

Q00N00
Maryland Commission on Correctional Standards
 Department of Public Safety and Correctional Services

Operating Budget Data

(\$ in Thousands)

	<u>FY 13</u> <u>Actual</u>	<u>FY 14</u> <u>Working</u>	<u>FY 15</u> <u>Allowance</u>	<u>FY 14-15</u> <u>Change</u>	<u>% Change</u> <u>Prior Year</u>
General Fund	\$574	\$547	\$583	\$36	6.7%
Contingent & Back of Bill Reductions	0	-8	-5	3	
Adjusted General Fund	\$574	\$539	\$579	\$40	7.4%
Special Fund	2	0	0	0	
Adjusted Special Fund	\$2	\$0	\$0	\$0	
Adjusted Grand Total	\$576	\$539	\$579	\$40	7.4%

- The fiscal 2015 allowance for the Maryland Commission on Correctional Standards (MCCS) increases by \$40,000, or 7.4%, compared to the fiscal 2014 working appropriation. Personnel expenses account for 100.0% of the growth.

Personnel Data

	<u>FY 13</u> <u>Actual</u>	<u>FY 14</u> <u>Working</u>	<u>FY 15</u> <u>Allowance</u>	<u>FY 14-15</u> <u>Change</u>
Regular Positions	4.00	4.00	4.00	0.00
Contractual FTEs	<u>3.47</u>	<u>3.68</u>	<u>3.68</u>	<u>0.00</u>
Total Personnel	7.47	7.68	7.68	0.00

Vacancy Data: Regular Positions

Turnover and Necessary Vacancies, Excluding New Positions	0.00	0.00%
Positions and Percentage Vacant as of 12/31/13	0.0	0.0%

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

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Analysis in Brief

Major Trends

Facility Audit Workload: The primary function of MCCA is to conduct audits of all adult correctional confinement facilities and private home detention monitoring agencies. In fiscal 2014, MCCA anticipates auditing 21 adult correctional facilities and 2 private home detention monitoring agencies. As a whole, facilities audited in fiscal 2013 performed worse than those audited in prior years, with only 96% of inmate well-being standards and 94% of inmate security standards met. Central Region (Baltimore City) facilities were not audited in fiscal 2013. When the Baltimore City Detention Center (BCDC) was audited in fiscal 2011, MCCA found that the facility was in compliance with 100% of inmate security standards and 98% of inmate well-being standards. This seems to be in opposition with operational deficiencies discovered in April 2013 that resulted in indictments for conspiring to run operations of the Black Guerilla Family gang inside BCDC and related facilities. **MCCA should discuss the types of compliance issues most commonly discovered at State correctional facilities. The agency should also comment on the effectiveness of its current audit process and standards, given that BCDC was in 100% compliance with MCCA security standards at the same time illegal activities were occurring within the facility.**

Issues

Role of the Commission: The role and function of MCCA was reviewed by the Special Joint Commission on Public Safety and Security in State and Local Correctional Facilities during the 2013 interim. The special joint commission raised concerns about whether existing MCCA standards were adequate, duplicative of the department's efforts to move toward the American Correctional Association (ACA) accreditation, and ineffective, given the extensive notice audited facilities received prior to being audited. Legislation has been introduced (SB 205/HB 176 of 2014) to require MCCA to report to the Governor and the General Assembly an outline of the results of the department's review of how MCCA and ACA standards can be better aligned to prevent the duplication of efforts and resources and a proposed implementation schedule for ACA accreditation at each correctional facility. **The Department of Legislative Services recommends adopting similar committee narrative to ensure that the information is shared with the budget committees and that the Department of Public Safety and Correctional Services provides the desired information, regardless of the outcome of the legislation.**

Recommended Actions

1. Adopt committee narrative requesting a report on an evaluation of the standards used by the Maryland Commission on Correctional Standards and the proposed implementation of the American Correctional Association accreditation at Department of Public Safety and Correctional Services facilities.

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Maryland Commission on Correctional Standards
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Operating Budget Analysis

Program Description

The Maryland Commission on Correctional Standards (MCCS) develops standards and enforces regulations addressing life, health, safety, and constitutional issues for the operation of Maryland's prisons, detention centers, and community correctional centers. Legislation enacted in 1998 requires that the commission also serve as a regulatory licensing authority for private home detention monitoring agencies.

