# Q00D00

# **Patuxent Institution**

#### **Department of Public Safety and Correctional Services**

# Operating Budget Data

(\$ in Thousands)

	FY 17 <u>Actual</u>	FY 18 Working	FY 19 <u>Allowance</u>	FY 18-19 Change	% Change Prior Year
General Fund	\$51,337	\$51,319	\$53,066	\$1,747	3.4%
Adjustments	0	-787	264	1,051	
Adjusted General Fund	\$51,337	\$50,532	\$53,329	\$2,797	5.5%
Special Fund	109	71	66	-4	-6.2%
Adjusted Special Fund	\$109	\$71	\$66	-\$4	-6.2%
Reimbursable Fund	9	157	9	-149	-94.6%
Adjusted Reimbursable Fund	<b>\$9</b>	\$157	\$9	-\$149	-94.6%
Adjusted Grand Total	\$51,455	\$50,760	\$53,404	\$2,644	5.2%

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

- In fiscal 2018, the Patuxent Institution has an across-the-board reduction for health insurance (\$787,081 in general funds), and in fiscal 2019, a cost-of-living adjustment (COLA) of \$263,540 in general funds.
- Overall, the Patuxent Institution's fiscal 2019 allowance increases by \$2.6 million, or 5.2%, over the fiscal 2018 working appropriation. On a percentage basis, this is the largest funding increase among the Department of Public Safety and Correctional Services' (DPSCS) 10 subdivisions. Together, the fiscal 2018 adjustments for health insurance and the fiscal 2019 COLA account for nearly 40% of the total increase. Increases for inmate medical care, building maintenance/supplies, and utilities make up the remaining 60%.

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

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• In total, special and reimbursable funds decrease by \$153,000 below the fiscal 2018 working appropriation.

# Personnel Data

	FY 17 <u>Actual</u>	FY 18 <u>Working</u>	FY 19 <u>Allowance</u>	FY 18-19 <u>Change</u>
Regular Positions	462.00	443.00	443.00	0.00
Contractual FTEs	<u>1.07</u>	<u>1.21</u>	<u>1.21</u>	0.00
Total Personnel	463.07	444.21	444.21	0.00
Vacancy Data: Regular Positions				
Turnover and Necessary Vacancies, E Positions	Excluding New	48.95	11.05%	
Positions and Percentage Vacant as of	f 12/31/17	99.00	22.35%	

- The fiscal 2019 allowance for the Patuxent Institution has no changes in personnel. Overall, there are 99 vacant positions with a vacancy rate double what is needed to meet budgeted turnover in fiscal 2019.
- On December 31, 2016, the Patuxent Institution had 69 vacancies. One year later, vacancies are at 99, a 43% increase. In addition, 46% of these vacancies have been unfilled for over 12 months. DPSCS Human Resources is also preparing to post a job opening notice for the Patuxent warden position.

# Analysis in Brief

# **Major Trends**

Inmate Assault Rates: Maintaining the safety and security of both staff and inmates at the Patuxent Institution is of significant importance. Since fiscal 2012, assaults continue to occur at a higher rate in the Mental Health Transition Unit than among the general population. In fiscal 2017, the assault rate on both staff and inmates declined. Offender on staff and offender-on-offender assaults decreased by 40% and 30%, respectively. Despite recent declines, DPSCS should comment on the elevated level of assaults, why the long-term assault rate against staff has been substantially higher than the rate against other offenders, and its efforts to reduce assaults.

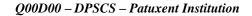
*Inmate Population:* Since fiscal 2012, Patuxent Institution has had an average daily population (ADP) of 899 inmates per year. As of January 2018, the ADP has increased to over 1,000, which includes inmates transferred from other facilities. This total has put the institution at or near full capacity since December 2017.

#### **Issues**

Staffing and Overtime Issues at the Patuxent Institution: In fiscal 2017, the Patuxent Institution had a vacancy rate of 21%, higher than the department's overall vacancy rate of 15.7%. When compared to all DPSCS institutions, the Patuxent Institution is in the top five for overtime spending. When compared to State prisons only, the Patuxent Institution is the third highest in overtime spending despite the fact that it is far smaller than the top two prisons, Jessup Correctional Institution and Eastern Correctional Institution. DPSCS should report on the increased population and high number of overtime hours and costs at the Patuxent Institution.

