

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

Operating Budget Data

(\$ in Thousands)

	<u>FY 11</u> <u>Actual</u>	<u>FY 12</u> <u>Working</u>	<u>FY 13</u> <u>Allowance</u>	<u>FY 12-13</u> <u>Change</u>	<u>% Change</u> <u>Prior Year</u>
General Fund	\$134,273	\$145,100	\$143,733	-\$1,366	-0.9%
Adjusted General Fund	\$134,273	\$145,100	\$143,733	-\$1,366	-0.9%
Special Fund	1,606	1,752	1,761	9	0.5%
Adjusted Special Fund	\$1,606	\$1,752	\$1,761	\$9	0.5%
Federal Fund	8,227	7	7	0	0.0%
Adjusted Federal Fund	\$8,227	\$7	\$7	\$0	0.0%
Reimbursable Fund	0	90	0	-90	-100.0%
Adjusted Reimbursable Fund	\$0	\$90	\$0	-\$90	-100.0%
Adjusted Grand Total	\$144,106	\$146,949	\$145,501	-\$1,447	-1.0%

- The fiscal 2013 allowance for the Division of Pretrial Detention and Services (DPDS) declines by approximately \$1.4 million, or 1.0%. A \$1.3 million increase in personnel expenses, largely for health insurance and retirement, is offset by a \$1.3 million reduction from the elimination of contractual housing provided by the Volunteers of America for pretrial detainees. Additional reductions within the agency reflect funds budgeted in line with fiscal 2011 actual expenditures and the elimination of one-time grants and contractual agreements.

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

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Personnel Data

	<u>FY 11 Actual</u>	<u>FY 12 Working</u>	<u>FY 13 Allowance</u>	<u>FY 12-13 Change</u>
Regular Positions	1,444.00	1,429.00	1,427.00	-2.00
Contractual FTEs	<u>19.71</u>	<u>35.05</u>	<u>44.35</u>	<u>9.30</u>
Total Personnel	1,463.71	1,464.05	1,471.35	7.30

Vacancy Data: Regular Positions

Turnover and Necessary Vacancies, Excluding New Positions	57.08	4.00%
Positions and Percentage Vacant as of 12/31/11	66.00	4.62%

- DPDS loses 2.0 regular positions in the fiscal 2013 allowance due to cost containment efforts to reduce the overall size of the State employee workforce.
- The agency receives an additional 9.3 contractual full-time equivalents (FTEs). These clerical FTEs are provided to address workload demands within the agency that used to be handled using temporary office assistance contracts.

Analysis in Brief

Major Trends

Pretrial Release Services Performance Measures: DPDS has met its performance measures for Pretrial Release Services Program (PRSP) participants for the past seven fiscal years. Since fiscal 2005, the agency has been able to keep the percent of people under PRSP supervision who are arrested for a new offense at 4%. Additionally, the percent of people under PRSP supervision who fail to appear (FAP) for their scheduled court dates has been maintained below the 8% threshold. FAPs did increase from 5 to 6% between fiscal 2010 and 2011. **DPDS should comment on the reductions in the PRSP population. The division should comment on whether there is room for improvement in PRSP operations and how the Managing for Results measures could be revised to spur continued development of the program. The agency should also address the potential for PRSP to be expanded and how the recent *DeWolfe v. Richmond* opinion might impact the program.**

Issues

Impact of DeWolfe v. Richmond: Pursuant to the ruling in *DeWolfe v. Richmond*, the Office of the Public Defender is required to provide legal representation to an indigent criminal defendant at an initial appearance and at a bail review in the District Court or the circuit courts. This ruling, expected to take effect on February 4, 2012, will have a definite impact on DPDS operations. Limited space for conducting these proceedings at the Central Booking and Intake Facility pose both space and security concerns. In addition, another concern is the impact this new process will have on the timeliness of the process and the DPDS population. **DPDS should discuss what the agency is doing to address the *DeWolfe v. Richmond* ruling, including any changes to agency operations, plans for addressing space and security concerns, and whether alterations to the newly implemented case management system will be required. The agency should also identify any fiscal impact resulting from the ruling.**

