overtime Cost Growth</u>	<u>Overtime Hours Growth</u>
Eastern	\$20,322,342	\$27,004,862	\$37,492,631	84.5%	105.6%
Central	21,217,873	24,134,770	23,417,681	10.4%	0.5%
Western	12,467,457	15,360,500	19,106,142	53.2%	43.6%
Total	\$54,007,672	\$66,500,132	\$80,016,454		

Source: Department of Public Safety and Correctional Services

Overall, overtime costs are high and trending upward at JCI, ECI, and the Patuxent Institution, three of the State's largest facilities in terms of inmate population. Costs are trending down at the Baltimore Pre-trial Complex because the facilities within it were downsized and the inmates eventually transferred out. **Exhibit 12** shows the top five facilities with the highest overtime costs.

Exhibit 12
State Facilities with the Highest Overtime Costs
Fiscal 2015-2017

<u>Facility</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>Average</u>
Jessup Correctional Institution	\$5,523,389	\$6,920,345	\$9,679,665	\$7,374,466
Baltimore City Booking and Intake	6,624,763	6,511,738	8,146,018	7,094,173
Baltimore Pretrial Complex	8,666,724	8,374,133	4,092,852	7,044,570
Eastern Correctional Institution	4,667,690	5,220,436	7,339,910	5,742,679
Patuxent Institution	3,963,115	4,320,231	5,780,519	4,687,955

Source: Department of Public Safety and Correctional Services

Potential Solutions

Overall, the department is addressing these issues with a wide variety of new initiatives. DOC is working to address these issues by recruiting more staff, addressing employee compensation concerns, and taking additional steps, including the following:

- establishment of a dedicated recruiting unit, run by professional recruiters;
- partnerships with various State National Guard units and the U.S. Department of Veterans Affairs;
- relaxation of hiring standards, including a lower pass threshold for the applicant test and reducing the waiting period for applicants who did not pass the first time;
- establishment of a civilian cadet program – 52 cadets, all under the age of 21, will enter the department in nonsupervisory roles and can transition to COs in three years;
- financial incentives – a finders’ fee of \$500 for current employees who refer a successful CO candidate, and a \$5,000 bonus for all new CO hires (including cadets) who successfully complete a one-year probation period;
- increased advertising and marketing; and
- the number of positions required to staff facilities can fluctuate based on the number of employees who call out sick, take leave, or are absent for other reasons. When employees are

unavailable for work, this means that more positions are required to cover their posts. The department reports that changes are being made to sick leave rules that may result in fewer work absences and reduce the number of extra staff needed to cover posts.

Future Issues

As stated in the DPSCS Overview analysis, the coming years could potentially alleviate some of the gap between filled and unfilled CO positions. Maryland's incarcerated population has continued to decrease, and the JRA provisions will likely add to the decline. While significant decreases in the population may eventually allow the department to continue closing facilities, the strategic realignment of staff at facilities with the highest vacancy rates could be helpful, along with efforts to address retirements and other separations. The agency should also present comprehensive overtime data to determine areas of need. **DLS recommends that DPSCS submit a report providing data pertaining to DOC transfers and staffing that includes the following information:**

- **given the success of the MCI-H redistribution of inmates in lowering vacancy rates at select facilities, the options for strategic realignment of COs and/or inmates to other departmental facilities;**
- **the current number of detainees at State facilities, their security classification, whether they are housed with inmates from different security classifications, and the additional costs to house and transport them;**
- **information on DOC efforts to address retirements and early separations of new CO employees;**
- **specific data on overtime that includes the total number of COs at each facility who were required to work overtime each month for the most recent 12-month trailing period (and the number of drafted hours worked);**
- **the number of CO cadets hired and their locations and the number of COs who successfully qualified for the new bonus program; and**
- **additional efficiencies including new sick leave definitions and the impact on staff levels.**

2. Prison Education Funding

In fiscal 2017, the General Assembly enacted legislation calling for better education of inmates in State prisons in order to reduce recidivism and improve public safety. Chapter 687 of 2017, *Higher Education – Adult Correctional Institutions – Job Training and Education*, allows funds (as per the JRA) to be derived from savings accrued as the State prison population declines and directs those funds toward educational programs for inmates.

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As of fiscal 2010, the Department of Labor, Licensing, and Regulation (DLLR), in conjunction with DPSCS and regional correctional departments, became responsible for developing and monitoring the educational programs within the State's correctional facilities. Overall, inmates have the lowest academic attainment rate of any segment of the national population; in Maryland, the average inmate reading level is between grade 5 and grade 8. In addition, less than half of State inmates have a high school diploma when they enter prison. According to State law, a prison education is mandatory for all inmates without a high school diploma/GED and who have at least 18 months remaining on their sentences.

Programs and Initiatives

Along with DLLR's Correctional Education Council (CEC), DOC offers a variety of programs and initiatives for inmate education. In total, CEC has 229 positions for offender instruction and education, and the educational program offers over 50 academic, occupational, and workforce skills classes. Additional metrics include the following:

- 3,000 students served per day;
- 12,000 students served per year;
- 147.5 full-time State correctional education employees;
- 81 part-time contractual employees;
- 21 schools/partners; and
- comprehensive academic programs:
 - 69 employees; and
 - 26 contractual instructors.

Exhibit 13 gives an overview of the main educational programs and results in fiscal 2017.

Exhibit 13
DOC Education Programs and Results
Fiscal 2017

Academic Programs (493 High School Diplomas Awarded/2,114 Completed Literacy Courses)

- Adult Basic Education
- GED Preparation
- Special Education
- English for Speakers of Other Languages (158 students)
- Postsecondary Education Program

Postsecondary Education Programs

- Anne Arundel Community College (Jessup Correctional Institution)
- Goucher College (Maryland Correctional Institution – Jessup and Maryland Correctional Institution for Women; 100 students)
- Hagerstown Community College (Maryland Correctional Training Center)
- Wor-Wic Community College (Eastern Correctional Institution – East (ECI-E) – Annex)

Occupational Programs (860 National Certifications Awarded)

- Architectural Computer-aided Design; Automotive (maintenance, inspection, and diesel)
- Building Maintenance; Fabric and Furniture Upholstery and Cleaning
- Computers and Office Technology; Graphic Arts and Design
- Pre-apprenticeship Carpentry, Electrical, Facilities, Masonry, Plumbing, Welding, *etc.*
- Warehouse/Distribution