# **Operating Budget Recommended Actions**

1. Adopt committee narrative requesting a report on the Patuxent Institution population, as well as overtime costs and issues.



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# **Patuxent Institution**

#### **Department of Public Safety and Correctional Services**

# Operating Budget Analysis

# **Program Description**

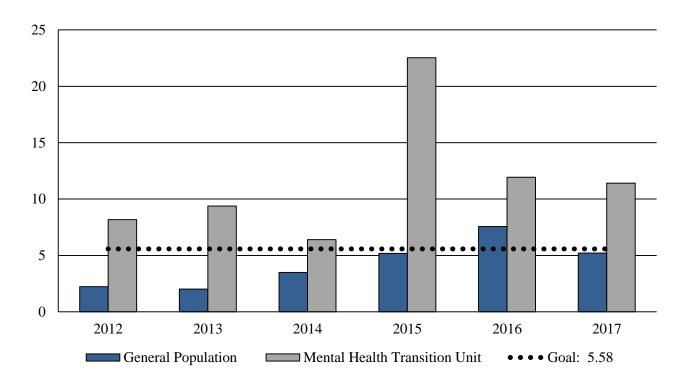
The Patuxent Institution operates as a maximum security, treatment-oriented facility that provides remediation services to male and female offenders in its Eligible Person (EP) Program and Patuxent Youth Program (PY). It is the only institution for sentenced criminals in the State that is not part of the Division of Correction (DOC). The institution also addresses the needs of mentally ill offenders throughout the correctional system within the Correctional Mental Health Center – Jessup (CMHC-J), as well as the Step-Down Mental Health Unit. The remaining population is comprised of DOC inmates who may be participating in the Patuxent Assessment Unit, the Regimented Offender Treatment Center (ROTC), the Parole Violators Program, or stand-alone cognitive-behavioral treatment modules.

Performance Analysis: Managing for Results

#### 1. Inmate Assault Rates

While the primary focus of the Patuxent Institution is to provide mental health services and treatment, it is still a maximum security correctional facility. Maintaining the safety and security of both staff and inmates is of significant importance. **Exhibit 1** provides offender-on-offender assault data for inmates in the general population and at the Mental Health Transition Unit (MHTU) since fiscal 2012.

Exhibit 1 Offender-on-offender Assault Rates Per 100 Inmates Fiscal 2012-2017



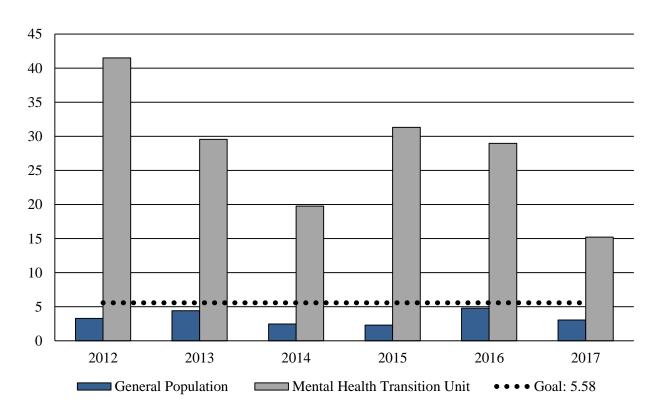
Source: Department of Public Safety and Correctional Services

The department reports that because the population at the Patuxent Institution has a higher concentration of mental health and related issues, assault rates tend to be higher than those at other departmental facilities, particularly within the mental health unit. In fiscal 2015, MHTU offender-on-offender assault rates increased significantly but have since declined 47%. Overall, in fiscal 2017, the assault rates, since fiscal 2016, in both the general population and MHTU declined 46% and 4%, respectively. However, despite these declines, assault rates in MHTU (11.9) are more than double the department's goal of 5.58 assaults per 100 inmates. Offender-on-offender assaults are just under the goal, at 5.2 assaults per 100 inmates.