Recommended Actions

1. Concur with Governor's allowance.

Q00P00 – DPSCS – Division of Pretrial Detention and Services

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

Operating Budget Analysis

Program Description

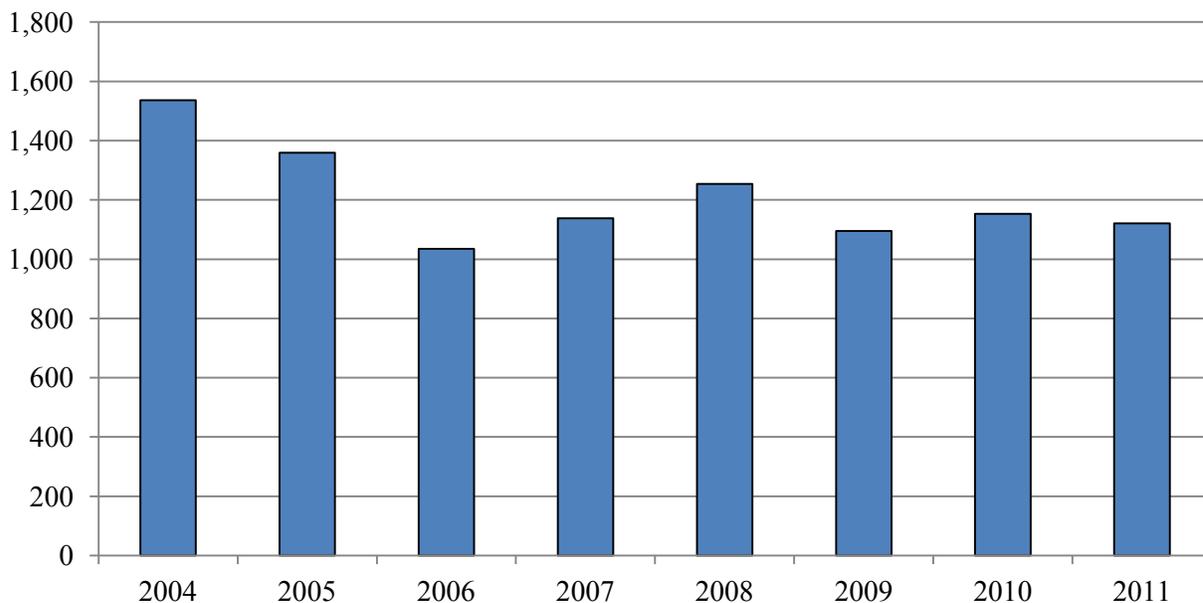
The Division of Pretrial Detention and Services (DPDS) is responsible for processing and managing the care, custody, and control of Baltimore City arrestees and detainees in a safe, humane, and secure environment. DPDS also provides bail recommendations to the courts in Baltimore City and supervises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

Performance Analysis: Managing for Results

Within DPDS operations is the Pretrial Release Services Program (PRSP), a program established in 1966 to interview, investigate, and present recommendations to Baltimore City courts concerning the pretrial release of individuals accused of crimes in Baltimore. Within 24 hours of arrest, a complete criminal history is compiled on each arrestee, who, if given the option of bail, is then interviewed by a PRSP investigator. All information is gathered and verified, and a recommendation is formulated based on the likelihood of appearance for trial and the threat posed to the community. The investigator then makes this recommendation to the judge.

The PRSP supervises defendants released on personal recognizance or conditional bail as ordered by the court. A PRSP case agent will supervise the defendant until there is a final disposition in the case. Contact standards are set based on a risk assessment and any court-ordered conditions of release. At a minimum, case agents meet with defendants once a week, and the defendant's overall compliance is reported to the court. **Exhibit 1** shows the number of PRSP defendants under supervision at the end of the fiscal year from fiscal 2004 through 2011. There were 1,121 defendants under PRSP supervision in fiscal 2011, a 27.0% decrease from fiscal 2004. **DPDS should comment on the reductions in the PRSP population.**