Transitional Programs (2,511 Completions)

- Personal Assessment, Career Exploration, Employment Readiness, and Financial Literacy
- Health and Nutrition, Parenting, and Life Skills for Re-entry
- Internet Job Search; Re-entry and Employment Resource Skills Training

Source: Department of Public Safety and Correctional Services

Second Chance Program

In fiscal 2016, the U.S. Department of Education announced a program that would allow higher education institutions to offer postsecondary educational programs to inmates. Using federal Pell Grant funding, the Second Chance Program (SCP) was first offered at JCI, a medium-security prison for men, and gives students a chance to earn a Bachelor of Arts degree. In addition, the SCP offers mentoring and tutoring from incarcerated men who are leaders and role models at JCI. In addition, the program allows for a smooth transition for inmates who want to finish their degree after release. Four colleges/universities were selected in Maryland – Anne Arundel Community College, Goucher College, the University of Baltimore, and Wor-Wic Community College.

Effect on Recidivism Rates

Overall, inmate recidivism rates are high across the United States. Approximately 40% of inmates return to prison within three years. Recent studies supported by the U.S. Department of Education and the Department of Justice found that inmates who enroll in correctional education programs are 43% less likely to return to prison. Furthermore, a study from Emory University states that inmates with postsecondary degrees have the following extremely low recidivism rates:

- associate degree: 13.7%;
- bachelor's degree: 5.6%; and
- master's degree: 0%.

Even when studies account for motivation and other key differences between educated and noneducated inmates, the data shows that prison education has a dramatic effect on inmate outcomes and success outside of prison – as well as overall prison costs. According to the same studies, inmate employment rates are 13% higher with an education and 28% higher with vocational training. In addition, reincarceration costs are about \$9,000 less for inmates who receive a prison education.

Justice Reinvestment Act

Given that reducing recidivism rates and expanding inmate education opportunities are explicit goals of the JRA, access to additional funding is important. While the fiscal 2018 State operating budget includes \$18.8 million for academic, occupational, and transition training for inmates in State correctional institutions, the JRA allows for funds to be derived from the savings generated as the prison population declines.

Chapter 515 of 2016 requires the Justice Reinvestment Oversight Board, in collaboration with DPSCS, to determine the annual savings based on the one-year difference between the prison populations as measured on October 1, 2017, to October 1, 2018. Overall, if the number has decreased, the board must determine overall savings based on that difference, multiplied by the inmate variable cost. Additionally, if prison population declines cause DPSCS to close all or part of a particular facility, the board will conduct an assessment to determine the savings from the closure.

According to current law, the board must recommend that (1) up to 50% of the savings be distributed to the Performance Incentive Grant Fund to implement JRA recommendations; and (2) any remaining funds can be reinvested in JRA priorities (including inmate education). Chapter 687 authorizes the board to recommend savings to be directed to inmate postsecondary education and workforce development programs. **Exhibit 14** gives an example of potential funding available if inmate populations continue to decline.

Exhibit 14 Projected Justice Reinvestment Act Incarceration Savings Fiscal 2018-2022

	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>
Total Projected Savings	\$0	\$4,352,040	\$6,689,760	\$8,214,360	\$8,463,840

Source: Department of Legislative Services

DLS recommends DPSCS, in conjunction with DLLR's Correctional Education Program, submit a report that provides data on enrollment and graduation rates for all academic programs, average self-pay tuition and book costs for inmates, total costs for postsecondary educational programs, and to the extent possible, recidivism rates for inmates who successfully completed academic programs at the high school level and higher. In addition, the report should include the average cost for postsecondary education per inmate and any efforts by DOC to obtain additional funds for education via JRA grant funds or savings generated from the JRA.

3. Inmate Substance Abuse Treatment

Pursuant to Chapter 515, the JRA, if offenders request drug treatment and the court approves, the State is required to place them in a treatment program immediately. While this may ease the burden on State prisons, if treatment is requested and denied, the department must offer similar, medically appropriate treatment to substance abusers when they are incarcerated. DPSCS provides several programs for offenders with substance abuse issues. After intake and evaluation, DOC staff recommend offender placement into one of the following programs:

American Society of Addiction Medicine (ASAM) Level 1

- **Addictions Treatment Protocol:** Group services are twice a week for 1.5 hours per session and individual services for 0.50 hours biweekly. Program duration is six months and is offered at Roxbury Correctional Institution (RCI), MCTC, MCI-J, ECI-E, Eastern Correctional Institution – West (ECI-W), and ECI-A.
- **Substance Abuse Intervention for Women:** Group services are twice weekly for 1.5 hours and individually for 0.50 hours biweekly. Program duration is three months and is offered at MCI-W.

ASAM Level 2

- **Substance Abuse Protocol (SAP):** Group services are for 1.5 hours; education and seminar groups for 1.0 hour conducted daily and individually for 0.50 hour weekly. Program duration is 90 days and is offered at MCTC.
- **Addictions Changing Together – Substance Abuse Program (ACT-SAP):** Group services are daily for 1.5 hours and individually for 0.50 hour weekly for those offenders referred by the Baltimore City Drug Court. Program duration is 45 days, includes acupuncture.

ASAM Level 3.5

- **Therapeutic Communities:** Program duration will be six months and operates from 8:00 a.m. to 8:00 p.m. Therapeutic Communities will operate at MCI-W, MCTC, ECI, Patuxent Institution, and CMCF.

Additional

- **Aftercare:** Provides group service once weekly for 1.5 hours. Program duration is one year or until the offender is released and is offered at RCI, MCI-W, MCTC, ECI-E, ECI-W, and ECI-A.
- **Alcoholics Anonymous:** Twelve-step support group for those who live with, or have lived with, alcoholism.

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- ***Narcotics Anonymous:*** Twelve-step support group for those who live with, or have lived with, addiction.
- ***Added Locations:*** The Addictions Treatment Protocol and Aftercare programs will be added to JCI, BCF, Dorsey Run Correctional Facility (DCRF), WCI, and the Howard E. Donnell Emergency Housing Unit locations.