In terms of offender-on-staff assault rates, assaults have declined but offender-on-staff assaults are much higher than offender-on-offender assaults – again, particularly in MHTU. In the mental health unit in fiscal 2016, offenders assaulted other inmates at a rate of 11.9 per 100 average daily population (ADP). During the same period, offenders assaulted staff at a rate of 29 per 100 ADP, a rate that is 140% higher. Since fiscal 2016, assault rates have declined 36% in the general population, and 47% in MHTU.

Exhibit 2 depicts offender-on-staff assault rates since fiscal 2012. In total, offender-on-staff assaults declined substantially from fiscal 2016. In the general population, these types of assaults declined 35% and in MHTU, 48%. Despite the decline, assault rates in MHTU are still nearly triple the department's goal of 5.58 assaults per 100 inmates. Despite recent declines, the Department of Public Safety and Correctional Services (DPSCS) should comment on the elevated level of assaults, why the long-term assault rate against staff has been substantially higher than the rate against other offenders, and its efforts to reduce assaults.

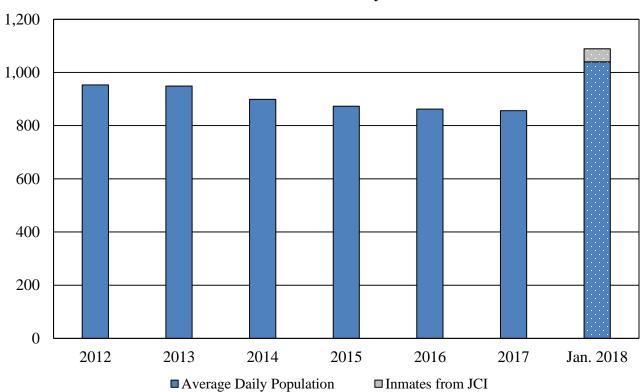
Exhibit 2 Offender-on-staff Assault Rates Per 100 Inmates Fiscal 2012-2017



# 2. Inmate Population

Since fiscal 2012, the Patuxent Institution has had an average ADP of 899 inmates per year. **Exhibit 3** shows total ADP from fiscal 2012 to January 2018, along with 49 inmates from the Jessup Correctional Institution (JCI) that were transferred to the Patuxent Institution in fiscal 2017. These inmates were moved from JCI to make room for Baltimore City detainees after the closure of the Jail Industries Building. More information about this transfer will be discussed in the Issues section of this analysis.

Exhibit 3
Patuxent Institution Average Daily Population
Fiscal 2012 – January 2018



JCI: Jessup Correctional Institution

#### Fiscal 2018 Actions

#### **Cost Containment**

The Board of Public Works actions reduced the department's general fund appropriation by approximately \$8.4 million. This amount was related to salary savings due to the department's high vacancy rate. The institution's share of this total is \$601,800.

#### **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 \$787,081 in general funds.

# **Proposed Budget**

As shown in **Exhibit 4**, the Governor's fiscal 2019 allowance for the Patuxent Institution increases by \$2.6 million, or 5.2%. This increase takes into account the previously mentioned across-the-board reduction for employee and retiree health insurance, as well as the fiscal 2019 general salary increase.

# Exhibit 4 Proposed Budget DPSCS – Patuxent Institution (\$ in Thousands)

How Much It Grows:	General <u>Fund</u>	Special <u>Fund</u>	Reimb. <u>Fund</u>	<u>Total</u>
Fiscal 2017 Actual	\$51,337	\$109	\$9	\$51,455
Fiscal 2018 Working Appropriation	50,532	71	157	50,760
Fiscal 2019 Allowance	53,329	<u>66</u>	<u>9</u>	<u>53,404</u>
Fiscal 2018-2019 Amount Change	\$2,797	-\$4	-\$149	\$2,644
Fiscal 2018-2019 Percent Change	5.5%	-6.2%	-94.6%	5.2%