Performance Analysis: Managing for Results

1. Facility Audit Workload

The primary goal of MCCS is good management. MCCS defines this goal as efficiently conducting timely and high-quality audits and compliance audits of all adult correctional confinement facilities and private home detention monitoring agencies. The commission successfully met its objectives to have all places of adult correctional confinement audited within a three-year audit cycle and all private home detention monitoring agencies audited within a two-year cycle. **Exhibit 1** shows the number of facilities audited annually since fiscal 2010.

Exhibit 1
Facilities Audited by the Maryland Commission on Correctional Standards
Fiscal 2010-2014 (Est.)

	<u>2010</u>	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>Est. 2014</u>
Total Adult Correctional Facilities	55	55	54	53	53
Adult Correctional Facilities Audited	14	23	18	14	21
Total Private Home Detention Monitoring Agencies	4	8	7	8	8
Private Home Detention Monitoring Agencies Audited	1	6	2	7	2
Compliance Plans to Be Implemented	13	8	17	13	10
Percent Implemented within Six Months of Approval	100%	100%	100%	85%	100%

Source: Governor's Budget Books, Fiscal 2015; Department of Public Safety and Correctional Services

When exceptions are noted during an initial audit, MCCS works with the audited facility to develop a compliance plan for correcting the identified deficiencies. MCCS has established six months as the targeted timeframe for having facilities successfully implement the commission-approved compliance plan. This goal was not met in fiscal 2013, when only 85%, or 11 out of 13 compliance plans, were completed. According to MCCS, this was due to inmate safety issues at the Metropolitan Transition Center (MTC) and the Maryland Reception, Diagnostic, and Classification Center (MRDCC) in Baltimore City and tool control issues at the Eastern Correctional Institution – Annex (ECI-A). MTC is under a 24-hour fire watch and will not achieve compliance until repairs are made to the fire alarm system. Funding is included in the fiscal 2015 allowance for these repairs. The fire alarm system at MRDCC was repaired and is operational but was not completed within the six-month timeframe. Tool control is currently compliant at ECI-A but was not at the time of the compliance audit, performed six months after the original audit.

Exhibit 2 shows, by region, the percentage of MCCS standards met by the facilities at the time of the initial audit. Inmate well-being standards include medical, dental, mental health, food service, and sanitation standards. As a whole, facilities performed worse in fiscal 2013 than in prior years. Audited facilities met 96% of inmate well-being standards in both fiscal 2012 and 2013; audit exceptions were identified at the Jessup Correctional Institution, the Maryland Correctional Institution for Women, and the Brockbridge Correctional Facility in fiscal 2013. Audited facilities achieved 94% compliance with inmate security standards in fiscal 2013. Deficiencies were identified in the audit for the North Branch Correctional Institution in Cumberland.

Exhibit 2
Percent of Applicable MCCS Standards Met During the Initial Audit
Fiscal 2011-2014 (Est.)

	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014 (Est.)</u>
Inmate Well-being	98%	96%	96%	100%
North	99%	94%	100%	100%
South	98%	97%	92%	100%
Central	97%	96%	n/a	100%
Inmate Security	98%	98%	94%	100%
North	97%	98%	88%	100%
South	98%	99%	100%	100%
Central	100%	97%	n/a	100%

MCCS: Maryland Commission on Correctional Standards

n/a: No audit conducted or scheduled.

Source: Governor's Budget Books, Fiscal 2015; Department of Public Safety and Correctional Services

Facilities in the Central Region (Baltimore City) were not audited in fiscal 2013. When the Baltimore City Detention Center (BCDC) was audited in fiscal 2011, MCCS found that the facility was in compliance with 100% of inmate security standards and 98% of inmate well-being standards. This seems to be in opposition with operational deficiencies discovered in April 2013, when 25 individuals, including inmates and 13 correctional officers employed by the department, were indicted for conspiring to run operations of the Black Guerilla Family gang inside BCDC and related facilities.

MCCS should discuss the types of compliance issues most commonly discovered at State correctional facilities. The agency should also comment on the effectiveness of its current audit process and standards, given that BCDC was in 100% compliance with MCCS security standards at the same time illegal activities were occurring within the facility.

Fiscal 2014 Actions

Cost Containment

There are three across-the-board withdrawn appropriations that offset the increase in deficiency appropriations. This includes reductions to employee/retiree health insurance, funding for a new Statewide Personnel information technology system, and retirement reinvestment. These actions are fully explained in the analyses of the Department of Budget and Management (DBM) – Personnel, the Department of Information Technology, and the State Retirement Agency (SRA), respectively.