Substance Abuse Maintenance; Detoxification

- ***Methadone Initiation:*** A National Institute on Drug Abuse (NIDA)-funded initiative providing methadone initiation to detainees at the DPSCS detention facility or upon release in the community.
- ***Methadone Maintenance:*** Staffed by a medical contractor providing methadone maintenance services to both the male and female population. Additional detox services offered to those offenders not on methadone maintenance or sentenced to DOC.
- ***Narcan Training:*** The Baltimore City Health Department provides monthly Narcan training to ACT-SAP participants and provides offenders with a prescription at release.
- ***Peer Recovery Unit:*** A Governor's Office of Crime Control and Prevention-funded initiative provides peer support to offenders identified with a substance use disorder. This unit is located at ECI.
- ***Vivitrol:*** A NIDA-funded initiative providing participants with one shot of Vivitrol prior to release with additional shots received post-release either via mobile unit at the offender's residence or at a methadone clinic.

Residential Drug Treatment

Residential drug treatment is accounted for under §§ 8-505 and 8-508 of the Health – General Article. Overall, offenders who are ordered to undergo an evaluation and are found to have a substance use disorder will have their results sent to the court for disposition. Based on the results, a judge may order that the offender requires treatment. Pursuant to § 8-507 of the Health – General Article, the inmate is committed to treatment through the Maryland Department of Health (MDH).

According to statute, offender substance abuse commitment time must be for at least 72 hours, but not more than one year, and the court may extend treatment time in increments of six months. In addition, an individual's treatment time will be credited against any sentence that was imposed by the court. An individual may ask for admission to an outpatient treatment program, whether or not the individual has been admitted to the program before.

Future Issues

DOC notes that it is drafting a Request for Proposals for an expansion of substance abuse screening and assessments, which call for the contractor to conduct a more comprehensive review of offenders using the Level of Service Inventory revised assessment tool on all intake offenders.

DLS recommends the addition of budget language requesting DOC to submit a report on its substance abuse treatment programs. Given the possibility that JRA-related provisions may increase the number of offenders both in custody for treatment and outside of custody for residential/outpatient treatment, the department should provide the following:

- **the number of beds needed for substance abusers at outside facilities;**
- **data regarding wait times to move offenders to available treatment through MDH and if the wait times are sufficiently short;**
- **substance abuse spending per facility and whether current spending levels are sufficient;**
- **information regarding substance abuse management tactics and programs, including the naltrexone pilot program;**
- **the total number of inmates currently being treated for substance abuse at each facility (including those receiving opioid treatment); and**
- **overall substance abuse treatment needs at DOC facilities and related efforts that involve the Opioid Operational Command Center.**

Operating Budget Recommended Actions

1. Add the following language:

Provided that \$895,770,049 of the appropriation provided for Comptroller Object 01 Salaries and Wages may be expended for that purpose only and may not be transferred, by budget amendment or otherwise, to any other purpose. Funds unexpended at the end of the fiscal year shall revert to the General Fund or be canceled.

Explanation: The Department of Public Safety and Correctional Services has substantial salary savings in the current fiscal year due to rising vacancies in its correctional officer complement. In fiscal 2017, the department used these salary savings (approximately \$25.4 million) to cover shortfalls in other areas of its budget. Spending the funds in this manner, without requesting deficiency appropriations, does not provide the same level of transparency to the budget committees regarding these transactions. This language ensures that additional salary savings are spent for that purpose only, and necessary spending on additional overtime expenses will not be affected or precluded in any way. Finally, this language ensures that necessary spending is requested through the deficiency appropriation process.

2. Adopt the following narrative:

Correctional Officer Transfers and Staffing Report: The large number of correctional officer (CO) vacancies and related issues, including required overtime for officers, has had a negative effect on recruiting and officer retention. Recently, the department has partially closed several facilities, allowing administrators to transfer correctional officers to other prisons with staffing issues. The budget committees request that the Department of Public Safety and Correctional Services submit a report providing data pertaining to Division of Correction (DOC) transfers and staffing which includes the following information:

- given the success of the Maryland Correctional Institution – Hagerstown redistribution of inmates in lowering vacancy rates at select facilities, the options for further strategic realignment of COs and/or inmates to other departmental facilities;
- the current number of detainees at State facilities, their security classification, whether they are housed with inmates from different security classifications, and the additional costs to house and transport them;
- information on DOC efforts to address the high number of retirements and early separations of new CO employees;
- specific data on overtime which includes the total number of COs at each facility who were required to work overtime each month for the most recent 12-month trailing period (and the number of drafted overtime hours worked);

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- the number of CO cadets hired and their locations and the number of COs who successfully qualified for the new bonus program; and
- additional efficiencies including new sick leave definitions and their impact on staff levels.

Information Request	Author	Due Date
CO transfers and staffing report	DPSCS	January 2, 2019

3. Adopt the following narrative:

Inmate Education Report: In fiscal 2017, the General Assembly passed legislation calling for better education of inmates in State prisons in order to reduce recidivism and improve public safety. The budget committees request that the Department of Public Safety and Correctional Services (DPSCS) submit a report, in conjunction with the Department of Labor, Licensing, and Regulation's (DLLR) Correctional Education Program, due by December 1, 2018, which provides data on enrollment and graduation rates for all academic programs, average self-pay tuition and book costs for inmates, total costs for postsecondary educational programs, and to the extent possible, recidivism rates for inmates who successfully completed academic programs at the high school level and higher. In addition, the report should include the average cost for postsecondary education per inmate, and any efforts by the Division of Correction to obtain additional funds for education via the Justice Reinvestment Act (JRA) grant funds or savings generated from the JRA.

Information Request	Authors	Due Date
Inmate education report	DPSCS DLLR	December 1, 2018

4. Adopt the following narrative:

Inmate Substance Abuse Treatment: Pursuant to Chapter 515 of 2016, the Justice Reinvestment Act (JRA), if offenders request drug treatment and the court approves, the State is required to place them in a treatment program immediately. While this may ease the burden on State prisons, if treatment is requested and denied, the department must offer similar, medically appropriate treatment to substance abusers when they are incarcerated.

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The budget committees request that the Department of Public Safety and Correctional Services (DPSCS) submit a report by December 1, 2018, on its substance abuse treatment programs. Given the possibility that JRA-related provisions may increase the number of offenders, both in custody for treatment and outside of custody for residential/outpatient treatment, the department should provide the following:

- the number of beds needed for substance abusers at outside facilities;
- data regarding wait times to move offenders to available treatment through the Maryland Department of Health and if the wait times are sufficiently short;
- substance abuse spending per facility and whether current spending levels are sufficient;
- information regarding substance abuse management tactics and programs, including the naltrexone pilot program;
- total number of inmates currently being treated for substance abuse at each facility (including those receiving opioid treatment); and
- overall substance abuse treatment needs at Division of Correction facilities and related efforts that involve the Opioid Operational Command Center or any other State task forces.

