

**Q00Q  
Operations**  
Department of Public Safety and Correctional Services

***Operating Budget Data***

(\$ in Thousands)

	<u>FY 12 Actual</u>	<u>FY 13 Working</u>	<u>FY 14 Allowance</u>	<u>FY 13-14 Change</u>	<u>% Change Prior Year</u>
General Fund	\$940,035	\$937,095	\$965,960	\$28,865	3.1%
Contingent & Back of Bill Reductions	0	0	-1,258	-1,258	
<b>Adjusted General Fund</b>	<b>\$940,035</b>	<b>\$937,095</b>	<b>\$964,702</b>	<b>\$27,607</b>	<b>2.9%</b>
Special Fund	26,507	30,918	28,715	-2,202	-7.1%
Contingent & Back of Bill Reductions	0	0	-18	-18	
<b>Adjusted Special Fund</b>	<b>\$26,507</b>	<b>\$30,918</b>	<b>\$28,697</b>	<b>-\$2,220</b>	<b>-7.2%</b>
Federal Fund	23,527	25,192	23,889	-1,303	-5.2%
Contingent & Back of Bill Reductions	0	0	-30	-30	
<b>Adjusted Federal Fund</b>	<b>\$23,527</b>	<b>\$25,192</b>	<b>\$23,858</b>	<b>-\$1,334</b>	<b>-5.3%</b>
Reimbursable Fund	4,032	5,257	3,938	-1,319	-25.1%
<b>Adjusted Reimbursable Fund</b>	<b>\$4,032</b>	<b>\$5,257</b>	<b>\$3,938</b>	<b>-\$1,319</b>	<b>-25.1%</b>
<b>Adjusted Grand Total</b>	<b>\$994,100</b>	<b>\$998,461</b>	<b>\$1,021,195</b>	<b>\$22,734</b>	<b>2.3%</b>

- The Department of Public Safety and Correctional Services (DPSCS) Operations has three general fund deficiencies totaling \$11,305,701 in fiscal 2013. DPSCS employee overtime expenses required a deficiency of an additional \$7,800,000 in general funds in fiscal 2013. A deficiency of \$2,906,800 provides additional inmate food, supplies, materials and wages. An additional deficiency of \$598,901 was included for the Managed Access contract, which, when implemented, will block unauthorized incoming calls to the Metropolitan Transition Center; the deficiency will only be spent once DPSCS determines success.
- DPSCS Operations increases by \$22.7 million, or 2.3%, in the fiscal 2014 allowance compared to the 2013 working appropriation.

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

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***Personnel Data***

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	<b><u>FY 12 Actual</u></b>	<b><u>FY 13 Working</u></b>	<b><u>FY 14 Allowance</u></b>	<b><u>FY 13-14 Change</u></b>
Regular Positions	9,524.10	9,507.10	9,507.10	0.00
Contractual FTEs	<u>128.18</u>	<u>197.45</u>	<u>197.45</u>	<u>0.00</u>
<b>Total Personnel</b>	<b>9,652.28</b>	<b>9,704.55</b>	<b>9,704.55</b>	<b>0.00</b>

***Vacancy Data: Regular Positions***

Turnover and Necessary Vacancies, Excluding New Positions	356.52	3.75%
Positions and Percentage Vacant as of 12/31/12	341.00	3.59%

- DPSCS Operations’ staffing remains level in fiscal 2014. The department plans to close the Jessup Pre-Release Unit (JPRU) and transfer staff and inmates to the Dorsey Run Correctional Facility (DRCF), resulting in no new positions.

## *Analysis in Brief*

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### Major Trends

**Security and Safety:** In an effort to achieve its goal of providing secure facilities, the department measures the number of inmates who escape or walk-off each fiscal year. In fiscal 2012 there were 11 total walk-offs; 2 walk-off inmates remain at large. The department has had at least 1 inmate escape in each of the last four fiscal years. In fiscal 2012, 2 inmates escaped from, and were returned to, DPSCS facilities. An inmate who escaped in fiscal 2011 has not been apprehended. **The department should explain how inmates are selected for outside work detail or participation in work release programs and how this plays a role in the number of inmate walk-offs. DPSCS should discuss how the escapes occurred; what corrective actions have been taken to avoid similar escapes in the future, especially at the central booking facility; and what is being done to recapture the inmate currently at large.**

**Assault Rates:** Fiscal 2011 was the first year that DPSCS achieved its target for the inmate-on-inmate assault rate, and the department continued the trend in fiscal 2012, with an average of 4.73 assaults occurring per 100 inmates. Detainee-on-detainee assault rates per 100 inmates have steadily increased since fiscal 2009, and the detainee-on-staff rate jumped up in fiscal 2010 and has remained at the higher level. **DPSCS should comment on what is driving the increase from fiscal 2011 in inmate-on-inmate assaults, specifically assaults at maximum and pre-release security facilities. The department should also explain the continuous increase in detainee-on-detainee assaults. DPSCS should discuss what changes have been made to correctly input data, specifically regarding detainee-on-staff assaults.**

**Offender Reentry Services:** In fiscal 2009, DPSCS implemented a performance measure to track the percentage of inmates provided with release plans, birth certificates, and Social Security cards prior to release. Since fiscal 2009, the number of inmates with a release plan prior to release increased from 28 to 84%. In fiscal 2012, 66% of inmates were released with their birth certificates and 64% were released with Social Security cards. **The department should discuss how they anticipate finally reaching the 75% goal for birth certificates and Social Security cards for released inmates.**

**Offender Suicide Rates:** The department experienced six offender suicides in fiscal 2012. The national target is to have less than five suicides per year. Fiscal 2011 had four offender suicides, two in detention and the remaining in corrections custody. The six occurring in fiscal 2012 also had two in detention and the remaining in corrections. **DPSCS Operations should comment on what is being done to prevent a continued increase in offender suicides.**

## **Issues**

***Earned Release Policy:*** The department has established a new earned release policy to focus more on the preparation to successfully grant parole. Based on the assumptions of this policy, the department anticipates a decrease in inmate population. If the numbers are not realized as the department projects, the entire department's budget will be underfunded. **The department should comment on the eligibility process to make sure the pool of prospective inmates is large enough to maintain the anticipated decrease. The department should also comment on how the appropriate services will be provided within existing resources and why these practices were not already in place. The Department of Legislative Services (DLS) recommends that a report be produced by November 2013 to discuss (1) the progress of the decrease in inmate population; (2) if the number of releases were met, how the department plans on keeping the population at that level; and (3) if the number was not obtained, how the department plans to change the process.**

***Parole and Probation Staffing Concerns:*** In the 2012 session, DPSCS and the Department of Budget and Management (DBM) were instructed to examine parole and probation agent salaries. The results of the review have resulted in an increase of parole and probation agent salaries to equal the entry level correctional officer salary. DPSCS was also instructed to provide agent caseload ratios but failed to provide an analysis. The department states a time study is the only way to evaluate an appropriate general caseload. **DPSCS and DBM should provide reasoning for the allocated amounts and comment on what impact is anticipated through the additional funding. DLS recommends language restricting funds to require a time study and a report on the findings.**

