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

## **Fiscal 2008 Budget Overview**

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

**February 2007**

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

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*Analysis of the FY 2008 Maryland Executive Budget, 2007*

## *Q00 – DPSCS – Fiscal 2008 Budget Overview*

The Department of Public Safety and Correctional Services (DPSCS) helps to keep Maryland communities safe and provides services to the victims of crime. The department strives to ensure the safety, security, and well-being of defendants and offenders under its supervision and to provide criminal justice agencies with access to timely, accurate information about defendants and offenders.

### **Fiscal 2007 Deficiencies**

There are 22 deficiency appropriations totaling \$54,185,410 for fiscal 2007. General funds account for 91%, or \$49.3 million of the total deficiency appropriations; special funds account for the remaining \$4.9 million.

- Two deficiency appropriations affect special funds, accounting for a net \$4.9 million of the deficiency appropriation total. \$6.4 million is for the 9-1-1 Emergency Numbers System within the Office of the Secretary for increased pass-through funds to counties from the 9-1-1 surcharge. The other deficiency, within the Division of Parole and Probation (DPP), is for a \$1.5 million reduction in special funds and a \$1.5 million increase in general funds due to a shortfall in Drinking Driver Monitor Program fees.
- The Inmate Medical Contract accounts for \$22.5 million, or 41.5% of all deficiency appropriations.
- Deficiency appropriations for security enhancements within the State's correctional facilities total approximately \$8.1 million, or 15.0%. \$6.1 million is for the upgrade and expansion of security camera systems, the purchase of security equipment and supplies for correctional officers, and for the repair and replacement of cell door locks at the House of Correction in Jessup. The additional \$2.0 million is for the purchase of replacement vehicles used for security and inmate transport, Internal Investigation Unit investigations, and DPP field visits.
- Fuel and utility deficiency appropriations within the Division of Correction (DOC), the Division of Pretrial and Detention Services (DPDS), the Patuxent Institution, and the Police and Correctional Training Commissions (PCTC) facilities account for approximately \$9.4 million, or 17.2% of the deficiency appropriation total.
- The remaining \$7.8 million is accounted for by various deficiency appropriations within the Office of the Secretary. \$5.3 million is needed to provide additional funds for inclusion of members of the uniformed services killed in Afghanistan or Iraq in the Public Safety Death Benefit, in accordance with the Veterans Advocacy Act of 2006. \$1.1 million is for the Information Technology and Communication Division for the continued replacement and upgrade of the department's information technology equipment. \$1.4 million within the Office of the Secretary – PAYGO is needed for the acquisition of land for the construction of the youth and women's detention facilities.

**Fiscal 2007 Allowance**

As seen in **Exhibit 1**, the DPSCS fiscal 2008 operating budget allowance is approximately \$1.2 billion, which is an increase of approximately \$42.5 million, or 3.7% over the fiscal 2007 working appropriation. Absent the decrease in health insurance costs due to one-time savings, the department’s allowance increases 8%, or \$87.8 million.

**Exhibit 1**  
**Department of Public Safety and Correctional Services Budget Overview**  
**Total Funds by Program**  
**Fiscal 2007-2008**

	<b>Working Appropriation <u>2007</u></b>	<b>Allowance <u>2008</u></b>	<b>Change <u>2007-08</u></b>	<b>% Change <u>2007-08</u></b>
<b>Operating Programs</b>				
Office of the Secretary	\$131,422	\$126,428	-\$4,994	-3.8%
Division of Correction	719,746	760,303	40,557	5.6%
Parole Commission	4,871	5,071	200	4.1%
Division of Parole and Probation	91,396	94,773	3,376	3.7%
Patuxent Institution	40,717	42,322	1,605	3.9%
Inmate Grievance Office	646	556	-90	-13.9%
Police/Correctional Training Commissions	7,916	8,316	401	5.1%
Criminal Injuries Compensation Board	6,100	6,116	17	0.3%
Maryland Commission on Correctional Standards	486	530	44	9.0%
Division of Pretrial Detention and Services	142,099	143,479	1,380	1.0%
<b>Total</b>	<b>\$1,145,398</b>	<b>\$1,187,894</b>	<b>\$42,496</b>	<b>3.7%</b>
<b>Funds</b>				
General Fund	\$984,679	\$1,022,340	\$37,661	3.8%
Special Fund	139,499	148,211	8,712	6.2%
Federal Fund	12,844	10,138	-2,706	-21.1%
Reimbursable Fund	8,375	7,205	-1,171	-14.0%
<b>Total</b>	<b>\$1,145,398</b>	<b>\$1,187,894</b>	<b>\$42,496</b>	<b>3.7%</b>

Source: Department of Public Safety and Correctional Services

### *Q00 – DPSCS – Fiscal 2008 Budget Overview*

- The largest change, an increase of \$40.6 million, is in DOC. The majority of the increase can be attributed to \$10.1 million for salaries and wages (including regular earnings, health insurance, employee retirement, and lower turnover), \$9.8 million for fuel and utilities, and \$18.0 million for the inmate medical contract.
- The next largest change is a nearly \$5.0 million decrease in the Office of the Secretary; however, this decrease is somewhat misleading. A \$12.3 million decrease in salaries and wages occurs as a result of Section 40 in the fiscal 2007 budget bill, which required that the significant surplus in the budget for health insurance be used to support pension enhancements and a larger salary increase for employees. This \$12.3 million reflects the application of Section 40 for the entire department. This amount is still in the fiscal 2007 budget but will revert at the end of the fiscal year. Outside of this decrease, however, the Office of the Secretary actually sees growth of approximately 7.7%. This includes \$4.5 million for an increase in the 9-1-1 grants paid to local jurisdictions by the Emergency Number Systems Board (ENSB) and \$1.5 million for the expansion of the Public Safety Death Benefit. An additional \$1.0 million is concentrated within contractual services, including \$500,000 for a management study on the administration of inmate medical services.
- DPP receives an increase of \$3.4 million in the fiscal 2008 allowance. The increase over the working appropriation can be primarily attributed to a \$1.8 million increase in salaries and wages, a \$1.0 million increase for extended parole supervision of sexual offenders related to 2006 special session legislation, and \$449,000 for increased rent.
- The Patuxent Institution receives an increase of \$1.6 million over its fiscal 2007 working appropriation. While increases occurred in spending for salaries and wages and fuel and utilities, the majority of the growth is for contractual services for the inmate medical contract. The purchase of care services and medical care costs account for \$1.3 million of the total increase in the Patuxent allowance.
- DPDS receives a net \$1.4 million increase; however, this masks a number of large expenditure changes. A net \$2.6 million decrease occurs within salaries and wages because a \$4.8 million reduction in overtime spending is offset by increases in regular earnings, retirement, and lower turnover. The decrease in salaries and wages is balanced by a \$2.6 million increase in contractual services from the growth of the inmate medical contract. The net \$1.4 million increase for the agency, therefore, is actually due to increases for fuel and utilities, supplies and materials, and increased inmate welfare funds.
- Overall, the allowance includes approximately \$133.4 million for the inmate medical contract. This is an increase of approximately \$22.7 million over the fiscal 2007 working appropriation. However, once the \$22.5 million deficiency is accounted for, the increase is less than \$160,000 between fiscal 2007 and 2008.
- The fiscal 2008 allowance includes \$4.1 million to fund the Reentry Enforcement Services Targeting Addiction, Rehabilitation, and Treatment program. The majority of the funding – \$3.5 million – is used toward the personnel expenses for the 63 positions associated with the program.

*Q00 – DPSCS – Fiscal 2008 Budget Overview*

**Exhibit 2** shows that the department's personnel complement grows by 206 regular positions, or 1.8%. The majority of the growth may be attributed to DOC, which gains 134 correctional officers, 2 intelligence officers, 25 recreational officers, 10 maintenance officers, and 7 regular chaplain positions. These new positions are based on a recalculation of the relief factor and the creation of new posts as a result of security assessments. Other regular position increases include 21 new correctional officers and 2 intelligence officers for DPDS and 8 new positions for PCTC. These new positions are offset slightly by 1.5 abolished positions in the Office of the Secretary, a 0.5 abolished position in DPP, and the abolition of an addictions counselor position in DOC.

The department's contractual positions decrease by 3.9%, or 16 contractual full-time equivalents (FTEs). PCTC loses 10 contractual positions while DOC loses 7 FTEs, and the Office of the Secretary loses 3 FTEs. These reductions are slightly offset by a gain of 3 contractual positions in DPP and an additional FTE in the Parole Commission. These new FTEs are for the increased workload due to the new sex offender legislation.