#### Q00D00 - DPSCS - Patuxent Institution

#### Where It Goes:

#### **Personnel Expenses**

Overtime	\$1,511
Employee and retiree health insurance (includes restoration of health insurance reduction)	405
Correctional officer bonus program	371
General salary increase	264
Workers' compensation premium assessment	88
Employees' retirement system	11
Accrued leave payout	-45
Turnover (includes restoration of BPW cost containment measures)	-1,503
Other fringe benefit adjustments	-1
Other Changes	
Inmate medical care	1,117
Building repair and maintenance	139
Fuel and utilities	111
Building, household, and other supplies	73
Food purchases	75
Motor vehicle expenses	46
Equipment rental	44
Employee and inmate uniforms	63
Sanitation	26
GOCCP Residential Substance Abuse Treatment grants	-150
Total	\$2,644

BPW: Board of Public Works

GOCCP: Governor's Office of Crime Control and Prevention

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 Patuxent Institution's share of the general salary increase is \$263,540 in general 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 Expenses**

Personnel expenses increase by approximately \$1.1 million when adjusted for fiscal 2018 cost containment and the across-the-board health insurance deduction holiday, as well as the fiscal 2019 cost-of-living adjustment (COLA). Overall, increases of \$1.5 million in overtime, \$371,000 for the new correctional officer bonus program, and \$88,000 in workers' compensation funds are offset by decreases that include \$45,000 in accrued leave payouts and \$1.5 million in turnover adjustments. An additional \$405,000 in adjustments for the restoration of the fiscal 2018 health insurance reduction and \$264,000 for the fiscal 2019 COLA account for the remaining change in personnel expenses.

#### **Inmate Variable Costs**

While inmate populations continue to decrease across DOC facilities, the Patuxent Institution has an increase in ADP, resulting in higher variable costs, such as inmate medical care (\$1.1 million) and food purchases (\$75,000). The department has successfully procured a new mental health contract. As a result, DPSCS is spending more for this type of care due to the need to comply with the Duvall consent decree and the Justice Reinvestment Act (JRA). The Patuxent Institution should comment on the JRA and the impacts that it will have on the institution's population and operations, particularly on Maryland Correctional Enterprises operations located at the facility.

# **Other Expenditures**

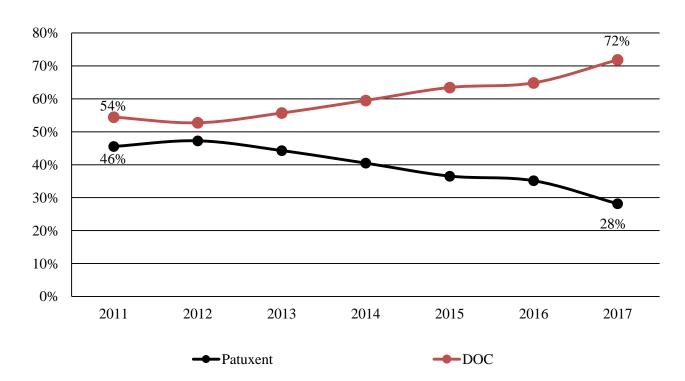
Additional spending increases include \$139,000 for building repair and maintenance, \$111,000 for fuel and utilities, \$73,000 for supplies, a total of \$90,000 for motor vehicles and separate equipment rentals, and \$63,000 in total increases for both inmate and employee uniforms. Additional increases for sanitation are \$26,000. The only major decrease in expenses is \$150,000 for a Residential Substance Abuse Treatment grant through the Governor's Office of Crime Control and Prevention, which ended.

# **Issues**

# 1. Staffing and Overtime Issues at the Patuxent Institution

While the EP and PY programs are core priorities for the institution, the number of DOC inmates at Patuxent continues to rise. From fiscal 2011 to 2017, ADP at the Patuxent Institution has been on a downward trend for inmates in the EP Program (-32%). However, the number of DOC inmates housed at the institution rose 44% during the same time period. In fiscal 2011, 54% of the institution's population was under the jurisdiction of DOC, with 46% under Patuxent jurisdiction. As of January 2018, 72% of total offenders are DOC inmates, with 28% under Patuxent oversight. **Exhibit 5** depicts the change in population at this facility since fiscal 2011.