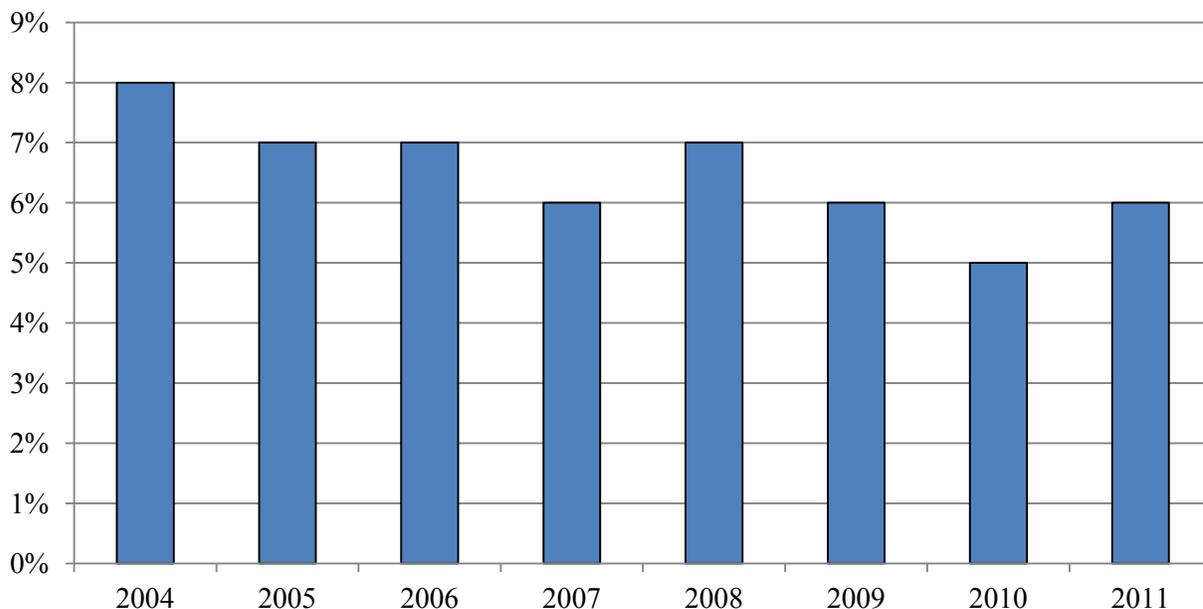
Exhibit 1
Division of Pretrial Detention and Services
Pretrial Release Services Program
Defendants under Supervision at End of Fiscal Year
Fiscal 2004-2011



Source: Department of Public Safety and Correctional Services; Governor’s Budget Books

To measure the effectiveness of PRSP supervision, DPDS reports the percent of people under PRSP supervision who are arrested for a new offense and the percent who fail to appear (FAP) for their scheduled court dates. DPDS has been able to maintain its target of having the percent of re-arrests at or below 4% since fiscal 2002. The division has also been able to maintain the percent of FAPs at or below the targeted 8% since fiscal 2004, although the percent of FAPs did increase from 5 to 6% between fiscal 2010 and 2011, as seen in **Exhibit 2**.

Exhibit 2
Division of Pretrial Detention and Services
Pretrial Release Services Program Participants
Percent Who Fail to Appear
Fiscal 2004-2011



Source: Department of Public Safety and Correctional Services; Governor’s Budget Books

DPDS is clearly operating the PRSP effectively with regard to the current performance measures. **The division should comment on whether there is room for improvement in PRSP operations and how the Managing for Results measures could be revised to spur continued development of the program. The agency should also address the potential for PRSP to be expanded and how the recent *DeWolfe v. Richmond* opinion might impact the program.**

Fiscal 2012 Actions

Section 47 of the fiscal 2012 budget bill required the Governor to abolish 450 positions as of January 1, 2012. This agency’s share of the reduction was 9 positions. The annualized salary savings due to the abolition of these positions is expected to be \$458,727 in general funds.

Proposed Budget

As seen in **Exhibit 3**, the Governor's fiscal 2013 allowance for the division reflects a reduction of \$1.4 million, or 1.0%, when compared with the fiscal 2012 working appropriation. Personnel expenses increase by a net of \$1.3 million. Health insurance and retirement costs increase by nearly \$2.7 million. The agency also receives an additional \$999,000 for employee overtime expenses. This increases fiscal 2013 overtime funding to \$6.7 million, approximately \$999,000 above the fiscal 2012 working appropriation, but \$213,000 below fiscal 2011 actual expenditures. Offsetting these increases is a \$1.2 million reduction from the elimination of the one-time fiscal 2012 employee bonus and a \$334,000 reduction for employee salaries to align fiscal 2013 with the actual impact of positions lost through the Voluntary Separation Program. In addition, the allowance is reduced by \$91,000 associated with 2 vacant positions abolished from the Central Booking and Intake Facility due to cost containment. The agency's turnover expectancy is also reduced by \$341,000, reflecting a higher budgeted turnover rate. This is not an area of concern; however, as the agency currently has 9 vacancies in excess of what is required to meet budgeted turnover.