**Exhibit 2**  
**Department of Public Safety and Correctional Services Budget Overview**  
**Positions by Program**  
**Fiscal 2007-2008**

	<b>Working Appropriation <u>2007</u></b>	<b>Allowance <u>2008</u></b>	<b>Change <u>2007-08</u></b>	<b>% Change <u>2007-08</u></b>
<b>Regular Positions by Program</b>				
<b>Operating Programs</b>				
Office of the Secretary	523	522	-2	-0.3%
Division of Correction	7,433	7,610	177	2.4%
Parole Commission	78	78	0	0.0%
Division of Parole and Probation	1,267	1,266	-1	0.0%
Patuxent Institution	510	510	0	0.0%
Inmate Grievance Office	6	6	0	0.0%
Police/Correctional Training Commissions	78	86	8	10.3%
Criminal Injuries Compensation Board	7	7	0	0.0%
Maryland Commission on Correctional Standards	6	6	0	0.0%
Division of Pretrial Detention and Services	1,596	1,619	23	1.4%
<b>Total</b>	<b>11,503</b>	<b>11,709</b>	<b>206</b>	<b>1.8%</b>
<b>Contractual Positions by Program</b>				
<b>Operating Programs</b>				
Office of the Secretary	97	94	-3	-3.1%
Division of Correction	86	79	-7	-8.0%
Parole Commission	2	3	1	50.0%
Division of Parole and Probation	144	147	3	2.1%
Patuxent Institution	1	1	0	0.0%
Inmate Grievance Office	1	1	0	0.0%
Police/Correctional Training Commissions	44	34	-10	-22.6%
Criminal Injuries Compensation Board	9	9	0	0.0%
Maryland Commission on Correctional Standards	2	2	0	0.0%
Division of Pretrial Detention and Services	25	25	0	0.0%
<b>Total</b>	<b>411</b>	<b>396</b>	<b>-16</b>	<b>-3.9%</b>

Source: Department of Public Safety and Correctional Services

## Budgetary Context

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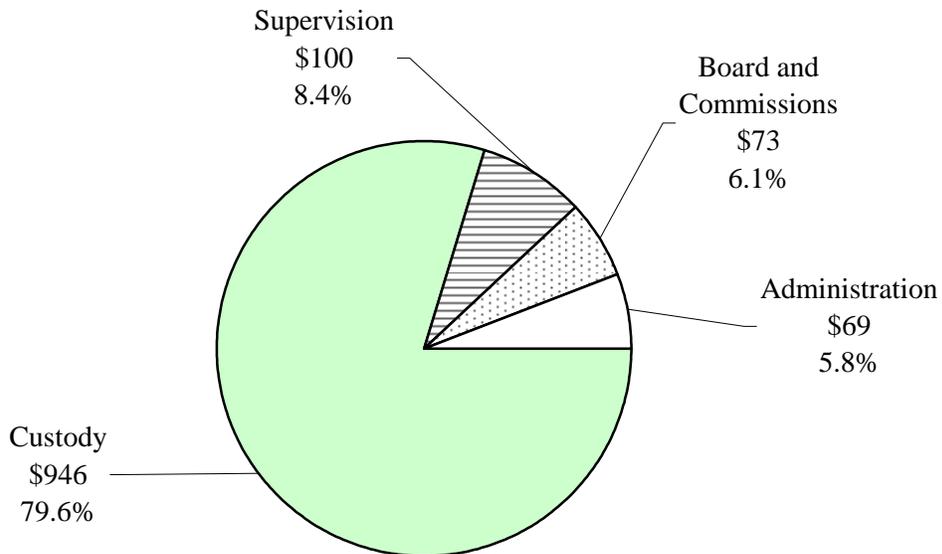
### Introduction

DPSCS is composed of 10 distinct agencies. The agencies can be categorized into four functional areas: administration, boards and commissions, custody, and supervision. The largest functional unit is the custody function.

The custody function is composed of three agencies: DOC, the Patuxent Institution, and DPDS. Each of these agencies is responsible for the physical confinement and control of inmates and detainees ordered confined by Maryland’s judicial system. While each of these agencies is composed of various facilities and programs, **Exhibit 3** shows that their aggregate fiscal 2008 allowance is approximately \$946.0 million, or 79.6% of the total allowance. **Exhibit 4** reveals that the custody function also accounts for 81.3% of the total personnel allowance, with 9,738 regular and 106 contractual positions. DPSCS estimates that the average daily population for the custody units will near 27,000 individuals during fiscal 2008.

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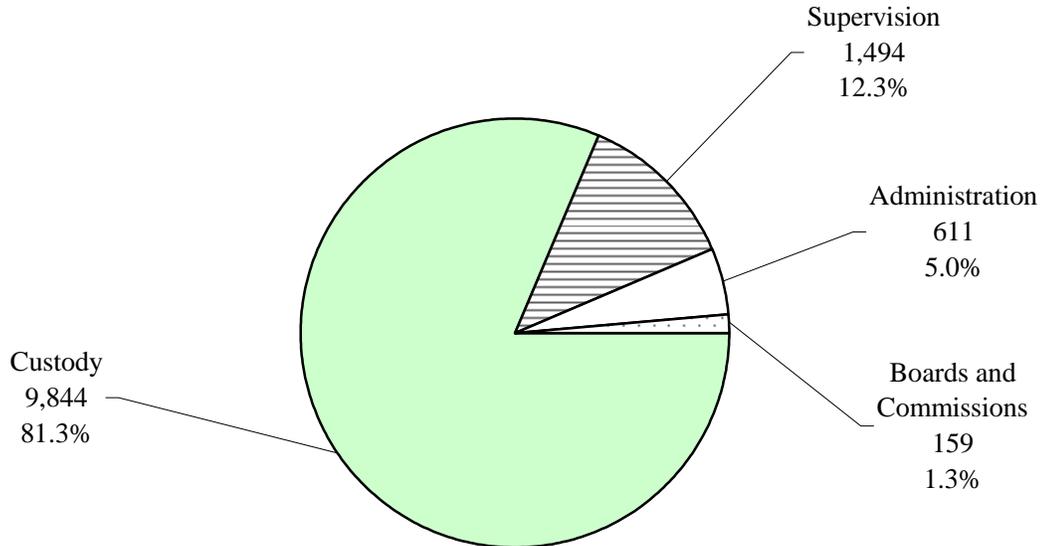
**Exhibit 3**  
**Fiscal 2008 Allowance by Function**  
( \$ in Millions )



Source: Department of Public Safety and Correctional Services

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**Exhibit 4**  
**Fiscal 2008 Employees by Function**



Source: Department of Public Safety and Correctional Services

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The next largest functional area is the supervision function, which is facilitated by DPP and the Maryland Parole Commission (MPC). DPP is responsible for supervising offenders under criminal supervision via probation by the judicial system or parole by MPC, and individuals assigned to the Drinking Driver Monitor Program. DPP supervises a population of more than 67,500 individuals. MPC is responsible for evaluating and hearing the cases of all inmates in State and local facilities when they become statutorily eligible for parole. MPC estimates that it will hear approximately 12,500 cases during fiscal 2008. The supervision functional area's fiscal 2008 allowance is \$100.0 million, or 8.4% of the total DPSCS allowance. For the supervision function, the allowance provides 1,344 regular positions and 150 contractual positions, or a combined 12.3% of the total 2008 personnel allowance.

The third largest functional area is the boards and commissions function, which includes the Criminal Injuries Compensation Board (CICB), the Inmate Grievance Office, ENSB, the Maryland Commission on Correctional Standards (MCCS), and PCTC. Each of these agencies, except for PCTC and MCCS, receives the majority of its operating revenue from special funds. CICB provides the administrative support to victims who wish to be compensated for injuries and damages sustained as a result of criminal activity. ENSB develops policy and provides financial support for the State's 9-1-1 emergency system. MCCS develops and audits compliance with the standards for all public

*Q00 – DPSCS – Fiscal 2008 Budget Overview*

and private correctional and detention facilities in the State. PCTC develops the training standards for all law enforcement and correctional officers in the State and provided training for nearly 42,000 personnel in fiscal 2006. The boards and commissions functional area aggregate fiscal 2008 allowance is approximately \$73.0 million, or 6.1% of DPSCS' total allowance. The fiscal 2008 allowance also provides the boards and commissions with 108 regular and 48 contractual positions, accounting for 1.3% of the total personnel allowance.

The final functional area is administration. The administration function is composed of most of the units within the Office of the Secretary, including the Internal Investigative Unit, the Office of Treatment Services, General Administration, Capital and Facilities Management, and the Information Technology and Communications Division. The administrative units coordinate and support the other functional units' activities. The administration function's fiscal 2008 allowance is \$69.0 million, or 5.8% of the total DPSCS allowance. For the administration function, the fiscal 2008 allowance also provides 519 regular and 92 contractual employees, or 5.0% of the total DPSCS personnel allowance.

## *Analysis in Brief*

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### Issues

***Offender Management and Security Concerns:*** The department had a number of offender management issues in the past year which resulted in the deaths of two correctional officers and multiple inmates, increased assault rates, and two emergency legislative hearings during the interim. **The department should be prepared to discuss these varying offender management issues, specifically addressing what measures have been taken to lower the high number of walk-offs at lower security level institutions and the high rates of assault at medium and maximum security institutions. The department should also identify all the factors contributing to the lack of control within these institutions.**

***Sex Offender Legislation:*** Legislation passed during the 2006 special session extended parole supervision for specified sexual offenders and made changes to registration and community notification requirements. This has increased the department's 2008 allowance by three contractual positions and \$1.9 million. These costs differ from fiscal note estimates. **The department should be prepared to identify the annual number of sexual offenders included under this legislation who receive probation without prison time and address why its fiscal 2008 costs differ from the fiscal note estimates.**

## ***Department Caseload Trends***

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With more than 85% of the allowance consumed within the custody and supervision functions of the department, it is important to understand caseload trends associated with the detainee, inmate, and supervised populations. Two major factors affecting the cost of custody and supervision are population growth trends and changes in the make-up of the inmate population.

### **Population Growth**

#### **Division of Pretrial and Detention Services**

DPDS has jurisdiction over three agencies: the Baltimore Central Booking and Intake Center, the Baltimore City Detention Center, and the Pretrial Release Services Program. The scope of these agencies includes the booking and processing of Baltimore City arrestees, housing detainees awaiting trial, community supervision, and the assessment of risk classification for bail review.

The Governor's fiscal 2008 allowance for DPDS is approximately \$144.0 million. This is an increase of approximately \$1.4 million over the fiscal 2007 working appropriation. DPDS' budget comprises approximately 12.1% of the total DPSCS 2008 allowance.