Information Request	Author	Due Date
Inmate substance abuse treatment data	DPSCS	December 1, 2018

Updates

1. Staffing Data and Vacancy Reduction Plan

Fiscal 2018 budget bill language restricted funds pending receipt of staffing data and a plan to address the department’s ongoing staffing struggles, particularly regarding COs. Additionally, the report was required to provide key staffing data, including reasons for employee separations and information on CO overtime hours.

The fiscal 2018 *Report on Reducing Vacancies and Improving Hiring* detailed efforts to address vacancies by increasing recruitment, particularly with branches of the military; modifying the CO test; establishing a civilian cadet program; and offering monetary incentives to new hires. In addition, the report mentions bonuses for current employees who refer successful candidates. The department also noted that discussions regarding employee compensation and wellness will be part of the negotiation process with the COs’ unions.

In terms of required data, the report included the following for fiscal 2015 to 2017:

- (1) The number of employees, delineated by category (correctional officer, parole and probation agent, or administrative), leaving DPSCS employment within 6, 12, and 24 months of hire;**

Overall, COs represented the vast majority of separations within 24 months of being hired. From fiscal 2015 to 2017, they were 80%, 78%, and 54% of total separations, respectively. More than 17% of COs left DPSCS within two years of being hired. However, that trend has decreased; in fiscal 2017, approximately 8% of COs left DPSCS within two years or less.

- (2) the number of employees leaving DPSCS employment by reason for the separation;**

The most common reasons on why employees left DPSCS were due to voluntary resignations and retirement. From fiscal 2015 to 2016, the number of voluntary CO resignations increased by 47%, but have decreased slightly in fiscal 2017, by 3%.

Similarly, the number of retirees grew 67% from fiscal 2015 to 2016. In fiscal 2017, CO retirees were responsible for 26% of all separations. Including voluntary resignations and retirements, COs made up 58% of all separations.

- (3) the amount of nonvoluntary overtime hours between May 2017 and October 2017;**

While additional information in this category is listed in the Issues section of this analysis, the data on nonvoluntary overtime hours was complicated by the fact that the Workday system does not distinguish between nonvoluntary and voluntary overtime hours. **Exhibit 15** shows the number of COs who performed what is listed as “nonvoluntary” overtime.

Exhibit 15
COs on Overtime Duty by Facility
July to September 2017

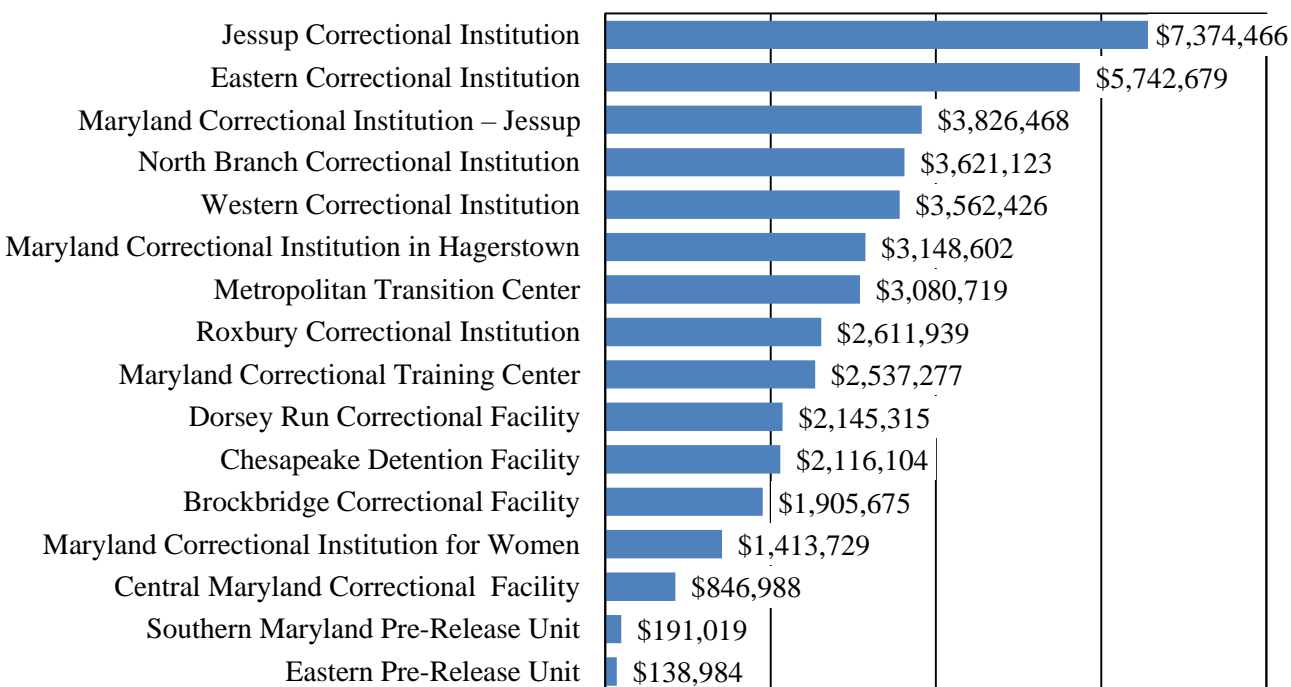
<u>Facility</u>	<u>Period 1</u>	<u>Period 2</u>	<u>Period 3</u>	<u>Period 4</u>	<u>Period 5</u>	<u>Period 6</u>	<u>Average</u>
Eastern Correctional Institution	551	331	279	192	223	67	273.8
Central Maryland Correctional Facility	90	112	126	79	85	123	102.5
Western Correctional Institution	156	128	83	29	27	5	71.3
Jessup Correctional Institution	56	105	10	27	0	0	33.0
Southern Maryland Pre-Release Unit	28	33	0	24	42	35	27.0
Maryland Correctional Institution – Jessup	47	41	20	4	36	12	26.7
Maryland Correctional Institution in Hagerstown	16	39	35	5	29	15	23.2
Maryland Correctional Training Center	18	2	4	3	4	36	11.2
Brockbridge Correctional Facility	15	0	7	21	21	0	10.7
North Branch Correctional Institution	9	9	11	5	10	5	8.2
Dorsey Run Correctional Facility	16	5	2	5	2	9	6.5
Maryland Correctional Institution for Women	0	0	11	1	0	0	2.0
Eastern Pre-Release Unit	1	7	1	1	0	1	1.8
Roxbury Correctional Institution	3	0	4	1	0	2	1.7
Patuxent Institution	0	0	0	0	2	0	0.3