Aside from personnel expenses, the fiscal 2013 allowance is also reduced by \$1.3 million, resulting from the elimination of a contract with the Volunteers of America to provide contractual community housing for pretrial detainees. This contract was terminated as a means of cost savings for the agency, essentially reducing DPDS bed space by 85 beds. Inmate medical expenses are reduced by \$951,000. Although the fiscal 2013 allowance for inmate healthcare is largely budgeted in line with fiscal 2011 actual expenditures, approximately \$250,000 of the reduction is associated with anticipated reimbursement from Medicaid as a result of the department's new effort to identify Medicaid-eligible offenders who receive inpatient hospital services while incarcerated. Fuel and utility expenses and funding for contractual building maintenance decrease by \$216,000 and \$150,000, respectively. These items are budgeted in line with fiscal 2011 actual expenditures.

The agency's reimbursable fund appropriation is eliminated in the fiscal 2013 allowance. The \$90,000 appropriated in fiscal 2012 was a one-time grant from the Governor's Office of Crime Control and Prevention to purchase closed-circuit televisions for placement in high traffic areas around the Baltimore City facilities. Funding for consulting services in regard to the Juvenile program is also eliminated in the fiscal 2013 allowance. The Office of the Secretary allowance includes a similar level of funding to address health, safety, and the environmental issues for the entire department. Finally, the fiscal 2013 allowance also eliminates the division's funding for temporary office assistance contracts, generating a reduction of \$41,000. An additional 9.3 clerical full-time equivalents are provided in the allowance to address agency workload demands. The remainder of the allowance is largely budgeted based on fiscal 2011 prior year actual expenditures.

**Exhibit 3
Proposed Budget
DPSCS – Division of Pretrial Detention and Services
(\$ in Thousands)**

How Much It Grows:	General Fund	Special Fund	Federal Fund	Reimb. Fund	Total
2012 Working Appropriation	\$145,100	\$1,752	\$7	\$90	\$146,949
2013 Allowance	<u>143,733</u>	<u>1,761</u>	<u>7</u>	<u>0</u>	<u>145,501</u>
Amount Change	-\$1,366	\$9	\$0	-\$90	-\$1,447
Percent Change	-0.9%	0.5%		-100.0%	-1.0%
 Contingent Reduction	 \$0	 \$0	 \$0	 \$0	 \$0
Adjusted Change	-\$1,366	\$9	\$0	-\$90	-\$1,447
Adjusted Percent Change	-0.9%	0.5%	0.0%	-100.0%	-1.0%

Where It Goes:

Personnel Expenses

Abolished/transferred positions	-\$91
Increments and other compensation	-334
Overtime	999
Employee and retiree health insurance	1,406
Employee retirement system.....	1,275
Workers' compensation premium assessment	-354
Turnover adjustments	-341
Elimination of one-time fiscal 2012 employee bonus	-1,187
Other fringe benefit adjustments	-50

Other Changes

Elimination of contractual housing for pretrial detainees.....	-1,281
Inmate medical expenses	-951
Fuel and utility expenses	-216
Contractual building maintenance	-150
Elimination of one-time GOCCP grant to purchase CCTV observation equipment	-90
Elimination of juvenile program consulting services	-79
Reduction in inmate work crew wages.....	-57
Elimination of temporary office assistance contracts	-41

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Where It Goes:

Supply and material purchases	54
New vehicle purchase	20
Other	21
Total	-\$1,447

CCTV: community cable television
GOCCP: Governor’s Office of Crime Control and Prevention

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

Issues

1. Impact of *DeWolfe v. Richmond*

Pursuant to the ruling in *DeWolfe v. Richmond*, the Office of the Public Defender (OPD) is required to provide legal representation to an indigent criminal defendant at an initial appearance and at a bail review in the District Court or the circuit courts. This ruling, expected to take effect on February 4, 2012, will have a definite impact on DPDS operations.