***Evaluation of Programming Needs and Resources:*** In the 2012 *Joint Chairmen's Report*, DPSCS was requested to evaluate programming needs and resources departmentwide. The report was to outline all programming needs of inmates as well as all program resources in order to identify gaps in the service delivery. The report produced did not fully respond to the request. While highlighting arguments for increased home detention units, increases in global positioning system tracking devices, and expanded cognitive programming, no numbers were given as to the associated costs and at what capacity the remaining programs are operating. **The department should produce a report outlining the number of treatment spaces and number of inmates requiring the service for each treatment option and what actions are being taken to maximize service delivery.**

***Facility Use:*** DPSCS plans on closing JPRU and transferring both inmates and staff to the new DRCF. Even if the entire appropriation transfers to operate DRCF once it is ready, funds will still be needed to run the wastewater operation and utilities at JPRU, which are not budgeted within the allowance. DRCF is not needed at this time for population needs. **DLS recommends restricting the use of funds for DRCF until a report outlining a departmentwide facility plan is submitted.**

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**Recommended Actions**

	<u><b>Funds</b></u>
1. Add language to restrict funding for operations at Dorsey Run Correctional Facility until a report outlining a departmentwide facility plan is submitted.	
2. Add language to require a report on the progress of the earned release policy.	
3. Add language to restrict funding for repeat audit findings.	
4. Reduce funding for Housekeeping to reflect actual spending.	\$ 100,000
5. Reduce funding for Other Contractual Services to reflect actual spending.	200,000
6. Add language to restrict funds to be used for the purpose of hiring an outside contractor to perform a time study and further restrict money upon receipt of a report.	
7. Add language to require a report on the treatment programming needs and resources for the total population.	
8. Reduce funding for Office Supplies to reflect actual spending	100,000
<b>Total Reductions</b>	<b>\$ 400,000</b>

## **Updates**

***Treatment of Substance Abuse Among the Incarcerated Offender Population:*** DPSCS developed a pilot study providing Vivitrol to pre-release inmates. DPSCS screened 195 individuals for participation in a pilot study. However, as reported in January 2013, of those individuals who agreed to participate in the pilot, only 13 individuals had been deemed eligible. DPSCS is currently seeking additional volunteers to bring participation in the study up to 30. All 13 individuals currently in the study have received their first Vivitrol injection. Of these, 10 have been released and are eligible for six months of continued Vivitrol treatment in the community. At this point, no outcome data (re-arrest rates within six months of release) is available. DLS would note that while the data will be interesting to review, the small sample size may make any conclusions of limited value.

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

## ***Operating Budget Analysis***

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### **Program Description**

The Department of Public Safety and Correctional Services (DPSCS) Operations has been created through a departmental reorganization to establish three regions within the State (North, Central, and South) for the purposes of creating a regional approach to providing all inmate related functions, such as incarceration, probation, parole, and reentry into society. The services previously delivered by the Division of Correction, Patuxent Institution, Division of Parole and Probation, and Division of Pretrial Detention and Services are now provided under each region in an attempt to keep inmates in one region as they move within the DPSCS system. The counties in each region are listed below:

- North Region: Allegany, Carroll, Frederick, Garrett, Harford, Howard, Montgomery, and Washington;
- Central Region: Baltimore and Baltimore City; and
- South Region: Anne Arundel, Calvert, Caroline, Cecil, Charles, Dorchester, Kent, Prince George's, Queen Anne's, St. Mary's, Somerset, Talbot, Wicomico, and Worcester.

### **Performance Analysis: Managing for Results**

#### **1. Security and Safety**

Maintaining the safety and security of the staff and inmates within the department's institutions is of the utmost importance in fulfilling the mission to provide public safety to the citizens of Maryland and the general public. In achieving its goal of providing secure facilities, the department measures the number of inmates who escape or walk-off each fiscal year. An escape is an unauthorized departure from within the secure perimeter of any correctional facility, regardless of the security level, or while being escorted or transported in restraints. A walk-off is an inmate classified as pre-release or minimum security who is not in restraints with or without direct supervision, and who makes an unauthorized departure from a pre-release security facility, during an authorized activity in the community, or while on a work detail outside the secure perimeter of a correctional facility. The goal is to have no inmates escape and less than 20 inmates walk-off each year. **Exhibit 1** shows inmate escapes and walk-offs from fiscal 2008 through 2012.

**Exhibit 1  
Inmate Walk-offs and Escapes  
Fiscal 2008-2012**



Source: Governor’s Budget Books, Fiscal 2014

Inmate walk-offs have declined significantly since fiscal 2008, when 62 inmates walked off while under DPSCS supervision. The department met its target for the first time in fiscal 2011, reducing the number of walk-offs to 14. Fiscal 2012 continued the decline to 11 total walk-offs; 2 walk-off inmates were not recaptured and are at large. **The department should explain how inmates are selected for outside work detail or participation in work release programs and how this plays a role in the number of inmate walk-offs. DPSCS Operations should also comment on what actions are currently being taken to recapture walk-off inmates at large.**

The department has had at least one inmate escape from its facilities in each of the last four fiscal years. Most recently, in fiscal 2012, two inmates escaped from DPSCS facilities. This reflects a decrease from the three inmates who escaped in fiscal 2011, one of which is still at large. The two escapees in fiscal 2012 escaped from, and were returned to, the Baltimore City Central Booking Intake Facility. **DPSCS should discuss how the escapes occurred, what corrective actions have been taken to avoid similar escapes in the future, especially at the central booking facility, and what is being done to recapture the inmate currently at large.**

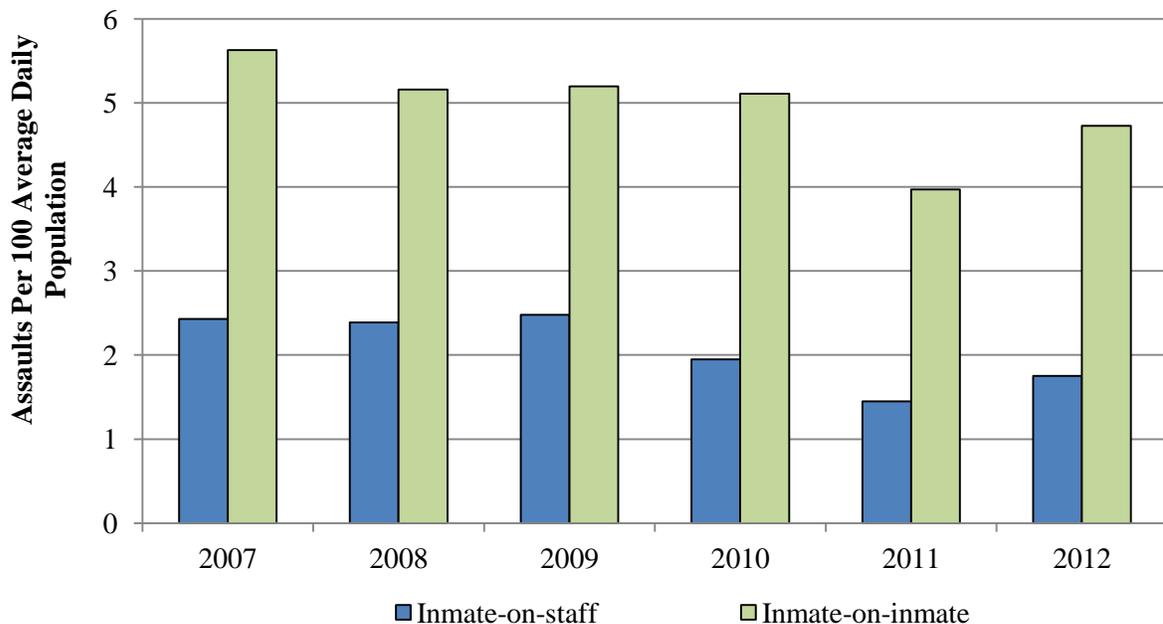
## 2. Assault Rates

DPSCS Operations reports the rate of assaults on inmates, detainees, and staff per 100 inmates, as shown in **Exhibits 2** and **3**, in order to measure the department’s ability to maintain safe institutions. The goal is to have the inmate-on-staff assault rate at or below 2.26 assaults per 100 inmates. The inmate-on-inmate assault rate should be at or below 4.73 assaults per 100 inmates. Fiscal 2012 is the third consecutive fiscal year that inmate-on-staff assault rates have been below target.

