

Q00P00
Division of Pretrial and Detention Services
Department of Public Safety and Correctional Services

Operating Budget Data

(\$ in Thousands)

	<u>FY 05</u> <u>Actual</u>	<u>FY 06</u> <u>Working</u>	<u>FY 07</u> <u>Allowance</u>	<u>FY 06-07</u> <u>Change</u>	<u>% Change</u> <u>Prior Year</u>
General Fund	\$115,542	\$123,458	\$134,464	\$11,006	8.9%
Special Fund	2,438	2,476	2,519	43	1.8%
Federal Fund	<u>7</u>	<u>10</u>	<u>10</u>	<u>0</u>	<u>0.0%</u>
Total Funds	\$117,987	\$125,944	\$136,993	\$11,049	8.8%

- The \$11 million increase is the result of increased expenditures for salaries and wages – especially employee and retiree health insurance and overtime.

Personnel Data

	<u>FY 05</u> <u>Actual</u>	<u>FY 06</u> <u>Working</u>	<u>FY 07</u> <u>Allowance</u>	<u>FY 06-07</u> <u>Change</u>
Regular Positions	1,512.00	1,553.00	1,552.00	-1.00
Contractual FTEs	<u>10.74</u>	<u>25.00</u>	<u>25.00</u>	<u>0.00</u>
Total Personnel	1,522.74	1,578.00	1,577.00	-1.00

Vacancy Data: Regular Positions

Turnover, Excluding New Positions	107.40	6.92%
Positions Vacant as of 12/31/05	128.00	8.24%

- The allowance reflects one abolished inventory control position.

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

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Analysis in Brief

Issues

New Booking Procedures: The Baltimore Central Booking and Intake Center has been the focus of much criticism due to delays in processing arrestees and an inadequate medical screening process. The division has worked to address these problems and reports significant progress. **The Department of Legislative Services recommends that the division prepare and submit an updated report on its continued efforts to adhere to the 24-hour rule. The division should be prepared to discuss what other steps it is taking to ensure that non-emergency medical problems identified by the initial medical screening but not requiring immediate attention are addressed in a timely manner. The division should be prepared to discuss what the obstacles are that prevent it from returning personal property simultaneous to release.**

Recommended Actions

	<u>Funds</u>
1. Reduce funds for overtime spending.	\$ 1,000,000
2. Adopt committee narrative directing the division to report on its efforts to comply with the 24-hour rule.	
Total Reductions	\$ 1,000,000

Q00P00
Division of Pretrial and Detention Services
Department of Public Safety and Correctional Services

