
Department of Public Safety and Correctional Services Fiscal 2016 Budget Overview

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

January 2015

Q00
Department of Public Safety and Correctional Services
Fiscal 2016 Budget Overview

Agency Description

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

Public Safety Caseload Trends

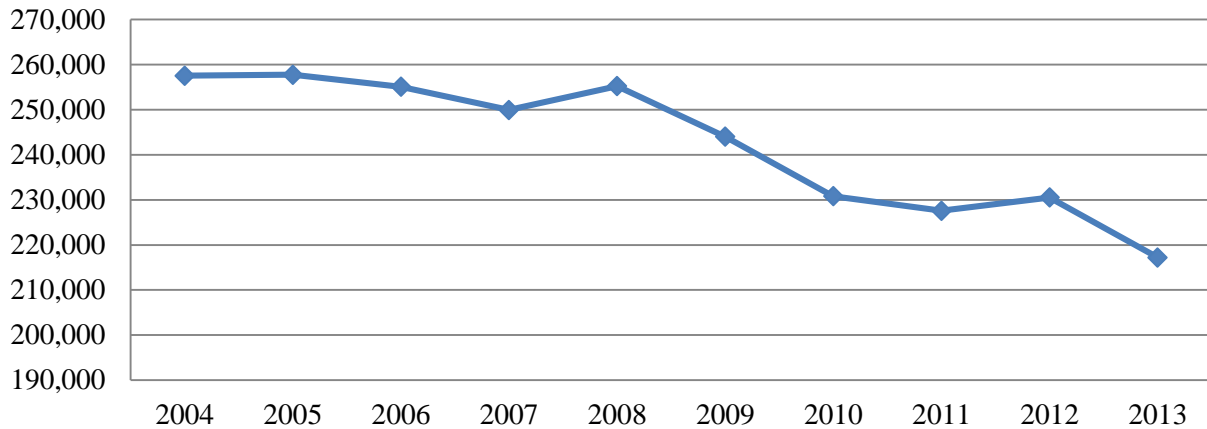
In the past decade, crime trends shifted downward, helping to stabilize Maryland's incarcerated offender population. Despite a slight increase in crime rates in calendar 2012, DPSCS has been able to maintain its reduced caseload through various policy changes and a focus on reentry services.

Statewide Arrests

Exhibit 1 provides statewide adult arrest data from calendar 2004 to 2013. Adult arrests account for 88.0% of arrests in Maryland. In calendar 2013, nearly 217,000 adults were arrested, a 5.8% decrease compared to calendar 2012. This decrease is in line with the downward trend for total adult arrests that began most recently in calendar 2008. Between calendar 2008 and 2013, statewide adult arrests declined by nearly 38,000, or 14.9%.