Current Practice

Within 24 hours after arrest, a criminal defendant is taken before a judicial officer – typically a District Court commissioner – for an initial appearance. At the initial appearance, the defendant is advised of (1) each offense charged; (2) the right to counsel; and (3) the right to a preliminary hearing, if applicable. If the defendant was arrested without a warrant, the commissioner must determine whether there was probable cause for the arrest. If it is determined that there was no probable cause, the defendant is released on personal recognizance with no other conditions of release. If it is determined that there was probable cause, the commissioner must also determine whether the defendant is eligible for release from custody prior to trial and, if so, under what conditions. A defendant who is denied pretrial release by the commissioner, or one who remains in custody 24 hours after the commissioner has set the conditions of release, is entitled to a bail review hearing before a judge. The primary purpose of the bail review hearing is to determine whether the conditions of release set by the commissioner should be continued, amended, or revoked. In Baltimore City, OPD is already present at the bail review hearings.

A criminal defendant is entitled to be released pending trial unless a judge ultimately determines that no conditions can be placed on the defendant's release to reasonably ensure the defendant's appearance at trial and the safety of the alleged victim, another person, and the community. Historically, approximately 50% of people who appear before commissioners are released on personal recognizance. However, if a judicial officer determines that release on personal recognizance alone is not appropriate, or the defendant is by law ineligible for release on recognizance, the defendant may be released prior to trial only by posting bail in an amount set by the judicial officer.

In most cases, pretrial release determinations are made at the defendant's initial appearance before a District Court commissioner. A commissioner may not, however, authorize the release of certain defendants, such as registered sex offenders or defendants charged with specific offenses (*i.e.*, crimes of violence, violation of protective orders, *etc.*). Pretrial release of such defendants may be authorized only by a judge, and only on suitable bail, or any other conditions that will reasonably ensure that the defendant will not flee or pose a danger to others, or on both bail and such other conditions.

At the initial appearance, the commissioner takes into account a variety of information when making a determination as to whether a defendant should be released and under what conditions,

including employment history, financial resources, criminal history, prior occasions when a defendant failed to appear in court, outstanding warrants, recommendations from the State’s Attorney, length of residence in the community and the State, and so forth.

In some jurisdictions, such as Baltimore City, a pretrial investigation services unit provides verified factual information that becomes available to assist the judge in setting conditions for release at a bail review hearing. The investigation by the pretrial services unit could include a community background check, verification of employment, information provided by the defendant or the defendant’s family, and additional factors concerning the defendant’s criminal history that were not available to the commissioner.

Criminal defendants are advised of their right to legal representation upon arrest and at their initial appearance. Written notice of this right is included with the charging document, which is given to and discussed with the defendant at the initial appearance. The notice explains how a lawyer can be helpful to the defendant and advises the defendant that OPD provides legal representation to a defendant who is subject to incarceration on conviction and is unable to afford private legal counsel.

In *Gideon v. Wainwright*, 372 U.S. 335 (1963), the United States Supreme Court held that states must provide legal representation to criminal defendants charged with serious offenses who are unable to afford their own attorneys. The Maryland Public Defender Act specifies certain types of proceedings where legal representation must be provided to an indigent individual, and that representation must be available in all stages of the proceedings.

DeWolfe v. Richmond

In *DeWolfe v. Richmond*, No. 34, (September Term 2011), the Maryland Court of Appeals held that under the Maryland Public Defender Act, no bail determination may be made by a District Court commissioner concerning an indigent defendant without the presence of counsel, unless representation by counsel is waived.

In the case, the facts were undisputed that the initial appearances of criminal defendants in Baltimore City are not conducted in a courtroom, open to the public, or recorded. The initial appearances occur at the Central Booking and Intake Facility (CBIF) in a small room with the defendant and the commissioner on opposite sides of a plexiglass window talking through a speaker system. The commissioner is not required to give Miranda warnings. The commissioner may ask the defendant about residence, family, employment history, and community ties, and the answers may be used against the defendant at trial. If the commissioner does not release the defendant at this appearance, the defendant is presented to a District Court judge for a bail review hearing immediately or at the next session of court.