Operating Budget Analysis

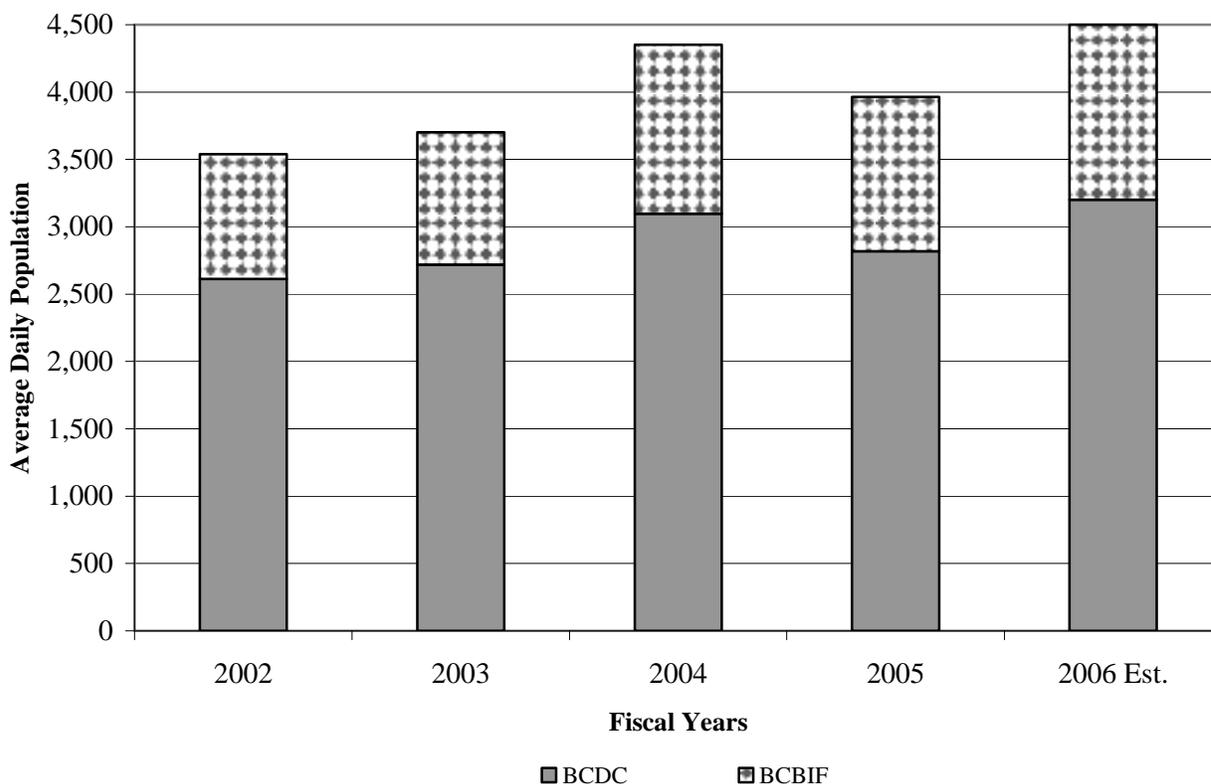
Program Description

The Division of Pretrial Detention and Services (DPDS) is responsible for processing and managing the care, custody, and control of Baltimore City arrestees and inmates in a safe, humane, and secure environment. DPDS also provides bail recommendations to the courts in Baltimore City and supervises defendants who have been released to the community to await trial.

Performance Analysis: Managing for Results

The average daily population (ADP) for DPDS declined in fiscal 2005 after three years of growth. As shown in **Exhibit 1**, ADP grew by 19.5% between fiscal 2002 and 2004 but declined by 8.9% between fiscal 2004 and 2005. The Baltimore Central Booking and Intake Facility (BCBIF) is steadily growing as a portion of the total DPDS ADP. In fiscal 2002, BCBIF comprised 25.4% of the DPDS ADP; in fiscal 2005, it comprised 28.9%.