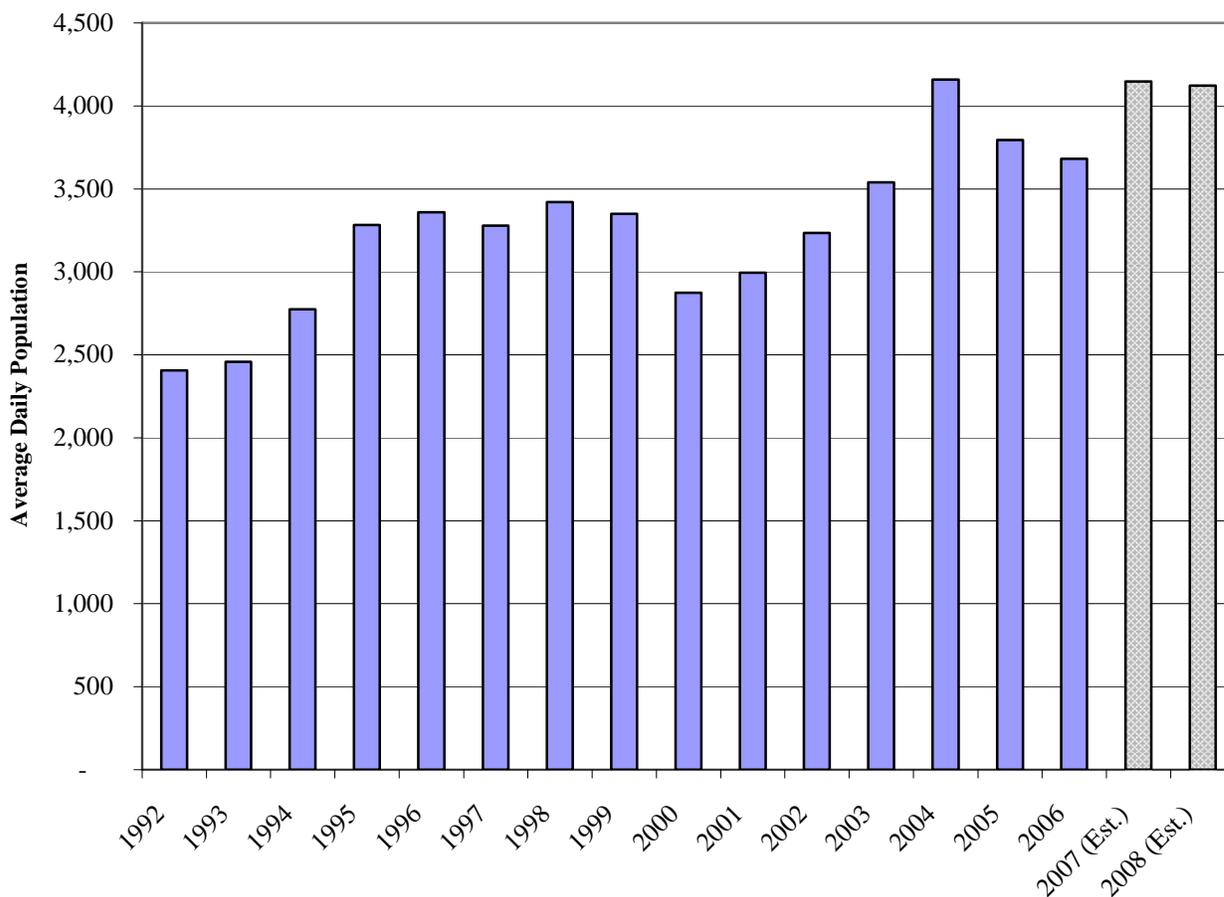
**Exhibit 5** shows the average daily population under DPDS jurisdiction. This includes pretrial inmates housed at DPDS, home detention, and contract care facilities. The population has increased approximately 53% between fiscal 1991 and 2006, reaching an all time high in fiscal 2004 with 4,158 inmates. Although the population has decreased 11.5% since then, the fiscal 2006 population of 3,681 inmates is expected to increase 13% in fiscal 2007 to 4,148 inmates, only 10 inmates under the 2004 peak.

Despite the recent decline in the average daily population (ADP), DPDS facilities continue to frequently operate over capacity. However, it is difficult for the department to reliably predict future populations because DPDS populations are largely the product of arrest policies in Baltimore City. As those arrest policies change, so does the size of the DPDS population. The department has developed a capital plan to address the overcrowding as well as several facility problems that are currently the subject of litigation. **The department should be prepared to update the status of the various projects pertaining to DPDS.**

#### **Division of Correction**

DOC is comprised of 27 prisons and pre-release facilities throughout the State. It makes up the largest part of the budget and employs the largest portion of the staff within the custody function and within the entire department. The Governor's allowance for fiscal 2008 includes approximately \$760.0 million for DOC, which is approximately 64% of the total allowance for DPSCS. The Governor's allowance also provides for 7,689 regular and contractual positions, accounting for 63.5% of the total personnel allowance for fiscal 2008.

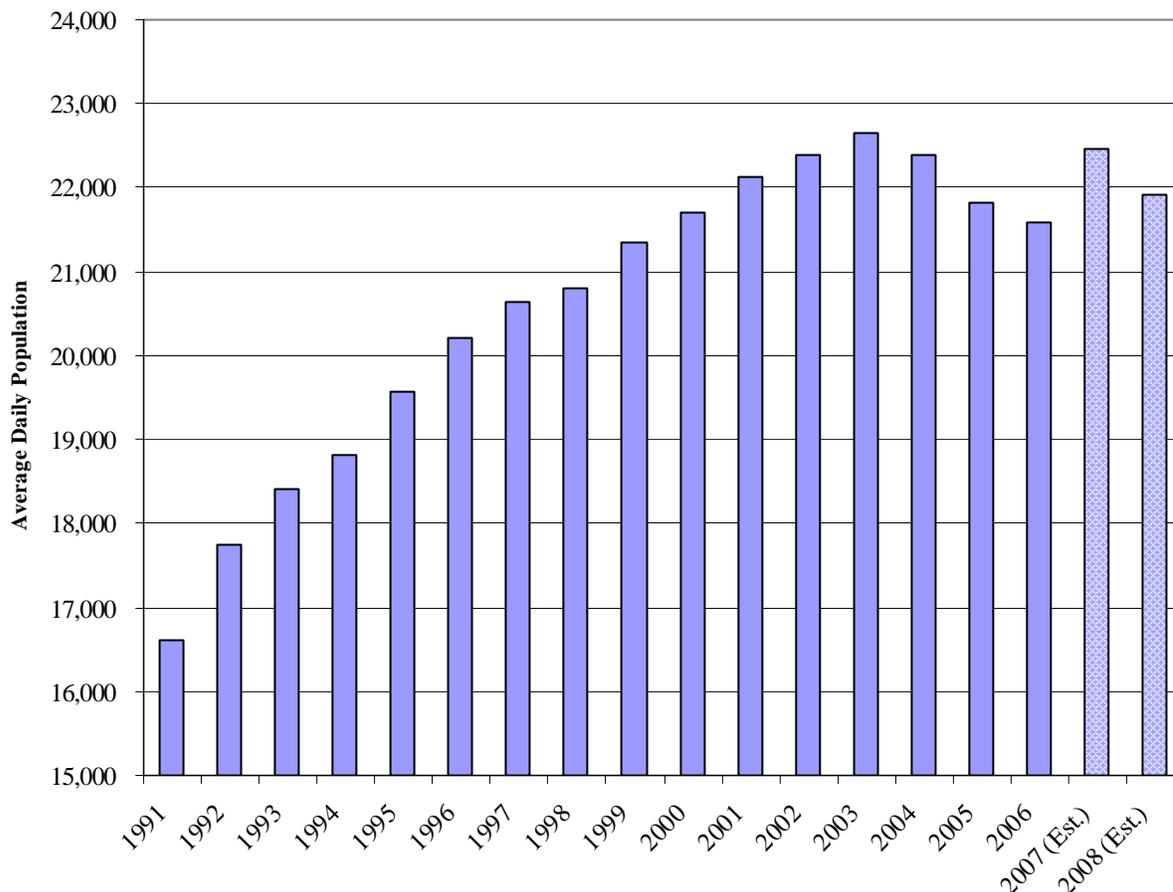
**Exhibit 5**  
**Division of Pretrial and Detention Services**  
**Average Daily Population Under the Jurisdiction**  
**Fiscal 1992-2008**



Source: Department of Public Safety and Correctional Services

**Exhibit 6** demonstrates how the ADP in DOC grew 29.8% between fiscal 1991 and 2006. The ADP hit an all-time high in fiscal 2003 at 23,633 inmates but has since declined. The fiscal 2006 population was 5.0% below the 2003 peak at 22,396. This significant growth since 1991 and more recent decline can be closely tied to whether the total number of inmates taken into DOC custody exceeds the total number of inmates released each year.