The plaintiffs in the case represent a class of indigent criminal defendants who were arrested, detained at CBIF, brought before a commissioner for initial bail hearings, and denied representation by counsel at the initial bail hearings. In 2008, while the case was being litigated, the United States Supreme Court issued an opinion in *Rothgery v. Gillespie County*, 554 U.S. 191 (2008). The Supreme Court held that the Sixth Amendment right to counsel attached at the magistrate hearing

because it was the point at which a defendant learns of the charges against him and is subject to restrictions on liberty, and as such, is the initiation of adversarial judicial proceedings that trigger that right. However, the court did not conclude that the hearing was a critical stage requiring appointment of counsel. Instead the court opined that counsel “must be appointed within a reasonable time after attachment to allow for adequate representation at any critical stage before trial, as well as at trial itself.” *Rothgery*, 554 U.S. at 212.

In 2010, the Circuit Court for Baltimore City issued its order that the initial appearance before a commissioner is a critical stage of a criminal prosecution and, therefore, indigent arrestees in Baltimore City have a federal and State constitutional right to be appointed counsel. The circuit court cited the *Rothgery* case for this proposition. The court also ruled that the plaintiffs were entitled to counsel under the Maryland Public Defender Act. After the court issued an order staying the decision pending appellate review, both parties appealed to the Court of Special Appeals.

The Court of Appeals held that the plaintiffs have a right under the Maryland Public Defender Act to be represented in any bail hearing conducted before a commissioner, but the court did not address the plaintiffs’ federal and State constitutional claims of a right to representation. The Court of Appeals also held that the circuit court did not err in issuing its decision without consideration of the costs and provided that the plaintiffs may seek future injunctive relief.

The Court of Appeals stated that the language of the Maryland Public Defender Act was plain and unambiguous. The court found that an initial appearance marks the beginning of the formal criminal adversarial process, is clearly encompassed within the statutory term “criminal proceeding,” and may result in the defendant’s incarceration. According to the court, the commissioner is required to determine whether or not the defendant should be released on personal recognizance or incarcerated until the bail review hearing and makes the determination based on personal facts obtained, in large part, from the defendant. The court noted that a defendant may make incriminating statements at the initial hearing that might result in the defendant remaining incarcerated for weeks or months until the trial. For these reasons, the court held that the initial bail hearing is a stage of a criminal proceeding. The court also noted that the Public Defender agreed that the plaintiffs have a right to counsel in the initial bail hearings.

The court also cited several prior cases for the proposition that the budget of OPD has never been relevant in the court’s obligation to uphold the law. The court was unable to recall any instance in which it had delayed implementing a substantive right, such as the statutory right of an indigent defendant to public defender representation, out of concern for the financial costs of the implementation.

Impact

This ruling poses significant fiscal and operational problems, primarily for OPD, but also for the courts, State’s Attorneys, law enforcement, and local correctional facilities. In Baltimore City, District Court initial appearances take place at CBIF, which is operated by the Department of Public Safety and Correctional Services (DPSCS). The impact on DPDS operations is reflective of the impact that will likely be felt by many other local jurisdictions.

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Commissioner appearances at CBIF are conducted in small rooms (some as small as 3x5 feet), with plexiglass separating the commissioner from the defendant. Police officers or guards are present in the room when the defendant makes his/her appearance. Additional security may be needed with the addition of a public defender and (possibly) a State's Attorney within this confined space. An additional concern is that the current space may prove inadequate for accommodating the additional participants in commissioner appearances and any space needed for public defenders to meet with clients confidentially. This would suggest that additional funding may be required if internal spaces within CBIF need to be remodeled, and DPSCS advises that CBIF cannot be expanded.

In addition to the space issues, another concern is the impact this new process will have on the timeliness of the process and the DPDS population. Currently, a typical commissioner's initial appearance involves the defendant and the commissioner, and the appearance must occur within 24 hours of arrest. Initial appearances currently take between 15 to 30 minutes to complete. It is unclear at this time to what extent the addition of a public defender and a State's Attorney (should the State's Attorney wish to participate) will increase the average time spent on an initial appearance. If the average time for an initial appearance is extended to the point that commissioners are unable to meet the 24-hour requirement, the District Court may need to employ additional commissioners, again creating a space issue.

DPDS has checkpoints built into its offender case management system processing that provides staff alerts to prevent the untimely initial appearances that may result in a breach of the 24-hour rule. Under current practice, DPDS stages offenders for hearing based on time of arrest and completion of the charging documents by the police and the Assistant State's Attorney. Under the new ruling, staff must now ensure legal counsel is warranted and include the counsel's availability as a factor in the staging of offenders.