Exhibit 1
DPDS Average Daily Population
Fiscal 2002 – 2006



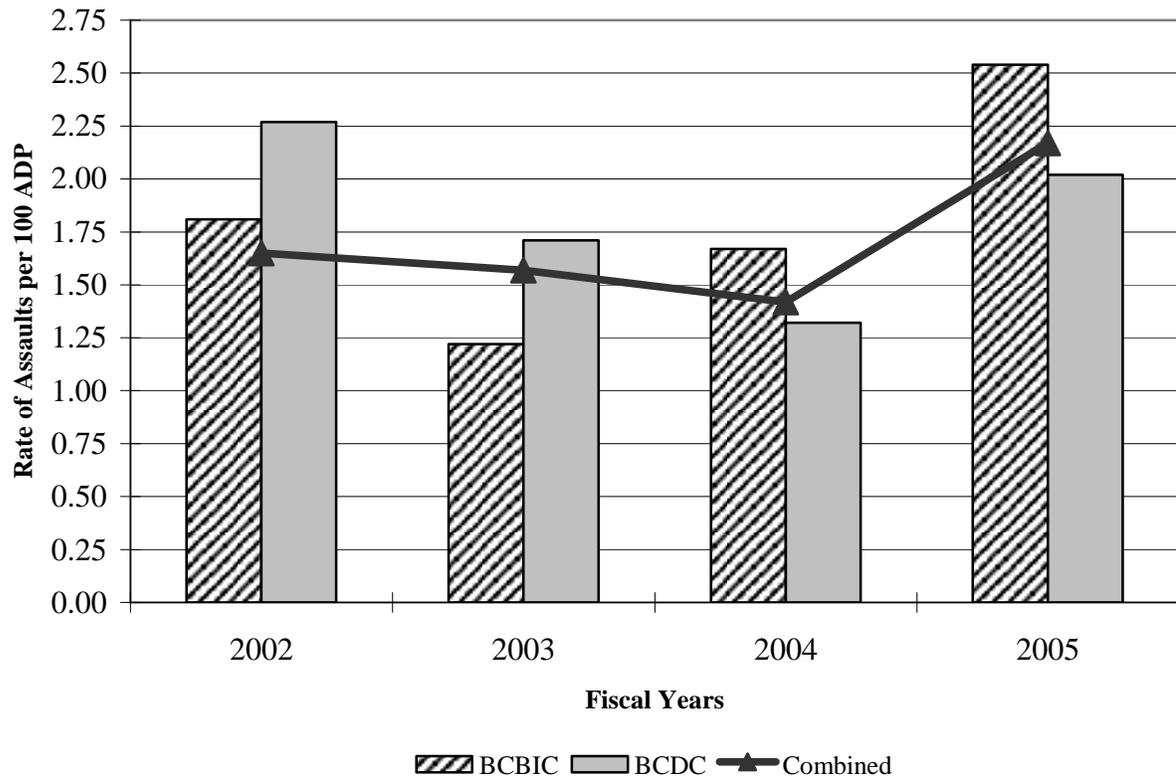
BCDC: Baltimore City Detention Center

BCBIF: Baltimore Central Booking and Intake Facility

Source: Department of Public Safety and Correctional Services

Exhibit 2 shows the rate of inmate-on-staff assaults per 100 ADP. As shown in the exhibit, the combined rate of inmate-on-staff assaults had decreased between fiscal 2002 and 2004 but increased in fiscal 2005. This same pattern also holds for inmate-on-staff assaults at the Baltimore City Detention Center (BCDC). At BCBIF, however, the assault rate decreased between fiscal 2002 and 2003 but since then has steadily climbed so that the fiscal 2005 assault rate is 40.3% higher than the fiscal 2002 rate. Also, in fiscal 2002 and 2003, there was a higher assault rate at BCDC than at BCBIF – that changed in fiscal 2004 and 2005. **The department should be prepared to discuss reasons for the increase in the DPDS-wide inmate-on-staff assault rate in fiscal 2005 and what actions have been taken to reduce the assault rate. The department should also discuss the increasing assault rate at BCBIF specifically, including any impact the growth in ADP as a portion of total DPDS ADP may have on assault rates.**

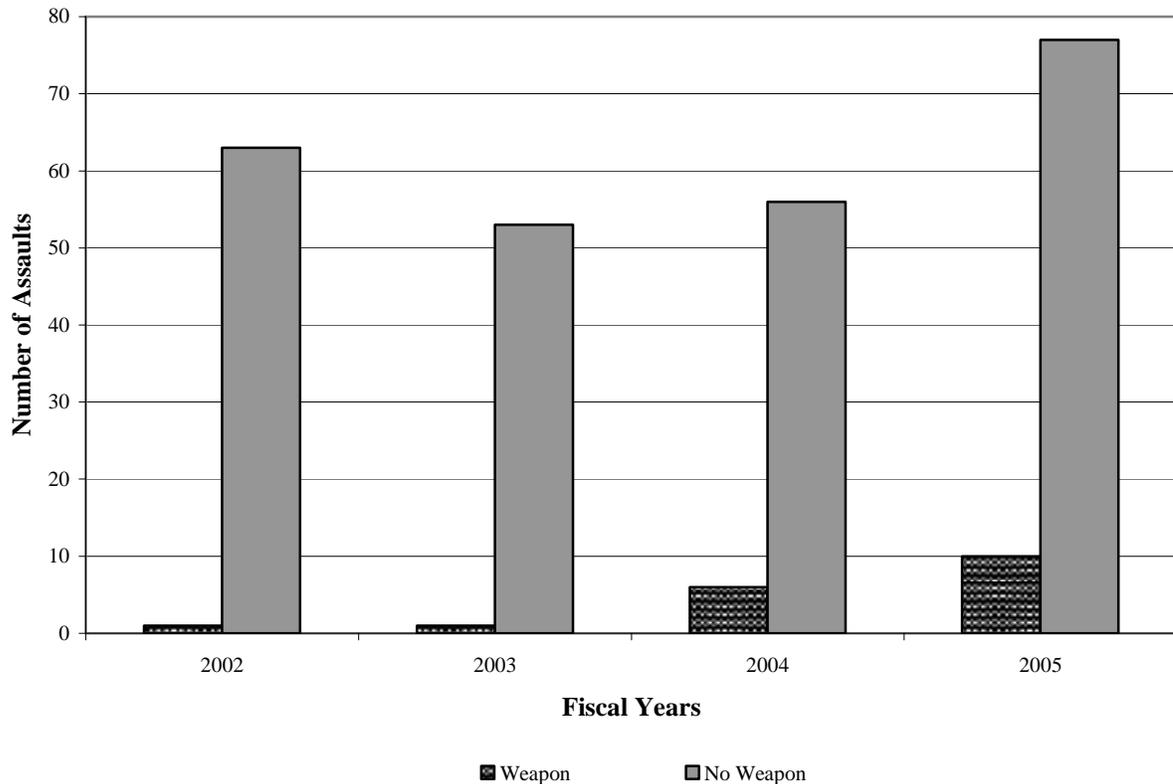
Exhibit 2
Inmate on Staff Assaults
Rate of Assaults per 100 ADP
Fiscal 2002 – 2005