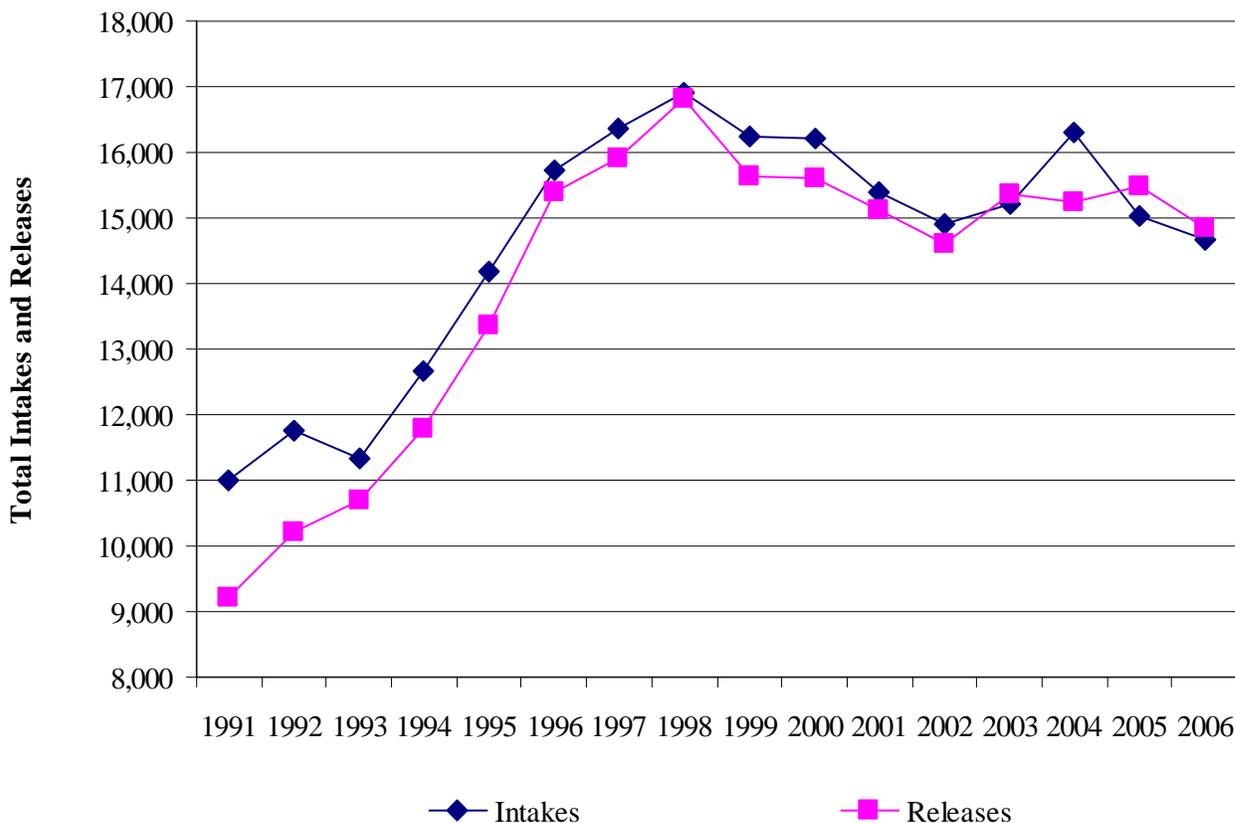
**Exhibit 6**  
**Division of Correction**  
**Average Daily Population Under the Jurisdiction**  
**Fiscal 1991-2008**



Source: Department of Public Safety and Correctional Services

**Exhibit 7** shows intakes and releases by fiscal year. Intakes per fiscal year have increased from 11,012 in fiscal 1991 to 14,857 in fiscal 2006. This is an increase of 3,845 intakes, or 34.9%. As shown in the exhibit, in the past 15 years there are usually fewer inmates being released from DOC than are entering DOC custody. On average, since fiscal 1991, there have been 539 more inmates each year entering DOC custody than leaving it. However, in the most recent years, this trend has begun to change. In fiscal 2003 and 2006, over 100 more inmates were released than were taken into custody, and in fiscal 2005 releases exceeded intakes by nearly 500 inmates. This recent trend could be a contributing factor to the overall decline in DOC population since fiscal 2003.

**Exhibit 7**  
**Division of Correction**  
**Number of Intakes v. Releases Per Fiscal Year**  
**Fiscal 1991-2006**



Source: Department of Public Safety and Correctional Services

Nearly all DOC facilities are currently housing more inmates than they were designed to house, despite a declining inmate population. In addition, there are many instances where facilities have to mix inmates of different security levels, a practice which is not viewed as an ideal situation. **The department should be prepared to comment on its population management efforts in the face of chronic overcrowding and address the impact mixing inmates of varying security levels has on inmate behavior and the environment within the facility.**

## **Patuxent Institution**

The Patuxent Institution is a maximum security, treatment-oriented correctional facility that is separate in both management and budget from DOC. There are some DOC inmates housed at Patuxent while they participate in the Correctional Options' Regimented Offender Treatment Center or the Maryland Offender Transition Program or while they await evaluation for Patuxent programs. Also, inmates removed from Patuxent programs may be transferred to DOC custody.

The Governor's allowance for fiscal 2008 for the Patuxent Institution is approximately \$42.3 million, which is an increase of approximately \$1.6 million, or 3.9% over the fiscal 2007 working appropriation. The allowance includes 511 regular and contractual positions at Patuxent, which is the same number of positions in the fiscal 2007 working appropriation.

The Patuxent Institution has actually seen a decline in its population since fiscal 1991, though population figures have been climbing the last several years. **Exhibit 8** shows the Patuxent Institution average daily population. Between fiscal 1991 and 2006, Patuxent's ADP declined by 151 inmates, or approximately 27.5%. However, since the recent population low in 1999, the ADP has grown by 86 inmates, or approximately 27.6%.

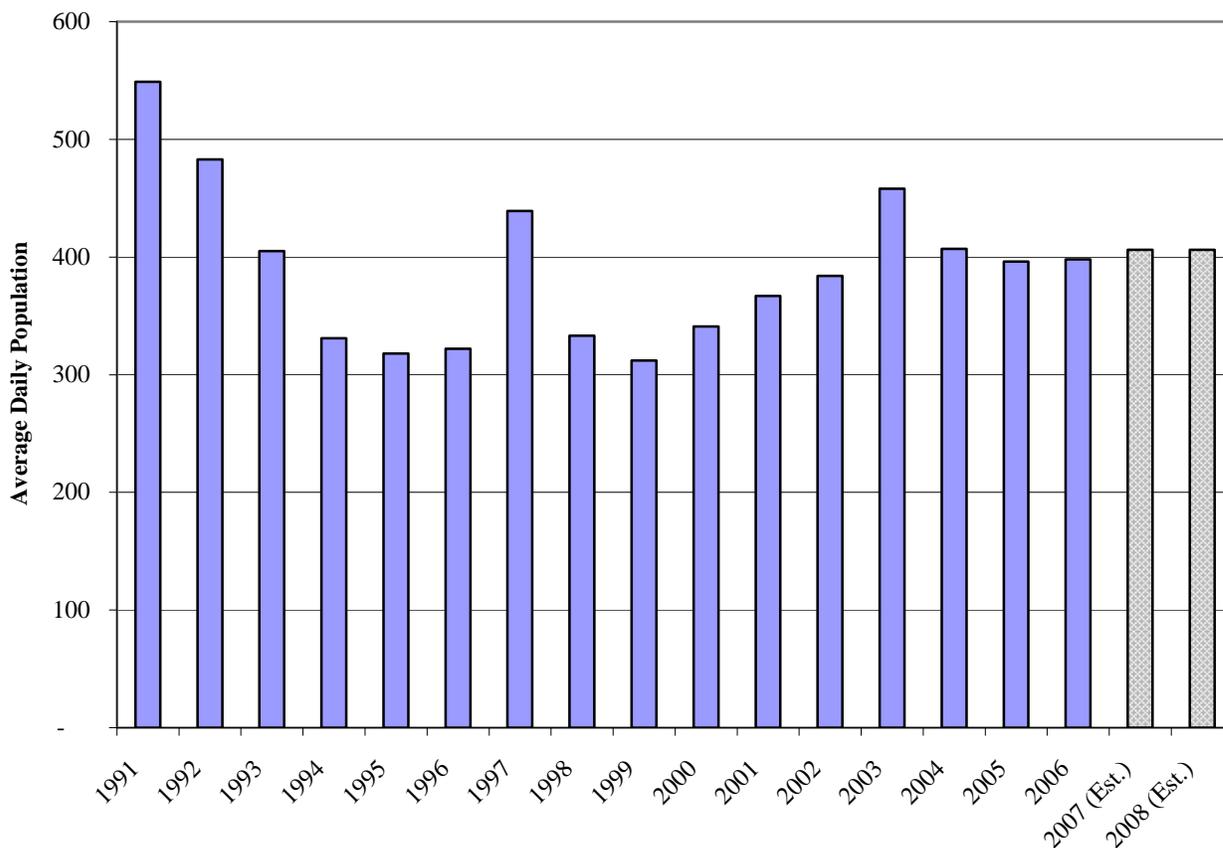
## **Division of Parole and Probation**

DPP supervises or monitors offenders who are serving or completing sentences in the community. DPP operates 43 field offices from which it oversees parolees, DOC inmates on mandatory supervision, and probationers. Probation includes the Drinking Driver Monitor Program, which provides specialized probation service to driving while intoxicated/driving under the influence offenders, and the Correctional Options Program, which is an alternative to incarceration program for non-violent, substance abuse offenders.

The Governor's fiscal 2008 allowance includes approximately \$94.8 million for the division. This is an increase of approximately \$3.4 million, or 3.7% over the fiscal 2007 working appropriation. DPP has 1,266 regular positions in the fiscal 2008 allowance, a decrease of 1 position from the working appropriation. However, the agency has received an increase to 147 contractual FTEs in the 2008 allowance, an increase of 3 contractual FTEs over the working appropriation. Although its position count comprises approximately 11.7% of DPSCS positions, DPP's budget is only 8.0% of the DPSCS total 2008 allowance.

**Exhibit 9** charts the growth in the number of cases under DPP supervision from fiscal 1998 through the 2008 estimate. Some offenders may have multiple cases under supervision, so the numbers do not accurately reflect the number of individuals under DPP supervision.