Source: Department of Public Safety and Correctional Services

(4) the distribution of overtime hours worked and the amount of overtime earnings among correctional employees in fiscal 2015, 2016, and 2017;

In its submitted report, DPSCS did not provide a distribution of overtime earnings among correctional employees but did submit the total hours worked and dollars earned by facility. During the last three fiscal years, the total number of overtime hours worked and the total overtime payouts have grown significantly. Since fiscal 2015, overtime hours increased from 1.6 million hours to 2.2 million hours, an increase of over 37%. This translates to \$54 million in overtime paid in fiscal 2015, growing to over \$80 million in fiscal 2017. **Exhibit 16** depicts average overtime totals by facility.

Exhibit 16
Overtime Costs by Facility
July to September 2017



Source: Department of Public Safety and Correctional Services

- (5) a detailed plan for reducing vacancies throughout the department, particularly among correctional officers and administrative staff. This includes the potential use of part-time or retired staff, relaxation of hiring standards, and the pursuit of operational efficiencies.**

DPSCS is addressing these issues by recruiting more staff, addressing employee compensation concerns, and taking additional steps, including the following:

- establishment of a dedicated recruiting unit, run by professional recruiters;
- partnerships with various state National Guard units and the U.S. Department of Veterans Affairs;

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- relaxation of hiring standards, including a lower pass threshold for the applicant test and reducing the waiting period for applicants who did not pass the first time;
- establishment of a civilian cadet program – 52 cadets, all under the age of 21, will enter the department in nonsupervisory roles and can transition to COs in three years;
- financial incentives – a finders’ fee of \$500 for current employees who refer a successful CO candidate and a \$5,000 bonus for all new CO hires (including cadets) who successfully complete a one-year probation period; and
- increased advertising and marketing.

Overall, this data provides more insight into staffing issues, particularly with correctional officers. However, the evaluation of employee overtime remains an area warranting additional attention in order to better understand the effect that it has on staffing levels and operations across the department.

2. Polygraph Testing and Improvements in Hiring

The budget committees requested that the department review its use of polygraph testing in the correctional officer hiring process and its strategies to improve hiring in State correctional facilities.

Current Polygraph Test and Procedures

The DPSCS Polygraph Unit utilizes the Public Safety Pre-Employment Test (PSPET), which is governed by standards established by the American Polygraph Association. The PSPET is delivered in two phases and covers the following testing areas:

- Phase 1 – Integrity
 - Application Falsification
 - Gang Involvement
 - Domestic Violence
- Phase 2 – Suitability
 - Illegal Drugs
 - Sexual Crimes

- Serious Crimes
- Theft

Initially, CO applicants begin with the PSPET screening booklet that contains pre-employment questions that must be answered truthfully to assess the applicant's integrity and suitability for the position. On the day of the test, the polygraph examiner confirms the identity of the applicant and reviews the completed booklet with the applicant on the testing day. During this time, the answers to some questions may result in the applicant being disqualified. Next, the test is administered, and the results are analyzed by the examiner and forwarded to a second examiner for an independent review, after which a final report with findings is completed.

Test and National Standards

Polygraph examiners for DPSCS are required to adhere to all requirements under the law, including Equal Employment Opportunity Commission regulations, the Employee Polygraph Protection Act, and the Americans with Disabilities Act. In terms of the national landscape, other correctional departments use the law enforcement pre-employment test, which queries an applicant regarding past drug use (legal and illegal), and crime including domestic assault, sexual crimes, serious crimes, and theft. A second test used by some agencies is the Directed Lie Screening Test that tests similar areas.

DPSCS surveyed all 50 state correctional agencies to determine which of those agencies use a polygraph test. The following states used a polygraph pre-employment test for COs:

- Colorado;
- Hawaii;
- Maryland;
- Mississippi;
- New Hampshire;
- New Mexico; and
- Utah.

In addition, all Maryland counties use a polygraph test for COs except for the following counties: Allegany, Dorchester, Howard, Kent, Montgomery, Queen Anne's, Somerset, Talbot, Wicomico, and Worcester. While other states did not share their polygraph results with DPSCS due to privacy concerns, the department included test and clearance data in **Exhibit 17**.

Exhibit 17
Polygraph Test: Correctional Officer Applicants Tested and Cleared
Fiscal 2015-2017

<u>Fiscal Years</u>	<u>Number Tested</u>	<u>Number Cleared</u>	<u>Percentage</u>
2015	96	36	38%
2016	279	160	57%
2017	177	111	63%
Three Years Cumulative 2015, 2016, and 2017	562	307	55%

Source: Department of Public Safety and Correctional Services

3. Downsizing the Maryland Correctional Institution in Hagerstown

Due to reductions in the inmate population, the department partially closed MCI-H. The budget committees requested a report regarding the closure due by October 1, 2017, along with data on where staff and inmates were relocated. Overall, the department transferred a total of 773 inmates from MCI-H to other facilities across the State and reassigned a total of 102 COs and 5 case managers across the Western Region, which helped reduce vacancy rates in select facilities. **Exhibit 18** shows the CO reassignments and inmate transfers, along with vacancy rate reductions.

In conclusion, the report states that MCI-H has a total bed capacity of 2,044 and currently houses 850 inmates. Overall, the department continues to have excess inmate bed capacity. At the time of the MCI-H depopulation, department excess bed space totaled 3,925 (24,940 total beds minus a population of 21,015). The department notes that the partial depopulation did not impact the educational or vocational programs at MCI-H and that staff continues to monitor the current MCI-H population on a daily basis.

