

QN.00
Maryland Commission on Correctional Standards
Department of Public Safety and Correctional Services

Operating Budget Data

(\$ in Thousands)

	FY 01	FY 02	FY 03		% Change
	<u>Actual</u>	<u>Working</u>	<u>Allowance</u>	<u>Change</u>	<u>Prior Year</u>
General Fund	<u>\$452</u>	<u>\$456</u>	<u>\$473</u>	<u>\$17</u>	<u>3.7%</u>
Total Funds	\$452	\$456	\$473	\$17	3.7%

- Most of the growth, \$9,781 or 57.8%, is attributable to an increase in personnel costs, including the annualization of the fiscal 2002 general salary increase and fiscal 2003 increments. The remaining \$7,223 consists primarily of travel and training expenses and office supplies.

Personnel Data

	FY 01	FY 02	FY 03	
	<u>Actual</u>	<u>Working</u>	<u>Allowance</u>	<u>Change</u>
Regular Positions	6.00	6.00	6.00	0.00
Contractual FTEs	<u>1.79</u>	<u>2.00</u>	<u>2.00</u>	<u>0.00</u>
Total Personnel	7.79	8.00	8.00	0.00

Vacancy Data: Regular Positions

Budgeted Turnover: FY 03	0.20	3.35%
Positions Vacant as of 12/31/01	0.00	0.00%

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

For further information contact: James V. Finlayson

Phone: (410) 946-5530

Analysis in Brief

Issues

Elimination of the Maryland Commission on Correctional Standards: The functions of the Maryland Commission on Correctional Standards can be performed by the American Correctional Association at a lesser cost and with no degradation of quality. **Repeal of the agency is recommended.**

Recommended Actions

	<u>Funds</u>	<u>Positions</u>
1. Reduce funding for the commission.	\$ 387,702	6.0
Total Reductions	\$ 387,702	6.0

QN.00
Maryland Commission on Correctional Standards
Department of Public Safety and Correctional Services

Operating Budget Analysis

Program Description

The Maryland Commission on Correctional Standards (MCCS) was created in 1980 to develop standards for the operation of Maryland's prisons, detention centers, and community correctional centers. In addition, in 1998 the commission was charged with licensing and regulating private home detention monitoring agencies in the state. The commission has developed standards addressing life, health, safety, and constitutional issues within Maryland's correctional system. The commission attempts to ensure the adherence to these standards by routine monitoring and the provision of technical assistance.

Governor's Proposed Budget

The fiscal 2003 allowance increases \$17,004 over the fiscal 2002 working appropriation. **Exhibit 1** shows that most of the growth, \$9,781 or 57.8%, is attributable to an increase in personnel costs, including the annualization of the fiscal 2002 general salary increase and fiscal 2003 increments. The remaining \$7,223 consists primarily of travel and training expenses and office supplies.

Exhibit 1

**Governor's Proposed Budget
Maryland Commission on Correctional Standards
(\$ in Thousands)**

How Much It Grows:	General Fund	Total
2002 Working Appropriation	\$456	\$456
2003 Governor's Allowance	473	473
Amount Change	\$17	\$17
Percent Change	3.7%	3.7%
Where It Goes:		
Personnel Expenses		
Fiscal 2003 increments		\$4
Annualize fiscal 2002 general salary increase		6
Other expenses		
Travel for conferences and training		3
Office supplies		3
Rent and dues		1
Total		\$17

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

Performance Analysis: Managing for Results

The mission of the MCCA is to provide the citizens of Maryland with an efficient correctional system with an emphasis on public safety, staff well-being, and inmate welfare by encouraging the application of sound correctional management principles and procedures. However, the performance measures presented by the commission represent outputs instead of outcomes. That is, there is no linkage of the measures presented with the commission's goal of safety, efficiency, well-being, or good management. Such performance measures might include the number of successful lawsuits over prison conditions, the number of health, safety, and/or policy violations reported, or the number or compliance audits required to correct deficiencies found. The inclusion of goals, objectives, and performance measures of this type would lend evidence as to how the commission's work directly contributes to promoting the standards of

QN.00 - DPSCS - Maryland Commission on Correctional Standards

excellence it strives to achieve. **Exhibit 2** shows the performance measurements utilized by the commission.