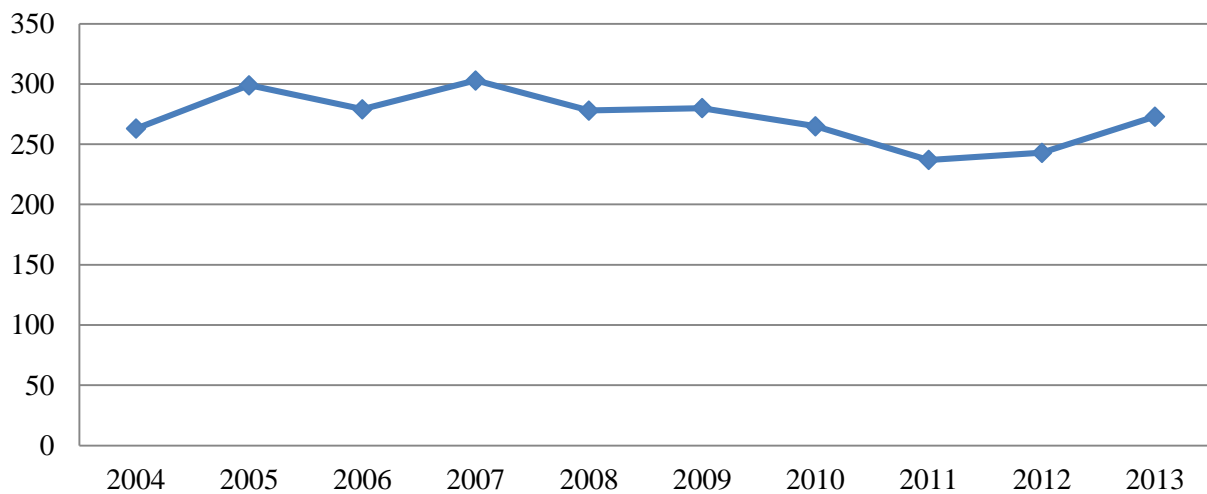
Exhibits 2 and 3 show statewide arrest data for murder/nonnegligent manslaughter and drug abuse law violations, respectively. Prior to calendar 2010, arrests for murder were largely on a downward trend since peaking at 374 in calendar 2002. Calendar 2012 saw the first uptick in the past six years, with 243 arrests for murder, and murder arrests increased again in calendar 2013 to 273, a 15.2% increase over the calendar 2011 low. Drug abuse law violations remained relatively stable in calendar 2013, with more than 45,000 arrests reported and a decrease of less than 1.0% under calendar 2012 arrests. This reflects an 8.2% increase compared to the most recent low of 41,627 arrests in calendar 2010. Arrests for drug abuse violations account for approximately 20.7% of all adult arrests in calendar 2013.

Exhibit 1
Statewide Adult Arrests
Calendar 2004-2013



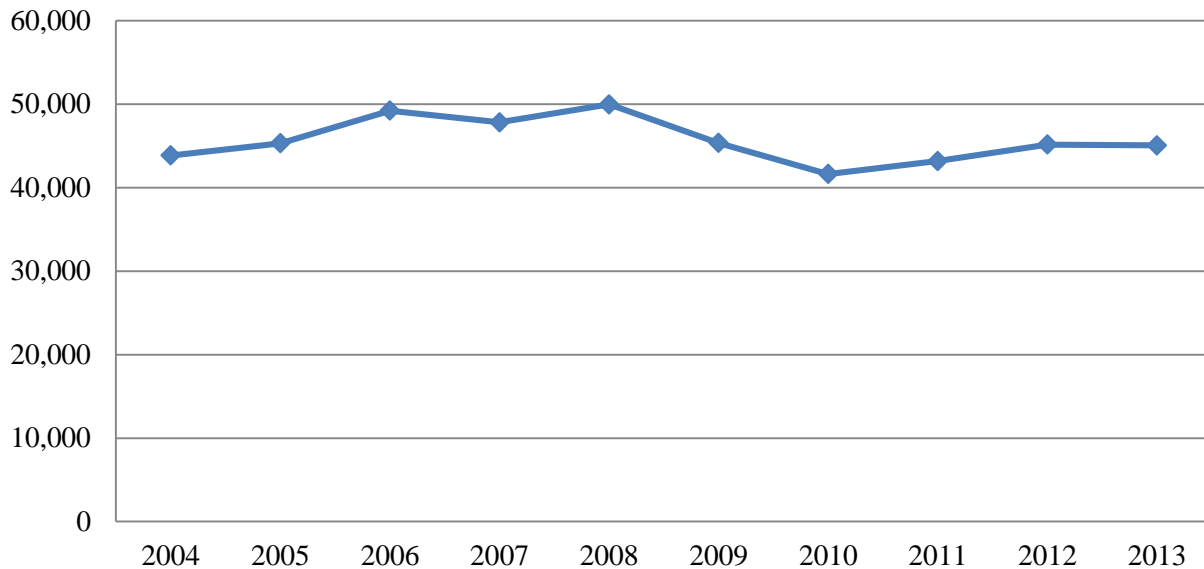
Source: Department of Legislative Services; *Uniform Crime Report*

Exhibit 2
Statewide Adult Murder/Nonnegligent Manslaughter Arrests
Calendar 2004-2013