Exhibit 5
Patuxent Institution Population by Jurisdiction
Fiscal 2011-2017



DOC: Division of Correction

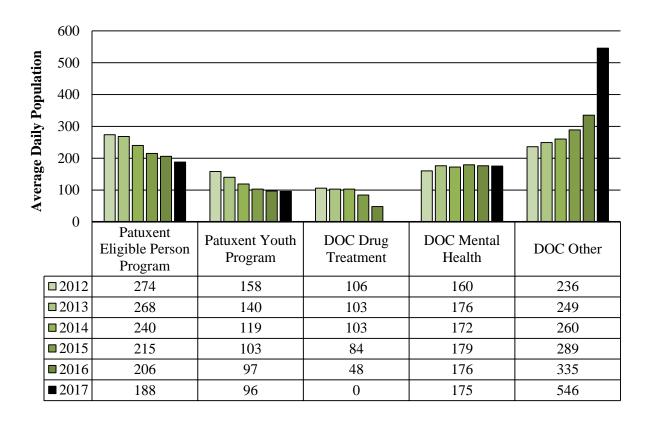
# **Regimented Offender Treatment Center**

Other populations at the facility have been affected by programmatic changes. The ROTC program was designed to deliver substance abuse treatment to male offenders. In fiscal 2017, the contract for the program was terminated. The department will pursue a formal solicitation for a replacement in the next several months. While over 100 inmates were in the ROTC program as recently as 2014, the program has ended. As a result, substance abuse spending at the Patuxent Institution dropped from \$1.1 million in fiscal 2016 to \$91,000 in fiscal 2017. The department estimates that spending will nearly double from 2016 totals with a new contractor to \$1.8 million. **DPSCS should comment on the reduced substance abuse spending, reasons why the previous contract was terminated, and how plans for a new contract will comport with JRA guidelines for expanded drug treatment.** 

# **Other Programs**

According to the department, there are 5,500 offenders within DPSCS who have been diagnosed as mentally ill or seriously mentally ill, an increase of 7.8% over the previous fiscal year. The Patuxent Institution serves some of these inmates under the jurisdiction of DOC through CMHC-J. While the size of the populations housed in CMHC-J and ROTC remained fairly stable between fiscal 2012 and 2015, the DOC "Other" population has continued to expand, growing 132%. **Exhibit 6** shows the population for all programs at the Patuxent Institution since fiscal 2012.

Exhibit 6
Patuxent Institution Program Enrollment
Fiscal 2012-2017



DOC: Division of Correction

Source: Department of Public Safety and Correctional Services

# **DOC Transients Increase Dramatically**

The number of DOC offenders in need of Patuxent services continues to grow. This population includes those awaiting evaluation for the EP or PY programs, but as shown in Exhibit 6, the total number in each of those programs has decreased since fiscal 2012. And while the ROTC drug treatment program is on hold pending a new contractor, those in MHTU have increased from 160 inmates in fiscal 2012 to 175 inmates in fiscal 2017. This leaves the only area of major growth as DOC Other or Transients. These are inmates who are not enrolled in any of the four previously mentioned programs; they are either receiving specialized services through the Parole Violator Program (which includes 24 technical violators from Baltimore City), the Patuxent Assessment Unit, or transitioning between the Patuxent Institution and other departmental institutions.

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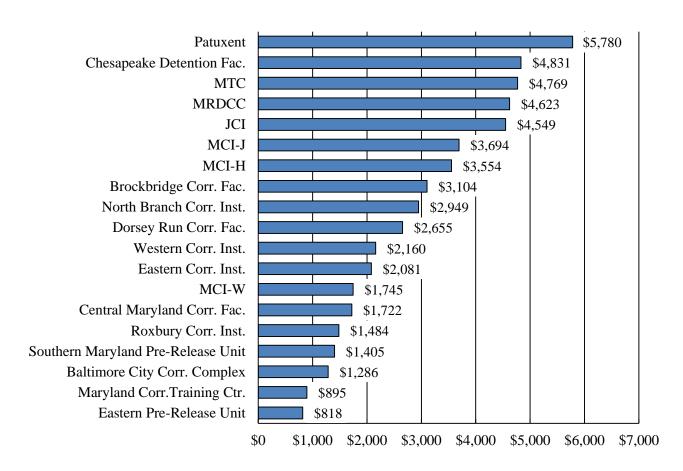
As was stated earlier in this analysis, 72% of the Patuxent population are under DOC jurisdiction. Beginning in September 2017, the number of DOC inmates increased from 366 to 626 by December, a significant 71% increase. In addition, this increase resulted in a Patuxent Institution total population of 1,119. According to the Patuxent Institution's most recent annual report, the institution's total capacity is 1,113. Exhibit 7 shows the Patuxent Institution's total capacity delineated by program. DPSCS should comment on the impact of service delivery given that ADP is above capacity and whether DOC inmates, particularly those from JCI, are still meeting criteria for needing Patuxent services.