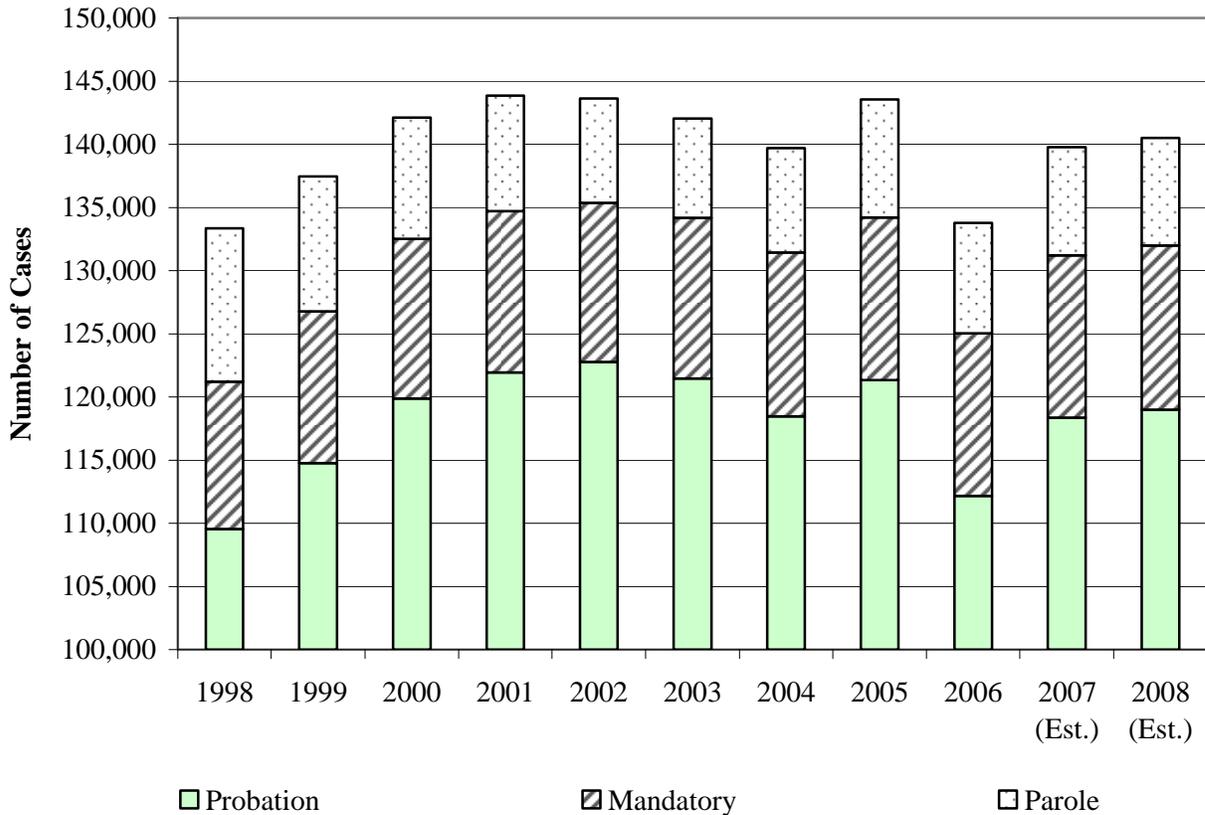
**Exhibit 8**  
**Patuxent Institution**  
**Average Daily Population Under the Jurisdiction**  
**Fiscal 1991-2008**



Source: Department of Public Safety and Correctional Services

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**Exhibit 9  
Division of Parole and Probation  
Cases Under Supervision  
Fiscal 1998-2008**



Source: Department of Public Safety and Correctional Services

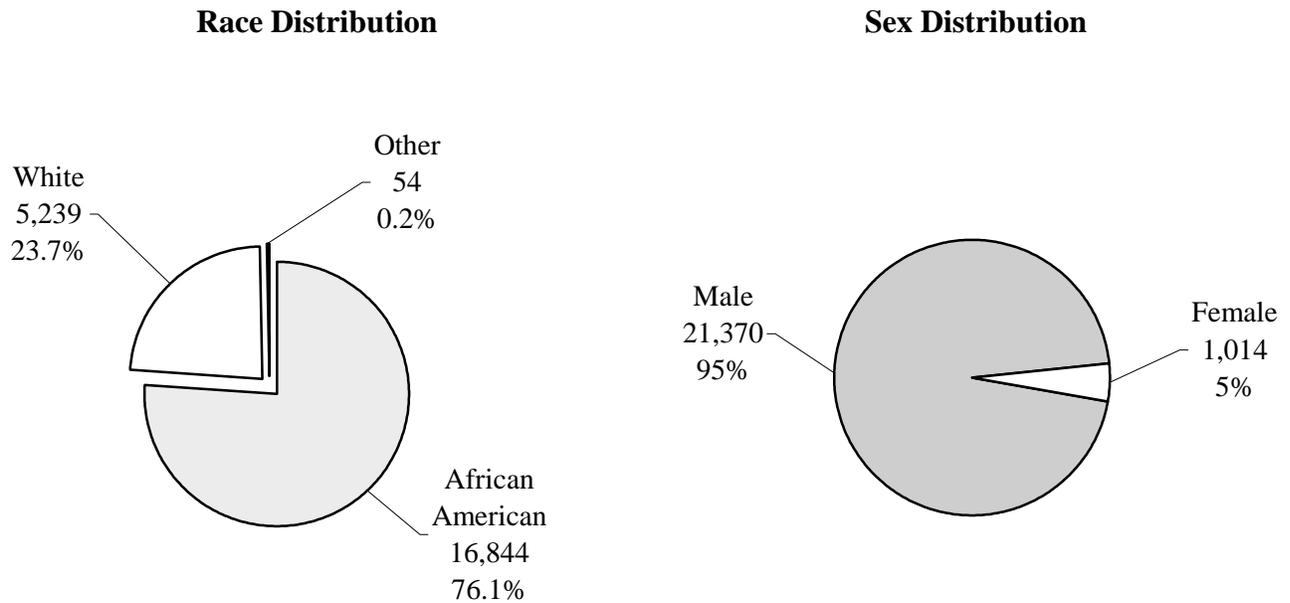
The total number of cases under DPP supervision has fluctuated over the past decade. The division hit record high caseloads in fiscal 2001, and again in 2005, with over 143,000 cases. Most recently, the agency experienced a 6.8% decline from the fiscal 2005 caseload to a 2006 total of 133,774 cases. On average, probation cases represent approximately 84.3% of all DPP cases, while mandatory supervision cases account for 9.0%, and parole cases are 6.7% of the total DPP caseload.

Since fiscal 1998, the number of parole cases under DPP supervision has actually declined by about 28.1%, or 3,417 cases. However, the number of mandatory supervision cases has increased by 1,203 cases, or 10.3% during the same period. Although the number of probation cases has actually increased by 2.4%, or 2,626 cases over the fiscal 1998 level, fiscal 2006 saw a significant decrease over the previous year's probation caseload, from 121,330 cases in 2005 to 112,176 cases in 2006, or an 8.2% decline.

## Inmate Characteristics

**Exhibit 10** contains sex and race data for the inmate population. As of July 2006, 95.0% of the population was male and 5.0% was female. This gender distribution has held consistent over the past five fiscal years. African Americans composed 76.1% of the inmate population, whites composed 23.7%, and all other races made up less than 1.0% of the population. Additionally, as of 2006, about 77.0% of male and 80% of female offenders were natives of Maryland, and about 66.1% were convicted in Baltimore City courts.

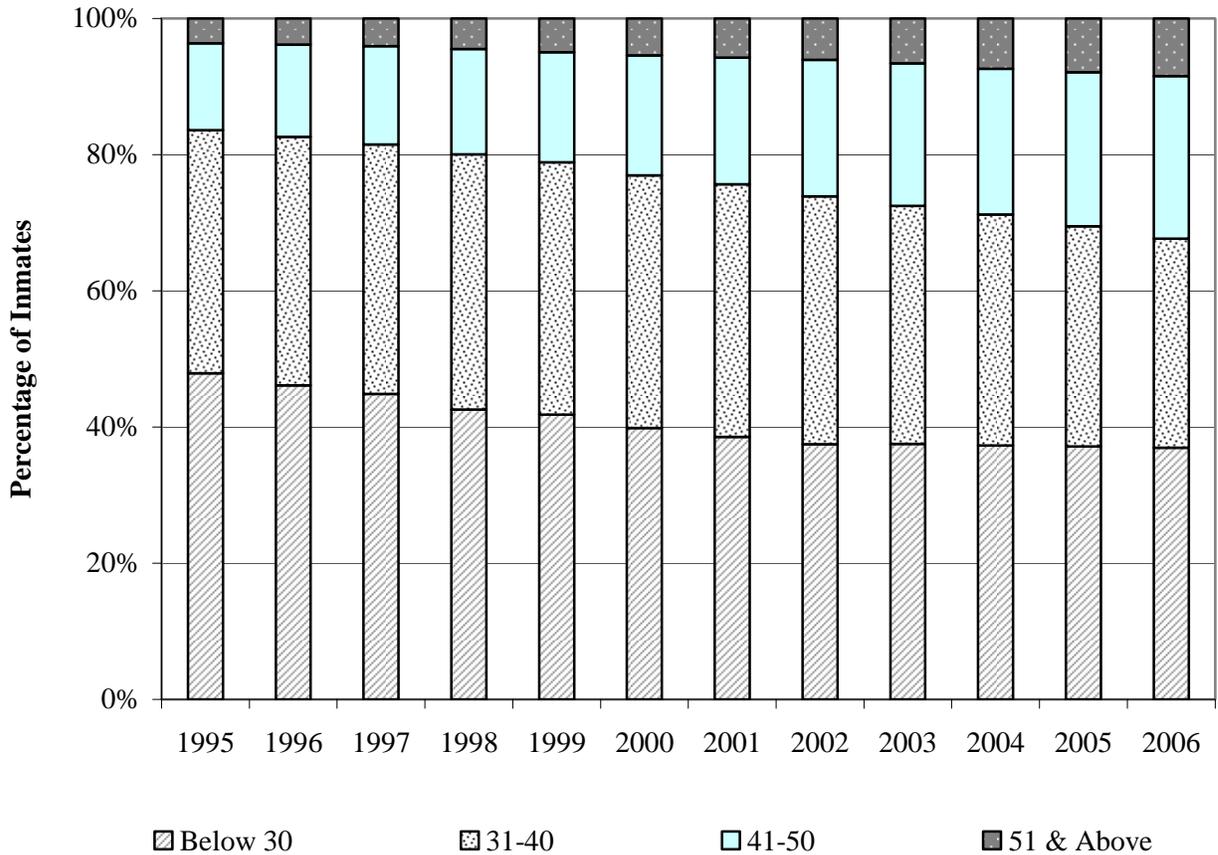
**Exhibit 10**  
**Division of Correction**  
**Race and Sex Distribution**  
**Fiscal 2006**



Source: Department of Public Safety and Correctional Services

**Exhibit 11** demonstrates the composition of the inmate population by age from fiscal 1995 through 2006. The percentage of inmates under the age of 30 has consistently declined since fiscal 1995, from representing 47.8% of the total inmate population to 37.0% in fiscal 2006. During the same period, the percentage of inmates between the ages of 31 and 40 years increased from 35.7% in 1995 to a peak of 37.1% in 2003. Since 2003, however, this age group has also declined by approximately 6.5%. This decline is happening in conjunction with significant increases among inmates aged 41 years and over. When combined with a three-year recidivism rate of approximately 49.0%, it suggests that offenders are moving through the system and transitioning from one age group to another.