Source: Department of Legislative Services; *Uniform Crime Report*

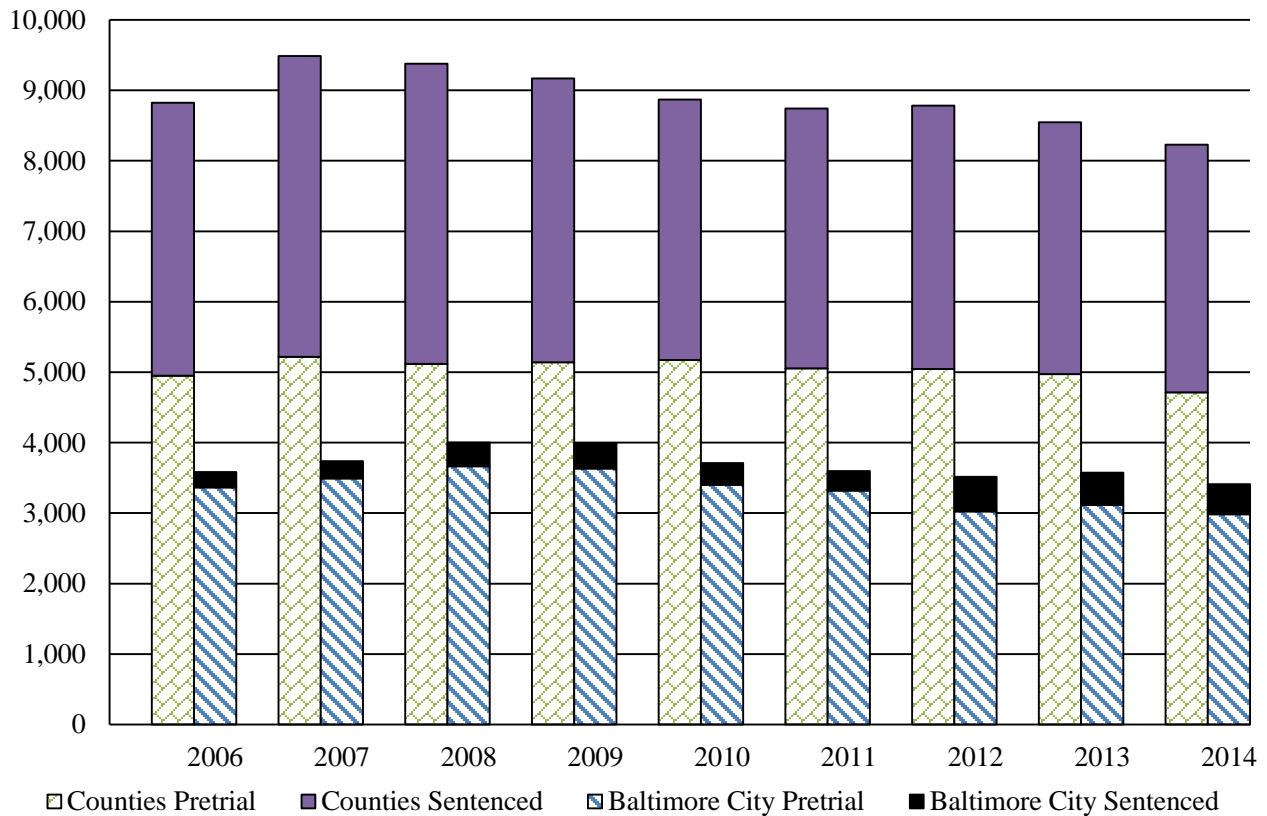
Exhibit 3
Statewide Drug Abuse Arrests
Calendar 2004-2013



