

MARYLAND GENERAL ASSEMBLY
LEGISLATIVE POLICY COMMITTEE

**Maryland Joint Prison Task Force, Department of Public
Safety and Correctional Services on Public Safety and the
Baltimore City Detention Center Briefing**

June 6, 2013

1:00 p.m.

Joint Hearing Room, Legislative Services Building

Agenda

Department of Legislative Services – Public Safety Overview

- David Juppe
- Kate Henry

Department of Public Safety and Correctional Services

- Secretary Gary Maynard

State's Attorneys

- Gregg Bernstein, Baltimore City
- John McCarthy, Montgomery County
- Scott Shellenberger, Baltimore County

Other Corrections Officials

- George Camp, Association of State Correctional Administrators
- Mary Lou McDonough, Director, Prince George's County Department of Corrections
- Jeffrey Washington, Deputy Director, American Corrections Association

Public Safety Overview

**Presentation to the
Legislative Policy Committee**

**Department of Legislative Services
Office of Policy Analysis
Annapolis, Maryland**

June 6, 2013

Contents

- Criminal Justice System in Maryland
- 1986 Sentencing Change
- State Assumption of the Baltimore City Jail
- Correctional Officer Hiring/Compensation
- Correctional Officer Bill of Rights

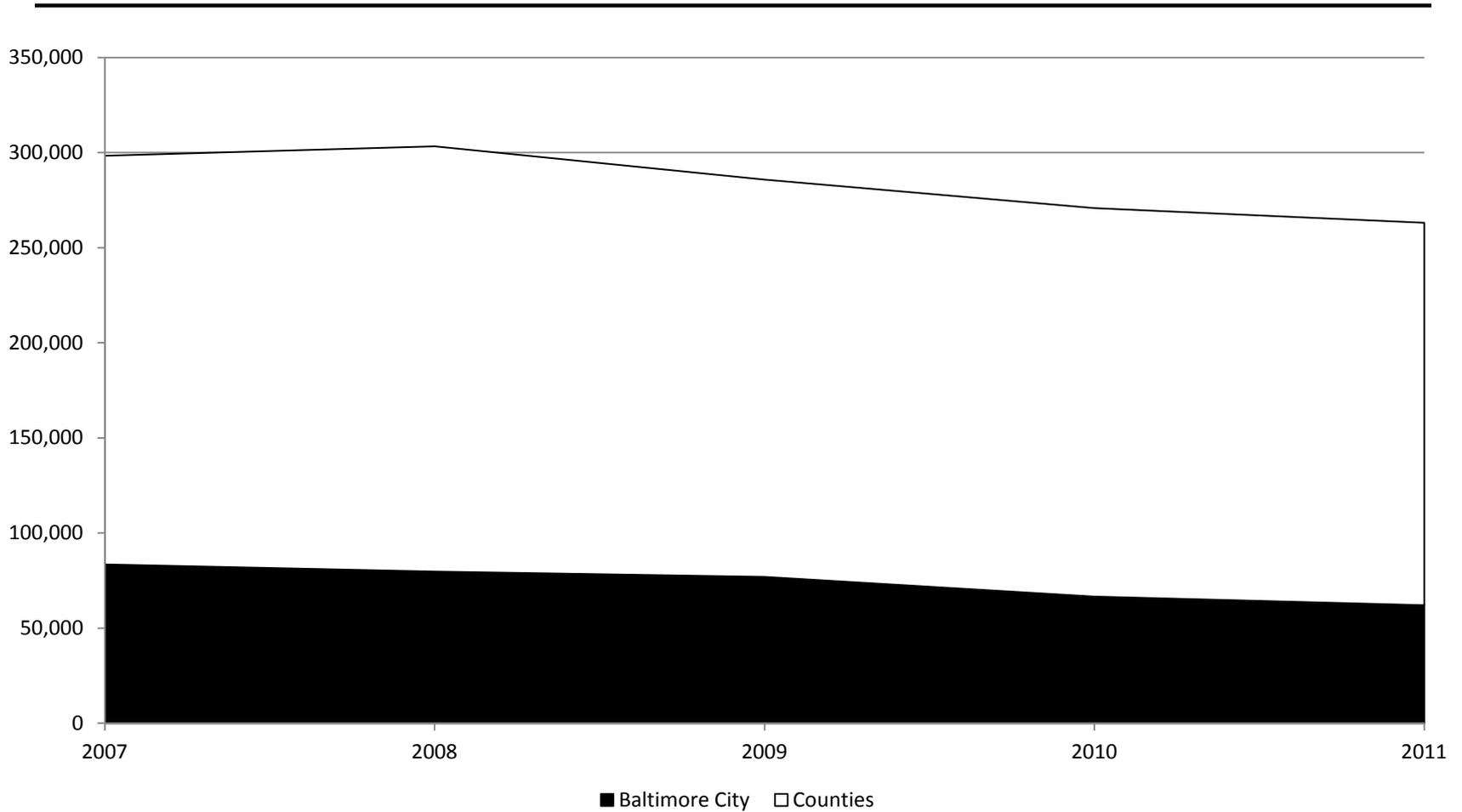
Criminal Justice System in Maryland

- Arrests
- Booking/Initial Appearance/Bail Review
- Compliance with Sentencing Guidelines
- Local Jail Population
- Pre-Trial Detainment
- Trial Timeframe

Arrests

- Statewide the number of arrests is down 12% between CY 2007 and 2011
- Arrests in Baltimore City are down 26% during the same time period

Arrests: CY 2007-2011



Booking/Initial Appearance/Bail Review

- Offenders are arrested by police and brought before a District Court Commissioner within 24 hours for an Initial Appearance
- Individuals are either released on personal recognizance or personal bond, bail is set, or they are ordered held without bail
- Judges review bail decisions

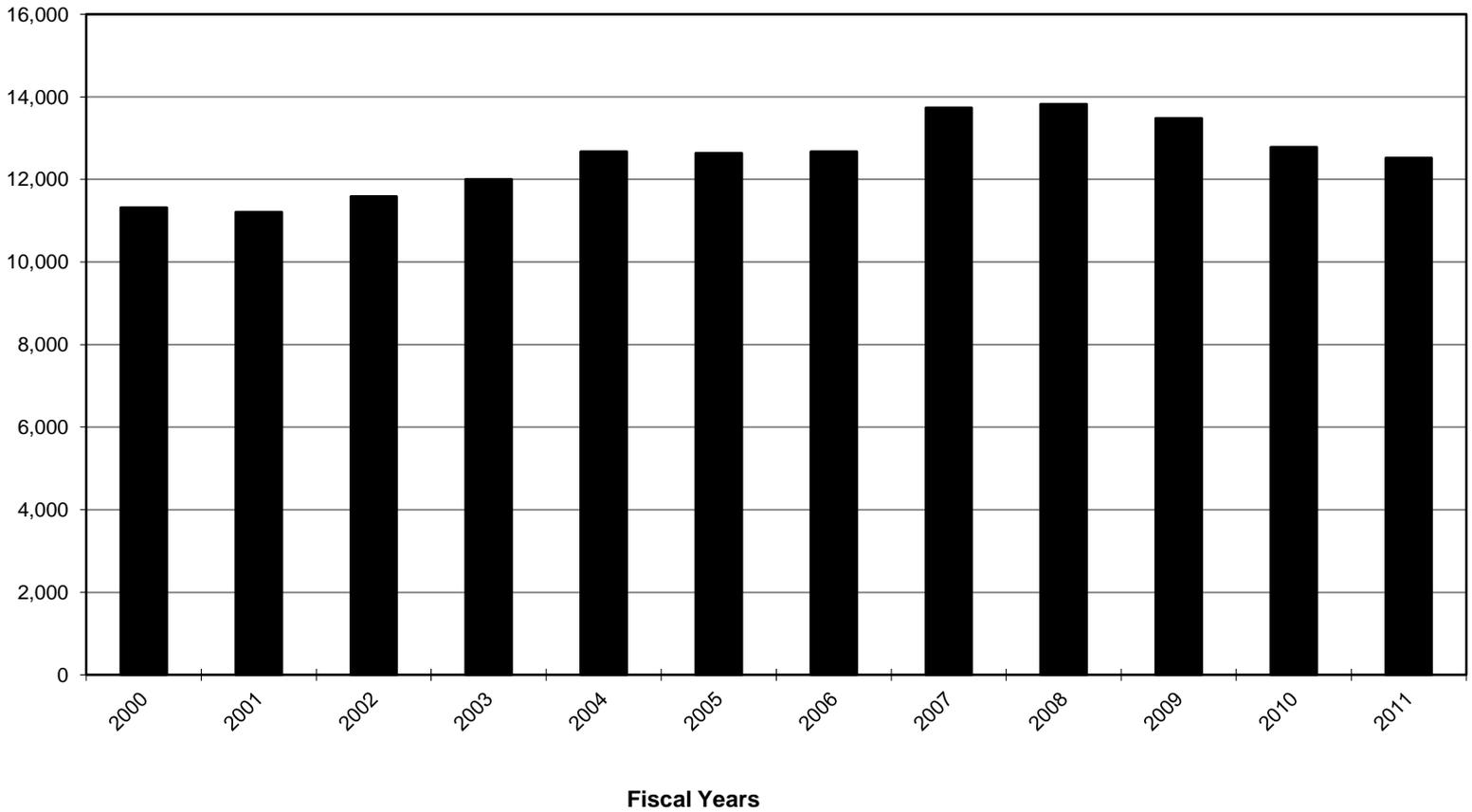
Sentencing Guideline Compliance

- Compliance with judicial sentencing guidelines is higher in Baltimore City than the other 23 counties
- In Baltimore City when judges sentence outside of the guidelines, sentences are predominantly below the guidelines
- Shorter sentenced offenders are incarcerated at the Baltimore City Detention Center

Sentencing Guideline Trends

	Baltimore City			Statewide		
	BC In	BC Below	BC Above	St. In	St. Below	St. Above
2006	88.7%	10.5%	0.5%	78.8%	16.3%	4.8%
2007	93.3%	6.2%	0.6%	80.3%	14.1%	5.3%
2008	92.9%	6.8%	0.3%	80.1%	14.6%	5.3%
2009	93.3%	6.4%	0.4%	79.3%	15.7%	5.0%
2010	93.6%	6.0%	0.4%	78.9%	15.9%	5.2%
2011	92.5%	7.1%	0.5%	79.2%	16.1%	4.7%
2012	89.2%	10.3%	0.5%	78.2%	16.9%	4.9%