Fiscal 2011 was the first year that DPSCS achieved its target for the inmate-on-inmate assault rate, and the department continued the trend in fiscal 2012, with an average of 4.73 assaults occurring per 100 inmates. Even though fiscal 2011 and 2012 did not exceed the target, there was still a 19% increase in fiscal 2012, from 3.97 to 4.73. The highest rate of inmate-on-inmate assaults occurs at maximum security facilities. **DPSCS should comment on what drove the increase in fiscal 2012 in inmate-on-inmate assaults, especially at maximum security facilities.**

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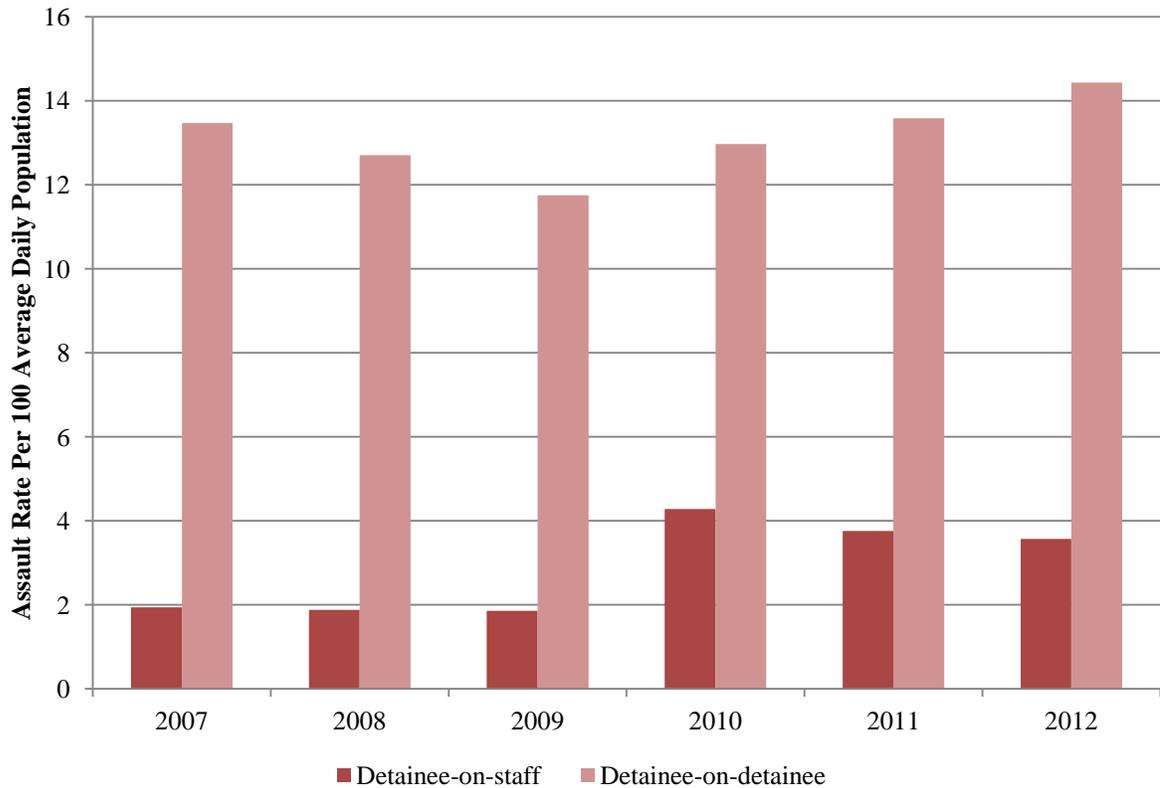
**Exhibit 2**  
**Inmate Assault Rates**  
**Fiscal 2007-2012**



Source: Department of Public Safety and Correctional Services; Governor’s Budget Books, Fiscal 2014

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**Exhibit 3**  
**Detainee Assault Rates**  
**Fiscal 2007-2012**



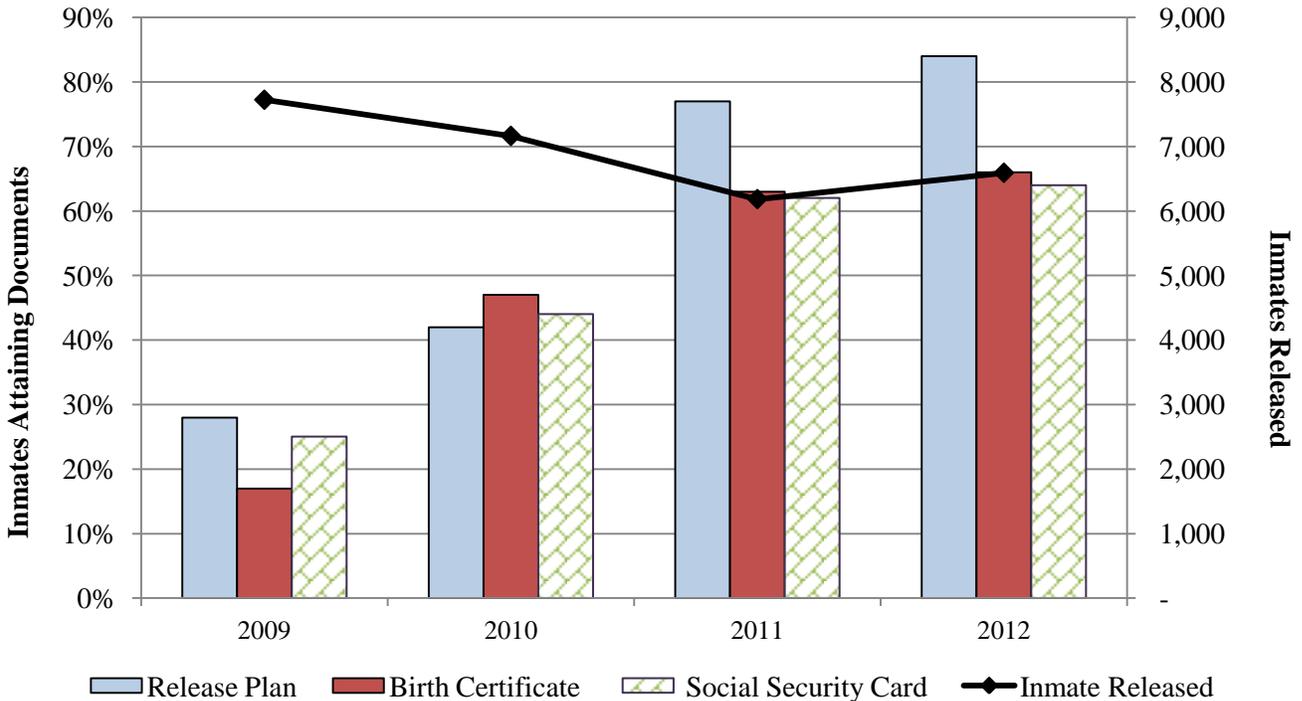
Source: Department of Public Safety and Correctional Services; Governor’s Budget Books, Fiscal 2014