Source: Department of Legislative Services; *Uniform Crime Report*

The impact of fewer arrests can be seen in **Exhibit 4**, which shows the average daily population (ADP) for offenders held in local jails and detention centers. This data includes offenders in the Baltimore City Detention Center population, for which the State took over operations in July 1991. Except in Baltimore City, offenders are held in local detention centers if they are detained while awaiting trial, or if they are sentenced to a term of 12 months or less. Offenders sentenced between 12 and 18 months can also be confined in local detention centers or sentenced to the State’s DPSCS Operations, at the judge’s discretion. In Baltimore City, pretrial offenders account for nearly 88.0% of the population held in the detention center. In comparison, pretrial detainees account for approximately 57.0% of the population in the county detention centers. Between fiscal 2013 and 2014, the average detention population in Baltimore City decreased by approximately 4.6%. The counties’ detention center ADP declined by 3.7% during the same time period. Since reaching the most recent high of nearly 9,400 pretrial and sentenced offenders in 2007, the local jail population has declined by approximately 13.3%, or more than 1,250 offenders.

Exhibit 4
Local Jail Average Daily Population
Fiscal 2006-2014

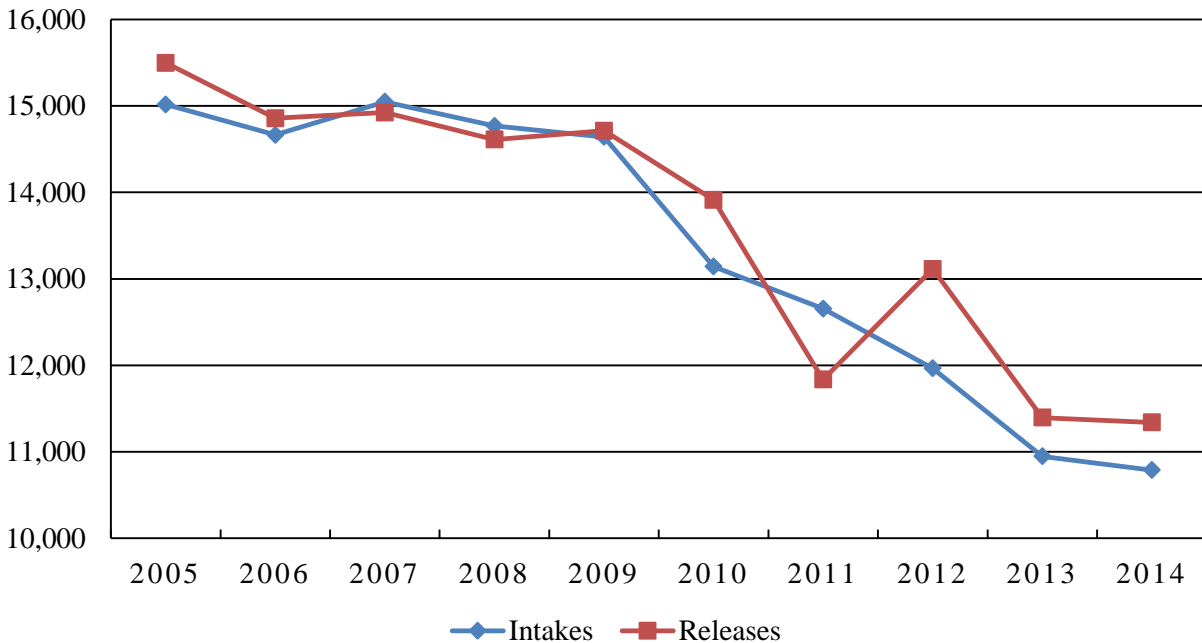


Source: Local Jail statistics furnished to the Department of Public Safety and Correctional Services by county detention centers.

State and Local Corrections Population

The number of arrests has a direct impact on the populations managed by DPSCS. **Exhibit 5** shows the number of offender intakes and releases from DPSCS Operations between fiscal 2005 and 2014. Intakes have been on a steep decline for the past seven years, falling from 15,048 offenders entering the system in fiscal 2007 to 10,788 entering in fiscal 2014. Releases initially fell at a similar pace but spiked in fiscal 2012 before resuming the downward trend in fiscal 2013 and remaining relatively stable in fiscal 2014. In fiscal 2014, the department released 11,339 offenders back into the community.