Local Jail Population

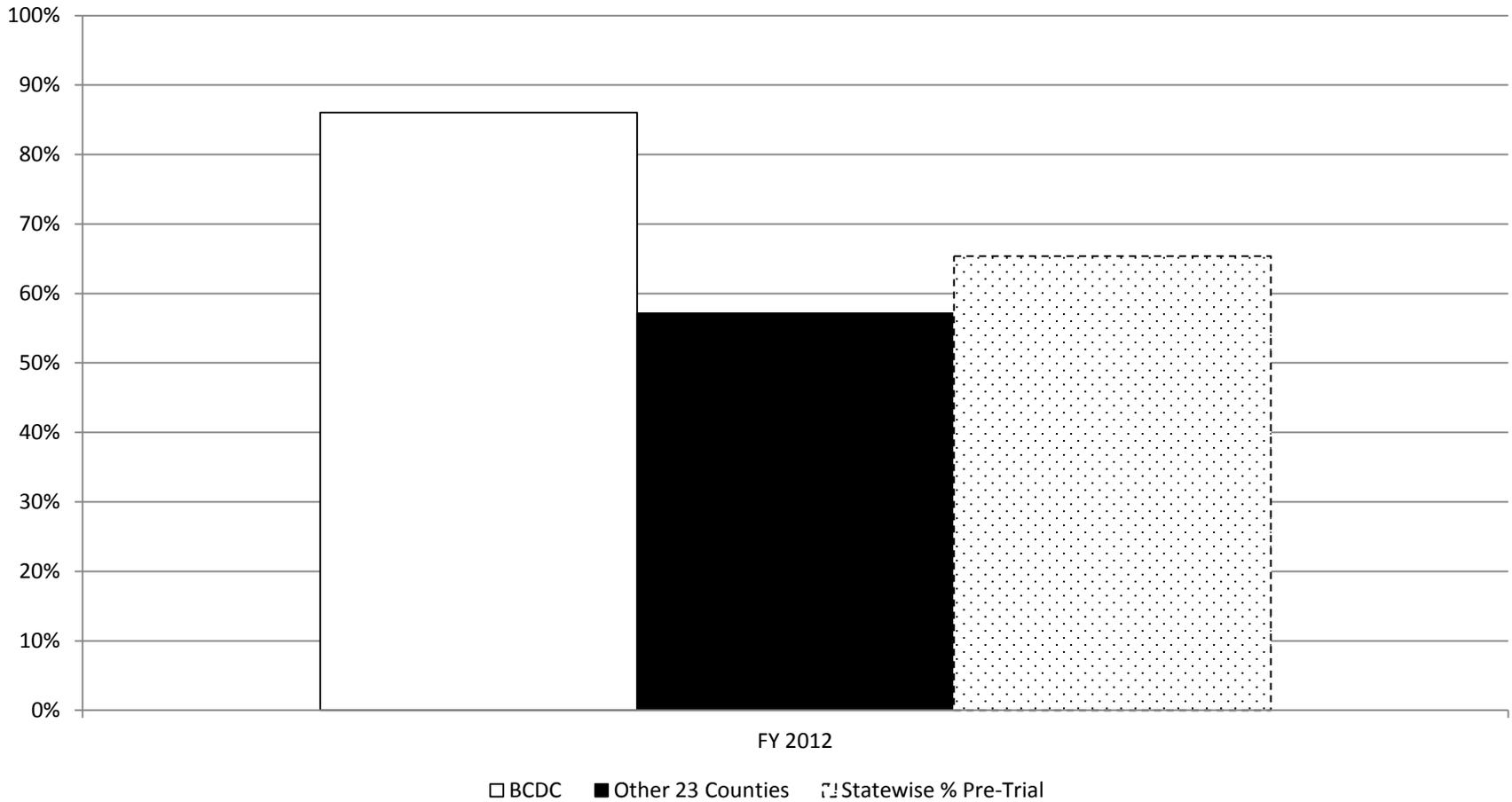


Local Jail Population

- Detention trends mirror the downward trend in arrests
- In FY 2012, the average daily population across all counties and Baltimore City was 12,223 detainees and sentenced offenders

Pre-Trial Detainment

Percent of the Total Population That Are Pre-Trial Detainees



Trial Timeframe

- In addition to the 6th amendment constitutional right to a speedy trial, Section 6-103 of the Criminal Procedure Article and MD Rule 4-271 state that the date for a criminal matter in the circuit court shall be set within 30 days after either the appearance of counsel or the first appearance of the defendant whichever comes first; and that the trial date may not be later than 180 days after the preceding event

Prior Law

- Prior to 1986 offenders were sentenced to State jurisdiction for terms longer than 90 days, though judges had discretion to sentence offenders to the local detention center

1986 Law Change

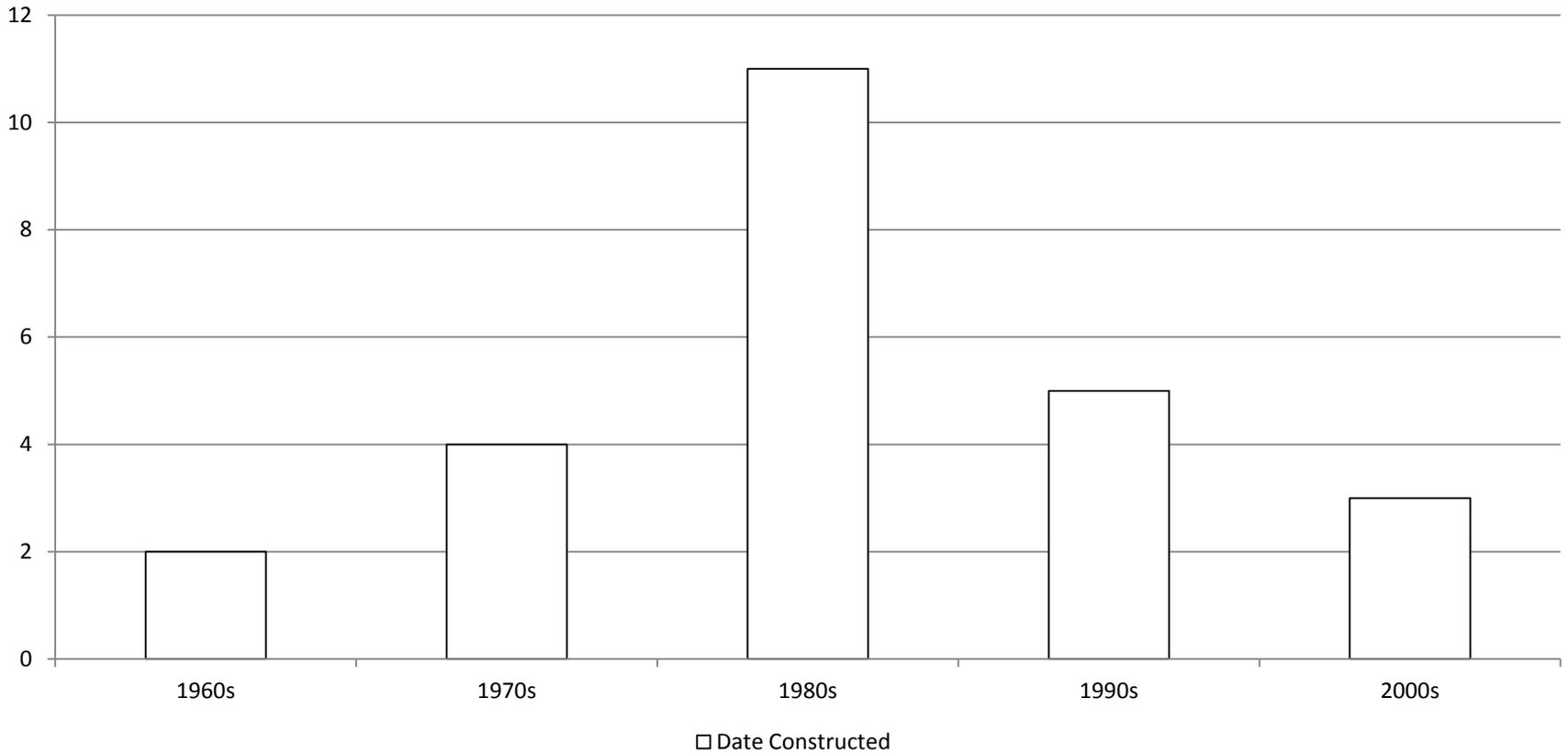
- Chapter 128 of 1986 phased in changes to require that offenders sentenced to 1 year or less must go to local detention centers
- Judges have discretion for offenders sentenced between 12-18 months to send them to either the State or the local jurisdiction

Local Jail Facilities

- After the 1986 law change, local detention center construction boomed
- Many older facilities were replaced or renovated and expanded
- Most local detention centers have been constructed within the last 30 years

Local Jail Facilities

Local Detention Centers

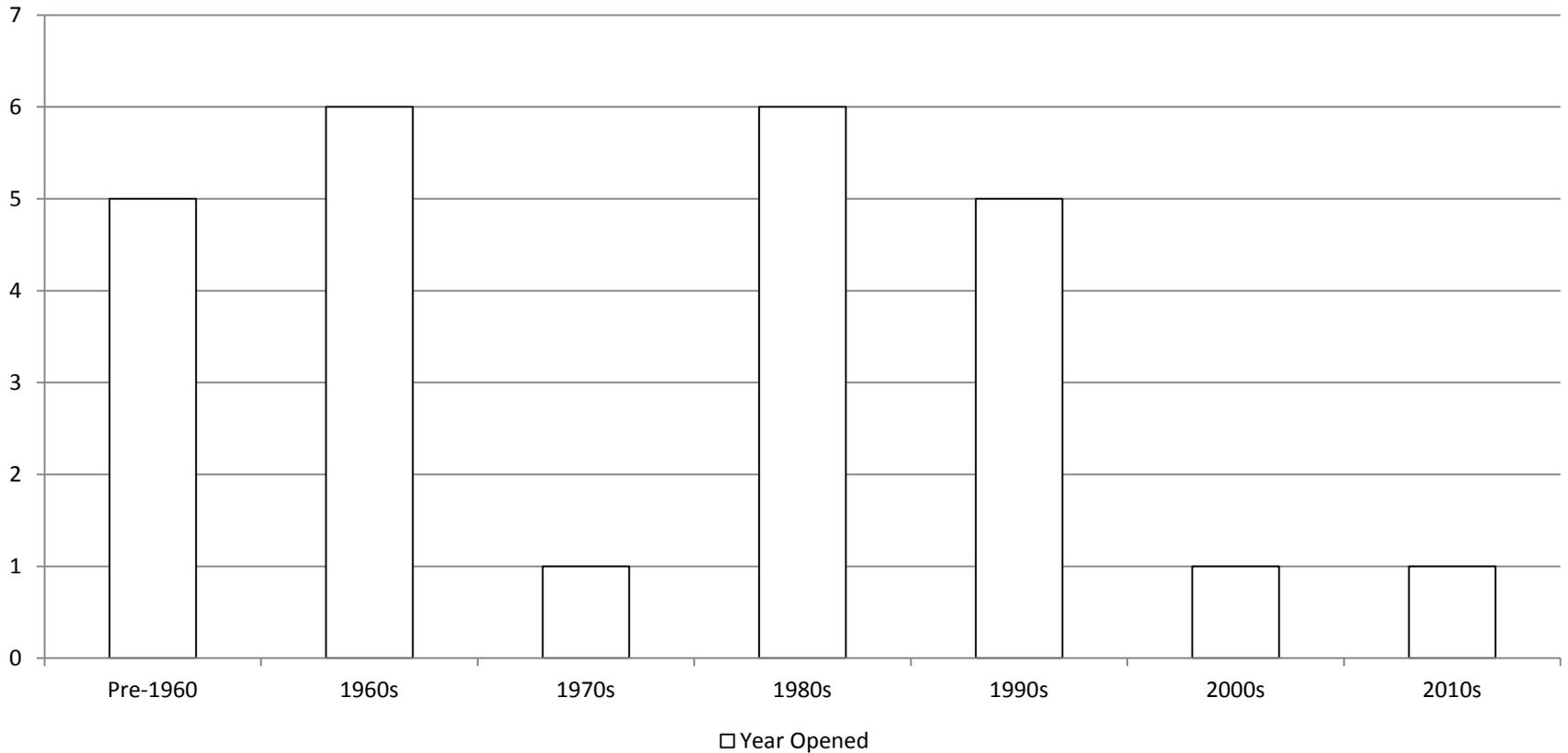


Age of State Facilities

- Most State correctional facilities were constructed within the last 50 years
- Portions of the Maryland State Penitentiary date to the Civil War (C Dorm) and the 1890s (West Wing)
- The newest facility, Dorsey Run, will open in FY 2014 – adding 560 minimum security beds
- The Baltimore City Detention Center was originally constructed in 1806 and has been renovated 11 times between 1859 and 1999

Age of State Facilities

State Correctional Facilities



1991 Acquisition

- Legislation passed at the 1991 session to effect State control of the Baltimore City Jail
- Baltimore City removed from Police Aid formula (\$38 million) and State assumed cost of operating the jail (\$40 million) in FY 1992
- FY 2014 budget is \$139.4 million (Detention Center and Central Booking)