Proposed Budget

As seen in **Exhibit 3**, the Governor's fiscal 2015 allowance for MCCS increases by \$40,000 over the fiscal 2014 working appropriation. The increase reflects growth in regular and contractual personnel expenses, primarily reflecting salary increases from cost-of-living adjustments and merit increases. Offsetting the increase in personnel expenses is a \$5,000 reduction in in-state travel expenses. This is budgeted based on prior year actual expenditures.

Exhibit 3
Proposed Budget
DPSCS – Maryland Commission on Correctional Standards
(\$ in Thousands)

How Much It Grows:	General Fund	Total
2014 Working Appropriation	\$539	\$539
2015 Allowance	<u>579</u>	<u>579</u>
Amount Change	\$40	\$40
Percent Change	7.4%	7.4%
 Where It Goes:		
Personnel Expenses		
Turnover and other adjustments		\$22
Contractual employment		13
Annualization of general salary increase and increments		11
Employee retirement system		3
Employee and retiree health insurance		-5
Other Changes		
Other		1
In-state travel budgeted based on prior year actual expenditures		-5
Total		\$40

Note: The fiscal 2014 working appropriation reflects negative deficiencies and contingent reductions. The fiscal 2015 allowance reflects back of the bill and contingent reductions. Numbers may not sum to total due to rounding.

Cost Containment

There is one across-the-board reduction and one contingent reduction reflected in the Governor's spending plan for the fiscal 2015 allowance. This affects funding for employee/retiree health insurance and retirement reinvestment. These actions are fully explained in the analyses of DBM – Personnel and SRA.

Issues

1. Role of the Commission

Chapter 688 of 2013 repealed a statutory provision that prohibited the use of State funds for pursuing American Correctional Association (ACA) accreditation. The Department of Public Safety and Correctional Services (DPSCS) has indicated its intent to pursue accreditation for all of its facilities. The role and function of MCCA was reviewed by the Special Joint Commission on Public Safety and Security in State and Local Correctional Facilities during the 2013 interim. The special joint commission raised concerns about whether existing MCCA standards were adequate, duplicative of the department's efforts to move toward ACA accreditation, and ineffective, given the extensive notice audited facilities received prior to being audited.

MCCA Role and Audit Process

MCCA was created in 1980 and currently functions to develop standards and enforce regulations for the operation of Maryland's prisons, detention centers, and community correctional centers and exercises regulatory and licensing authority over private home detention monitoring agencies. The 12-member commission includes the Attorney General, the Secretary of the Department of General Services, and the Secretary of DBM

With the advice of MCCA, the Secretary of DPSCS sets, by regulation, minimum mandatory standards applicable to security and inmate control, inmate safety, inmate food services, inmate housing and sanitation, inmate rights, classification, hearings, victim notification, and administrative recordkeeping. These minimum standards apply to all State and local correctional facilities. In addition, the Secretary of DPSCS, with the advice of MCCA, adopts regulations that establish approved standards applicable to personnel, training, administration, management, planning and coordination, research and evaluation, physical plant, special management inmates, rules and discipline, mail and visiting, reception and orientation, property control, work programs, educational and vocational training, library services, religious services, recreational activities, counseling, release preparation, and volunteers. These standards apply to all State facilities and may be adopted, in whole or in part, by a local correctional facility. All mandatory minimum standards and approved standards adopted must be consistent with State and federal law.

The audit process for MCCA is to notify the managing official of a facility about the pending audit 60 days prior to the audit. Any requested pre-audit materials should be received by MCCA 30 days prior to the audit. The audit is conducted onsite by MCCA staff or trained volunteers and includes a tour and an entrance interview with the facility's managing officials and staff. The audit results are reviewed within 5 working days of the audit; a draft report, inmate interviews, and any recommendations are forwarded to the audited facility for review. The final report is reviewed by the commission at its bi-monthly meeting. If additional follow-up is required, the audited facility is notified of a monitoring visit 30 days from the completion date of the six-month monitoring period. MCCA continues to monitor the facility until compliance is achieved. In the event of noncompliance,

the commission may conduct a hearing to determine whether certain facility operations or practices should be limited or discontinued, the facility closed, or other appropriate action taken.

Facilities are audited every three years. MCCA has 78 mandatory standards for adult correctional facilities, 79 mandatory standards for adult detention facilities, and 74 mandatory standards for adult community correctional facilities.