Exhibit 18
MCI-H CO and Inmate Transfers
Calendar 2016-2017

	<u>Total COs</u>	<u>Previous Vacancy Rate</u>	<u>New Vacancy Rate</u>
CO Transfers			
North Branch Correctional Institution	8	13%	8%
Western Correctional Institution	8	13%	7%
Roxbury Correctional Institution	16	13%	8%
Maryland Correctional Training Center	17	13%	8%
Total	49		
Inmate Transfers			
Baltimore City Correctional Center	24		
Brockbridge Correctional Facility	17		
Central Maryland Correctional Facility	10		
Dorsey Run Correctional Facility	25		
Eastern Correctional Institution – Annex	111		
Eastern Pre-Release Unit	3		
Jessup Correctional Institution	48		
Maryland Correctional Institution – Jessup	50		
Maryland Correctional Training Center	330		
Patuxent Institution	11		
Roxbury Correctional Institution	87		
Southern Maryland Pre-Release Unit	7		
Western Correctional Institution	50		
Total	773		

CO: correctional officer

MCI-H: Maryland Correctional Institution – Hagerstown

Source: Department of Public Safety and Correctional Services

4. Services for Female Offenders

The budget committees requested that the department submit a report on the pre-release, medical, transportation, and family services offered to female offenders at MCI-W. MCI-W is the State's primary correctional facility for women and houses female inmates who are serving a sentence of 18 months or longer. While MCI-W can house up to 850 female inmates, the population has continued to decline over the past several years and is expected to fall further as the JRA and its associated criminal justice reform provisions begin.

In terms of services for female offenders, MCI-W has an obstetrician and gynecologist (OB-GYN) onsite (four hours a day, twice a week). The department notes that this level of service is based on the American College of Obstetricians and Gynecologists guidelines and indicates that it is working to expand the coverage to three times per week. The department is also seeking an option to expand OB-GYN services to five days a week, when needed. Additionally, the department reports that female inmates receive female hygiene products free of charge.

Pre-release Services and Job Opportunities

As a cost containment action, the previous Administration closed the Baltimore Pre-Release Unit for Women in 2009. The facility housed 144 pre-release and minimum security female inmates, with approximately 25 to 30 offenders leaving the facility daily for work release employment. Since then, the work release program has been operating at MCI-W. Additional services include transportation for inmates to job interviews and to and from their places of employment, all at no cost. While the department notes that offender participation in the program is contingent upon their security classification and ability to locate employers in the community, it plans to conduct more job fairs and expand job-related programming.

Policies for Family Visitation

At MCI-W, female inmates are allowed two visits per week, from Thursday through Sunday and on holidays. Additional family opportunities include the Girl Scouts Beyond Bars program, which offers inmates the chance to interact with their daughters within a Girl Scout troop meeting at the facility, twice a month. Additionally, MCI-W operates a Baby Bonding on Fridays, which allows female inmates with children and grandmothers the ability to play with their children or grandchildren (who are up to three years of age) in a nursery setting. There is also a Family Day every September for offenders to have a picnic with family and a holiday party each December for inmates and their families.

Jessup Facility – Transportation and Access

The report notes that while most visitors travel to MCI-W via their personal vehicles, visitors can use private transportation or van services to the facility.

5. Maryland Correctional Enterprises Revolving Loan Fund

For fiscal 2017, the budget committees directed MCE to submit audited financial statements for the revolving loan fund. An independent auditor, SB & Company, was contracted to perform the audit.

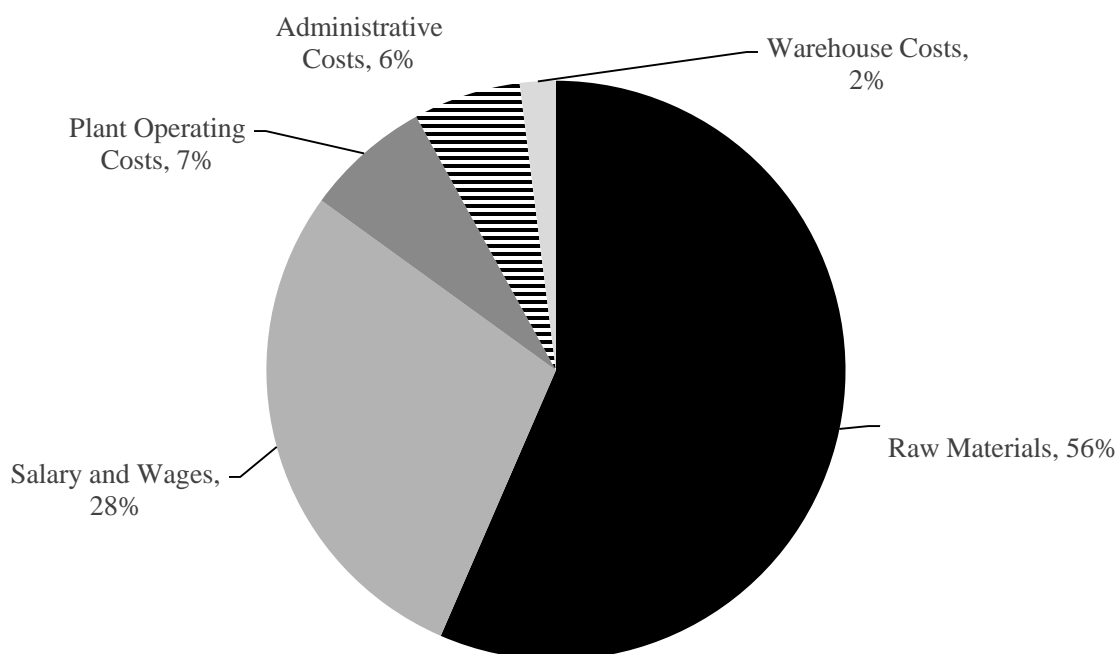
Financial Highlights

Overall, total MCE revenues were \$59.1 million, down 3.7% from the previous year's total (\$61.4 million). Net operating income was down substantially (50%), from \$3.2 million in fiscal 2016 to \$1.6 million in fiscal 2017. The auditor reports that the decrease is due to pension-related activity offset by reductions in utility costs and operating efficiencies.

- Total net position (fiscal 2015): \$24.0 million
- Total net position (fiscal 2016): \$27.7 million
- Total net position (fiscal 2017): \$26.4 million
- Current Assets: \$32.6 million

In terms of projects, \$6.3 million of the year-end cash balance is reserved for vehicles, equipment (\$1.4 million), expansion projects (\$1.1 million), the Enterprise Resources Information Technology Project (\$3 million), and Brock Bridge Road renovations (\$800,000). **Exhibit 19** shows MCE expenditure categories for fiscal 2017.