1991 Acquisition

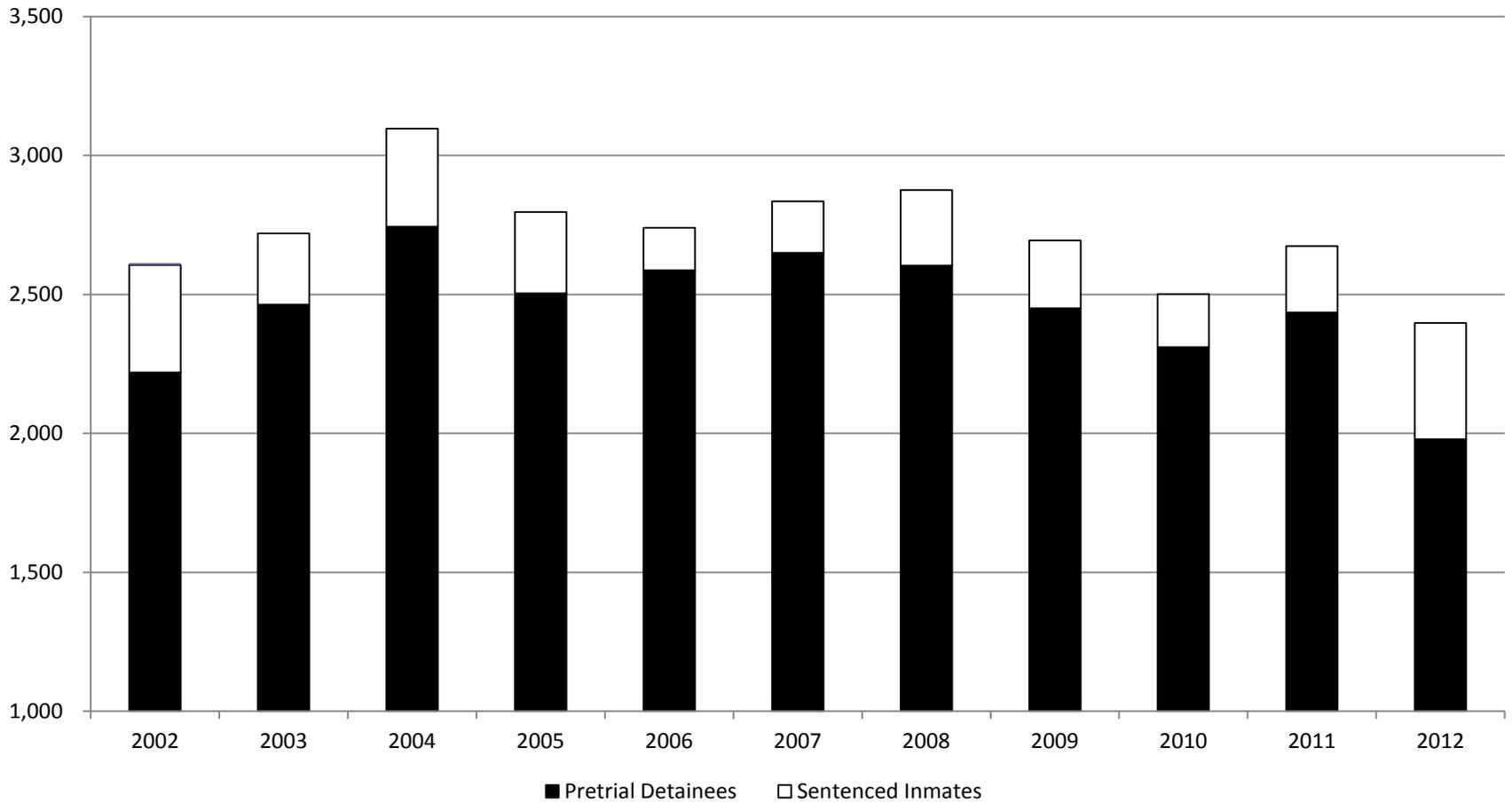
- Since 1991 the State has spent approximately \$65 million for capital improvements

GO Bond Year	Projects	Total
1990, 1994, 2000-2003	Cell door, fire safety, utility improvements	\$14,297,000
1992, 1994	Central Booking and Intake Facility	21,622,000
2003-2004	Ventilation System at Women's Detention Center	3,453,000
2004-2007	Acquire Properties/Demolition to Expand BCDC	7,029,000
2008-2009	New Women's Detention Center	7,404,000
2008-2010, 2013	New Juvenile Detention Center	9,677,000
2011	Renovate Dining Facility	1,500,000
		\$64,982,000

BCDC Population Data

- General downward trend in population which mirrors arrest trends
- Bulk of population consists of pre-trial detainees
- Jump in sentenced population in 2012 due to direct intake at BCDC
 - Prior to 2012, sentenced offenders screened at the MD Reception, Diagnostic, and Classification Center

BCDC Population Data

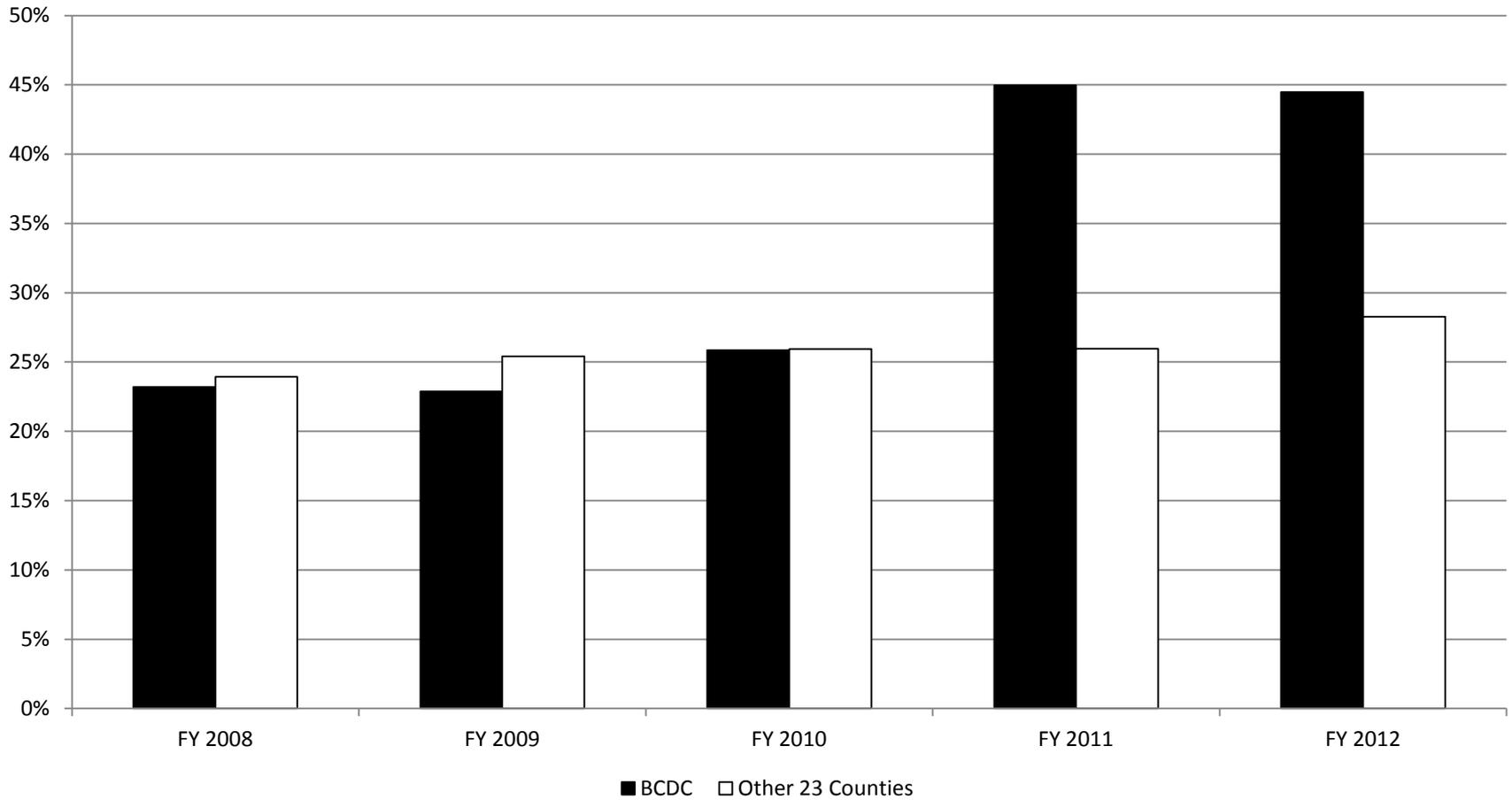


BCDC Length of Stay

- In FY 2012, the average length of stay approximates 42 days overall
- Data includes BCDC and central booking. If BCDC could be separated, the length of stay would be higher

Fiscal Years	ALOS (days)
FY2008	37.3
FY2009	38.8
FY2010	39.2
FY2011	42.3
FY2012	42.0

Percent of Pre-Trial Detainees Held Over 90 Days Has Increased at BCDC in FY 2011 and 2012



Snapshot of Population Detainment Length as of May 30, 2013

	Sentenced	Pre-Trial	Total	Percent
0-6 mos.	272	1,212	1,484	62%
7-12 mos.	90	510	600	25%
1-2 yr.	41	227	268	11%
2-3 yrs.	-	21	21	1%
3-4 yrs.	-	4	4	0%
4-5 yrs.	-	1	1	0%
			2,378	

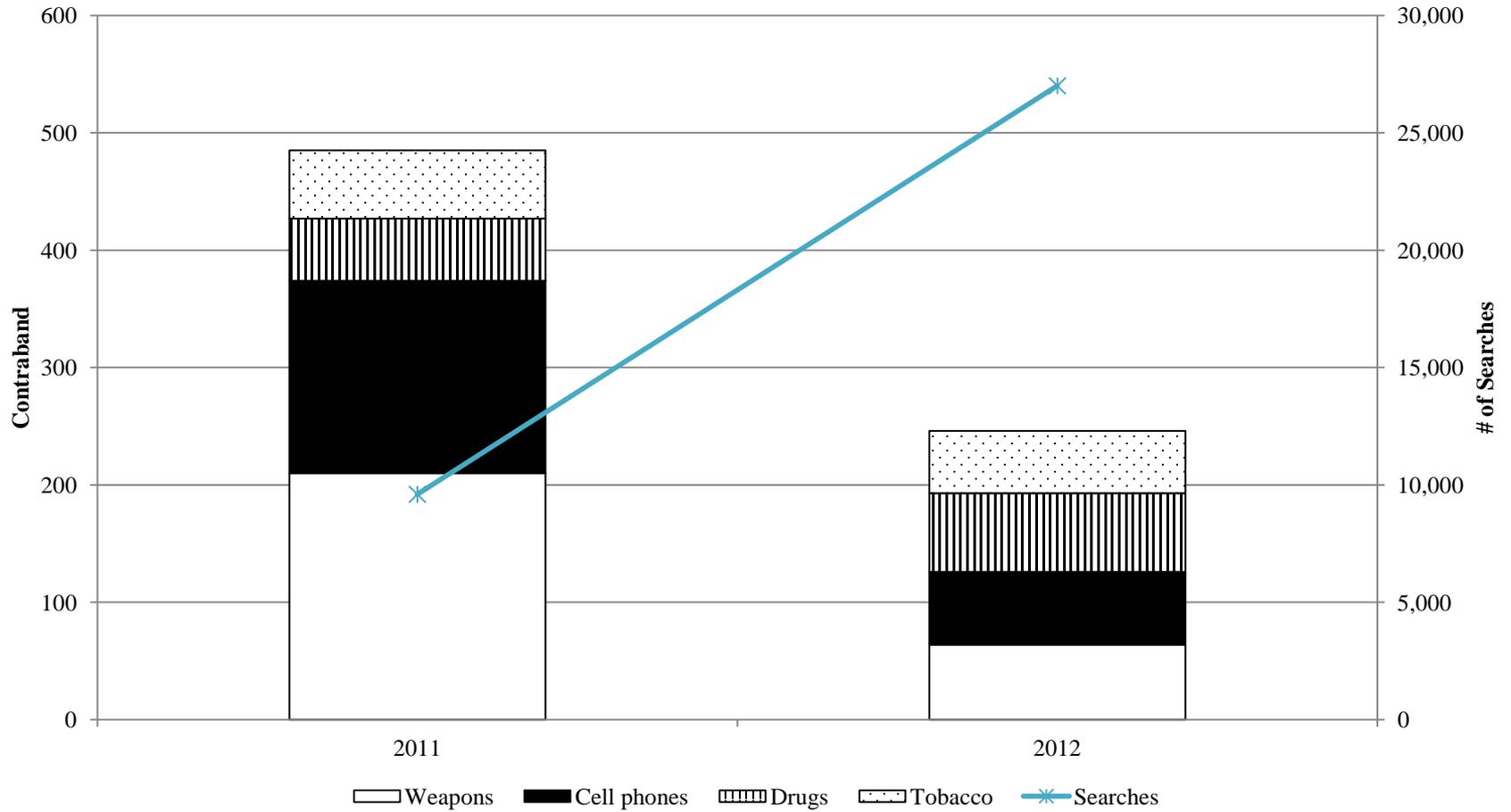
BCDC Budget

- The budget for the detention center was reduced during cost containment years, similar to all other State agencies
- Growth in recent years is due largely to health and retirement costs and general salary increases