Exhibit 2

**Program Measurement Data
Maryland Commission on Correctional Standards
Fiscal 2000 through 2003**

	<u>Actual 2000</u>	<u>Actual 2001</u>	<u>Est. 2002</u>	<u>Est. 2003</u>	<u>Ann. Chg. 00-01</u>	<u>Ann. Chg. 01-03</u>
Inmate security standards met	93.0%	96.0%	100.0%	100.0%	1.6%	3.7%
Inmate safety standards met	95.0%	94.7%	97.7%	97.7%	-0.2%	1.4%
Appropriate treatment services met	97.5%	98.4%	100.0%	100.0%	0.5%	1.3%
Food standards met	97.5%	98.4%	100.0%	100.0%	0.5%	1.3%
Housing and sanitation standards met	95.1%	97.6%	100.0%	100.0%	1.3%	2.5%

Source: Maryland Commission on Correctional Standards

Issues

1. Elimination of the Maryland Commission on Correctional Standards

The purpose of the MCCA is to develop nationally accepted standards for the operation of Maryland's prisons, detention centers, and community correctional centers. It also provides technical assistance to jurisdictions regarding compliance issues. In addition, it performs audits of those facilities in order to assure compliance with the standards. MCCA audits facilities in three-year cycles so that one-third of all detention facilities are audited each year. Once an audit is conducted a follow-up visit is scheduled to address any deficiencies or noncompliance issues revealed. The commission is also charged with licensing and regulating home detention monitoring companies. Chapter 331, Acts of 1998 provided that the Secretary of DPSCS license and regulate home detention monitoring agencies. The responsibility was given to MCCA by the Secretary. The MCCA has a fiscal 2003 allowance of \$472,742, a 3.7% increase over fiscal 2002. The majority of that funding is for personnel-related costs. The budget has seen an average annual increase of 12.3% since fiscal 1997.

American Correctional Association Offers Similar Services

The American Correctional Association (ACA) is a national organization that sets standards for correctional institutions, conducts audits of member institutions, and awards accreditation to those facilities in compliance with the standards. It performs the same functions as the MCCA, minus the licensing and regulation of home detention units. ACA also conducts audits on a three-year cycle.

Approximately 75% of the Federal Bureau of Prisons contracts with ACA for accreditation. On a state level, in Florida, New York, Ohio, and Louisiana, all correctional entities including prisons, probation and parole departments, and community service facilities are ACA-accredited. Additionally, 45% of the remaining states contract with ACA to some degree.

ACA charges for both membership and auditing/accreditation services. The fees are based on the type of facility to be audited and include discounts for multiple units audited and annual recertification. The membership fee is \$300 per year. **Exhibit 3** shows the cost per facility of ACA accreditation. For purposes of this discussion, the State of Maryland has 32 detention facilities (different programs on the grounds of the Patuxent Institution can be counted as one facility for ACA purposes). In addition to the State facilities, there are 23 county detention centers that receive auditing: a total of 55 facilities -- 50 prisons and detention centers, four community corrections units, and one boot camp. **Exhibit 4** shows aggregate costs by facility type and the total costs of auditing by ACA. Facilities can be introduced to ACA accrediting program separately; the department need not sign up all the facilities at one time.

Exhibit 3

**Auditing Cost Per Facility
American Correctional Association**

<u>Cost Per Facility</u>	<u>Original Cost (initial audit)</u>	<u>15% Multi-unit Discount</u>	<u>Recertification (additional 5% discount)</u>
Prisons/local detention facilities	\$10,150	\$8,628	\$8,197
Community houses	\$4,950	\$4,208	\$3,998
Boot camp	\$6,680	\$5,678	\$5,394

Source: American Correctional Association

Exhibit 4

**Total Costs for Auditing by Facility Type
American Correctional Association**

<u>Costs for All Facilities</u>	<u>Initial Audit</u>	<u>Avg. Yearly Cost in Initial 3 years</u>	<u>Recertification (total units)</u>	<u>Avg. Yearly Recertification Cost</u>
State prisons	\$232,956	\$77,652	\$221,308	\$73,769
Local detention centers	198,444	66,148	188,522	62,841
Community corrections houses	16,830	5,610	15,989	5,330
Boot camp	5,678	1,893 ¹	5,394	1,798 ²
Total	\$453,908	\$151,303	\$431,213	\$143,738

¹This cost will be incurred in only one year of the initial three-year cycle.

²Represents one-third of the total cost since the Toulson Boot Camp would be audited once every three years.