**Exhibit 11  
Division of Correction  
Age Distribution  
Fiscal 1995-2006**



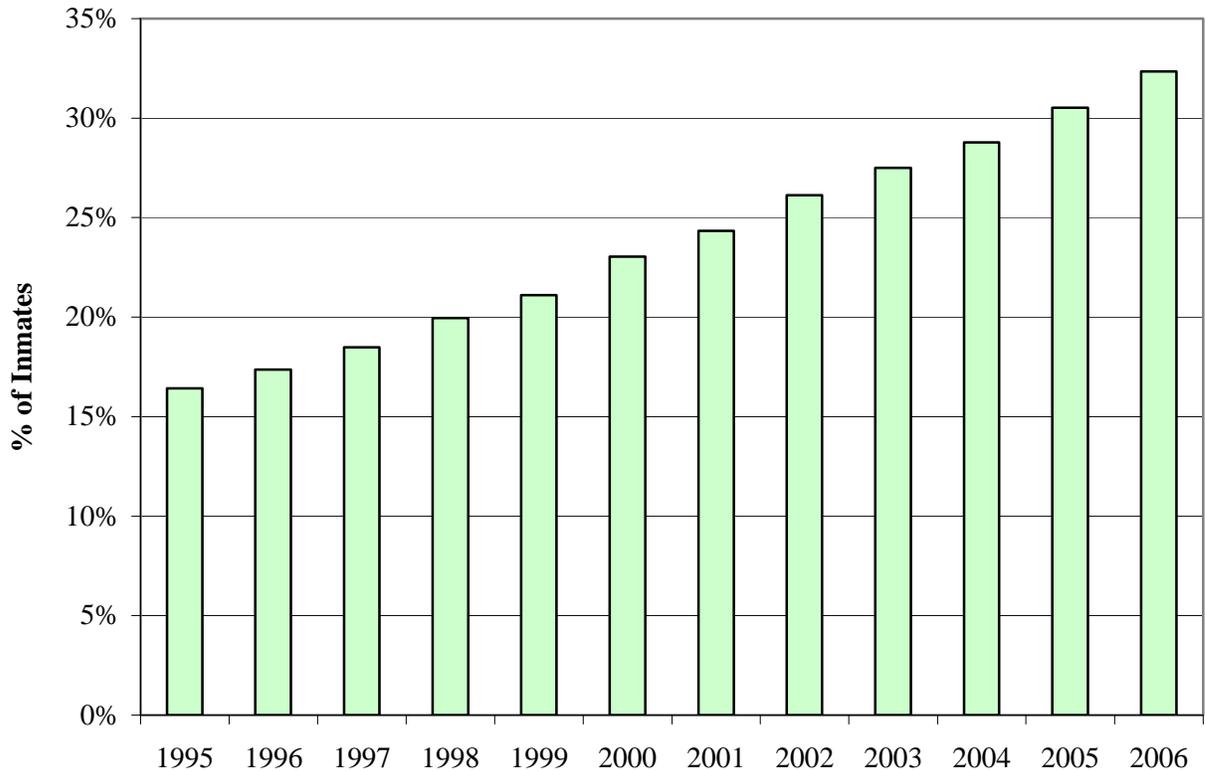
Source: Department of Public Safety and Correctional Services

To further illustrate the point that the prison population is aging, **Exhibit 12** examines the age of inmates over 41 years old. There has been a steady increase in this population for more than a decade. While the inmates that compose this age group only represented 16.4% of the total inmate population in 1995, by 2006 they account for nearly a third, or 32.3% of the entire population.

**The department should be prepared to address the fiscal and operational impact of an aging inmate population.**

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**Exhibit 12**  
**Total Population – Age 41+**  
**Percentage of Inmates**  
**Fiscal 1995-2006**



Source: Department of Public Safety and Correctional Services

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## ***Issues***

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### **1. Offender Management and Security Concerns**

Two primary goals of the Department of Public Safety and Correctional Services are to maintain offender security in order to keep the public safe, and to maintain offender safety. In fiscal 2006, the department had offender management issues in a variety of forms within DOC. This resulted in the deaths of two correctional officers and multiple inmates, an increase in assaults, and two emergency legislative hearings held during the interim.

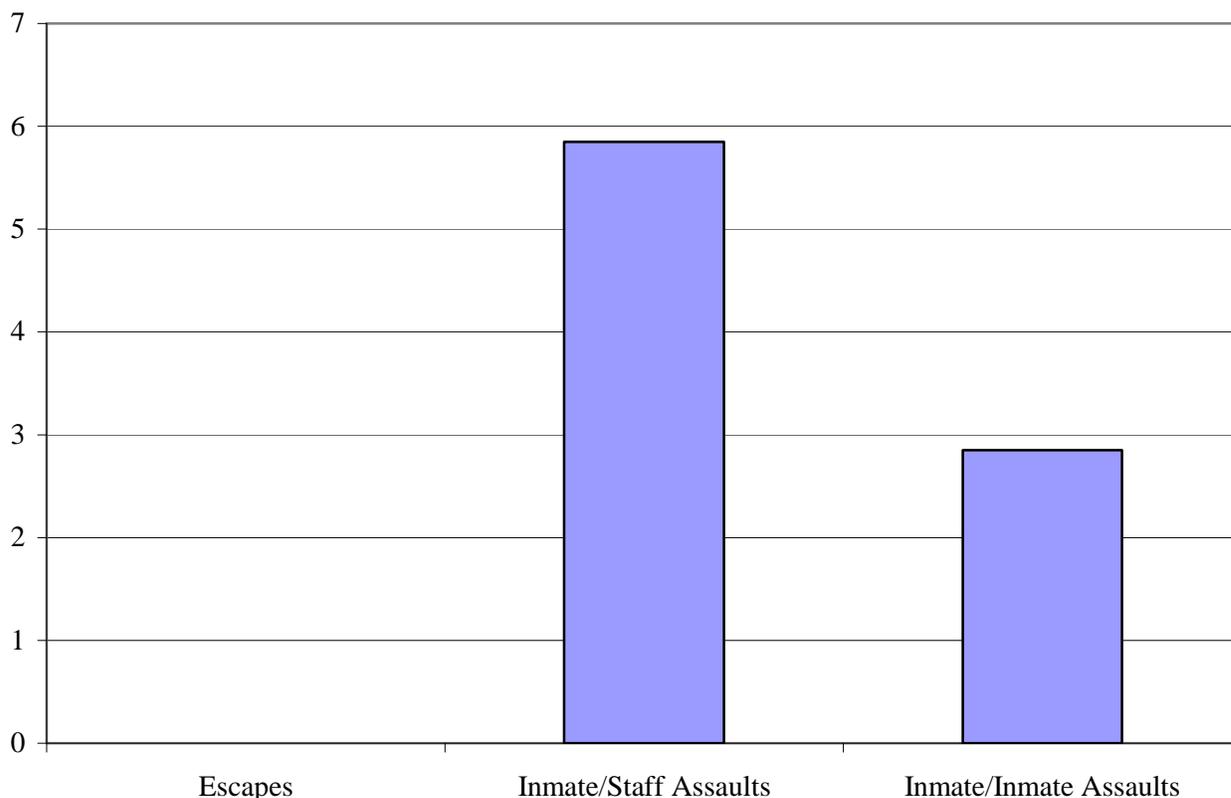
Measures of good offender management can include inmate escapes, walk-offs, and assault rates.

- Inmate escapes are defined as the unauthorized departure of an inmate from within the secure perimeter of any administrative, maximum, medium, or minimum security level facility and all inmate departures while being transported or escorted in restraints.
- Inmate walk-offs occur when an inmate takes unauthorized leave from a pre-release security level facility and includes pre-release or minimum security inmates who leave while in the community or while unrestrained.
- Both inmate-on-staff and inmate-on-inmate assault rates are based on the total number of incidents reported and are calculated as the number of assaults per 100 ADP.

### **Maximum Security**

**Exhibit 13** examines offender management for the maximum security institutions in the State for fiscal 2006. These institutions are the Maryland House of Correction, the Jessup Correctional Institution, and the Maryland Correctional Adjustment Center. Upon completion, the North Branch Correctional Institution will also be included as a maximum security institution. No escapes occurred at maximum security facilities during fiscal 2006, and there have been no escapes from these institutions for the past five fiscal years. This chart also looks at the rate of inmates-on-staff and inmates-on-inmates assaults per 100 ADP. Inmate-on-staff assault rates for maximum security facilities totaled almost 6 assaults for every 100 ADP. Inmate-on-inmate assaults were much lower than inmate-on-staff assaults, but still neared 3 assaults per 100 ADP. With an average ADP of 866 inmates between the three institutions, these assault rates represent a violent environment for both staff and the inmates themselves.