# Exhibit 7 Patuxent Institution Capacity by Program Fiscal 2017

#### **Male Programs** Eligible Persons 164 100 Patuxent Youth Program Correctional Mental Health 192 Mental Health Transition 32 Mental Health Step-Down 32 Parole Violator Program 24 Patuxent Assessment Unit 64 396 Division of Correction Transient **Female Programs** Eligible Persons/Youth 37 72 **Division of Correction Housing Total Capacity** 1,113 **December 2017 Population** 1,119

In fiscal 2017, the Patuxent Institution had a vacancy rate of 21%. As a result, overtime spending at the facility continues to increase. The total number of overtime hours (158,000), cost (\$5.8 million), and overtime spending per capita (\$5,780) are among the highest at DPSCS facilities. **Exhibit 8** shows the amount of overtime funds spent per inmate at each institution.

Exhibit 8 Overtime Spending Per Capita by Institution Fiscal 2017



Corr.: Correctional Ctr.: Center Fac: Facility Inst.: Institution

JCI: Jessup Correctional Institution

MCI-H: Maryland Correctional Institution – Hagerstown MCI-J: Maryland Correctional Institution – Jessup MCI-W: Maryland Correctional Institution – Women

MRDCC: Maryland Reception, Diagnostic and Classification Center

MTC: Metropolitan Transition Center

The Department of Legislative Services recommends that DPSCS submit a report that outlines why the Patuxent Institution DOC population has increased, which facility each inmate came from, and the current enrollment of inmates delineated by Patuxent Institution programs. In addition, DPSCS should provide information on whether current ADP is sustainable given that the population has exceeded full capacity. Finally, the department should report on the status of the ROTC drug treatment program and when it is likely to be operational, as well as information on why overtime costs at the institution are the highest per capita among all DPSCS State prisons.

# Operating Budget Recommended Actions

#### 1. Adopt the following narrative:

Staffing and Overtime Issues at the Patuxent Institution: In fiscal 2017, the Patuxent Institution had a vacancy rate of 21%, higher than the department's overall vacancy rate of 15.7%. When compared to all Department of Public Safety and Correctional Services (DPSCS) institutions, the Patuxent Institution is in the top five for overtime spending and the highest in overtime spending per capita. The budget committees request that DPSCS submit a report by December 1, 2018, which outlines why the Patuxent Institution population has increased, which facility each inmate came from, and the current enrollment of inmates delineated by Patuxent Institution programs. In addition, DPSCS should provide information on whether the current average daily population is sustainable given that the population has exceeded full capacity. Finally, the department should report on the status of the Regimented Offender Treatment Center drug treatment program and when it is likely to be operational, as well as information on why overtime costs at the institution are the highest per capita among all DPSCS State prisons.