Source: American Correctional Association

QN.00 - DPSCS - Maryland Commission on Correctional Standards

The Department of Legislative Services (DLS) recommends that MCCA be eliminated. The Secretary should be directed to contract with ACA for auditing responsibilities currently performed by MCCA. This action would require repeal of §8-106 thru 8-117 of the Correctional Service Article. A reduction in funding is also recommended; however, this amount depends on whether the State funds audits for only its facilities or continues to fund audits for all State and local facilities. Each option is discussed below:

- **Continued Funding for State and Local Facility Audits:** The first option would include transferring all of the current MCCA audit responsibilities, both local detention centers and state facilities, to ACA. By transferring one-third of audit responsibility to ACA each year over a three-year period, costs would be \$151,303 a year for three years. Subsequent annual costs would be \$143,738. Given that the allowance for MCCA in fiscal 2002 is \$472,856, this option would realize a savings of \$321,553 per year for the first three years and \$329,118 each year thereafter.
- **Funding Only State Facility Audits:** The second option would be to transition State facilities to ACA and fund the auditing process but require the 23 local detention centers to provide their own funding for auditing and accreditation at a per county cost of \$10,150 the first year and \$9,643 thereafter. By transitioning one-third of the facilities each year over a three-year period, costs for auditing only State facilities would be \$85,154 per year for the first three years, and \$80,897 per year thereafter. This option would realize a savings of \$387,702 a year for the first three years and \$391,959 per year thereafter.

DLS recommends that the General Assembly eliminate the MCCA through the Budget Reconciliation Act. DPSCS should be directed to contract with ACA to conduct State-only audits for purposes of accreditation. The nature of ACA allows it to perform the same functions as MCCA and realize considerable cost savings. Functions of MCCA not performed by ACA can be reassigned within DPSCS by the Secretary. This recommendation would result in a savings of \$387,702 in fiscal 2003.

Recommended Actions

	<u>Amount Reduction</u>		<u>Position Reduction</u>
1. Reduce funding for the Maryland Commission on Correctional Standards and contract for State-only audit and compliance responsibilities from the American Correctional Association (ACA). This leaves funding for the first year of ACA audits for State facilities.	\$ 387,702	GF	6.0
Total General Fund Reductions	\$ 387,702		6.0

Current and Prior Year Budgets

**Current and Prior Year Budgets
Maryland Commission on Correctional Standards
(\$ in Thousands)**

	<u>General Fund</u>	<u>Special Fund</u>	<u>Federal Fund</u>	<u>Reimb. Fund</u>	<u>Total</u>
Fiscal 2001					
Legislative Appropriation	\$414	\$0	\$0	\$0	\$414
Deficiency Appropriation	0	0	0	0	0
Budget Amendments	39	0	0	0	39
Reversions and Cancellations	0	0	0	0	0
Actual Expenditures	\$453	\$0	\$0	\$0	\$453
Fiscal 2002					
Legislative Appropriation	\$456	\$0	\$0	\$0	\$456
Budget Amendments	0	0	0	0	0
Working Appropriation	\$456	\$0	\$0	\$0	\$456

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

Budget amendments were processed, consisting of a general salary increase as well as providing for additional salary and fringe benefits due to lower than budgeted turnover.

QN.00 - DPSCS - Maryland Commission on Correctional Standards

Appendix 2

Object/Fund Difference Report
 DPSCS - Maryland Commission on Correctional Standards

Object/Fund	FY02		FY03 Allowance	FY02 - FY03 Amount Change	Percent Change
	FY01 Actual	Working Appropriation			
Positions					
01 Regular	6.00	6.00	6.00	0	0%
02 Contractual	1.79	2.00	2.00	0	0%
Total Positions	7.79	8.00	8.00	0	0%
Objects					
01 Salaries and Wages	\$ 341,843	\$ 345,522	\$ 355,303	\$ 9,781	2.8%
02 Technical & Spec Fees	56,711	60,738	61,060	322	0.5%
03 Communication	2,381	1,620	2,440	820	50.6%
04 Travel	13,547	13,812	16,970	3,158	22.9%
06 Fuel & Utilities	2,527	4,080	2,600	(1,480)	(36.3%)
07 Motor Vehicles	152	250	250	0	0%
08 Contractual Services	6,222	5,965	6,896	931	15.6%
09 Supplies & Materials	3,665	1,052	3,700	2,648	251.7%
10 Equip - Replacement	1,470	0	0	0	0.0%
11 Equip - Additional	174	0	0	0	0.0%
13 Fixed Charges	23,373	22,813	23,637	824	3.6%
Total Objects	\$ 452,065	\$ 455,852	\$ 472,856	\$ 17,004	3.7%
Funds					
01 General Fund	\$ 452,065	\$ 455,852	\$ 472,856	\$ 17,004	3.7%
Total Funds	\$ 452,065	\$ 455,852	\$ 472,856	\$ 17,004	3.7%

Note: Full-time and contractual positions and salaries are reflected for operating budget programs only.