Source: Department of Public Safety and Correctional Services

Exhibit 3 shows the number of inmate-on-staff assaults with weapons and without weapons. In fiscal 2002, approximately 2% of assaults were committed with weapons; in fiscal 2005 approximately 13% of assaults were committed with weapons. **The department should be prepared to discuss the increase in the use of weapons in inmate-on-staff assaults, and what steps it is taking to address this growing problem.**

Exhibit 3
Method of Assault
Fiscal 2002 – 2005



Source: Department of Public Safety and Correctional Services

Fiscal 2006 Actions

Personnel

The fiscal 2006 working appropriation has 41.0 PINs more than the fiscal 2006 legislative appropriation. Prior to the end of fiscal 2005 but after the fiscal 2006 budget had been approved, the department transferred two positions to DPDS. This increase was offset by the across-the-board abolitions in the fiscal 2005 legislative session. During fiscal 2006, the department has transferred 41.0 regular positions to DPDS. The Division of Parole and Probation and the Division of Correction both lost PINs as a result. The transferred positions are custody positions – including lieutenants, sergeants, correctional officers ii, and correctional officer i. The positions are distributed between BCDC and BCBIF. Some existing DPDS positions were also converted to custody staff. In all, Central Booking increased its custody staff by 43.0 positions between fiscal 2005 and the fiscal 2006

Q00P00 – DPSCS – Division of Pretrial and Detention Services

working appropriation. The positions were created to help improve the process of booking arrestees. The additional positions at BCDC were added to improve security. These changes are shown in **Exhibit 4**.

Exhibit 4
PIN Changes

<u>Allowance</u> <u>FY 2006</u>	<u>Across-the-board</u> <u>Abolitions</u>	<u>Transfers</u> <u>(Prior to 6/30/05)</u>	<u>Changes to</u> <u>Work. Approp.</u>	<u>Work. Approp.</u> <u>FY 2006</u>
1,512.0	-2.0	2.0	41.0	1,553.0

Source: Department of Public Safety and Correctional Services

Governor's Proposed Budget

As seen in **Exhibit 5**, the Governor's fiscal 2007 allowance for DPDS increases by approximately \$11 million, or 8.8%. The increase is largely the result of increased expenditures for salaries and wages, including employee and retiree health insurance and overtime.

Exhibit 5
Governor's Proposed Budget
Division of Pretrial and Detention Services
(\$ 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>Total</u>
2006 Working Appropriation	\$123,458	\$2,476	\$10	\$125,944
2007 Governor's Allowance	<u>134,464</u>	<u>2,519</u>	<u>10</u>	<u>136,993</u>
Amount Change	\$11,006	\$43	\$0	\$11,049
Percent Change	8.9%	1.8%	0.0%	8.8%

Where It Goes:

Personnel Expenses

Employee and retiree health insurance	\$5,629
Overtime	2,599
Increments and other compensation	1,495
Turnover adjustments	1,075
Employee retirement.....	744
Workers' compensation premium assessment	543
Social Security	270
Deferred compensation.....	26
Shift differential.....	-33
Abolished/transferred positions	-40
Unemployment compensation	-73
Other fringe benefit adjustments	1

Other Changes

Contractual services (food services, Volunteers of America contract, etc.).....	967
Fuel and Utilities	651
Supplies and materials (housekeeping, uniforms)	169
Inmate Welfare Funds (library services, commissary purchases)	-130
Inmate medical contract.....	-2,860
Other	16

Total **\$11,049**

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

Q00P00 – DPSCS – Division of Pretrial and Detention Services

Personnel expenses increase by approximately \$12.2 million. Approximately \$5.6 million of this is for increases in employee and retiree health insurance. Increments increase by approximately \$1.5 million, turnover by \$1.1 million, and employee retirement contributions by \$744,000.

Fuel and utilities increase by approximately \$651,000. This represents a 19.5% increase from the fiscal 2006 working appropriation. Expenditures for fuel oil and natural gas remain unchanged, but steam increases by \$292,000, electricity by \$167,000 and sewage by \$193,000.