**Exhibit 13**  
**Maximum Security Offender Management**  
**Inmate Assaults and Escapes Per 100 ADP**  
**Fiscal 2006**



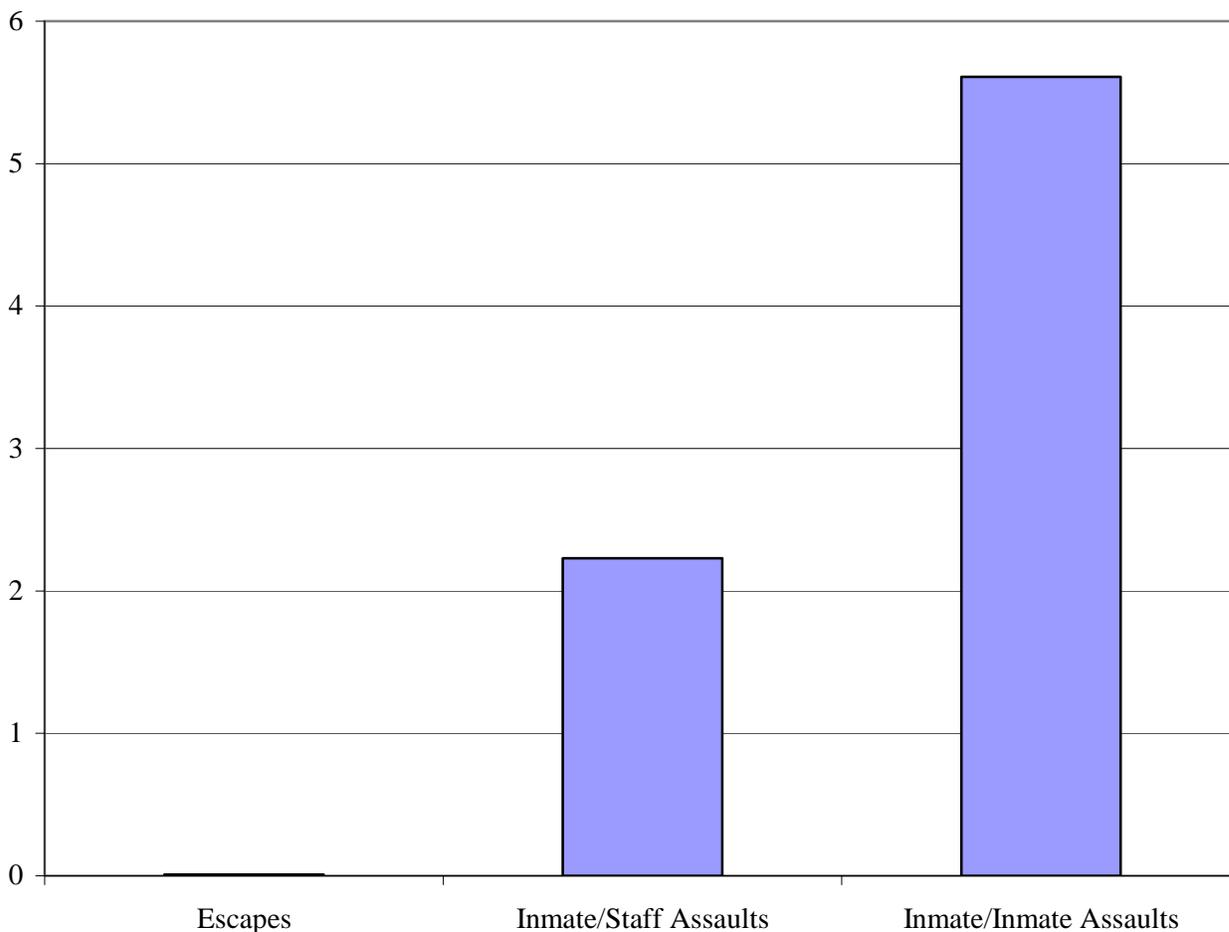
Source: Department of Public Safety and Correctional Services

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## Medium Security

**Exhibit 14** presents offender management for medium security institutions, which include Eastern Correctional Institution, Maryland Correctional Institution – Hagerstown, Maryland Correctional Institution – Jessup, Maryland Correctional Training Center, Roxbury Correctional Institution (RCI), and the Western Correctional Institution. The offender management of medium security institutions is similar to the maximum security institutions, with almost no escapes, but high levels of assaults. There was one escape at RCI in fiscal 2006. Although this was the only escape among medium security facilities in the past five fiscal years, it did result in the death

**Exhibit 14**  
**Medium Security Offender Management**  
**Inmate Assaults and Escapes Per 100 ADP**  
**Fiscal 2006**



Source: Department of Public Safety and Correctional Services

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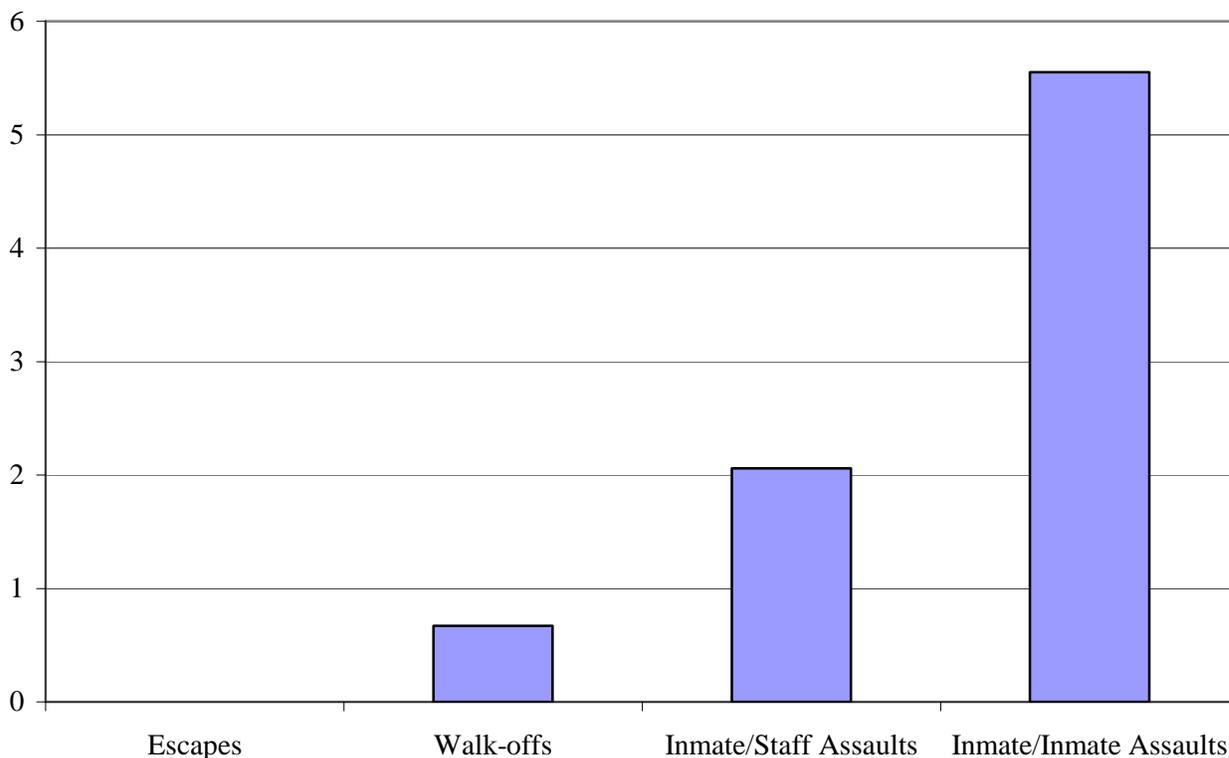
of a correctional officer while the inmate was fleeing from a hospital where he had been admitted for treatment. In looking at the assault rates, in fiscal 2006 medium security institutions combined had an inmate-on-staff assault rate of almost 2 assaults per every 100 ADP. Inmate-on-inmate assaults were even higher with an average of 6 assaults per 100 ADP. Again, with an average ADP of 2,065 inmates, medium security institutions, while being able to maintain prisoners within the institutions are still experiencing violent environments.

## Minimum/Pre-release Security

In the lower security level institutions inmates are seen as less of a threat to the public and less of a risk, so inmates are often assigned duties or activities outside of the prison perimeter. Therefore, in minimum and pre-release security institutions, inmates have the ability to leave custody without actually escaping from an institution. This is known as an inmate walk-off. As **Exhibit 15** shows, minimum security institutions have offender management issues similar to the medium and maximum security facilities in the sense that assaults still occur. Inmate-on-staff assaults for minimum security institutions occur at a rate of 2.06 assaults per 100 ADP. Inmate-on-inmate assaults are higher with 5.55 assaults per 100 ADP. This is slightly lower than the maximum and medium security institutions.

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**Exhibit 15**  
**Minimum Security Offender Management**  
**Inmate Assaults, Escapes, and Walk-offs Per 100 ADP**  
**Fiscal 2006**



Source: Department of Public Safety and Correctional Services

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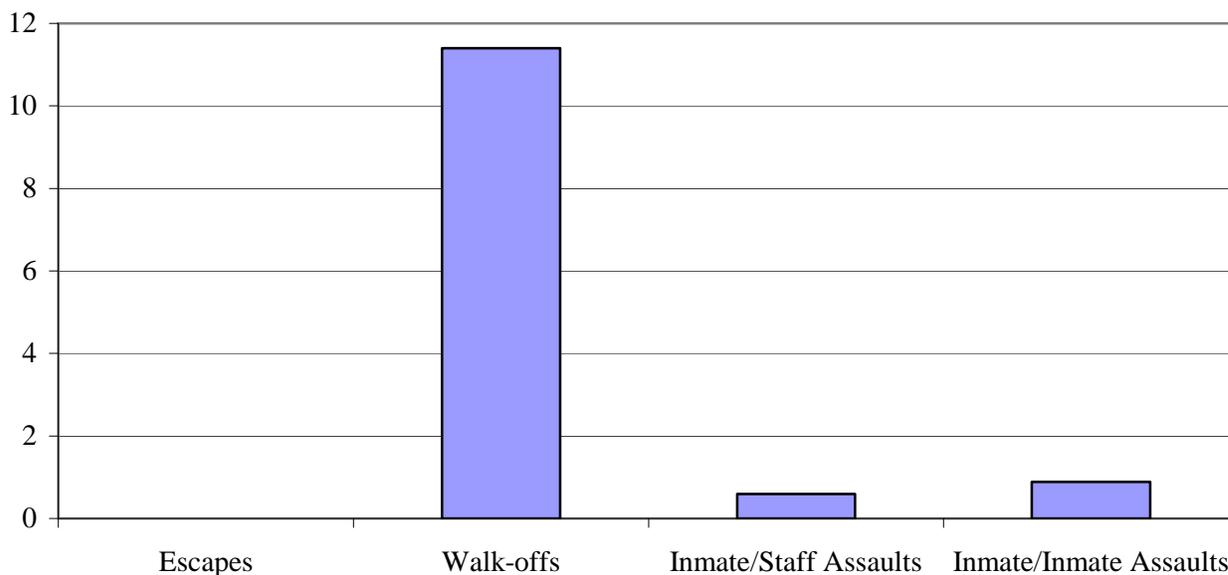
*Q00 – DPSCS – Fiscal 2008 Budget Overview*

The issue that minimum security facilities have, which is not as prevalent among medium security and non-existent at maximum security facilities, is the rate of unauthorized departures by inmates. Minimum security institutions had a combined 28 walk-offs in fiscal 2006, or 16% of the total 175 walk-offs. The walk-off rate per 100 ADP at minimum security facilities is 0.67 walk-offs. This problem has been increasing steadily for the past five fiscal years, as the 2006 total is an 86% increase over the fiscal 2002 total of 4 walk-offs. The majority of these walk-offs occur in Baltimore City institutions.