Finally, it is not known whether the new ruling will have a positive or negative impact on the size of the DPDS population. It is possible that the detainee population could be reduced by more arrestees obtaining pretrial release through legal representation at initial appearances as well as possible diversion to alternative programs to incarceration through early identification by and advocacy of a public defender. However, to the extent that processing times increase as a result of the changes in procedures, more arrestees could be held in the booking area while awaiting their appearance, which increases the potential for security breaches and the need for additional staffing.

DPDS should discuss what the agency is doing to address the *DeWolfe v. Richmond* ruling, including any changes to agency operations, plans for addressing space and security concerns, and whether alterations to the newly implemented case management system will be required. The agency should also identify any fiscal impact resulting from the ruling.

Recommended Actions

1. Concur with Governor's allowance.

Current and Prior Year Budgets

Current and Prior Year Budgets DPSCS – 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 2011					
Legislative Appropriation	\$153,077	\$2,160	\$7,402	\$0	\$162,639
Deficiency Appropriation	0	0	0	0	0
Budget Amendments	-18,730	0	833	0	-17,897
Reversions and Cancellations	-74	-554	-8	0	-635
Actual Expenditures	\$134,273	\$1,606	\$8,227	\$0	\$144,107
Fiscal 2012					
Legislative Appropriation	\$151,686	\$1,751	\$7	\$0	\$153,445
Budget Amendments	-6,586	1	0	90	-6,496
Working Appropriation	\$145,100	\$1,752	\$7	\$90	\$146,949

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

Fiscal 2011

General fund spending in fiscal 2011 was approximately \$134.3 million, a decrease of \$18.8 million from the legislative appropriation.

- Budget amendments reduced the appropriation by nearly \$18.7 million. Approximately \$12.4 million of the reduction was due to the realignment of funds throughout the department in accordance with actual expenditures. Funds were available for transfer, primarily to the Division of Correction (DOC), due to higher than budgeted turnover rates and lower than budgeted inmate medical and fuel and utility expenditures. The remainder of the reduction includes adjustments made to fiscal 2011 expenditures to reflect the creation of the Central Transportation Unit within DOC in fiscal 2012.
- The agency reverted nearly \$74,000 due to employee and contractual position vacancies.

Special fund expenditures totaled \$1.6 million in fiscal 2011. The agency cancelled approximately \$554,000 at the end of the fiscal year due to lower than anticipated Inmate Welfare Fund revenues.

Federal fund spending was approximately \$8.2 million in fiscal 2011. One budget amendment provided an \$833,000 increase as part of the realignment of federal stimulus funding amongst the department in line with actual expenditures. This increase was offset by the cancellation of approximately \$8,000 due to underattainment of estimated reimbursements for housing federal prisoners.

Fiscal 2012

The fiscal 2012 general fund working appropriation reflects a nearly \$6.6 million reduction from the legislative appropriation. A \$1.2 million increase from the allocation of the \$750 employee bonus is offset by a \$7.8 million reduction from the consolidation of inmate transportation services across the department, creating the Central Transportation Unit within DOC.

The special fund working appropriation increases by nearly \$1,000 due to the allocation of the \$750 employee bonus.

The division's fiscal 2012 reimbursable fund working appropriation reflects a \$90,000 increase over the legislative appropriation due to a grant from the Governor's Office of Crime Control and Prevention to purchase closed circuit televisions for observation of high traffic areas around the Baltimore City facilities.

Audit Findings

Audit Period for Last Audit:	June 14, 2007 – April 15, 2010
Issue Date:	April 2011
Number of Findings:	7
Number of Repeat Findings:	1
% of Repeat Findings:	14%
Rating: (if applicable)	

Finding 1: **An agreement with the State’s Attorney’s Office did not include sufficient specifications.**

Finding 2: Leave for certain employees was improperly calculated resulting in employees receiving more leave than they were eligible for and certain employees receiving overpayments for leave payouts.

Finding 3: Procedures were inadequate to ensure all recorded collections were deposited.

Finding 4: Controls over contaminated inmate funds were inadequate allowing the misappropriation of approximately \$12,500 by a management employee.