Contractual services decrease by approximately \$1.9 million overall. The inmate medical contract decreases by approximately \$2.9 million. The contract decreases because DPSCS budgets for the inmate medical contract across all agencies, then distributes the funds based on average daily population. Other contractual services increase by approximately \$967,000. This includes \$398,000 for food, \$145,000 for office assistance, and \$297,000 for contractual pre-release services provided by Volunteers of America (VOA). The contract with VOA has been amended to increase the number of beds from 75 to 95 and to provide for programming and activities.

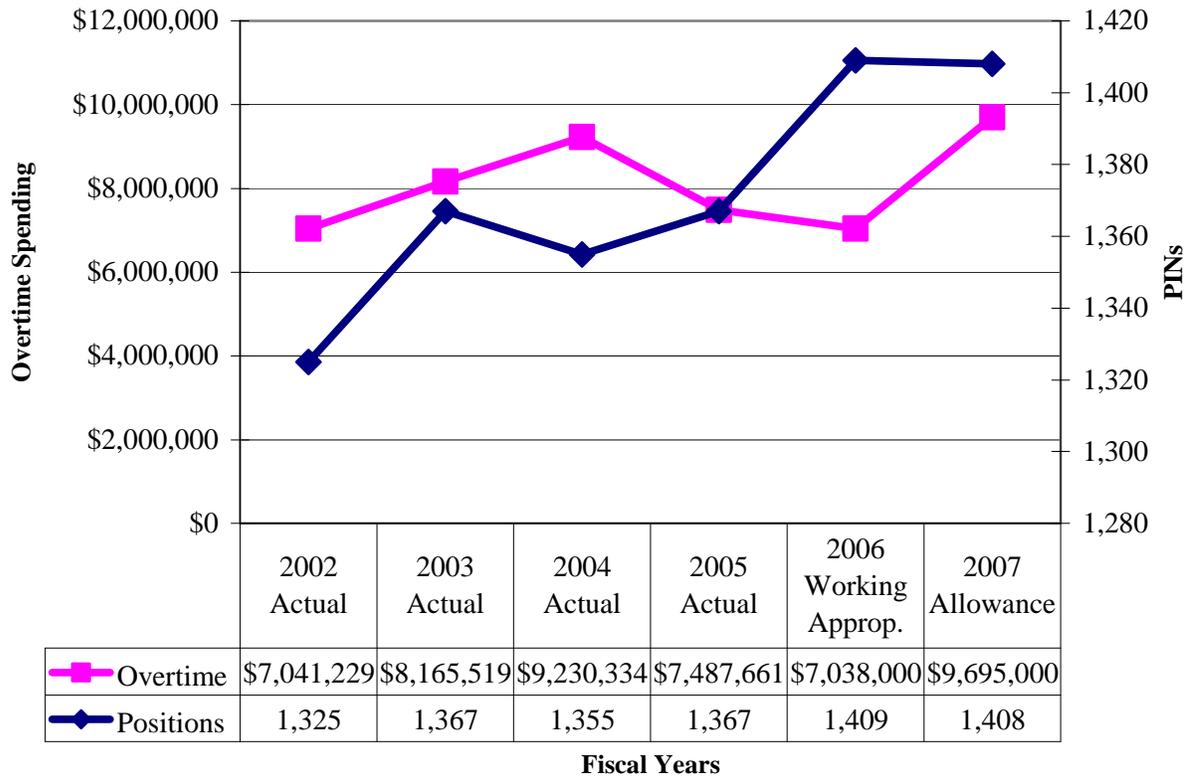
Supplies and materials increase by approximately \$169,000. This includes \$110,000 for housekeeping supplies and \$80,000 for employee and inmate uniforms. These increases are offset by a decrease in building and household supplies.

Inmate Welfare Fund grants decrease by \$130,000 based on prior year actual expenditures, which results in a reduction in commissary items and library services.