Finally, prevalence of unauthorized departures of inmates continues down to the lowest security level, pre-release institutions, as shown in **Exhibit 16**. These institutions reflect much of the same situation as the minimum security facilities, with lower levels of assaults, but increased inmate walk-offs. Pre-release facilities report an inmate-on-staff assault rate of 0.59 per every 100 ADP. In fact, three of the five pre-release institutions report zero assaults on staff for fiscal 2006. Inmate-on-inmate assaults occur only slightly more frequently with 0.89 assaults per 100 ADP, and two facilities reporting no assaults. The walk-off rate at pre-release facilities is 11.4 walk-offs per 100 ADP, and these facilities account for 84% of all inmate walk-offs during fiscal 2006. These unauthorized departures have been steadily increasing for the past five fiscal years, with a 28% increase over fiscal 2002.

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**Exhibit 16**  
**Pre-release Offender Management**  
**Inmate Assaults, Escapes, and Walk-offs Per 100 ADP**  
**Fiscal 2006**



Source: Department of Public Safety and Correctional Services

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## **Departmental Actions**

The department has pursued the following actions to counter the violence:

- The department is requesting \$8.1 million in fiscal 2007 deficiency appropriations for security enhancements within the State’s correctional facilities. This includes \$6.1 million toward security equipment, cameras and supplies for correctional officers, and for the replacement of cell door locks at the Maryland House of Correction in Jessup. The additional \$2.0 million is for replacement vehicles used for security and inmate transport, Internal Investigation Unit investigations, and DPP field visits.
- New correctional officers have been hired and a reduction in overtime spending is anticipated from increased recruitment and retention efforts. During the 2006 legislative session, the legislature funded increased salary enhancements for correctional officers, contributing to this increase in hiring.
- In August, Public Safety appointed John Rowley as the new acting commissioner for the Division of Correction.
- A team of corrections officials was sent to Connecticut to observe how that state handles its inmate gang population. One result of this has been a trial measure at one of the prisons in Hagerstown. The facility has started to confine inmates from the same gang together. Also, the increased use of intelligence officers in the last year has allowed the department to better track gang activity.

**The department should be prepared to discuss these varying offender management issues, specifically addressing what measures have been taken to lower the high number of walk-offs at lower security level institutions and the high rates of assault at medium and maximum security institutions. The department should also identify all the factors contributing to the lack of control within these institutions.**

## **2. Sex Offender Legislation**

### **Legislation Summary**

During the 2006 special session, the General Assembly passed legislation (Chapter 4 of the First Special Session of 2006) extending parole supervision for specified sexual offenders and altering registration and community notification requirements for this population.

### **Extended Parole Supervision**

- requires specified sexual offenders to have a term of extended parole supervision for a minimum of three years to a maximum of a term of life, with the ability to petition for discharge after that minimum period;
- new terms set by the legislation apply to members of the designated population who are sentenced on or after August 1, 2006;
- requires the Maryland Parole Commission to enter into agreements with defendants that set out specific conditions of supervision, which may include global positioning satellite (GPS) monitoring; geographic restrictions on residence or presence; restrictions on employment or participation in activities; requirement to participate in sex offender treatment; a prohibition from using illicit drugs or abusing alcohol; the authorization of parole agents to access an offender's personal computer; a requirement to take polygraph exams; and a prohibition from contacting specific individuals or categories of individuals;
- requires sexual offender management teams, consisting of at least a specially trained parole agent and a sex offender treatment provider to conduct the extended parole supervision and submit progress reports to the Parole Commission; and
- creates a Sexual Offender Advisory Board to review technology, laws, practices and procedures, and new developments relating to the treatment, supervision, and assessment of sex offenders, in addition to developing standards for conditions of sex offender supervision.

### **Registration Requirements**

- requires all categories of offenders to register with local authorities rather than with DPSCS, but initial registration on the sex offender registry must also be reported to the Criminal Justice Information System;
- requires sexually violent offenders, child sex offenders, and offenders to register in person every six months and provide an updated photograph at least once each year (sexually violent predators continue to re-register every three months);
- requires sexual offenders to submit change of personal information, such as name, employment, or address to the registry within DPSCS;
- requires registrants on the sex offender registry to provide a DNA sample, unless the sole conviction for which they are required to register is a misdemeanor; and

## *Q00 – DPSCS – Fiscal 2008 Budget Overview*

- requires DPSCS to reimburse local law enforcement units for costs associated with processing registration statements and for the reasonable costs of implementing community notification procedures.

### **Community Notification**

- requires communities to be notified of change of address of a child sexual offender. This includes both private schools and public schools, in addition to child care and recreation facilities, faith institutions, and other organizations that serve children and other individuals vulnerable to child sexual offenders; and
- requires DPSCS to allow the public to electronically transmit information about sexual offenders; and request email notification of the release from incarceration of a registered offender and the registration information of the offender.

### **Departmental Impact**

At the time of passage, the legislation was estimated to primarily impact the department in the Office of the Secretary, MPC, and DPP.

#### **Office of the Secretary**

Although registration, notification, and DNA sample requirements for sexual offenders existed before implementation of this new legislation, according to DPSCS, the increased frequency of the registrations, the extension of some registrations for 20 years, instead of 10 years, as well as the law's in-person requirement, provides some operational difficulties for DPSCS and local law enforcement agencies both immediately and over time. In addition, requirements allowing the public to report information and receive e-mail updates about sex offenders via the Internet also increase workload on the Information Technology and Communications Division within the Office of the Secretary. The bill states that local law enforcement agencies are to receive reimbursements from DPSCS for costs associated with processing registration statements and for the reasonable costs of implementing community notification procedures.

#### **Maryland Parole Commission**

Under the bill, the Parole Commission must (1) establish conditions of extended sex offender supervision that set out specific conditions of supervision; (2) hear and adjudicate cases of violation; and (3) impose sanctions for violations. Additionally, after a minimum of three years of supervision, the offender may petition for discharge, which would require a risk assessment conducted by a certified sexual offender treatment provider and a recommendation as to discharge from treatment. Requiring the Parole Commission to base the extended supervision agreements on risk assessments and classifications may increase costs for the commission. The Parole Commission currently utilizes a risk assessment instrument on a case-by-case basis at no cost; however, extending its use to all supervision agreements requires additional personnel and office resources.

## **Division of Parole and Probation**

The agent-to-supervisee ratio for persons with extended sexual offender supervision should be 1:25 due to the additional services sexual offenders require such as polygraph examinations, GPS tracking, and sexual offender treatment. These services are often specialized and time-intensive, requiring lower than average caseloads, additional personnel, and specialized training. The demand and subsequent cost accrued by these services vary depending on the conditions set by the Parole Commission in the extended supervision agreements, which depend on the risk and threat level of the offender. Offenders who pose less risk or are convicted of lesser offenses might not require such intense supervision.

## **Fiscal 2008 Allowance**

Based on the fiscal note attached to the bill, the impact to these agencies was to be minimal until fiscal 2009. The legislation is applicable to offenders sentenced for the original crime after August 1, 2006, meaning they must serve their minimum sentence in addition to the assigned parole/probation sentence before the minimum three year extension comes into effect.

The fiscal 2008 allowance for the implementation of Chapter 4 includes:

- \$886,000 in the Office of the Secretary for reimbursements to local law enforcement units for costs associated with processing registration statements and for the reasonable costs of implementing community notification procedures; and
- \$1,006,643 and 3.0 contractual police communications officers in DPP for extended sexual offender parole supervision utilizing Sex Offender Management Teams and verifying the offender's compliance with the special conditions ordered by MPC, including personal computer monitoring, GPS tracking, polygraph testing and sexual offender specific treatment.

The department contends that the additional spending is because the number of offenders included under this legislation is actually considerably more than the estimated 475 new offenders added annually and that the extended supervision would have to begin prior to fiscal 2009 because a number of offenders included in this bill receive probation without serving prison time, thus moving forward the start date for the extended supervision and creating additional expenditures prior to the timeline identified in the fiscal note.

MPC, however, has the discretion to identify the special conditions of the extended supervision, based on a risk assessment, so that offenders with less risk do not receive unnecessary services that might be required by more violent offenders, such as GPS tracking or sexual offender specific treatment. Given the ability to tailor conditions to the specific offender, and the fact that probation without prison is given to offenders who pose minimal risk, the cost of supervising this population before fiscal 2009 should be minimal.

*Q00 – DPSCS – Fiscal 2008 Budget Overview*

**The department should be prepared to identify the annual number of sexual offenders included under this legislation who receive probation without prison time and to address why its fiscal 2008 costs differ from the fiscal note estimates.**