The detainee-on-detainee assault rate should be at or below 13.58 assaults per 100 inmates, and the detainee-on-staff assault rate has a goal of less than 3.76 assaults per 100 inmates. The fiscal 2012 detainee-on-staff assault rate was 3.75, and the detainee-on-detainee assault rate was 14.43. The detainee-on-detainee assault rate has been steadily increasing since fiscal 2009. Fiscal 2010 saw a jump in detainee-on-staff assaults; those higher numbers maintained into both fiscal 2011 and 2012. The department states that the numbers prior to mid-2010 represent no consistent or variable reporting of assault data in Facility Incident Reporting Manager, the operating system, and therefore, were inaccurate. **The department should explain the continuous increase in detainee-on-detainee assaults. DPSCS should also discuss what changes have been made to correctly input data, specifically regarding detainee-on-staff assaults.**

### 3. Offender Reentry Services

The main focus of the department’s reorganization was to improve reentry services. In fiscal 2009, DPSCS implemented a performance measure to track the percentage of inmates provided with release plans, birth certificates, and Social Security cards prior to release. **Exhibit 4** shows the department’s progress toward having at least 75% of inmates released with these documents. Between fiscal 2009 and 2012, the number of inmates released fell by 1,540 inmates, or 19.9%, to 6,183. The definition of release means authorized departures of sentenced inmates on parole, mandatory supervision release, and expiration from correctional facilities.

**Exhibit 4**  
**Inmate Reentry Services**  
**Fiscal 2009-2012**



Source: Department of Public Safety and Correctional Services

During the same four-year period, the number of inmates who were provided a release plan prior to release increased from 28 to 84%. The percentage of inmates receiving birth certificates and Social Security cards prior to release has also increased dramatically, although it still falls short of the 75% target. The department anticipates achieving the 75% target in fiscal 2013. In fiscal 2012, 66%

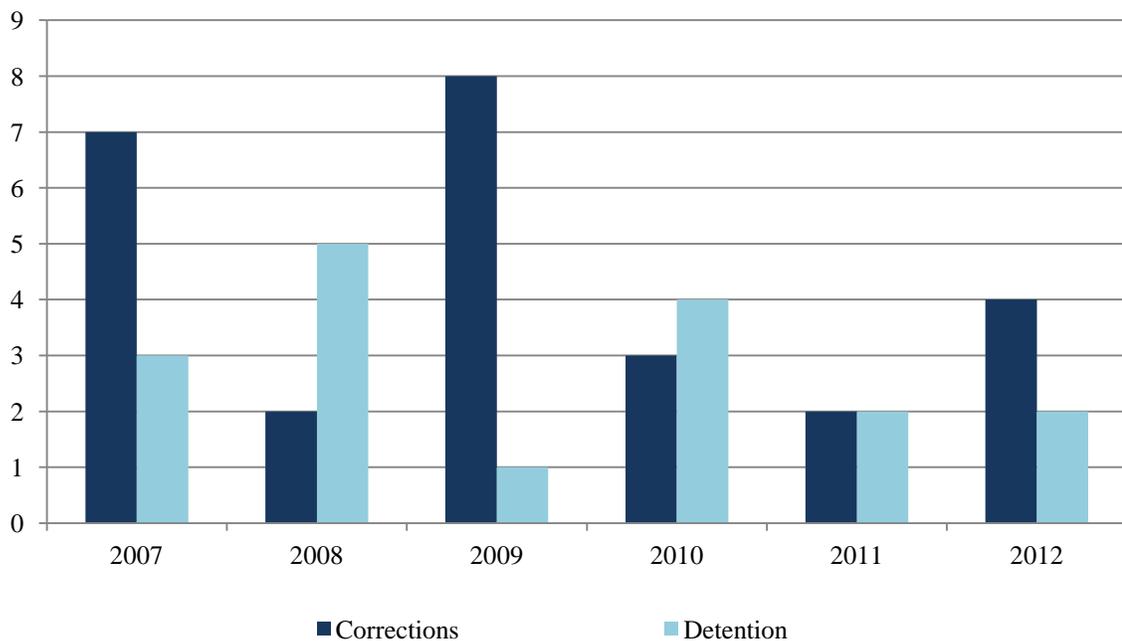
of inmates were released with their birth certificates, and 64% were released with Social Security cards. **The department should discuss how it anticipates finally reaching the 75% goal for birth certificates and Social Security cards for released inmates.**

#### **4. Offender Suicide Rates**

**Exhibit 5** shows that the department had six offender suicides in fiscal 2012. The national target is to have less than five suicides per year. Fiscal 2011 had only four offender suicides, two in detention and the remaining in corrections custody. The six occurring in fiscal 2012 also had two in detention and the remaining in corrections custody. **DPSCS Operations should comment on what is being done to prevent a continued increase in offender suicides.**

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**Exhibit 5**  
**Suicides Committed within Corrections and Detention**  
**Fiscal 2007-2012**



Source: Department of Public Safety and Correctional Services

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## **Fiscal 2013 Actions**

### **Proposed Deficiency**

General fund deficiencies for the 2013 working appropriation total \$11,305,701 for DPSCS Operations. Three deficiencies requested within DPSCS Operations are:

- \$7,800,000 in general funds for DPSCS employee overtime expenses. The fiscal 2013 working appropriation for DPSCS overtime prior to the deficiency is \$7.7 million below fiscal 2012 actual spending. The fiscal 2013 deficiency appropriation increases overtime to approximately \$42.5 million. The fiscal 2014 allowance is similar to the fiscal 2013 working appropriation prior to the deficiency; the department could be underfunded again in employee overtime expenses.
- \$2,906,800 for inmate food, supplies and materials, and wages. Food costs for the year were higher than expected, and the department has made significant efforts to increase inmate employment as a means of improving parole-eligibility and successful community reentry, which requires more funds than anticipated.
- \$598,901 was included for the Managed Access contract, which when implemented, will block unauthorized incoming calls to the Metropolitan Transition Center; the deficiency will only be spent once the department determines success. **The department should comment on what the current deadline is, if an extension will be necessary, and when it anticipates the program will actually be running.**

### **Proposed Budget**

The 2014 allowance increases by \$22.7 million, or 2.3%, to a total of \$1.0 billion as identified in **Exhibit 6**. The general fund is the only fund increasing in the 2014 allowance; the general fund increases by \$27.6 million, or 2.9%. Special funds decrease by 7.2% in the 2014 allowance due to the realignment of salary payments to general funds. The federal fund decrease is attributable to Maryland Environmental Service charges now paid from the general fund. The main decrease in reimbursable funds is for one-time equipment required for the Managed Access contract funded through the Governor's Office of Crime Control and Prevention grant funds.