Overtime

Overtime spending increases by \$2,599,000 in the fiscal 2007 allowance. Overtime spending actually decreases by \$58,000 in the general administration and Pretrial Release Services functions so the increase for Central Booking and the Detention Center is \$2,657,000, or 37.8%, over the fiscal 2006 working appropriation. Even after accounting for the proposed 6% across-the-board pay increase, the increase is still over \$2.2 million, or 30%. At the same time, the number of positions in the custody function decreases by 1.0. However, that one position was an inventory control position so it does not affect overtime spending. The department advises that they have spent approximately \$5 million through January on overtime. This puts them on track to exceed the working appropriation. **Exhibit 6** shows overtime spending compared to positions in the custody functions. **The department should be prepared to discuss why overtime spending is increasing. DLS recommends that overtime be reduced by \$1 million in the fiscal 2007 allowance, which permits overtime spending to grow at the same rate as salaries.**

**Exhibit 6
Overtime Spending and PINs
Custody Functions
Fiscal 2002 – 2007**



Source: Governor’s Budget Books

Issues

1. New Booking Procedures

BCBIC was originally opened in fiscal 1996 and was expected to process 45,000 to 65,000 arrestees per year. In fiscal 2001 there were 80,999 bookings. There was a significant increase to 94,829 in fiscal 2002 and in fiscal 2005 the facility processed 94,659 arrestees. BCBIC has been the focus of much criticism due to the delays in processing arrestees and the inadequate medical screening process. In late April 2005, a circuit court judge ordered that all arrestees that do not receive a court hearing within 24 hours of their arrest must be released from custody. The first full day that the order was in effect, 21 arrestees were released because they had not seen a court commissioner within the allowed time frame. The original court order was in effect until May 6, but the order was later extended by six months. The department has worked to address these issues and reports significant progress.

Allied Agencies

A number of agencies are involved in the booking process at BCBIC. The list now includes the State's Attorney's Office, the Court Commissioner's Office, Pretrial Services, the medical contractor, Baltimore City Police, Information Technology and Communications Division, and the BCBIC managers. To coordinate all these agencies, the warden hosts a weekly meeting to discuss and address operational issues in the booking process. The warden may also call special meetings to address larger or more specific issues.

Additionally, given the challenges of coordinating the work of multiple agencies interacting with each individual, the division has created a "queue lieutenant" that is responsible for tracking each arrestee as they proceed through the various steps of the booking process. Those steps include reception, medical screening, booking, identification, statement of probable cause, statement of charges, review, and the actual appearance before the court commissioner. The queue lieutenant facilitates the interaction of the allied agencies and movement of the arrestee to ensure that the arrestee is processed in the shortest amount of time possible. Five additional lieutenant positions were authorized in July to assist existing staff. Additionally, if the number of arrestees who have not seen a court commissioner rises to 250, a second officer is assigned to assist the queue lieutenant in overcoming delays in processing. The department reports that this change has resulted in no 24-hour rule violations in the past three months.

DLS recommends that the division prepare and submit an updated report on its continued efforts to adhere to the 24-hour rule.

Medical Screening

There is now a medical professional at the front door of the facility that is responsible for accepting or rejecting arrestees. The process is designed to prevent individuals that may require emergency medical care from entering the booking process without being cleared by an outside medical agency. An arrestee that is rejected at the door must be taken to emergency medical facilities by the arresting agency and may not be returned to BCBIC until written clearance is provided.

There is also an initial medical screening conducted by a medical professional, not a correctional officer, that is supposed to occur within two hours of the arrestee's arrival at BCBIC. The process is intended to identify medical and mental health needs of arrestees that need to be addressed immediately or at a later time. This process replaced the questionnaire that was previously completed by correctional personnel during the booking process.

The division should be prepared to discuss what other steps it is taking to ensure that non-emergency medical problems identified by the initial medical screening but not requiring immediate attention are addressed in a timely manner.

Release

The queue lieutenant and release area lieutenant, under the direction of the booking floor shift commander, work to immediately process arrestees when the State's Attorney's Office has declined to file charges. In fiscal 2005 about one-fifth or 20,548 of the 94,656 arrestees were not charged with an offense. Once the "declined to charge" document has been presented to the documents desk, the arrestee is immediately released from custody.

During high volume of arrest periods, the return of personal property to individuals being released may not be simultaneous to the release of the individual. However, rather than hold individuals for release until their property can be retrieved, they are released immediately and may wait in the lobby or return at another time to retrieve their property. However, the arrestee's identification is processed separately upon intake to ensure that it can be returned at the time of release.

The division should be prepared to discuss what the obstacles are that prevent it from returning personal property simultaneous to release.

Technology

The division has introduced several technology changes and upgrades to help with the safe and timely movement of arrestees. The queue lieutenant, booking shift commander, work in progress officer, and court commissioner officer have been issued dedicated local use portable telephones so they can communicate directly while moving within the facility without interfering with the facility radio system. Also, the computer equipment operating the digital photograph system and the digital fingerprint machines have been replaced. Finally, a new system of hand-held scanners has been ordered.