Information Request	Author	<b>Due Date</b>
Staffing and Overtime Issues	DPSCS	December 1, 2018
at the Patuxent Institution		

# Appendix 1 Current and Prior Year Budgets DPSCS – Patuxent Institution (\$ in Thousands)

	General <u>Fund</u>	Special <u>Fund</u>	Federal <u>Fund</u>	Reimb. <u>Fund</u>	<u>Total</u>
Fiscal 2017					
Legislative Appropriation	\$53,674	<b>\$161</b>	\$300	\$162	\$54,297
Deficiency Appropriation	0	0	0	0	0
Cost Containment	0	0	0	0	0
Budget Amendments	-1,464	-47	0	0	-1,511
Reversions and Cancellations	-872	-5	-300	-153	-1,331
Actual Expenditures	\$51,337	\$109	\$0	\$9	\$51,455
Fiscal 2018					
Legislative Appropriation	\$51,921	\$71	\$0	\$157	\$52,149
Cost Containment	-602	0	0	0	-\$602
Budget Amendments	0	0	0	0	\$0
Working Appropriation	\$51,319	<b>\$71</b>	\$0	\$157	\$51,547

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 \$51.3 million, a decrease of \$2.3 million from the legislative appropriation. Fiscal 2017 budget amendments reduced the appropriation by a net \$1.5 million, with \$488,513 in general funds allocated for employee salary increments offset by a \$2 million reduction that realigned funds to match expenditures. A total of \$872,275 in general fund salary savings was reverted due to the agency's high vacancy rate.

#### **Special Fund**

Fiscal 2017 special fund expenditures were about \$109,000, a \$52,000 decrease from the legislative appropriation, mainly due to a \$47,400 reduction in special funds for employee salary increments and \$5,253 in cancellations for inmate welfare funds that were unspent.

#### **Federal Fund**

\$300,000 in federal funds were canceled because the Second Chance Act grant concluded. Services were discontinued at that time due to the lack of additional grant funding.

#### **Reimbursable Fund**

\$153,300 in reimbursable funds were canceled due to Residential Substance Abuse Treatment Program grant underspending. The Patuxent Institution plans to spend those funds in fiscal 2018.

#### **Fiscal 2018**

The fiscal 2018 working appropriation is \$602,000 less than the legislative appropriation, all of which is attributable to cost containment actions from the Board of Public Works related to vacancy savings within the Department of Public Safety and Correctional Services.

Appendix 2
Object/Fund Difference Report
Department of Public Safety and Correctional Services – Patuxent Institution

		FY 18			
	FY 17	Working	FY 19	FY 18 - FY 19	Percent
Object/Fund	<b>Actual</b>	<b>Appropriation</b>	Allowance	<b>Amount Change</b>	<b>Change</b>
Positions					
01 Regular	462.00	443.00	443.00	0.00	0%
02 Contractual	1.07	1.21	1.21	0.00	0%
Total Positions	463.07	444.21	444.21	0.00	0%
Objects					
01 Salaries and Wages	\$ 39,450,302	\$ 38,239,502	\$ 38,289,853	\$ 50,351	0.1%
02 Technical and Spec. Fees	91,800	115,254	116,530	1,276	1.1%
03 Communication	113,847	97,924	120,847	22,923	23.4%
04 Travel	1,923	2,000	2,000	0	0%
06 Fuel and Utilities	1,568,160	1,489,988	1,601,390	111,402	7.5%
07 Motor Vehicles	117,402	76,000	121,963	45,963	60.5%
08 Contractual Services	7,228,454	9,009,268	10,140,355	1,131,087	12.6%
09 Supplies and Materials	2,418,586	2,177,951	2,378,207	200,256	9.2%
10 Equipment – Replacement	42,562	12,340	19,255	6,915	56.0%
11 Equipment – Additional	123,708	0	0	0	0.0%
12 Grants, Subsidies, and Contributions	259,318	266,700	251,800	-14,900	-5.6%
13 Fixed Charges	38,543	60,158	98,353	38,195	63.5%
<b>Total Objects</b>	\$ 51,454,605	\$ 51,547,085	\$ 53,140,553	\$ 1,593,468	3.1%
Funds					
01 General Fund	\$ 51,337,334	\$ 51,318,889	\$ 53,065,753	\$ 1,746,864	3.4%
03 Special Fund	108,771	70,700	66,300	-4,400	-6.2%
09 Reimbursable Fund	8,500	157,496	8,500	-148,996	-94.6%
<b>Total Funds</b>	\$ 51,454,605	\$ 51,547,085	\$ 53,140,553	\$ 1,593,468	3.1%

Q00D00 - DPSCS - Patuxent Institution

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.