The largest increase in the 2014 allowance can be attributed to personnel expenses increasing by \$28.0 million to a total of \$712.4 million. Employee and retiree health insurance is increasing by \$8.0 million, which includes the DPSCS Operations share of the across-the-board health insurance reduction. Turnover adjustments are increasing in the fiscal 2014 allowance by \$4.5 million, and retirement expenses add approximately \$11.5 million. Contribution rates for the regular employees', teachers', State Police, and Law Enforcement Officers' pension plans increase in fiscal 2014. The

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rate increases are attributable to underattaining investment returns, adjusting actuarial assumptions, and increasing the reinvestment of savings achieved in the 2011 pension reform.

Facility costs include a \$6.8 million decrease due to inmate medical. There is a change in the medical contract and an anticipated decrease in inmate population, resulting in the decreased appropriation. Inmate payments are increasing by \$434,000, due to the Maryland Parole Commission (MPC) looking favorably on inmates who have worked during incarceration.

Community Supervision for all three regions increases by \$4.2 million to \$81.3 million. The majority of the increase, \$3.9 million, is due to personnel expenses. Rent and office supply increases account for the remainder of the change in the 2014 allowance.

**Exhibit 6**  
**Proposed Budget**  
**DPSCS – Operations**  
**(\$ in Thousands)**

<b>How Much It Grows:</b>	<b><u>General Fund</u></b>	<b><u>Special Fund</u></b>	<b><u>Federal Fund</u></b>	<b><u>Reimb. Fund</u></b>	<b><u>Total</u></b>
2013 Working Appropriation	\$937,095	\$30,918	\$25,192	\$5,257	\$998,461
2014 Allowance	<u>965,960</u>	<u>28,715</u>	<u>23,889</u>	<u>3,938</u>	<u>1,022,502</u>
Amount Change	\$28,865	-\$2,202	-\$1,303	-\$1,319	\$24,041
Percent Change	3.1%	-7.1%	-5.2%	-25.1%	2.4%
Contingent Reduction	-\$1,258	-\$18	-\$30	\$0	-\$1,306
Adjusted Change	\$27,607	-\$2,220	-\$1,334	-\$1,319	\$22,734
Adjusted Percent Change	2.9%	-7.2%	-5.3%	-25.1%	2.3%

**Where It Goes:**

**Personnel Expenses**

Regular earnings .....	-\$4,259
Annualization of fiscal 2013 general salary increase.....	5,114
Overtime .....	-611
Employee and retiree health insurance, net of across-the-board reductions.....	8,004
Employees’ retirement system.....	11,487
Workers’ compensation premium assessment .....	2,201
Turnover adjustments .....	4,490
Elimination of one-time Section 22 Voluntary Separation Program reduction savings.....	1,750
Other fringe benefit adjustments.....	-170

**Facility Costs**

Inmate medical.....	-6,845
Building/road repairs and maintenance .....	-319
One-time security alarm systems .....	545
Inmate payments .....	434
Fuel and utilities .....	111

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**Other Changes**

Office supplies .....	455
Housekeeping .....	397
Rent paid to Department of General Services .....	-98
Equipment rental .....	43
Other .....	5
<b>Total</b>	<b>\$22,734</b>

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

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## ***Issues***

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### **1. Earned Release Policy**

The department has established a new earned release policy (ERP) to focus more on the preparation to successfully grant parole. Based on the assumptions of this policy, the department anticipates a decrease in the inmate population. If the numbers are not realized as the department projects, the department's budget will be underfunded.

#### **Previous Policy**

Inmates serving sentences of four years or less were scheduled for a parole hearing as soon as possible, and offenders serving sentences of five years or greater were scheduled at eligibility minus four months. Parole eligibility is taken into account when the hearing is conducted and the decision is rendered. Once a decision was awarded, no additional information was taken into account, and if parole was denied, then the inmate waited until his/her mandatory release date to be released.

#### **ERP Changes**

The departmental policy to improve the review of inmates for parole closer to their parole eligibility date began on July 1, 2012. The policy is now fully implemented. Through December 2012, the department paroled 371 more inmates in the first half of fiscal 2013 than in the first half of fiscal 2012.

MPC was able to increase the number of inmates paroled closer to their parole eligibility date by scheduling the initial parole hearings earlier. The scheduling of parole hearings for inmates serving sentences of five years or less now occurs as soon as administratively possible. Inmates serving sentences of more than five years have an initial parole hearing scheduled six months in advance of their parole eligibility date.

An ERP eligible inmate is an inmate who meets eligibility for parole criteria established under Correctional Services Article, §7-301, Annotated Code of Maryland, and who is not currently serving a sentence for a crime listed in the department's automated case management system under the following categories with the specific offenses detailed in a list maintained by and available from MPC:

- murder;
- attempted murder;
- manslaughter;

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- first degree rape;
- second degree rape;
- sex offense;
- weapons charges;
- distribution of a controlled dangerous substance;
- armed robbery;
- arson; and
- kidnapping.

**The department should comment on the eligibility process to make sure the pool of prospective inmates is large enough to maintain the anticipated decrease.**

Once an inmate is deemed ERP eligible, the department proactively prepares for the parole of the inmate by making sure any programming or treatment required occurs before the parole hearing. ERP eligible offenders will be approved for parole at their initial parole eligibility date, or within the following year upon completion of specific programming. A major change in the ERP from prior policy is that if the inmate is denied to be parole eligible, the parole commission will hear his/her case again before the mandatory release date. The department believes providing more focus on inmates meeting requirements for parole will lead to a decrease in the inmate population since more inmates will be released on their parole eligibility date.

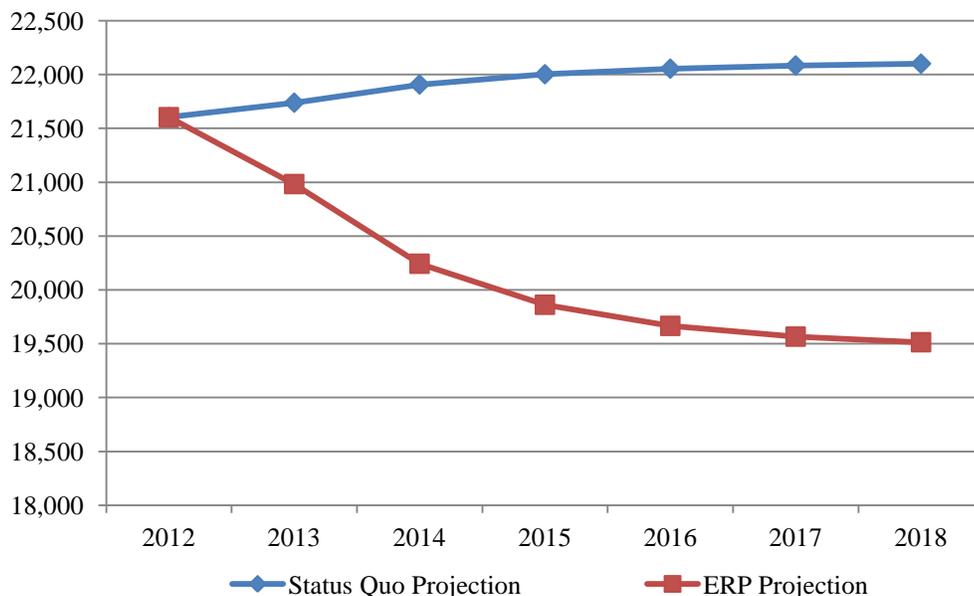
MPC looks favorably on inmates who have worked during their time incarcerated, resulting in the department increasing the number of inmate jobs. To measure success, the department will be tracking the following metrics:

- monthly intakes, percent with approved case plan within 60 days of intake;
- active population, percent with approved case plans;
- scheduled parole hearings in a given month, percent of case plans forwarded to MPC for review;
- case plans received by MPC, percent reviewed by MPC by deadline; and
- monthly number of parole releases, number and percent by decision type.