Contraband

- Contraband searches at BCDC tripled between 2011 and 2012
- The raw number of contraband found fell by one-half because more frequent scans provides less time to make or obtain contraband

Contraband



BCDC Facility Audit

- The Maryland Commission on Correctional Standards performs audits of every State and local correctional facility once every 3 years
- Audits review life, health, and safety standards

BCDC Facility Audit

- The last audit of BCDC was issued in May 2011
- No major findings
- Minor findings related to:
 - Ceiling damage
 - Sanitation
 - Lighting maintenance
 - Lack of documentation of syringes
 - Clothes lines attached to sprinkler heads
 - Sheets covering cell doors

Correctional Officer Hiring and Compensation

- Recruitment/Screening Process
- Training
- Compensation
- Overtime

CO Recruitment Guidelines

- Must be at least 21 years of age
- U.S. citizen
- High school diploma or GED
- Physically and mentally fit
- No substance abuse
- Comprehensive background investigation
- Merit system exam
- Interview

Correctional Officer Screening

- Database searches:
 - Credit
 - Arrests and court cases
 - State and federal criminal
 - Gang affiliations
 - Inmate phone systems
 - State and local fingerprint
 - Property records
- If applicant admits to having tattoos, they are reviewed for gang affiliations

Correctional Officer Screening

- Automatic disqualification for:
 - Conviction/indictment for crime involving incarceration for 1 year or more
 - DUI/DWI in last 10 years
 - Conviction for misdemeanor crime of domestic violence
 - Current restraining order, protective order, or peace order
 - 3 or more separate convictions with at least one misdemeanor involving violence or moral turpitude
 - Sentenced to probation
 - Propensity for violence or instability
 - Fugitive from justice
 - Commitment to a mental institution

Correctional Officer Screening

- Automatic disqualification for:
 - Terminated or resigned in lieu of termination from a State position
 - Terminated or resigned in lieu of termination from former employment for:
 - Substance abuse/contraband violations
 - Accepting gifts from inmates
 - Breach of security/theft
 - Misuse of employer property
 - Fraud
 - Other criminal offenses
 - Military discharge for bad conduct or dishonorable discharge

Correctional Officer Screening

- 3-Year disqualification for:
 - Removed from employment
 - Terminated or resigned in lieu of termination for:
 - Failure to report to work more than once
 - Lateness
 - Sleeping on the job
 - Negligence
 - Insubordination
 - Misuse of firearms
 - 4 or more disciplinary actions within last year
 - 2 or more references that applicant not eligible for rehire

Correctional Officer Screening

- 1-Year disqualification for:
 - Failing or being dismissed from the Maryland Police and Correctional Training Academy
 - Failing to qualify with firearms

CO Training Standards

- The Correctional Training Commission (an agency of the Department of Public Safety and Correctional Services) sets training standards for all correctional officers (State and Local)
- Entry level training lasts 7 weeks, and there is a minimum 18-hour in-service training requirement annually

Training Academies

- There are three training academies in the State for correctional officer training
 - State Operated
 - Public Safety Education and Training Center (Carroll County)
 - Hagerstown Regional Training Center (Washington County)
 - Locally Operated
 - Wor-Wic Community College (Wicomico County)

7-Week Entrance Level Training Topics

History & development of corrections	Stress management
Elements of the criminal justice system	Cross cultural relations
Defensive tactics	Legal Aspects
Maintaining security	Use of force
Emergency plans	Transporting inmates outside of facilities
Inmate processing	Frisk/body search, restrains, scanning devices
Sexual harassment	Hostage situations
Female offender	Crime scene preservation
Youthful offender	Fraternization
Effects of imprisonment	Prison rape elimination act
Suicide prevention	Cell extraction
Mental health issues	Escorting inmates internally
Testifying in court	Professionalism & ethics
Vehicle search	Airborne/bloodborne
Substance abuse	Disciplinary process

Entrance Level Practical Training

- Effective communications
- Radio and telephone
- Fire and safety
- Inmate manipulation
- Chemical agents
- Disturbance control
- Report writing
- Mock cell search
- CPR and first aid

In-Service Training

- 2013 Training topics included:

Sexual harassment	Restraints
Cultural diversity	Chemical agents review
Inmate rights	Officer survival
Ethics/Rape awareness	Audits
Anger management	Security/Custody/Control
CPR	Emergency plans
First aid	Use of force
Suicide prevention	Report writing
Defensive tactics	Testifying in court
Inmate manipulation	Gang awareness
Drug identification	Driver improvement

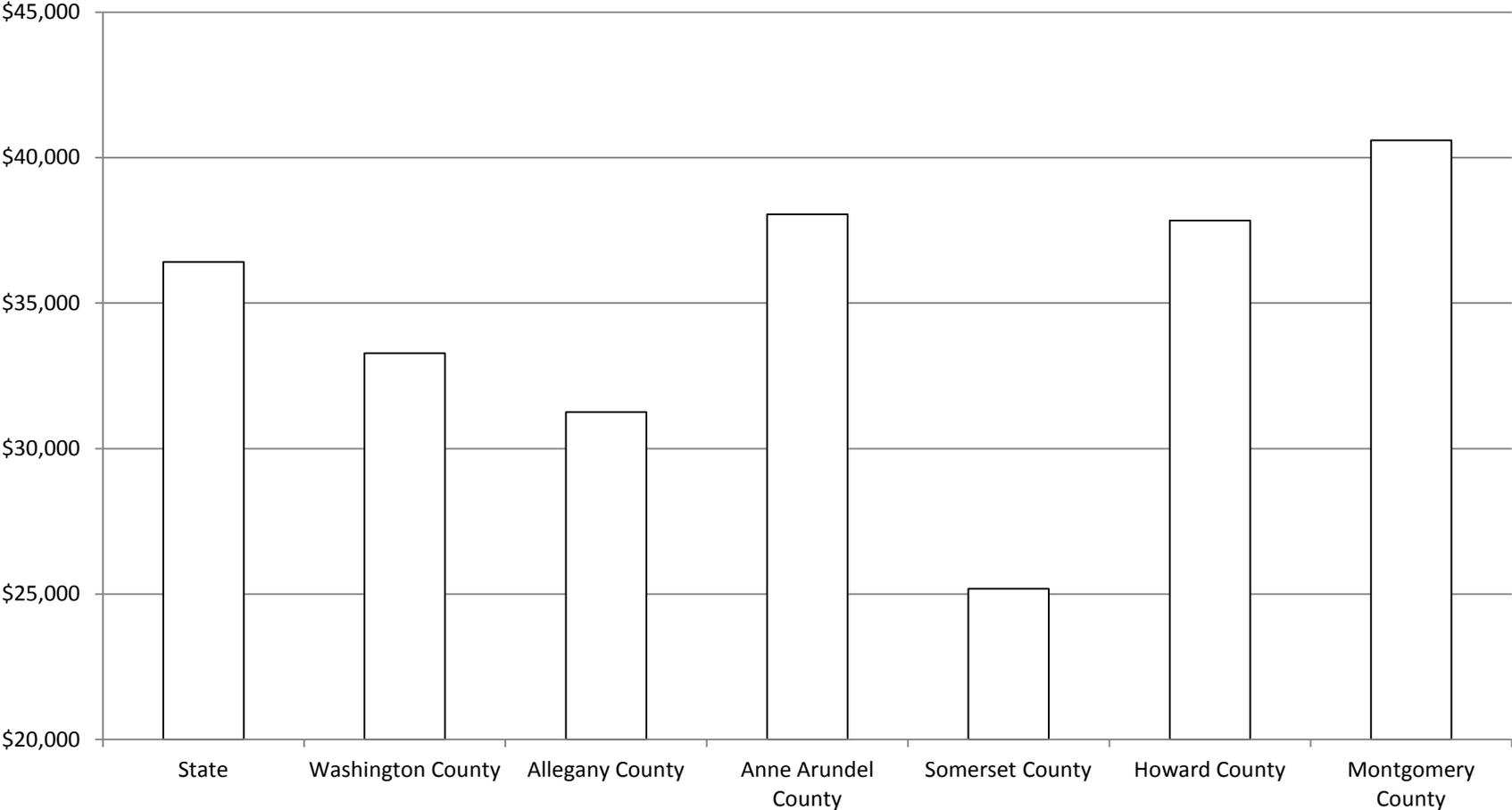
CO Salaries Increased to \$36,000



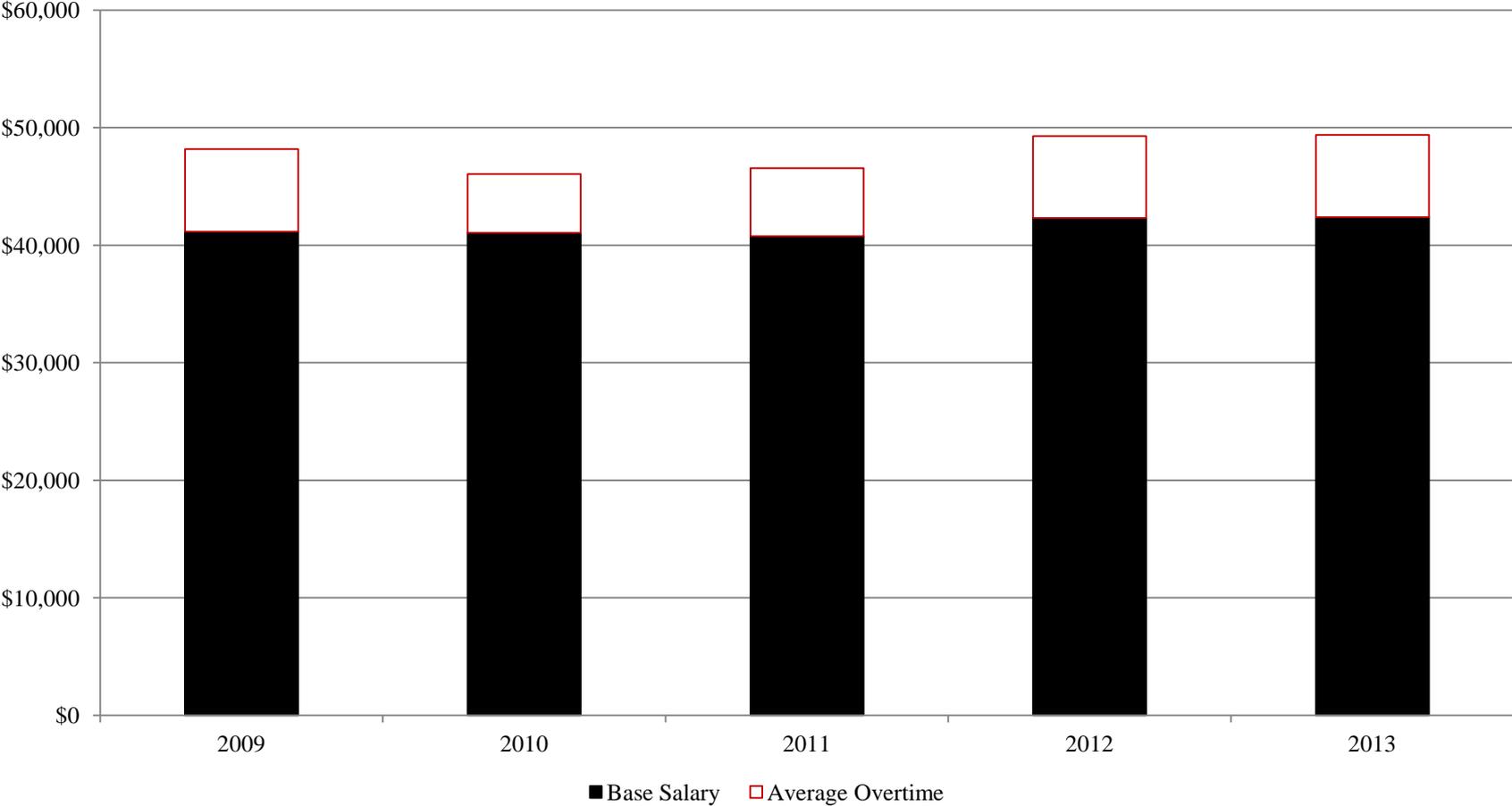
* = statewide salary reduction in lieu of furloughs