Recommended Actions

- | | <u>Amount
Reduction</u> |
|---|------------------------------------|
| 1. Reduce funds for overtime spending. Even after accounting for the 6% salary increase in overtime, overtime spending for the two custody functions increase by approximately \$2.2 million over the fiscal 2006 working appropriation, but the number of positions at the custody units decreases by 1.0. | \$ 1,000,000 GF |

2. Adopt the following narrative:

Report on 24-Hour Rule Compliance: The committees are concerned about the division providing arrestees with access to a Court Commissioner within 24 hours of their arrival at the Baltimore Central Booking and Intake Center (BCBIC). The division shall prepare and submit a report on its continued efforts to comply with the 24-hour rule. The report shall include a list of 24-hour rule violations in fiscal 2006 at BCBIC including date of occurrence, an explanation for why the violation occurred, and the resolution of the violation, what efforts have been taken to further reduce the likelihood of violations, and a count of how many arrestees have been processed each month. If there have been no violations, the division should still report on its continued efforts and the number of arrestees processed each month. The report shall be provided to the budget committees and the Department of Legislative Services by September 15, 2006.

Information Request	Author	Due Date
Report on 24-hour rule compliance	DPSCS Division of Pretrial Detention and Services	September 15, 2006
Total General Fund Reductions		\$ 1,000,000

Current and Prior Year Budgets

**Current and Prior Year Budgets
Division of Pretrial Detention and Services
(\$ in Thousands)**

	<u>General Fund</u>	<u>Special Fund</u>	<u>Federal Fund</u>	<u>Reimb. Fund</u>	<u>Total</u>
Fiscal 2005					
Legislative Appropriation	\$112,112	\$2,343	\$40	\$0	\$114,495
Deficiency Appropriation	0	0	0	0	0
Budget Amendments	3,984	175	0	0	4,159
Reversions and Cancellations	-554	-80	-33	0	-667
Actual Expenditures	\$115,542	\$2,438	\$7	\$0	\$117,987
Fiscal 2006					
Legislative Appropriation	\$122,555	\$2,476	\$10	\$0	\$125,041
Budget Amendments	903	0	0	0	903
Working Appropriation	\$123,458	\$2,476	\$10	\$0	\$125,944

Fiscal 2005

General fund spending in fiscal 2005 was approximately \$115.5 million, which was an increase of approximately \$3.4 million over the legislative appropriation.

- Budget amendments increased the appropriation by approximately \$4 million. Of that amount, approximately \$1.2 million can be attributed to the cost-of-living adjustment (COLA) amendment. Approximately \$2.6 million is from a departmentwide amendment that adjusted general funds in accordance with actual expenditures. The appropriation for the Central Booking and Intake Facility was increased by approximately \$4.2 million in this amendment, while the other three programs combined were reduced by approximately \$1.6 million. The remaining \$174,000 increase is due to a departmentwide amendment that reorganized funds to meet actual employee and retiree health insurance expenditures.
- The department reverted approximately \$554,000 of employee and retiree health insurance funds.

Special fund spending was approximately \$2.4 million. This included an amendment to distribute inmate welfare funds that increased the appropriation by \$175,000. The department cancelled approximately \$80,000 of inmate welfare funds, which were carried forward in the fund.

Federal fund spending was approximately \$7,000 as a result of the cancellation of approximately \$33,000 due to underattainment of estimated reimbursements for housing federal prisoners.

Fiscal 2006

The general fund working appropriation for fiscal 2006 is approximately \$123.5 million. The legislative appropriation was increased by approximately \$903,000 through the COLA amendment.

Audit Findings

Audit Period for Last Audit:	April 26, 2001 – June 2, 2004
Issue Date:	February 2005
Number of Findings:	10
Number of Repeat Findings:	2
% of Repeat Findings:	80%
Rating: (if applicable)	n/a