## ERP Implications

The department’s fiscal 2014 allowance budget is heavily based on the ERP program being successful. The population numbers upon which the fiscal 2014 budget is based are a reduction of 756 inmates in fiscal 2013 as seen in **Exhibit 7**; approximately, 100 inmates released per month, in addition to what was expected through the normal parole and mandatory release processes. The department currently anticipates that more than the projected 756 inmates will be released through ERP in fiscal 2013. Since hundreds of inmates annually will be released earlier than is typical from State correctional facilities, ERP released inmates will remain under parole/mandatory release supervision for a longer period of time.

**Exhibit 7**  
**Population Projection: Current vs. Earned Release Policy**  
**Fiscal 2012-2018**



ERP: Earned Release Policy

Source: Department of Public Safety and Correctional Services

These offenders must be provided the necessary post-release supervision and support services to prevent their return to incarceration. The department’s goal is to implement a multifaceted plan for transitioning these offenders from confinement to release. Agents assigned to supervise these

offenders will institute practices, according to the department, to motivate the offenders to change by connecting them to specialized services, such as life skills, victim/offender impact classes, and substance abuse counseling, etc., which will all contribute to a realistic community supervision plan. Agents will develop partnerships essential to providing housing, employment, treatment, health (physical and mental) education, and relationship (family) needs, including reunification of offenders and their children. Many ERP offenders will require case plans that address multiple cases/sentences with various special conditions stemming from the circuit courts, District Court, and MPC.

According to the department, in order to provide the necessary supervision and programming for these offenders, the strategy is to reduce general caseload averages from 114 to 100 cases per agent. **The department should comment on how the appropriate services will be provided with existing resources and why these practices were not previously in place. DLS recommends that a report be produced by November 2013 to discuss (1) the progress of the decrease in inmate population; (2) if the number of releases were met, how the department plans on keeping the population at that level; and (3) if the number was not obtained, how the department plans on changing the process.**

## **2. Parole and Probation Staffing Concerns**

### **Parole and Probation Agent Salaries**

In the 2012 session, DPSCS and the Department of Budget and Management (DBM) were instructed to examine parole and probation agent salaries. The review has resulted in an increase of parole and probation agent salaries to equal the salary of an entry level correctional officer.

The 2014 allowance includes an additional \$881,148 to address parole and probation agent pay related to vacancy and resignation rates. This funding is currently budgeted within DBM's budget, and the rates were negotiated with the unions. Specifically, the funding will increase the classification of 116 parole and probation agents I from a grade 12 to 13, at a cost of \$364,194. Funding will address a vacancy rate that was 10.77% for this classification. Parole and probation agents II will be increased from steps 1 and 2 to step 3, impacting 78 filled positions at a cost of \$312,327. Funding will address a resignation rate of 8.7% for this classification. Lastly, parole and probation senior agents will be increased from steps 1 and 2 to step 3, impacting 69 filled positions at a cost of \$204,627. **DPSCS and DBM should provide reasoning for the allocated amounts and comment on what impact is anticipated through the additional funding.**

### **Parole and Probation Caseload Ratios**

Caseload ratios were requested to be provided through the 2012 *Joint Chairmen's Report* (JCR). The report was received and included no number for ideal general caseloads or a standard to be used for Maryland. The department did provide a caseload number range of 30 to 40 for

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specialized high-risk offenders, including violent and sex offenders. The department stated that it was unable to provide any numbers for general caseloads due to the lack of a time study.

DPSCS has indicated the intent to apply for a grant from the National Institute of Corrections in order to conduct a time study. If the grant is not received, a time study should be performed by the department through an outside contractor. Once a time study is completed, the department should submit a report to outline the results of the time study and provide appropriate caseload standards for a general caseload. Once appropriate caseload numbers are identified, the department can appropriately allocate resources. **DLS recommends language restricting funds to require a time study, either through federal or general funds, and a report on the findings.**

### **3. Evaluation of Programming Needs and Resources**

DPSCS was asked to evaluate programming needs and resources departmentwide in the 2012 JCR. The DLS intent of the report request was to outline all programming needs of inmates as well as all program resources in order to compare and see where, if any, holes were in the service delivery in order to best serve the population. The report produced did not quite identify all needs or resources by total population. While highlighting arguments for increased home detention units, increase in global positioning system tracking devices, and expanded cognitive programming, no numbers were given as to the associated costs and to what capacity the remaining programs are operating.

The department highlighted three areas for increased investment:

- expand utilization of probation through increased community-based programs and communication with the Maryland Judiciary;
- increase capacity of the programs of which are data proven to have the greatest success rate at recidivism reduction; and
- enhance community support through managed release of offenders to the community.

According to the department, each area identified would need additional space or positions in order to be effective. **The department should comment on the ability to integrate any of the additional services or benefits outlined within existing resources. The department should produce a report outlining the number of treatment spaces and number of inmates requiring the service for each treatment option and what actions are being taken to maximize service delivery.**

#### **4. Facility Use**

DPSCS plans on closing the Jessup Pre-Release Unit (JPRU) and transferring both inmates and staff to the new Dorsey Run Correctional Facility (DRCF) by budget amendment when the facility is ready to open, approximately early fall. There is no money or budget code in the 2014 allowance referencing DRCF. Even if the entire appropriation transfers from JPRU to operate DRCF once it is ready, funds will still be needed to run the wastewater operation and utilities at JPRU, which are not budgeted within the allowance. Furthermore, DRCF is not needed at this time for department capacity.

The department is expected to submit a facilities master plan before the end of fiscal 2013 which should be evaluated before closing or opening any facilities. DRCF would require 117 positions to operate. DBM did not authorize additional positions for fiscal 2014; therefore, DPSCS was required to choose a facility to close and transfer staff when opening DRCF. JPRU was chosen for its proximity to DRCF, not out of necessity, for closure.

When DRCF was initially proposed, the department's plan was to use DRCF as a place to temporarily house inmates while other State correctional facilities underwent projects of renovation and upgrade. The closure of JPRU was not discussed in the initial plan, and departmental policies have changed as well. DPSCS should submit a report outlining the future use of correctional facilities, taking into consideration money allocated in the capital budget. The report should contain future uses, including plans for renovation, demolition, or upgrade, of all State correctional facilities, specifically highlighting JPRU, DRCF, Maryland Reception, Diagnostic and Classification Center (MRDCC), Metropolitan Transition Center, the jail industries building, and the building of the Women's Detention Center.

**The department should comment on the future use for MRDCC. DLS recommends restricting funds for DRCF until a report outlining the departmentwide facility plan is submitted – including future uses for JPRU, DRCF, MRDCC, Metropolitan Transition Center, the jail industries building, and the building of the Women's Detention Center.**

## ***Recommended Actions***

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1. Add the following language:

Provided that no funds within this budget may be expended for operations at Dorsey Run Correctional Facility until a report outlining a departmentwide facility plan is submitted to the budget committees. The report should contain future uses, including plans for renovation, demolition, or upgrade, of all State correctional facilities, specifically highlighting Jessup Pre-Release Unit, Dorsey Run Correctional Facility, Maryland Reception, Diagnostic and Classification Center, Metropolitan Transition Center, the jail industries building, and the building of the Women’s Detention Center. Upon receipt the budget committees will have 45 days to review and comment.