Exhibit 19
Maryland Correctional Enterprises Expenditures
Fiscal 2017

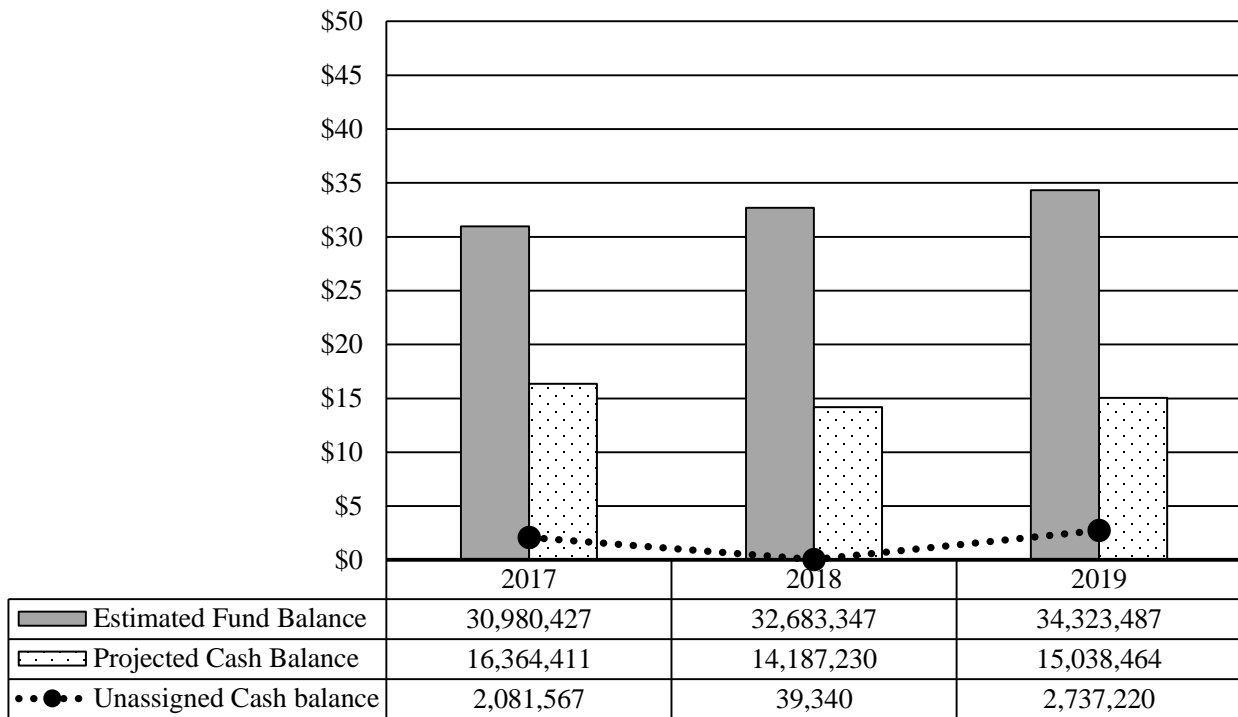


Source: Department of Public Safety and Correctional Services

Results and Fund Balances

The 2017 *Joint Chairmen's Report* required DPSCS to ascertain the appropriate end-of-year balance for fiscal 2017. Overall, revenues decline in the current fiscal year and beyond due to the decline in the inmate population. In addition, the auditor notes that DPSCS expects State budget cuts and expenditure reductions to further impact revenues. **Exhibit 20** shows MCE estimated fund and cash balances for fiscal 2017.

Exhibit 20
Estimated Fund Balance and Cash Flows
Fiscal 2017-2019
(\$ in Millions)



Source: Department of Public Safety and Correctional Services

Appendix 1
Current and Prior Year Budgets
DPSCS – Division of Correction
(\$ in Thousands)

	<u>General Fund</u>	<u>Special Fund</u>	<u>Federal Fund</u>	<u>Reimb. Fund</u>	<u>Total</u>
Fiscal 2017					
Legislative Appropriation	\$687,031	\$63,126	\$1,318	\$3,368	\$754,843
Deficiency Appropriation	-82	0	0	0	-82
Cost Containment	0	0	0	0	0
Budget Amendments	11,253	242	134	129	11,758
Reversions and Cancellations	-2,182	-5,734	0	-1,083	-8,999
Actual					
Expenditures	\$696,020	\$57,634	\$1,452	\$2,415	\$757,521
Fiscal 2018					
Legislative Appropriation	\$694,895	\$61,514	\$1,240	\$2,496	\$760,145
Cost Containment	-4,233	0	0	0	-\$4,233
Budget Amendments	0	0	0	129	\$129
Working					
Appropriation	\$690,662	\$61,514	\$1,240	\$2,625	\$756,041

DPSCS: Department of Public Safety and Correctional Services

Note: The fiscal 2018 appropriation does not include deficiencies, targeted reversions, or across-the-board reductions. Numbers may not sum to total due to rounding.

Fiscal 2017

General Fund

General fund expenditures for fiscal 2017 were approximately \$696 million, an increase of \$9 million over the legislative appropriation. Overall, the department had three general fund deficiency appropriations. Deficiency appropriations provided a net decrease of \$82,000, as a \$918,000 increase in funding for contractual timekeepers needed to assist with the new payroll system was offset by the \$1 million transfer of funds for the pilot drone detection program to the Department of Information Technology.

The department's fiscal 2017 general fund budget amendments totaled a net \$11.3 million, which consisted of \$5.9 million in salary increments and a net \$5.2 million used to realign funds among agencies and to match actual general fund expenditures. In addition, \$2.2 million in salary savings was reverted to the General Fund.

Special Fund

Fiscal 2017 special fund expenditures totaled \$57.6 million, a \$5.5 million decrease from the legislative appropriation. Budget amendments provided a net increase of \$242,000 primarily for employee increments. This was offset by the cancellation of approximately \$5.7 million in funds related to inmate welfare revenue.

Federal Fund

One deficiency appropriation for \$133,912 provided funds for the Eastern Correctional Institution due to additional funding from the State Criminal Alien Assistance Program.

Reimbursable Fund

Reimbursable funds totaled \$2.4 million, a decrease of \$953,000 from the legislative appropriation. The legislative appropriation was increased by \$129,000 in budget amendments for pilot drug treatment initiatives at the Eastern Correctional Institution (ECI). This was offset by nearly \$1.1 million in canceled reimbursable funds, including \$380,000 for utility reimbursements from MCE, \$541,000 for inmate work crews, and \$159,000 for substance abuse initiatives at ECI.