Finding 5: Financial Management Information System access was not sufficiently reviewed, and proper controls were not established over certain purchases.

Finding 6: Equipment records were inadequately maintained.

Finding 7: The Inmate Working Fund balance contained funds that had not been properly approved.

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

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

<u>Object/Fund</u>	<u>FY 11 Actual</u>	<u>FY 12 Working Appropriation</u>	<u>FY 13 Allowance</u>	<u>FY 12 - FY 13 Amount Change</u>	<u>Percent Change</u>
Positions					
01 Regular	1,444.00	1,429.00	1,427.00	-2.00	-0.1%
02 Contractual	19.71	35.05	44.35	9.30	26.5%
Total Positions	1,463.71	1,464.05	1,471.35	7.30	0.5%
Objects					
01 Salaries and Wages	\$ 101,590,462	\$ 102,364,697	\$ 103,687,386	\$ 1,322,689	1.3%
02 Technical and Spec. Fees	611,871	874,821	790,621	-84,200	-9.6%
03 Communication	455,310	497,302	505,946	8,644	1.7%
04 Travel	22,342	14,900	13,500	-1,400	-9.4%
06 Fuel and Utilities	3,889,894	4,153,031	3,936,900	-216,131	-5.2%
07 Motor Vehicles	132,737	68,275	100,040	31,765	46.5%
08 Contractual Services	33,142,337	34,887,556	32,412,215	-2,475,341	-7.1%
09 Supplies and Materials	2,393,294	1,978,600	2,032,700	54,100	2.7%
10 Equipment – Replacement	84,450	14,930	47,270	32,340	216.6%
11 Equipment – Additional	150,800	90,000	0	-90,000	-100.0%
12 Grants, Subsidies, and Contributions	1,343,926	1,777,500	1,727,500	-50,000	-2.8%
13 Fixed Charges	183,983	227,201	247,317	20,116	8.9%
14 Land and Structures	104,470	0	0	0	0.0%
Total Objects	\$ 144,105,876	\$ 146,948,813	\$ 145,501,395	-\$ 1,447,418	-1.0%
Funds					
01 General Fund	\$ 134,272,646	\$ 145,099,603	\$ 143,733,134	-\$ 1,366,469	-0.9%
03 Special Fund	1,606,235	1,752,210	1,761,261	9,051	0.5%
05 Federal Fund	8,226,995	7,000	7,000	0	0%
09 Reimbursable Fund	0	90,000	0	-90,000	-100.0%
Total Funds	\$ 144,105,876	\$ 146,948,813	\$ 145,501,395	-\$ 1,447,418	-1.0%

Note: The fiscal 2012 appropriation does not include deficiencies.

Fiscal Summary
DPSCS – Division of Pretrial Detention and Services

<u>Program/Unit</u>	<u>FY 11 Actual</u>	<u>FY 12 Wrk Approp</u>	<u>FY 13 Allowance</u>	<u>Change</u>	<u>FY 12 - FY 13 % Change</u>
01 General Administration	\$ 8,666,286	\$ 7,982,146	\$ 6,202,519	-\$ 1,779,627	-22.3%
02 Pretrial Release Services	5,758,934	5,886,375	5,797,572	-88,803	-1.5%
03 Baltimore City Detention Center	79,339,734	82,418,886	81,144,614	-1,274,272	-1.5%
04 Central Booking and Intake Facility	50,340,922	50,661,406	52,356,690	1,695,284	3.3%
Total Expenditures	\$ 144,105,876	\$ 146,948,813	\$ 145,501,395	-\$ 1,447,418	-1.0%
General Fund	\$ 134,272,646	\$ 145,099,603	\$ 143,733,134	-\$ 1,366,469	-0.9%
Special Fund	1,606,235	1,752,210	1,761,261	9,051	0.5%
Federal Fund	8,226,995	7,000	7,000	0	0%
Total Appropriations	\$ 144,105,876	\$ 146,858,813	\$ 145,501,395	-\$ 1,357,418	-0.9%
Reimbursable Fund	\$ 0	\$ 90,000	\$ 0	-\$ 90,000	-100.0%
Total Funds	\$ 144,105,876	\$ 146,948,813	\$ 145,501,395	-\$ 1,447,418	-1.0%

Note: The fiscal 2012 appropriation does not include deficiencies.