**Explanation:** The department plans on closing the Jessup Pre-Release Unit (JPRU) and transferring inmates and staff to the Dorsey Run Correctional Facility (DRCF). The Department of Legislative Services recommends restricting the use of funds for DRCF until a report outlining a departmentwide facility plan is submitted – including future uses for JPRU, DRCF, Maryland Reception, Diagnostic, and Classification Center, Metropolitan Transition Center, the jail industries building, and the building of the Women’s Detention Center. Before major changes occur, a complete picture of future plans should be outlined.

<b>Information Request</b>	<b>Author</b>	<b>Due Date</b>
Departmentwide facility plan	DPSCS	January 1, 2014

2. Add the following language to the general fund appropriation:

, provided that \$100,000 of this appropriation made for the purpose of general administration may not be expended until DPSCS Operations submits a report to the budget committees on the progress of the earned release policy (ERP) in reducing the inmate population toward the level funded in the fiscal 2014 budget. The report should provide the budget committees with:

- (1) an update on the number of inmates released due to the ERP;
- (2) the anticipated number of inmates released for fiscal 2014 due to the ERP;
- (3) the benefits of the ERP;
- (4) any challenges to the ERP implementation;

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- (5) total cost savings due to ERP inmates early release;
- (6) how community supervision has been impacted; and
- (7) the impact of ERP on the budget for fiscal 2014.

The report shall be submitted by November 1, 2013, and the budget committees shall have 45 days to review and comment. Funds restricted pending the receipt of a report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted to the budget committees.

**Explanation:** Since the DPSCS Operations budget for fiscal 2014 is based upon the anticipation of the decrease in inmate population due to the success of the earned release policy (ERP), a progress report is requested. The department anticipates an additional 993 inmates released due to this program by mid-September. This report should provide the budget committees with an update on the number of inmates released due to the ERP, the anticipated number of inmates released for fiscal 2014 due to the ERP, the benefits of the ERP, any challenges to the ERP implementation, total cost savings, how community supervision has been impacted, and the impact of the ERP on the budget for fiscal 2014.

<b>Information Request</b>	<b>Author</b>	<b>Due Date</b>
Progress of the earned release policy	DPSCS	November 1, 2013

- 3. Add the following language to the general fund appropriation:

Provided that since the Central Region Finance Office has had four or more repeat findings in the most recent fiscal compliance audit issued by the Office of Legislative Audits, \$200,000 of this agency’s administrative appropriation may not be expended unless:

- 1. the Central Region Finance Office has taken corrective action with respect to all repeat audit findings on or before January 1, 2014; and
- 2. a report is submitted to the budget committees by the Office of Legislative Audits listing each repeat audit finding along with a determination that each repeat finding was corrected. The budget committees shall have 45 days to review and comment to allow for funds to be released prior to the end of fiscal 2014.

**Explanation:** The Joint Audit Committee has requested that budget bill language be added for each unit of State government that has four or more repeat audit findings in its most recent fiscal compliance audit. Each such agency is to have a portion of its administrative

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budget withheld pending the adoption of corrective action by the agency, and a determination by the Office of Legislative Audits (OLA) that each finding was corrected. OLA shall submit reports to the budget committees on the status of repeat findings.

	<b><u>Amount Reduction</u></b>	
4. Reduce funding for Housekeeping to reflect actual spending. The Secretary should allocate the reduction among all programs within Operations.	\$ 100,000	GF
5. Reduce funding for Other Contractual Services to reflect actual spending. The Secretary should allocate the reduction among all programs within Operations.	200,000	GF
6. Add the following language to the general fund appropriation:		

, provided that \$150,000 of this appropriation may not be expended until the Department of Public Safety and Correctional Services submits a federal award letter to the budget committees for the purpose of conducting a time study of the appropriate caseload standards for parole and probation agents.

Further provided that if a federal grant is not obtained by August 1, 2013, the department may submit a request to the budget committees to release the funds for the purpose of conducting a time study of the appropriate caseload standards for parole and probation agents. Funds not expended for this restricted purpose may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund.

Further provided that \$200,000 of this appropriation made for the purpose of general administration may not be expended until DPSCS Operations submits a report to the budget committees on the results from a time study to determine an appropriate general caseload standard for parole and probation agents. The report shall be submitted by June 15, 2014, and the budget committees shall have 45 days to review and comment. Funds restricted pending the receipt of a report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted to the budget committees.

**Explanation:** The department has stated the only way to evaluate and obtain a general caseload standard is to perform a time study. DPSCS has indicated the intent to apply for a grant resulting in a time study from the National Institute of Corrections. If the grant is not

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received, a time study should be performed by the department through an outside contractor. Once a time study is completed the department should submit a report to outline the results of the time study and provide appropriate caseload standards for a general caseload.

<b>Information Request</b>	<b>Author</b>	<b>Due Date</b>
Federal grant award or request to use general funds for the study	DPSCS	August 1, 2013
Evaluate time study to obtain a general caseload standard	DPSCS	June 15, 2014

7. Add the following language to the general fund appropriation:

. provided that \$150,000 of this appropriation made for the purpose of general administration may not be expended until DPSCS Operations submits a report to the budget committees on the number of treatment beds and the number of inmates requiring the service for each treatment option. The report shall be submitted by October 1, 2013, and the budget committees shall have 45 days to review and comment. Funds restricted pending the receipt of a report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted to the budget committees.

**Explanation:** The budget committees asked for a report in the 2012 *Joint Chairmen's Report* outlining programming needs of inmates as well as all program resources in order to compare and see where, if any, holes were in the service delivery in order to best serve the population. The report produced did not quite identify all needs or resources for the total population.

<b>Information Request</b>	<b>Author</b>	<b>Due Date</b>
Treatment programming needs and resources for the total population	DPSCS	October 1, 2013

	<b><u>Amount Reduction</u></b>	
8. Reduce funds for Office Supplies to reflect actual spending. The Secretary should allocate the reduction among all programs within Operations.	100,000	GF

<b>Total General Fund Reductions</b>	<b>\$ 400,000</b>
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## ***Updates***

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### **1. Treatment of Substance Abuse Among the Incarcerated Offender Population**

Narrative in the 2011 *Joint Chairmen's Report* requested DPSCS and the Alcohol and Drug Abuse Administration to report to the budget committees on the current utilization of non-opioid pharmacotherapies to treat alcohol dependence and to identify State and local funding for such therapies, estimate cost-effectiveness, and discuss plans to expand the use of such therapies especially in the inmate population. The subsequent report focused on the use of naltrexone, a non-opioid pharmacotherapy first approved for the treatment of alcoholism in 1994 and a new extended-release version of naltrexone, Vivitrol, approved in 2006. The report noted that studies have found Vivitrol to have some benefit in reducing drinking days and heavy drinking days, benefits individuals with opiate addiction, and to be cost-effective. However, Vivitrol also has a number of significant side effects, including hepatitis and adverse psychiatric reactions.