Fiscal 2018

The fiscal 2018 working appropriation is \$4.1 million less than the legislative appropriation, with the vast majority of the change attributable to \$4.2 million in cost containment actions from the Board of Public Works due to vacancy savings within the department. A single budget amendment of \$129,000 continues funding from the Governor's Office of Crime Control and Prevention for drug treatment programs at ECI.

Appendix 2
Object/Fund Difference Report
Department of Public Safety and Correctional Services – Division of Correction

<u>Object/Fund</u>	<u>FY 17 Actual</u>	<u>FY 18 Working Appropriation</u>	<u>FY 19 Allowance</u>	<u>FY 18 - FY 19 Amount Change</u>	<u>Percent Change</u>
Positions					
01 Regular	5,834.00	5,576.00	5,576.00	0.00	0%
02 Contractual	46.76	52.12	44.52	-7.60	-14.6%
Total Positions	5,880.76	5,628.12	5,620.52	-7.60	-0.1%
Objects					
01 Salaries and Wages	\$ 473,550,466	\$ 470,819,979	\$ 471,269,959	\$ 449,980	0.1%
02 Technical and Spec. Fees	1,840,958	1,805,645	1,671,821	-133,824	-7.4%
03 Communication	1,399,668	1,396,982	1,426,208	29,226	2.1%
04 Travel	95,948	108,550	87,600	-20,950	-19.3%
06 Fuel and Utilities	37,542,337	37,906,137	37,102,541	-803,596	-2.1%
07 Motor Vehicles	2,610,421	3,075,599	2,842,989	-232,610	-7.6%
08 Contractual Services	153,020,008	156,277,592	173,331,661	17,054,069	10.9%
09 Supplies and Materials	72,095,420	73,482,043	74,098,055	616,012	0.8%
10 Equipment – Replacement	1,746,020	921,667	794,594	-127,073	-13.8%
11 Equipment – Additional	3,753,531	312,458	695,114	382,656	122.5%
12 Grants, Subsidies, and Contributions	6,557,310	7,974,175	7,507,325	-466,850	-5.9%
13 Fixed Charges	1,627,358	1,460,272	1,720,488	260,216	17.8%
14 Land and Structures	1,681,611	500,000	0	-500,000	-100.0%
Total Objects	\$ 757,521,056	\$ 756,041,099	\$ 772,548,355	\$ 16,507,256	2.2%
Funds					
01 General Fund	\$ 696,019,627	\$ 690,661,734	\$ 707,043,371	\$ 16,381,637	2.4%
03 Special Fund	57,634,175	61,514,109	61,454,368	-59,741	-0.1%
05 Federal Fund	1,452,098	1,240,000	1,455,000	215,000	17.3%
09 Reimbursable Fund	2,415,156	2,625,256	2,595,616	-29,640	-1.1%
Total Funds	\$ 757,521,056	\$ 756,041,099	\$ 772,548,355	\$ 16,507,256	2.2%

Note: The fiscal 2018 appropriation does not include deficiencies, targeted reversions, or across-the-board reductions. The fiscal 2019 allowance does not include contingent reductions or cost-of-living adjustments.

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Appendix 3
Fiscal Summary
Department of Public Safety and Correctional Services – Division of Correction

<u>Program/Unit</u>	<u>FY 17 Actual</u>	<u>FY 18 Wrk Approp</u>	<u>FY 19 Allowance</u>	<u>Change</u>	<u>FY 18 - FY 19 % Change</u>
01 Maryland Correctional Enterprises	\$ 55,383,677	\$ 59,208,709	\$ 59,206,618	-\$ 2,091	0%
01 General Administration	14,312,292	15,237,059	15,506,008	268,949	1.8%
01 Maryland Correctional Institution in Hagerstown	71,491,702	67,439,818	55,876,714	-11,563,104	-17.1%
02 MD Correctional Training Center	76,429,257	76,563,956	82,089,895	5,525,939	7.2%
03 Roxbury Correctional Institution	54,521,641	55,799,843	57,244,142	1,444,299	2.6%
04 Western Correctional Institution	61,959,288	59,572,657	62,644,967	3,072,310	5.2%
05 North Branch Correctional Institution	62,188,903	63,102,405	63,978,661	876,256	1.4%
01 Jessup Correctional Institution	78,338,884	74,022,585	78,083,068	4,060,483	5.5%
02 MD Correctional Institution – Jessup	44,904,362	41,465,397	44,886,642	3,421,245	8.3%
03 MD Correctional Institution for Women	38,834,339	39,047,554	41,272,671	2,225,117	5.7%
04 Brockbridge Correctional Institution	24,881,899	25,263,080	26,058,787	795,707	3.1%
06 Southern Pre-Release Unit	5,579,961	5,915,147	5,845,999	-69,148	-1.2%
07 Eastern Pre-Release Unit	6,009,883	6,090,258	6,190,951	100,693	1.7%
08 Eastern Correctional Institution	118,676,322	116,667,657	121,006,710	4,339,053	3.7%
09 Dorsey Run Correctional Facility	30,341,575	34,153,570	35,517,794	1,364,224	4.0%
10 Central Maryland Correctional Facility	13,667,071	16,491,404	17,138,728	647,324	3.9%
Total Expenditures	\$ 757,521,056	\$ 756,041,099	\$ 772,548,355	\$ 16,507,256	2.2%
General Fund	\$ 696,019,627	\$ 690,661,734	\$ 707,043,371	\$ 16,381,637	2.4%
Special Fund	57,634,175	61,514,109	61,454,368	-59,741	-0.1%
Federal Fund	1,452,098	1,240,000	1,455,000	215,000	17.3%
Total Appropriations	\$ 755,105,900	\$ 753,415,843	\$ 769,952,739	\$ 16,536,896	2.2%
Reimbursable Fund	\$ 2,415,156	\$ 2,625,256	\$ 2,595,616	-\$ 29,640	-1.1%
Total Funds	\$ 757,521,056	\$ 756,041,099	\$ 772,548,355	\$ 16,507,256	2.2%

Note: The fiscal 2018 appropriation does not include deficiencies, targeted reversions, or across-the-board reductions. The fiscal 2019 allowance does not include contingent reductions or cost-of-living adjustments.