** = 2% general salary increase effective 1/1/13

CO Entry Level Salaries Are Competitive with the Counties



With Overtime, Average Compensation Approaches \$50,000

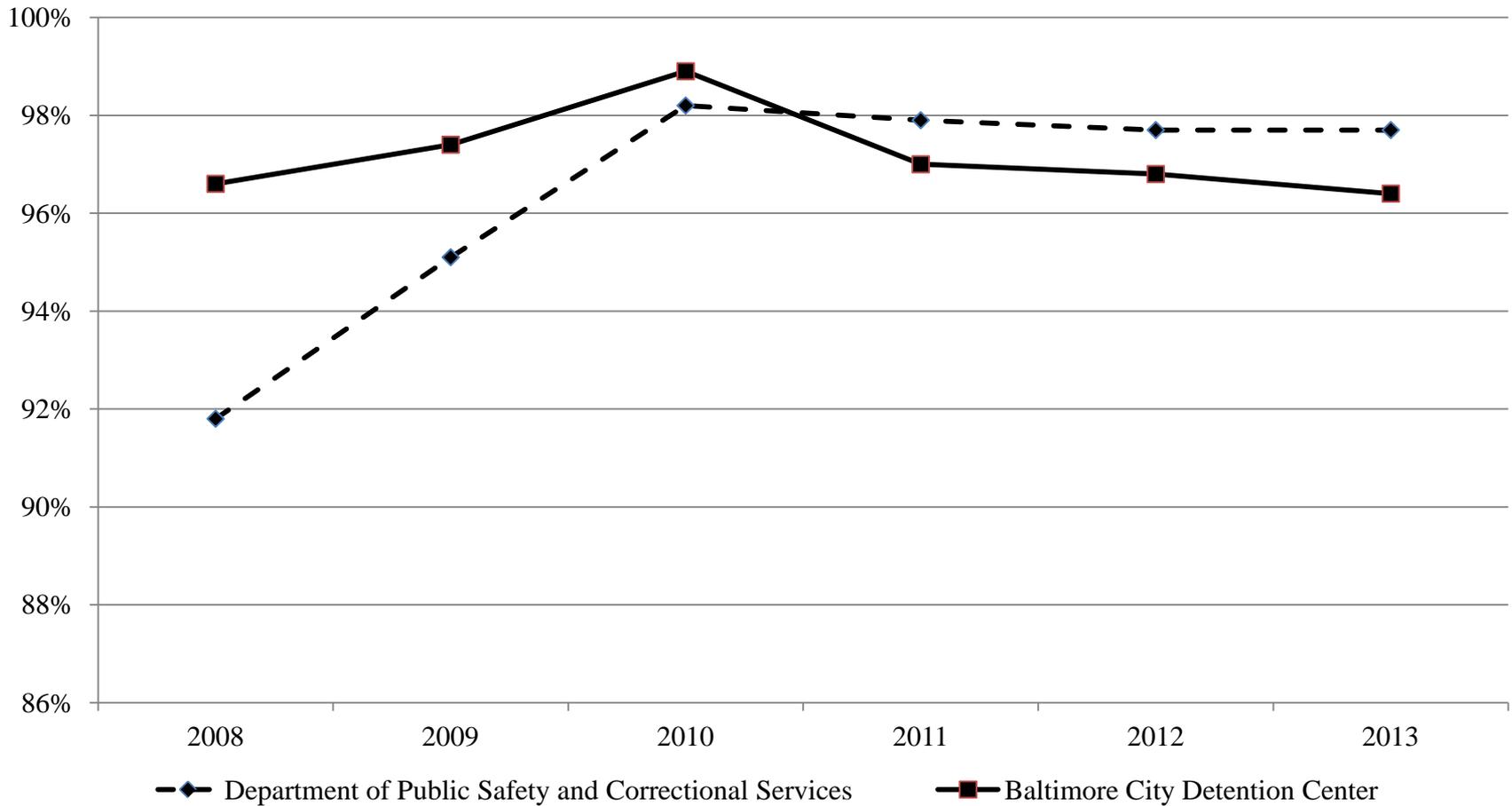


Distribution of Overtime

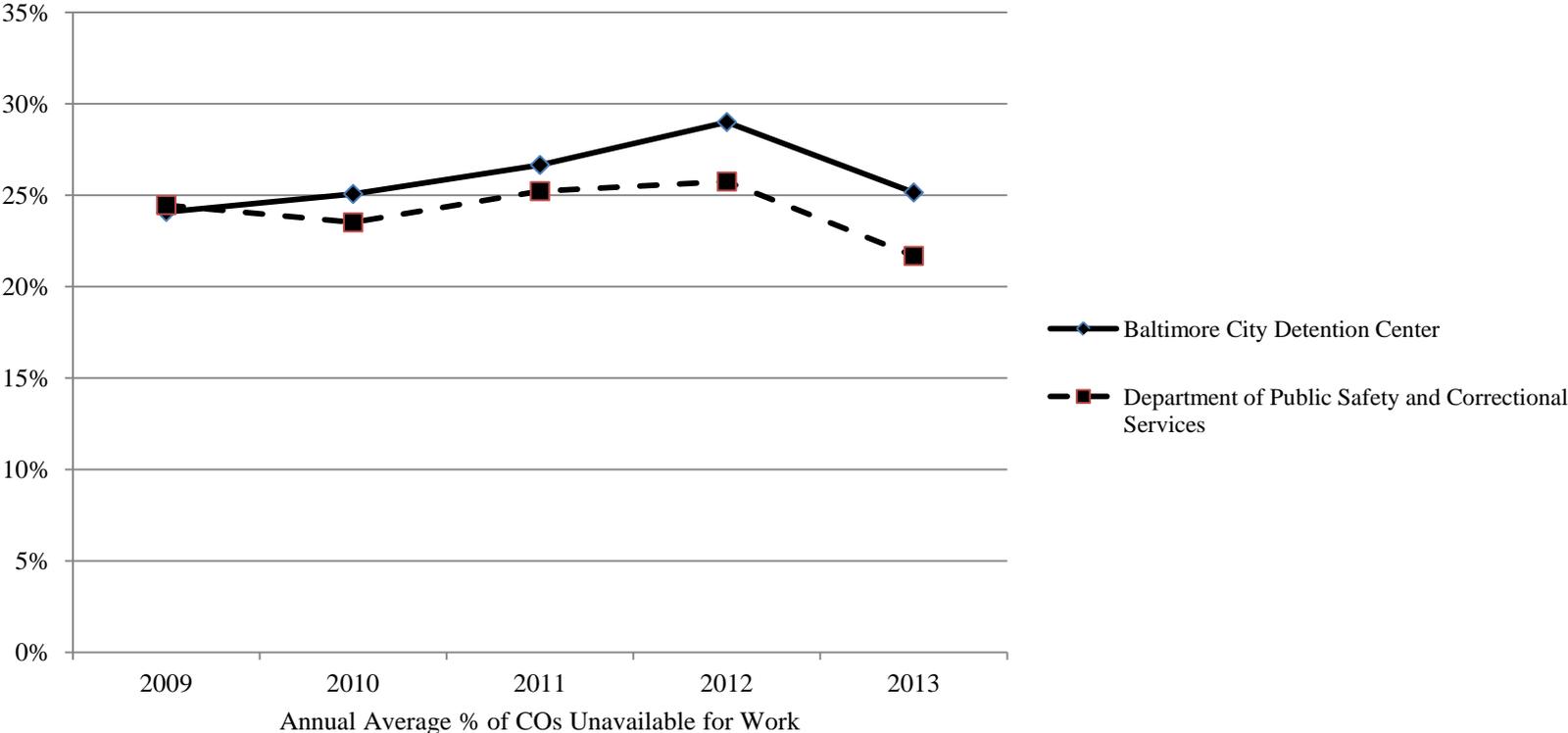
- In 2012 most correctional officers earned overtime equal to 10% or less of their salary
- A small percent earned overtime equal to 51% to 75% of their salary

OT as % of Salary	2007	2012
10%	41%	54%
25%	34%	27%
50%	17%	14%
75%	4%	4%

CO Fill Rate: BCDC vs DPSCS



COs Unavailable for Work Is Higher at BCDC



Unavailable for work includes scheduled and unscheduled leave

Correctional Officer Bill of Rights

- Maryland Provisions
- Other States
- Hearing Board Comparison
- County Comparison
- Law Enforcement Comparison

COBR: Maryland Provisions

- Passed at the 2010 session
- Outlines procedures for investigation and discipline of alleged misconduct
- 1st or 2nd level infractions subject to suspension for 9 days or less
 - Violation of safety measures
 - Inattentiveness/neglect
 - Failure to report information

COBR: Maryland Provisions

- 3rd level infractions subject to COBR can result in suspension for 10 days or more
 - Arrest for a felony
 - Use of unnecessary force
 - Possession of contraband
- 4th level infractions = automatic termination
 - Conviction of a felony
 - Sale/use/possession of drugs at work

COBR: Maryland Provisions

- Compensation
 - COs remain employed and paid if charged with an infraction, except for 4th level (automatic termination) infractions
 - Placed in non-inmate contact if possible
 - Emergency suspension without pay can be imposed for up to 90 days if a CO is charged with a felony
 - If not convicted lost time, compensation, status, and benefits are restored
- Review
 - Investigation must be complete in 90 days