DPSCS developed a pilot study providing Vivitrol to pre-release inmates. In January 2013, updates were provided on the use of Vivitrol by both DPSCS and the Department of Health and Mental Hygiene (DHMH):

- DPSCS screened 195 individuals for participation in a pilot study. However, as reported in January 2013, of those individuals who agreed to participate in the pilot, only 13 individuals had been deemed eligible. DPSCS is currently seeking additional volunteers to bring participation in the study up to 30. All 13 individuals currently in the study have received their first Vivitrol injection. Of these, 10 have been released and are eligible for six months of continued Vivitrol treatment in the community. At this point, no outcome data (re-arrest rates within six months of release) is available. DLS would note that while the data will be interesting to review, the small sample size may make any conclusions of limited value.
- DHMH selected Baltimore Substance Abuse Systems (BSAS) to pilot a program to see if expanded coverage for Vivitrol should be recommended in the Medicaid and Primary Adult Care program. BSAS contracted with Mosaic to assist in the design of the pilot program and the program started treating patients in June 2012. Although a comprehensive set of outcome data is being reported, a summary of the first six months of the program was not yet available.

## ***Audit Findings***

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Audit Period for Last Audit:	July 1, 2010 – August 21, 2011
Issue Date:	August 2012
Number of Findings:	3
Number of Repeat Findings:	4
% of Repeat Findings:	100%
Rating: (if applicable)	n/a

### ***Central Region Finance Office***

***Finding 1:*** **Central Region Finance Office had not fully reconciled its inmate fund records with the corresponding records maintained by the Comptroller of Maryland.**

***Finding 2:*** Central Region Finance Office had not established procedures to ensure the timely disposition of accounts of former inmates.

***Finding 3:*** **Equipment records were not adequately maintained, and certain individuals had unnecessary access to adjust the records.**

Note: Both Finding 1 and 3 are comprised of two repeat findings that were merged in the most recent audit.

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

**Object/Fund Difference Report  
DPSCS – Operations**

<u>Object/Fund</u>	<u>FY 12 Actual</u>	<u>FY 13 Working Appropriation</u>	<u>FY 14 Allowance</u>	<u>FY 13 - FY 14 Amount Change</u>	<u>Percent Change</u>
<b>Positions</b>					
01 Regular	9,524.10	9,507.10	9,507.10	0.00	0%
02 Contractual	128.18	197.45	197.45	0.00	0%
<b>Total Positions</b>	<b>9,652.28</b>	<b>9,704.55</b>	<b>9,704.55</b>	<b>0.00</b>	<b>0%</b>
<b>Objects</b>					
01 Salaries and Wages	\$ 680,958,667	\$ 684,441,299	\$ 713,753,490	\$ 29,312,191	4.3%
02 Technical and Spec. Fees	3,935,198	4,251,049	4,681,659	430,610	10.1%
03 Communication	2,495,424	2,806,074	2,716,591	-89,483	-3.2%
04 Travel	304,092	289,971	304,421	14,450	5.0%
06 Fuel and Utilities	46,030,675	46,618,952	46,386,619	-232,333	-0.5%
07 Motor Vehicles	2,992,294	2,654,136	2,779,447	125,311	4.7%
08 Contractual Services	189,449,395	192,467,843	184,984,888	-7,482,955	-3.9%
09 Supplies and Materials	41,739,034	38,132,054	39,761,362	1,629,308	4.3%
10 Equipment – Replacement	856,598	185,715	221,257	35,542	19.1%
11 Equipment – Additional	718,812	1,169,664	22,050	-1,147,614	-98.1%
12 Grants, Subsidies, and Contributions	20,032,755	20,653,470	21,199,605	546,135	2.6%
13 Fixed Charges	4,564,320	4,790,754	5,145,494	354,740	7.4%
14 Land and Structures	23,225	0	545,000	545,000	N/A
<b>Total Objects</b>	<b>\$ 994,100,489</b>	<b>\$ 998,460,981</b>	<b>\$ 1,022,501,883</b>	<b>\$ 24,040,902</b>	<b>2.4%</b>
<b>Funds</b>					
01 General Fund	\$ 940,034,630	\$ 937,094,727	\$ 965,960,022	\$ 28,865,295	3.1%
03 Special Fund	26,507,245	30,917,664	28,715,465	-2,202,199	-7.1%
05 Federal Fund	23,527,064	25,191,993	23,888,608	-1,303,385	-5.2%
09 Reimbursable Fund	4,031,550	5,256,597	3,937,788	-1,318,809	-25.1%
<b>Total Funds</b>	<b>\$ 994,100,489</b>	<b>\$ 998,460,981</b>	<b>\$ 1,022,501,883</b>	<b>\$ 24,040,902</b>	<b>2.4%</b>

Note: The fiscal 2013 appropriation does not include deficiencies. The fiscal 2014 allowance does not include contingent reductions.

**Fiscal Summary  
DPSCS – Operations**

<u>Program/Unit</u>	<u>FY 12 Actual</u>	<u>FY 13 Wrk Approp</u>	<u>FY 14 Allowance</u>	<u>Change</u>	<u>FY 13 - FY 14 % Change</u>
01 General Administration	\$ 3,181,296	\$ 3,274,720	\$ 3,296,520	\$ 21,800	0.7%
02 Corrections – North Region Operations	340,526,532	340,845,288	348,297,871	7,452,583	2.2%
03 Community Supervision – North Region Operations	17,413,204	18,139,868	19,375,399	1,235,531	6.8%
01 General Administration	5,531,428	5,939,671	6,368,267	428,596	7.2%
02 Corrections – South Region Operations	296,362,409	294,064,475	298,064,511	4,000,036	1.4%
03 Community Supervision – South Region Operations	23,243,996	24,004,755	25,279,426	1,274,671	5.3%
01 General Administration	6,750,132	4,145,598	4,341,237	195,639	4.7%
02 Corrections – Central Region Operations	109,238,965	109,222,436	112,720,945	3,498,509	3.2%
03 Community Supervision – Central Region Operations	35,049,004	34,909,384	36,636,729	1,727,345	4.9%
04 Detention – Central Region Operations	156,803,523	163,914,786	168,120,978	4,206,192	2.6%
<b>Total Expenditures</b>	<b>\$ 994,100,489</b>	<b>\$ 998,460,981</b>	<b>\$ 1,022,501,883</b>	<b>\$ 24,040,902</b>	<b>2.4%</b>
General Fund	\$ 940,034,630	\$ 937,094,727	\$ 965,960,022	\$ 28,865,295	3.1%
Special Fund	26,507,245	30,917,664	28,715,465	-2,202,199	-7.1%
Federal Fund	23,527,064	25,191,993	23,888,608	-1,303,385	-5.2%
<b>Total Appropriations</b>	<b>\$ 990,068,939</b>	<b>\$ 993,204,384</b>	<b>\$ 1,018,564,095</b>	<b>\$ 25,359,711</b>	<b>2.6%</b>
Reimbursable Fund	\$ 4,031,550	\$ 5,256,597	\$ 3,937,788	-\$ 1,318,809	-25.1%
<b>Total Funds</b>	<b>\$ 994,100,489</b>	<b>\$ 998,460,981</b>	<b>\$ 1,022,501,883</b>	<b>\$ 24,040,902</b>	<b>2.4%</b>

Note: The fiscal 2013 appropriation does not include deficiencies. The fiscal 2014 allowance does not include contingent reductions.