- Finding 1:** Numerous questionable payments were made which DPDS management personnel advised were initiated at the direction of the former commissioner.
- Finding 2:** Certain payments were made to vendors through the working fund to circumvent the Comptroller of the Treasury’s payment intercept program.
- Finding 3:** Questionable payments were not referred to appropriate authorities timely and were permitted to continue after they were initially identified in July 1998.
- Finding 4:** DPDS’ annual budget requests submitted to the General Assembly did not adequately disclose general fund entertainment-related expenditures, which totaled approximately \$145,000 during fiscal 2002 through 2004.
- Finding 5:** DPDS did not always purchase goods in accordance with State Procurement Regulations, and for certain disbursements, there was a lack of verification that the payments should have been made.
- Finding 6:** DPDS split corporate purchase card transactions totaling approximately \$53,000 into smaller purchases to avoid per transaction spending limits.
- Finding 7:** **Proper internal control was not established over the processing of certain disbursement transactions.**
- Finding 8:** DPDS had not established adequate internal control over certain collections.
- Finding 9:** Supervisory review of payroll adjustments was not documented.
- Finding 10:** **Property records were not adequately maintained, and DPDS lacked documentation to substantiate that the results of physical inventories were reconciled to the detail records.**

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

**Object/Fund Difference Report
DPSCS Division of Pretrial and Detention Services**

<u>Object/Fund</u>	<u>FY05 Actual</u>	<u>FY06 Working Appropriation</u>	<u>FY07 Allowance</u>	<u>FY06 - FY07 Amount Change</u>	<u>Percent Change</u>
Positions					
01 Regular	1512.00	1553.00	1552.00	-1.00	-0.1%
02 Contractual	10.74	25.00	25.00	0	0%
Total Positions	1522.74	1578.00	1577.00	-1.00	-0.1%
Objects					
01 Salaries and Wages	\$ 82,827,900	\$ 85,677,256	\$ 97,913,483	\$ 12,236,227	14.3%
02 Technical & Spec Fees	320,059	486,535	505,076	18,541	3.8%
03 Communication	513,550	512,670	507,893	-4,777	-0.9%
04 Travel	18,837	13,432	26,450	13,018	96.9%
06 Fuel & Utilities	3,770,327	3,339,750	3,991,050	651,300	19.5%
07 Motor Vehicles	336,010	263,930	302,757	38,827	14.7%
08 Contractual Services	26,006,363	31,845,170	29,952,529	-1,892,641	-5.9%
09 Supplies & Materials	2,183,326	1,744,800	1,913,900	169,100	9.7%
10 Equip - Replacement	184,303	42,491	35,430	-7,061	-16.6%
11 Equip - Additional	98,730	0	0	0	0.0%
12 Grants, Subsidies, and Contributions	1,539,282	1,730,000	1,605,000	-125,000	-7.2%
13 Fixed Charges	187,834	288,228	239,637	-48,591	-16.9%
Total Objects	\$ 117,986,521	\$ 125,944,262	\$ 136,993,205	\$ 11,048,943	8.8%
Funds					
01 General Fund	\$ 115,541,626	\$ 123,458,459	\$ 134,464,022	\$ 11,005,563	8.9%
03 Special Fund	2,437,945	2,475,803	2,519,183	43,380	1.8%
05 Federal Fund	6,950	10,000	10,000	0	0%
Total Funds	\$ 117,986,521	\$ 125,944,262	\$ 136,993,205	\$ 11,048,943	8.8%

Note: The fiscal 2006 appropriation does not include deficiencies, and the fiscal 2007 allowance does not reflect contingent reductions.

Fiscal Summary
DPSCS Division of Pretrial and Detention Services

<u>Program/Unit</u>	<u>FY05 Actual</u>	<u>FY06 Wrk Approp</u>	<u>FY07 Allowance</u>	<u>Change</u>	<u>FY06 - FY07 % Change</u>
01 General Administration	\$ 6,258,711	\$ 7,155,441	\$ 8,358,238	\$ 1,202,797	16.8%
02 Pretrial Release Services	4,665,830	4,964,526	5,245,579	281,053	5.7%
03 Baltimore City Detention Center	68,514,109	72,005,252	78,281,106	6,275,854	8.7%
04 Central Booking and Intake Facility	38,547,871	41,819,043	45,108,282	3,289,239	7.9%
Total Expenditures	\$ 117,986,521	\$ 125,944,262	\$ 136,993,205	\$ 11,048,943	8.8%
General Fund	\$ 115,541,626	\$ 123,458,459	\$ 134,464,022	\$ 11,005,563	8.9%
Special Fund	2,437,945	2,475,803	2,519,183	43,380	1.8%
Federal Fund	6,950	10,000	10,000	0	0%
Total Appropriations	\$ 117,986,521	\$ 125,944,262	\$ 136,993,205	\$ 11,048,943	8.8%

Note: The fiscal 2006 appropriation does not include deficiencies, and the fiscal 2007 allowance does not reflect contingent reductions.