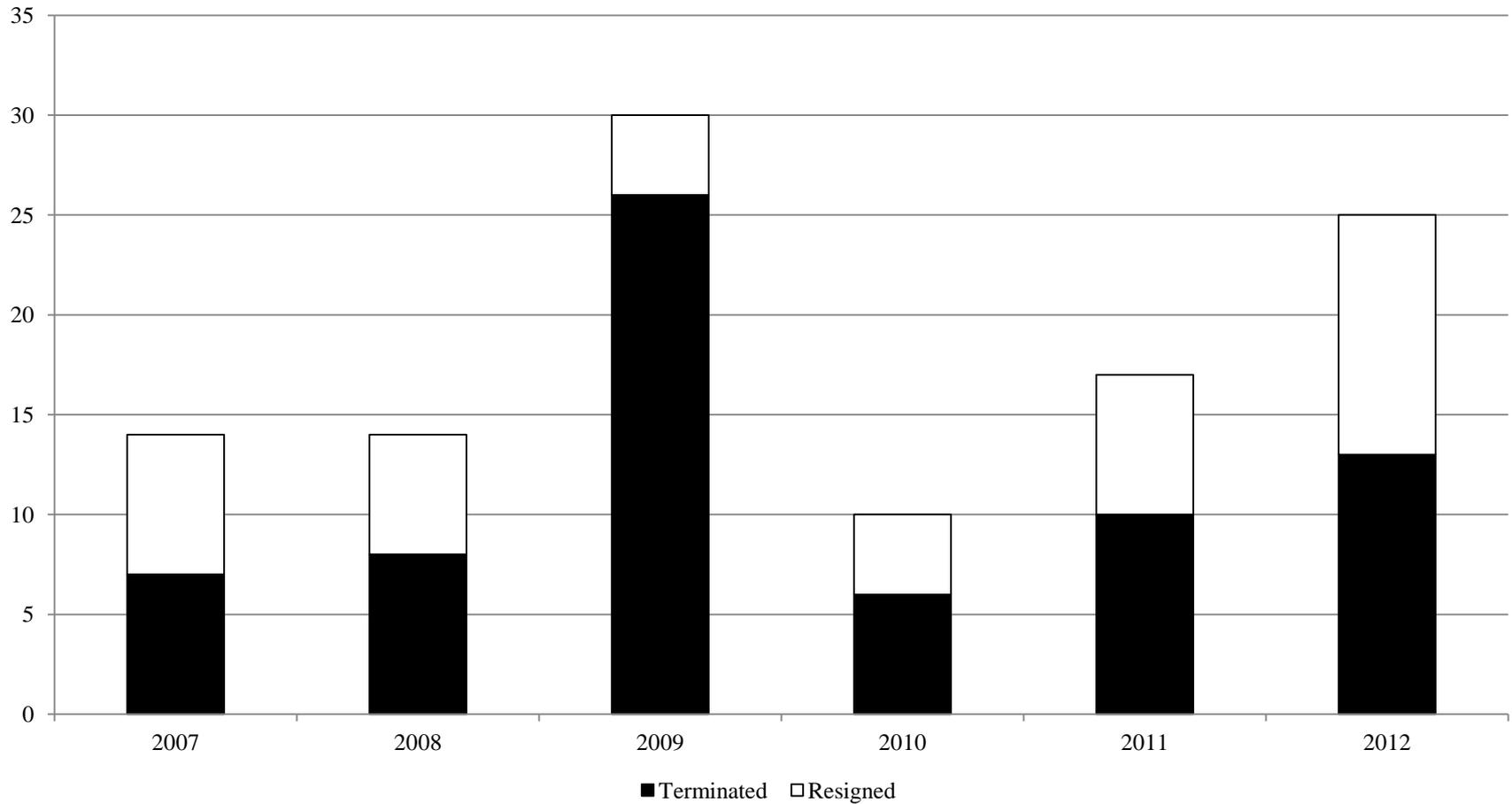
COBR: Maryland Provisions

- Discipline
 - After review is completed, a level of discipline is determined
 - If suspension for 10 or more days is recommended, it is submitted to the Employee Relations Unit (Manager, Assistant Manager, Administrative Aide and 5 Hearing Officers) for review to substantiate the charge
 - Employee selects either the COBR board or the Office of Administrative Hearings to hear the case

COBR: Maryland Provisions

- COBR Board
 - Composed of eligible correctional officers
 - For COs ranked Sergeant or below, the board consists of 3 officers (1 at same rank and 1 Lt. or higher)
 - For COs ranked Lt or higher, the board consists of 3 officers (1 at same rank, 1 at or below rank, and 1 at or above rank)

Disposition of COs Accused of Contraband, Fraternization, or Corruption



Maryland COBR vs. Other States

	Arizona	California	Delaware	Florida	Iowa	Maryland	West Virginia
Attorney optional at initial interview	X	X	X	X	X	X	X
Initial interview recorded		Optional	Optional	X	X	X	
Right to pursue civil penalties for false complaints		X		X	X		
Right to engage in political activity while off duty		X	X		X	X	
Must receive written statement of charges	X	X	X	X	X	X	X
Must read, sign, and an option to submit statement to any adverse comments added to personal file		X	X			X	X

Hearing Panel Composition in Other States Differs from Maryland

	Administrative <u>Law Judge</u>	Civil Service <u>Commission</u>	Correctional Officer <u>Board</u>	Criminal Justice <u>Council</u>	Complaint <u>Review Board*</u>	<u>Not explicit</u>
Arizona	X					
California						X
Delaware				X		
Florida					X	
Iowa						X
Maryland			X			
West Virginia		X				

COBR vs. Bill of Rights in the Counties

- Local versions of the Correctional Officer Bill of Rights have been adopted by Allegany, Cecil, Charles, Garrett, Harford, and St. Mary's counties
- Many provisions are identical to the State Correctional Officer Bill of Rights and the Law Enforcement Officer Bill of Rights

MD COBR vs Counties

- Notable Differences
 - County hearing board members are appointed by the appropriate managing official and chosen from correctional officers within that facility
 - Counties permit a written record in addition to an electronic version of the interrogation
 - Specified information is provided 20 days before a hearing at the State level and 10 days before a hearing at the county level

COBR vs Law Enforcement Officer Bill of Rights

- The Law Enforcement Officer Bill of Rights is similar to COBR especially during the investigation stages, requiring:
 - Disclosure of the nature of the investigation
 - An attorney provided upon request
 - A complete record of the interrogation

COBR vs Law Enforcement Officer Bill of Rights

Statutory Requirement

Disclosure of exculpatory information by the appropriate authority

The hearing board shall consist of at least three members

At least one member of the board shall be of the same rank as the officer under investigation

Hearing board members are randomly selected from a list of officers who are eligible to serve on disciplinary hearing boards

The right of an officer to review and comment on adverse material in the officer's personnel file

COBR v. LEOBR

Under the LEOBR, the law enforcement agency may exclude (1) the identity of confidential sources; (2) nonexculpatory information, and (3) recommendations to charges, disposition, or punishment

The provisions are the same

The provisions are the same. However, under the COBR, the composition of the hearing board differs depending on the rank of the correctional officer

Under the LEOBR, hearing board members are appointed by the head of the law enforcement agency

Under the LEOBR, this right may be waived.

Conclusion

- Additional questions may be directed to the Department of Legislative Services at 410-946-5530

Maryland Department of Public Safety and Correctional Services



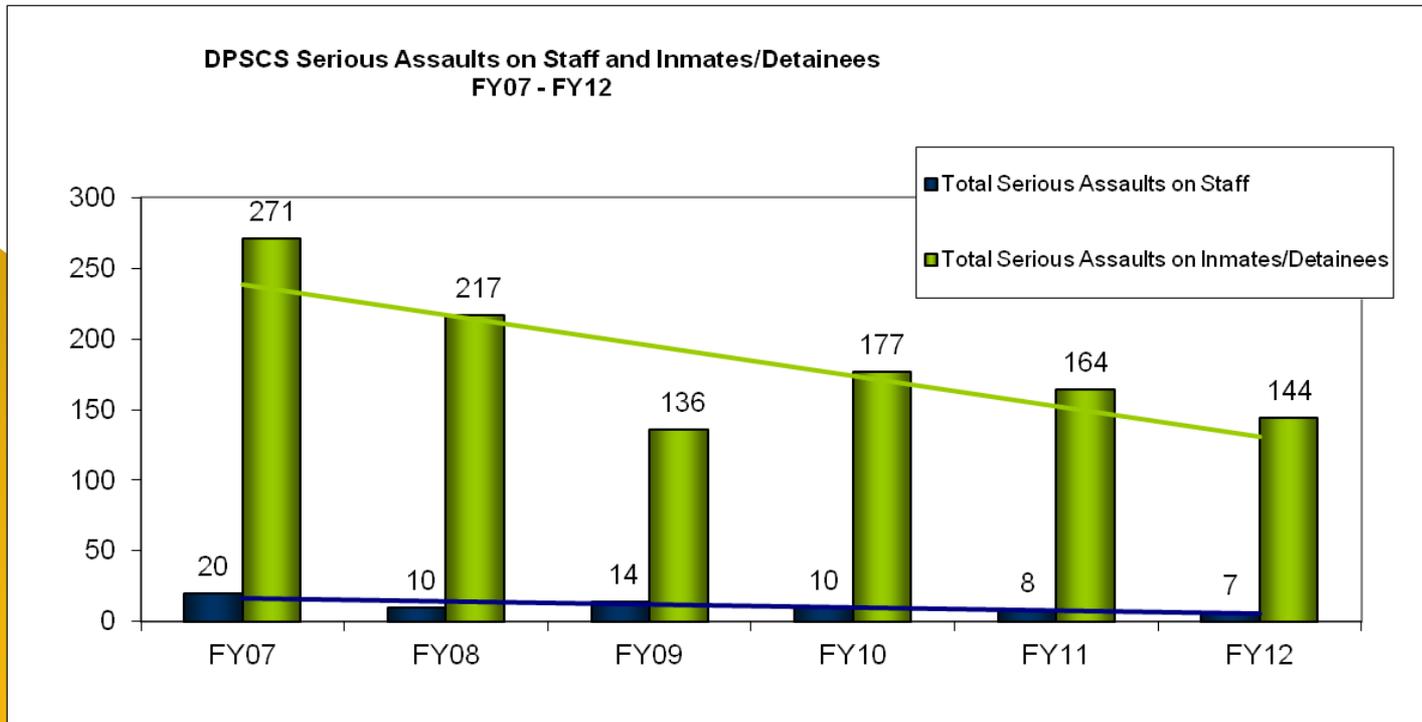
Legislative Policy Committee Briefing
June 6, 2013



I. O'Malley-Brown Administration: Driving Down Violence in Maryland's Prisons

The Department has driven down prison violence since 2007 because of better intelligence, information sharing, and contraband interdiction

- Serious assaults on staff driven down 65%
- Serious inmate assaults driven down 47%





O'Malley-Brown Administration: Driving Down Violence in Maryland's Prisons

- ***Better gang intelligence and information sharing***

- Collaborated with federal partners in 6 federal investigations since 2008
 - 156 indictments of prison and street gang members
 - Including 18 correctional officers
- Over 7,400 gang members validated system wide since 2008
- Drove formation of Maryland Correctional Task Force in 2011, targeting corruption and gang activity in Baltimore City facilities

- ***Better contraband interdiction***

- Seized 7,379 cell phones system wide over the past 6 years
 - We've seized 77% more in 2012 than in 2007
- Using cellular forensics labs to extract data from contraband cellphones
 - 1,038 charges filed since 2010 with 618 adjudications (59% guilty rate)
- Deployed cellphone detecting K-9 dogs (first in U.S.)
- Researched and invested \$2 million in cellphone blocking system
- Invested \$1.1 million in security entrance technology,
 - Includes 23 Body Orifice Scanning System Chairs - scans inmates for weapons, other contraband objects



II. Actions Taken Since Baltimore City Detention Center Indictments

- ***Organizational & Leadership Changes***
 - Secretary set up office at Detention Center and ordered Jail Administrator to report directly to Secretary
 - Conducting top-to-bottom integrity reviews and making necessary personnel changes
 - Established the City Corrections Investigative Unit targeting gang activity and corrupt staff
 - Baltimore's Assistant State's Attorney to coordinate unit, which includes:
 - 3 Maryland State Police investigators
 - 3 Public Safety Internal Investigative Unit investigators
 - 3 Public Safety correctional Intel Officers
 - Unifying Intel and Internal Investigative Unit through the transfer of operational oversight of Department's intelligence gathering to Internal Investigative Unit