ACA Role and Audit Process

The ACA is a private, nonprofit organization that administers the only national accreditation program for all components of correctional operations. ACA's purpose is to address the management of correctional agencies through the use of a voluntary accreditation program and the ongoing development and revision of relevant standards. A visiting committee composed of two or more auditors conducts the ACA audit. To become accredited by ACA, the facility must achieve 100% of the mandatory standards and at least 90% of the nonmandatory standards. An ACA audit of an adult correctional institution applies 530 standards in its review, 61 mandatory standards and 469 nonmandatory standards. For adult detention facilities, ACA applies 386 standards, 61 mandatory and 325 nonmandatory. Following the audit, an accreditation hearing is conducted by a panel of three to five commissioners. After completing its review, the panel votes to award or deny accreditation. ACA accreditation is awarded for a period of three years.

Recommendation

DPSCS has indicated that it is in the process of reviewing commission standards to make recommendations as to how MCCA's standards can better align with ACA standards to prevent duplication of efforts. Legislation has been introduced (SB 205/HB 176 of 2014) to require MCCA to report to the Governor and the General Assembly an outline of the results of the department's review of how MCCA and ACA standards can be better aligned to prevent the duplication of efforts and resources and a proposed implementation schedule for ACA accreditation at each correctional facility.

The Department of Legislative Services recommends adopting similar committee narrative to ensure that the information is shared with the budget committees and that DPSCS provides the desired information, regardless of the outcome of the legislation.

Recommended Actions

1. Adopt the following narrative:

Evaluation of the Standards Used by the Maryland Commission on Correctional Standards and Movement toward the American Correctional Association Accreditation:

The budget committees request that the Department of Public Safety and Correctional Services, in line with recommendations from the Special Joint Commission on Public Safety and Security in State and Local Correctional Facilities, conduct a study on the following items:

- the extent to which correctional facilities in the State are in compliance with mandatory standards set by the Maryland Commission on Correctional Standards (MCCS);
- methods to prevent duplication of efforts and resources with facility evaluations conducted by MCCS and the American Correctional Association (ACA);
- methods to align standards at all correctional facilities, regardless of whether the facility is accredited by ACA; and
- the potential for altering the audit process to limit the advance notice given to facilities prior to conducting an initial audit.

The report should identify any regulations adopted by the department that amend the commission's standards in accordance with the results of the study. The submitted report should also provide the proposed implementation schedule for ACA accreditation at each correctional facility and an associated fiscal estimate for achieving accreditation. The report should be submitted to the budget committees no later than December 1, 2014.

Information Request	Author	Due Date
Evaluation of MCCS Standards	Department of Public Safety and Correctional Services	December 1, 2014

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

<u>Object/Fund</u>	<u>FY 13 Actual</u>	<u>FY 14 Working Appropriation</u>	<u>FY 15 Allowance</u>	<u>FY 14 - FY 15 Amount Change</u>	<u>Percent Change</u>
Positions					
01 Regular	4.00	4.00	4.00	0.00	0%
02 Contractual	3.47	3.68	3.68	0.00	0%
Total Positions	7.47	7.68	7.68	0.00	0%
Objects					
01 Salaries and Wages	\$ 377,901	\$ 370,750	\$ 397,830	\$ 27,080	7.3%
02 Technical and Spec. Fees	126,089	117,701	130,492	12,791	10.9%
03 Communication	2,501	2,520	2,600	80	3.2%
04 Travel	14,125	20,350	15,350	-5,000	-24.6%
06 Fuel and Utilities	3,069	3,200	3,225	25	0.8%
07 Motor Vehicles	21,070	1,070	940	-130	-12.1%
08 Contractual Services	4,215	4,400	4,900	500	11.4%
09 Supplies and Materials	3,717	2,500	3,300	800	32.0%
10 Equipment – Replacement	245	0	0	0	0.0%
13 Fixed Charges	22,854	24,363	24,603	240	1.0%
Total Objects	\$ 575,786	\$ 546,854	\$ 583,240	\$ 36,386	6.7%
Funds					
01 General Fund	\$ 574,093	\$ 546,854	\$ 583,240	\$ 36,386	6.7%
03 Special Fund	1,693	0	0	0	0.0%
Total Funds	\$ 575,786	\$ 546,854	\$ 583,240	\$ 36,386	6.7%

Note: The fiscal 2014 appropriation does not include deficiencies. The fiscal 2015 allowance does not include contingent reductions.