Actions Taken Since Baltimore City Detention Center Indictments

- ***Security Enhancements***

- Expanding cellphone blocking technology to Detention Center
- Installed Rotational Front Entrance Search Teams
 - Comprised of voluntary staff specifically trained to conduct front entrance searches
 - Teams are randomly rotated every 30 days between 8 facilities
- Deployed Fingerprint Scanning system (Fast ID)
 - Fast ID runs each visitor's fingerprints against state and federal criminal databases
- Upgraded security cameras throughout Detention Center
 - New digital system stores 45 days of monitoring
- Using randomized computer system for staff searches and inmate/detainee cell shakedowns
- Exploring the use of full body scanning equipment at all Detention Facilities for screening of staff



III. Moving Forward: Admin & Personnel Reforms

- ***Strengthening Hiring and Background Check Process***
 - Polygraphing applicants before they are hired
 - Revising the pre-employment character test to focus on ethics and integrity
 - Expanding background checks on applicants
 - Enhancing correctional officer recruitment capabilities
- ***Enhancing Security at Detention Center***
 - Conducting top-to-bottom review of staff and making necessary personnel changes
 - Increasing transfers of high-risk detainees
 - Revising entrance policy and post orders (specific instructions given to officers at each post, including posts at front gates)



Moving Forward: Admin & Personnel Reforms

- ***Improving Employee Management Statewide***
 - Encouraging greater use of pre-existing hotline to report employee misconduct and corruption
 - Augmenting supervisor training on disciplinary policies (re-training supervisors on disciplinary processes)
- ***Improving the Investigatory Process***
 - Intensifying use of analytical resources at Maryland's fusion center, the Maryland Coordination and Analysis Center – a joint federal/state/local law enforcement watch center
 - Technological improvements to Department Internal Investigative Unit investigative tracking system



IV. Moving Forward: Legislative and Budgetary Support from Legislature

- ***Legislation***

- Support increased penalty for contraband in jails and prisons
- Would be interested in working with the legislature to explore the State's ability to prosecute gang members

- ***Budget Items***

- Increase required training hours from 18 to 40 to meet American Correctional Association standards
 - expanding training module on corruption issues
- Support of the use of full body scanners to detect non-metal contraband
- Create a Polygraph Unit to test Correctional Officer applicants
- Hire additional Internal Investigative Unit staff to reduce caseloads
- Hire additional staff to improve recruitment efforts and conduct enhanced background checks



Post Indictment Actions Summary

	Actions Taken Since Indictments	Actions Moving Forward
Efforts to Fight Cell Phones and Contraband	<ul style="list-style-type: none"> - Revised front entrance search teams that rotate between facilities - Fingerprinting identity checks (Fast ID) on all visitors at BCDC to confirm identity - Upgraded security cameras throughout BCDC Center to provide 45 hours of recording capability 	<ul style="list-style-type: none"> - Install cell phone blocking technology at BCDC - Re-introduce bill to increase penalties for illegal cell phones - Purchase additional cell phone data extraction equipment to improve analysis of contraband cell phone intelligence - Deploy FastID fingerprinting for visitors Statewide
Leadership and Organizational Changes	<ul style="list-style-type: none"> - Secretary moved office to BCDC - Began top to bottom personnel review at BCDC - Fired Security Chief - Emphasized existing employee hotline for reporting misconduct and corruption - Augmenting supervisor training on disciplinary policies 	<ul style="list-style-type: none"> - Revise pre-employment character test to focus on ethics and integrity - Create Polygraph Unit for CO applicants - Expand background checks on applicants - Revise all policy and post orders at BCDC
Intelligence and Security	<ul style="list-style-type: none"> - Formed City Correctional Investigative unit with Baltimore City State's Attorney and Maryland State Police - Unifying Internal Investigations Unit (IIU) and intelligence by moving intelligence division to IIU. - Started randomized computer system for staff searches & inmate cell searches - Moved 31 high risk detainees from BCDC to other Departmental facilities 	<ul style="list-style-type: none"> - Technological improvements to investigative tracking system - Hire 8 additional IIU detectives and 4 additional intelligence analysts to increase investigative powers - Investigate deploying full body scanners to each facility

Departmental Actions Taken Since Baltimore City Detention Center (BCDC) Indictments and Actions the Department Will Take Moving Forward To Combat Corruption & Improve Public Safety

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2007



January: DPSCS introduces legislation to make contraband possession, including cell phones, a felony

May: Governor signs amended legislation making contraband possession a misdemeanor

October: Legislation making contraband possession a misdemeanor takes effect in Maryland

November: Department receives grant to help begin the Maryland Statewide Gang Initiative

November: Governor's Office of Crime Control & Prevention awarded \$750,000 to local jails, detention centers, and MD prisons for gang intelligence analysis and data systems integration

In 2007, parole and probation agents only had the power to arrest individuals who violated parole, without the ability to pursue probation violations.

2008



DPSCS uses grant funding to implement gang database and hire crime analyst focused on gangs

February: 26 members of the Tree Top Piru Bloods (TTP) gang are indicted on federal racketeering charges

April: 22 RCI/NBCI correctional officers are fired/resigned for excessive use of force and obstruction of justice

June: Department deploys innovative K-9 dogs to detect cell phones in Maryland prisons

October: Department begins upgrading MAFIS to improve fingerprint analysis

2009



January: Department introduces first of three anti-gang bills to improve gang identification and prosecutions

April: 24 BGF members, including four correctional officers, receive federal drug and gun indictments

April: Department uses "Dial a Cell" to gather intelligence inside BCDC related to federal murder investigation

May: 42 members of the PDL Bloods gang receive federal drug and racketeering indictments

June: DPSCS invests \$1.1 M in new security entrance equipment, including 23 BOSS (Body Orifice Scanning System) Chairs to improve contraband detection

July: Department purchases cell phone forensics analysis system to improve intelligence gathering from contraband cell phones

July: Secretary Maynard testifies to US Senate on Safe Prisons Communications Act to highlight the need for cell phone jamming

August: Department begins implementation of the Law Enforcement Dashboard to improve information sharing with state and local law enforcement

September: DPSCS hosts a demonstration of cell phone detection tech at MD House of Correc

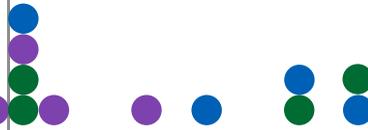
October: US Senate unanimously passes the Safe Prisons Communication Act

October: HB 1514 takes effect to allow parole and probation agents to serve warrants on probation violations in addition to parole violators

November: Department hires a dedicated cell phone investigator to prepare contraband cases for prosecution

December: Dept. hosts follow up demonstration of cell phone detection technology

2010



January: Administration supported the Safe Schools Act to enhance school security policies, public awareness, staff training, and mandated reporting surrounding gangs and gang-like activity in schools

January: Secretary Maynard introduces first of three bills to make cell phone possession in Maryland prisons a felony

January: Wendell "Pete" France appointed commissioner of DPDS and begins a comprehensive review of DPDS policies

January: Department begins checking gang status of all correctional officers who apply, resulting in 82% of applicants in the central region being rejected

February: Federal government, at Governor O'Malley's urging, conducts a test of cell phone jamming equipment in MD. The Governor and Secretary attend the test.

May: Federal government test concludes that jamming does not interfere with legitimate cell phone signals outside the jamming area

July: 15 BGF members receive federal racketeering indictments in addition to federal drug charges announced in April 2009. In addition, another correctional officer is indicted

October: Anti-gang bill supported by the Department takes effect to provide tools to identify and prosecute gang members

October: PDTD is merged with PCTC to improve training for correctional officers

December: Department implements Operation New Beginning to improve security, policies, and procedures at DPDS facilities

December: Department begins informal talks with federal, state, and local partners that lead to MD Corrections Task Force

2011



January: Secretary Maynard is first signatory on the MOU to form MD Corrections Task Force

January: 17 high risk detainees are moved from BCDC based on analysis of security risk

February: MD Corrections Task Force created to combat prison gangs and corrupt officers

February: Department moves 25 of the worst detainees from BCDC

June: Carolyn Atkins named Director of Detention for the Central Region

July: Department begins new testing policies at Police Correctional Train. Commission to improve remedial training

September: Department receives \$350K federal grant to fight contraband cell phones by supporting a dedicated prosecutor and two additional investigators

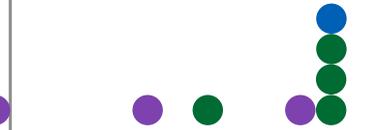
September: Department releases first ever RFP for managed access technology to intercept contraband cell phone signals

October: Departmental legislation takes effect to formalize the DPP warrant apprehension unit and give its members full arrest powers

November: Department implements new fraternization training to include three days of training on inmate fraternization policies

December: Two additional BOSS chairs are ordered for BCDC

2012



May: Installation of managed access technology begins at Metro. Transition Center (MTC)

July: PCTC implements new academy curriculum with increased training to focus on ethics and integrity

October: Managed access pilot begins testing installation at MTC

November: US Attorney indicts 22 members of Dead Man, Inc. gang on federal racketeering and drug charges

November: Secretary Maynard requests operational audit of BCDC from the National Institute of Corrections

November: Marion Tuthill voluntarily retires as Jail Administrator of BCDC

November: Ricky Foxwell begins duties as an Acting Jail Administrator

2013



April: 25 members of the BGF, including 13 correctional officers, are indicted on federal drug and racketeering charges

April: Managed Access technology test is completed and begins full operation at MTC

April: Ricky Foxwell named Jail Administrator of BCDC

April: 6 additional high-risk detainees are moved from BCDC

Today, there are 23 intelligence personnel and 19 IIU officers, including 2 dedicated cell phone investigators

Public Safety and Correctional Services Institutional Security Timeline

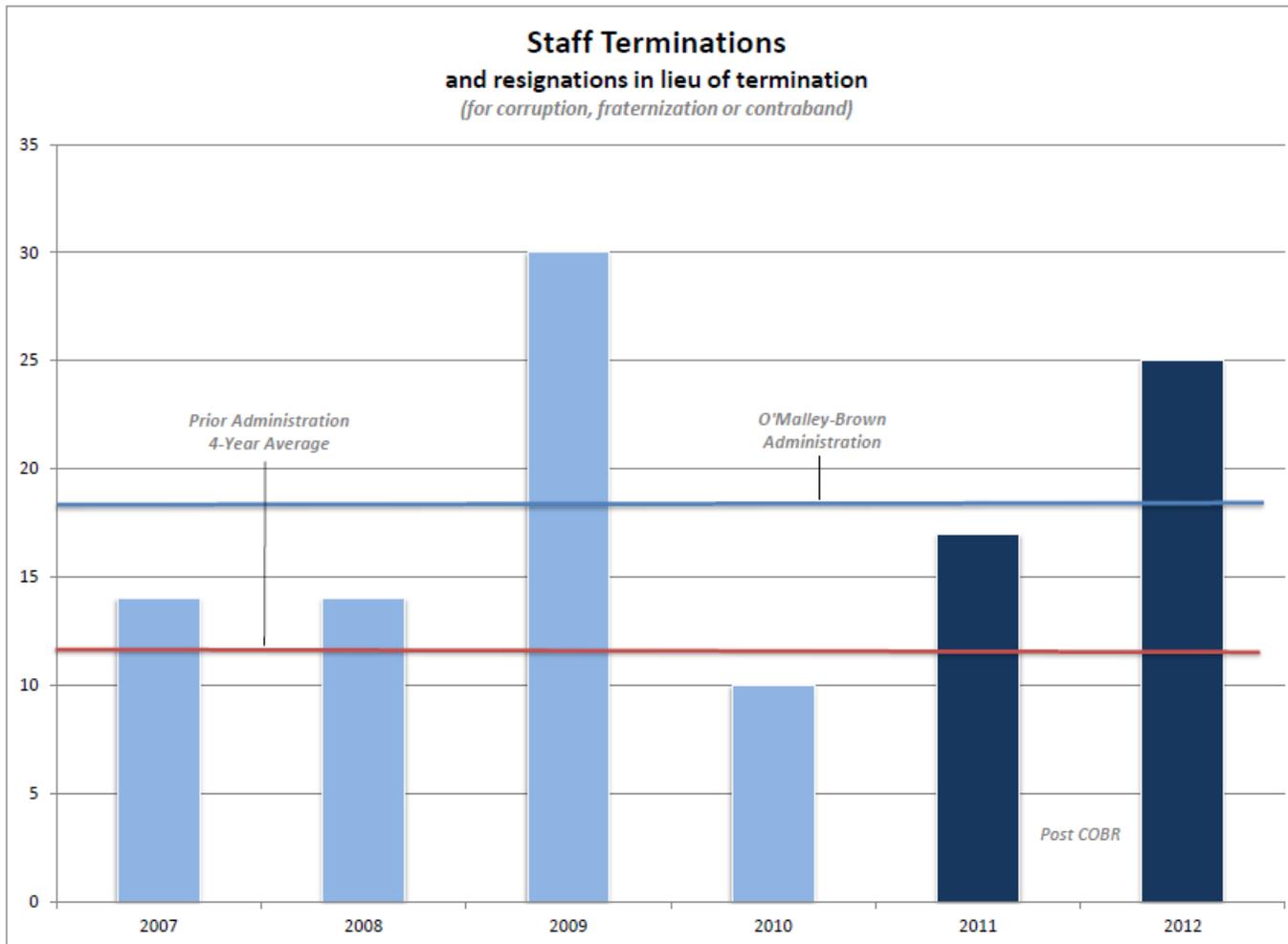
June 6, 2013

Legislative Services Building, Annapolis

- **Combating Gangs**
- **Efforts to Fight Cell Phones and Contraband**
- **Leadership and Organizational Changes**
- **Warrant Initiatives at DPP**
- **Intelligence and Security**

**Terminations or Resignations in Lieu of Termination
(for corruption, fraternization and contraband)**

	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
Terminations	8	3	4	4	7	8	26	6	10	13
Resignations	8	8	7	7	7	6	4	4	7	12
Total	16	11	11	11	14	14	30	10	17	25



**TESTIMONY OF JEFFREY WASHINGTON
DEPUTY EXECUTIVE DIRECTOR
AMERICAN CORRECTIONAL ASSOCIATION**

**Maryland General Assembly
Legislative Policy Committee**

**June 6, 2013 ♦ 1:00 PM
Legislative Services Building, Joint Hearing Room**

Thank you, Mr. Chairman for the opportunity to be here today and to talk about the American Correctional Association, our standards and accreditation process and important issues related to the Baltimore City Detention Center.

Founded in 1870, ACA is the oldest and largest professional correctional organization in the world. ACA represents all disciplines within the corrections profession, and its more than 20,000 members include practitioners working in juvenile and adult prisons and jails, halfway houses, treatment facilities, probation, parole and community corrections agencies as well as academics in the field and other concerned citizens. Our goal is to promote excellence in corrections by offering courses for professional development, administering certification examinations and conducting training for correctional staff in person and online.

ACA has developed a very broad and inclusive program of national standards and accreditation for correctional facilities of all sorts. The program and each of the individual standards and sets of standards were developed with input from practitioners and experts in the field, properly debated and adopted in committee and then published. The standards are frequently reviewed and updated to reflect the most current, the most practical and broadly-accepted correctional policies and practices in the profession and re-published bi-annually in a supplemental manual. The goal of the program is to help ensure the overall level of professionalism within a correctional facility and to safeguard the life, health and safety of both the staff and inmates. The standards address everything from program management and services provided to implementation of fiscal and administrative controls to emergency procedures, sanitation and disciplinary actions.

The accreditation process is completely voluntary and involves a series of onsite reviews, evaluations, audits and inspections that verify compliance with the national minimum standards during a three-year period. The un-biased and randomly selected auditors are some of the most experienced and highly regarded professionals in the field who have been trained and certified by the Commission on Accreditation for Corrections - a private, non-profit organization comprised of corrections professionals from across the country. The CAC, independently, is responsible for conducting the accreditation

hearings and verifying that those agencies applying for accreditation do, in fact, comply with the applicable standards.

When an audit is completed, the findings are reported to the CAC and then a hearing before a panel of CAC members is scheduled. During the hearing candidates are given the opportunity to discuss the results of the audit and explain the purpose and methods behind their facility's operational practices as well as to present their plan for compliance with any standards whereby they may be deficient. The costs of accreditation are modest and unaffected by the type of facility involved to include fees plus expenses.

ACA is a non-profit professional association with 501(c) 3 status with the IRS. It holds no administrative or executive authority over the many local, state, federal and private correctional institutions across the country. Their involvement with accreditation is voluntary and a result of their own initiative and desire to be among the best, most safe and well-managed facilities in the country.

In Maryland, the Western Correctional Facility and the Eastern Correctional Facility are both accredited under the ACI standards and the Maryland Adult Correctional Enterprises program is also accredited. We are pleased that the Department of Public Safety and Corrections, led by Secretary Maynard, has recently secured the approval from the General Assembly and Governor O'Malley to use General Funds to begin the process of accreditation of the entire Maryland correctional system.

State prisons are covered under our Adult Correctional Institution standards or ACI, while jails or detention facilities are covered under our Adult Local Detention Facility standards or ALDF. Our ALDF Standards cover policies and practices related to: Safety, security, order, care, programs and activities, justice and finally administration and management. I'd like to touch on some specific standards that relate most closely to the issues before us today and those issues of greatest concern, I believe, regarding the Baltimore City Detention Center. They are:

- (1) Special Management Inmates
- (2) Searches
- (3) Rules and discipline
- (4) Inmate discipline
- (5) Staff Qualifications
- (6) Selection, retention and promotion of staff
- (7) Staff training and development
- (8) Code of ethics
- (9) Policies and Procedures
- (10) Personnel Policies

SPECIAL MANAGEMENT OF INMATES

There are 23 different standards related to Special Management of Inmates. Most relate to the use of segregation and the review process. ACA standards recommend that inmates be placed in administrative segregation for protection for themselves or others, including staff. That decision should be reviewed within 72 hours. The inmate must then be seen and assessed by the healthcare professional. Disciplinary detention for a rules violation requires a hearing first and there should be a review or reassessment every seven days for the first two months. The maximum sanction for a single rules violation should be 60 days. The conditions in segregation should approximate those in general population including being at least 70 square feet in size. Inmates in segregation should be seen at least once a day by the facility administrator. Staff who work directly with special management inmates should be selected based on very specific criteria, including but not limited to experience and suitability and they themselves should be closely supervised and their performance evaluated at least quarterly. Furthermore, procedures for regular rotation of duties should be in place.

SEARCHES

The detection and disposition of contraband should be of highest priority. Our standard regarding searches says that strict procedures should guide searches of facilities and inmates. Strip searches of inmates is appropriate only when reasonable belief exists that there is contraband and only then should the least-restrictive form be used.

RULES AND DISCIPLINE OF INMATES

Correctional facilities should have rules established for inmate conduct including specific actions that are prohibited and the range of penalties. The established disciplinary procedures should address: rules, minor and major violations, criminal offenses, disciplinary reports, the investigation and any pre-hearing actions and detention.

INMATE DISCIPLINE

There are 19 standards of expected practice of inmate discipline. The standards require the facility to have written guidelines for resolving even minor inmate infractions and that staff should make a written statement of the rules violation, there should be a hearing and a decision within seven days. Disciplinary reports should always be made and forwarded to the designated supervisor and an investigation should commence within 24 hours of the violation. The inmate should receive a written statement of the charge – generally at the same time the report is filed with the disciplinary committee but not less than 24 hours prior to the disciplinary

hearing. The hearing is conducted by impartial persons and a record is made and maintained by the facility. A staff member or agency representative should assist the inmate at the hearing if needed and decisions are based only on information and evidence presented at the hearing. A report of the decision along with supporting reasons is given to the inmate and placed on his/her file. The facility administrator or a designee is then responsible for reviewing all the disciplinary hearings and dispositions for conformity to policy and procedure.

QUALIFICATIONS

The specific qualifications, authority and responsibilities of appointed personnel who are not covered by the merit systems, civil service regulations or a union contract must be specified in writing by statute or by the parent agency. Facility administrators should at a minimum hold a bachelor's degree in the appropriate discipline, have five or more years of related administrative experience and demonstrated administrative ability and leadership.

SELECTION, RETENTION AND PROMOTION OF STAFF

All new employees should have a criminal record check conducted and a physical examination.

TRAINING AND STAFF DEVELOPMENT

Every new employee must be given an orientation prior to assuming any duties and that orientation must include at minimum a detailed explanation of the: working conditions, code of ethics, personnel policy manual, employees' rights and responsibilities, an overview of the criminal justice system, tour of the facility, facility goals and objectives, facility organization, staff rules and regulations, personnel policies and a program overview. This is just for orientation purposes. The training required for new staff would address the specific knowledge skills and abilities needed to perform the job itself and its assigned duties.

Trainers and those doing staff orientation are required to have completed 40-hours of train-the-trainer course. New clerical/support staff who will have minimal inmate contact shall receive 16 hours of training per year.

Those staff who will have regular inmate contact must receive – at minimum – 40 hours of training before being assigned independently to a particular job. An additional 40 hours of training must be provided each subsequent year. All new Correctional Officers must receive a minimum of 160 hours of training in the first year with at least 40 hours of training before being

assigned to any post and 40 hours in each subsequent year. Training, at minimum, should include:

- Security procedures and regulations
- Supervision of inmates
- Signs of suicide risk
- Suicide precautions
- Use-of-force regulations and tactics
- Report writing
- Inmate rules and regulations
- Key control
- Rights and responsibilities and inmates
- Safety procedures
- All emergency plans and procedures
- Interpersonal relations
- Social/cultural lifestyles of the inmate population
- Cultural diversity for understanding staff and inmates
- Communication skills
- CPR/First-Aid
- Counseling techniques
- Sexual harassment/sexual misconduct awareness

Facility management and supervisory staff must receive at least 40 hours of management and supervision training during the first year and at least 24 hours per year thereafter. Correctional officers assigned to specialized units must have at least one year of service and 40 hours of specialized training before being given any assignments and all security personnel are trained in self-defense and in the use-of-force.

CODE OF ETHICS

All correctional facilities are expected to have a strict code of ethics that is provided to all employees. That Code should include strict prohibitions against: staff securing privileges for themselves or others based on their official position, staff engaging in any activities that may constitute a conflict of interest, staff accepting gifts or gratuity of any kind or engaging in personal business transactions with an inmate or an inmate's immediate family.

FACILITY POLICIES AND PROCEDURES

Correctional facilities should have written policies and procedures that describe all facets of facility operation; maintenance and administration and those policies and procedures should be reviewed annually. Employees should be active participants in the development and formulation of the policies, procedures and programs and the adopted and implemented versions should be made available to staff at all times.

PERSONNEL POLICIES

Furthermore, all correctional facilities must have a personnel policy manual that is available to every employee and thoroughly explained at an employee orientation. The manual should be reviewed annually and revised as needed. The manual should include, at minimum:

- An affirmative action program
- An equal employment opportunity program
- A policy for selection, retention and promotion of all personnel that is based on a system of merit and specific qualifications
- A code of ethics
- Rules for probationary employment
- A compensation and benefits plan
- ADA information
- Sexual harassment/sexual misconduct
- Grievance and appeal procedures
- Infection control plans, and
- Employee disciplinary procedures

I hope that my brief testimony helps to shed some light on the accreditation process, our standards and the potential benefits to an institution of being accredited by the Commission on Accreditation for Corrections. I thank the Committee for the opportunity to be here today and look forward to answering any questions that you may have.