Exhibit 5
Department of Public Safety and Correctional Services
Intakes vs. Releases
Fiscal 2005-2014

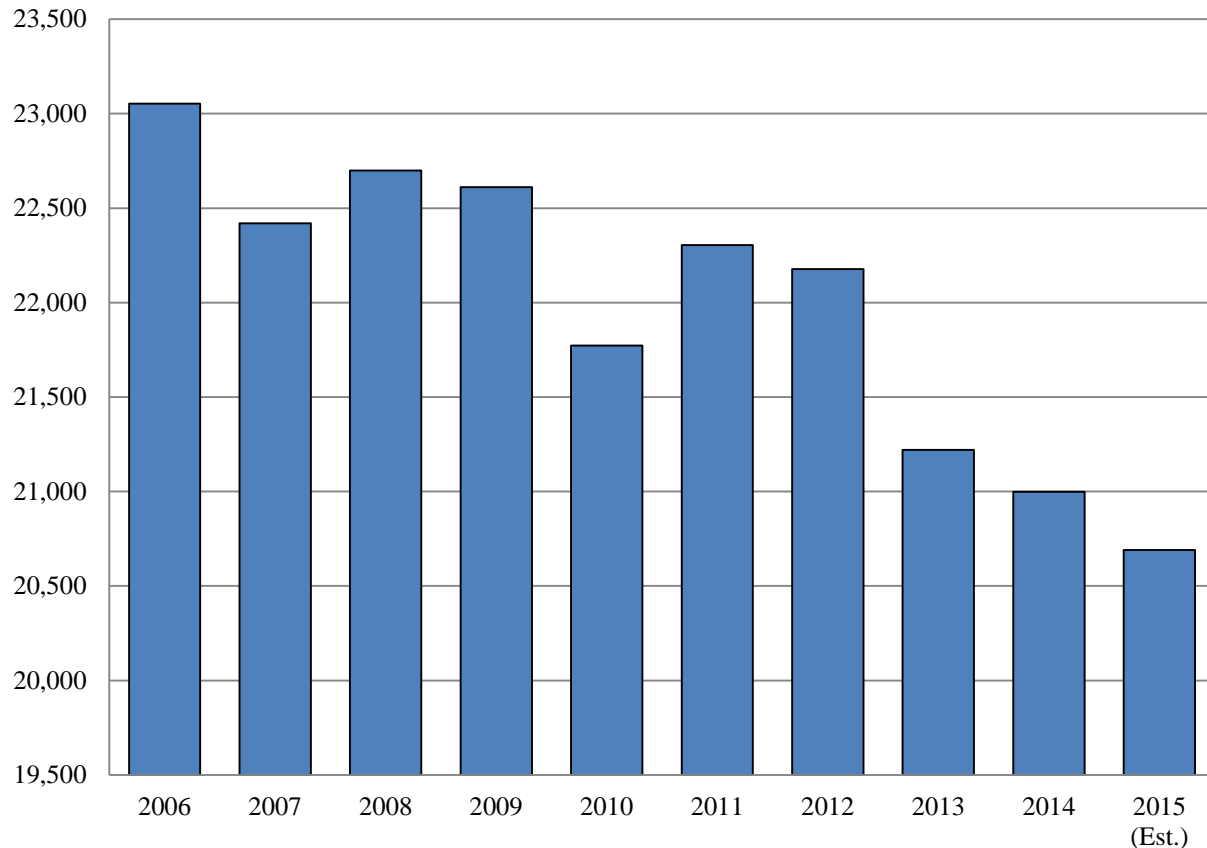


Source: Department of Public Safety and Correctional Services

When the number of offenders released annually exceeds the number of offenders brought into the DPSCS system, the prison population will decline or at least slow its rate of growth; when intakes exceed releases, the prison population will rise. On average, the department has released 420 more offenders per year than it has received over the past five years. Most notably, in fiscal 2012, releases exceeded intakes by 1,149 offenders. The spike in the number of releases can be attributed to the increase in parole hearings conducted: 13,929 hearings were held in fiscal 2012 compared to 11,723 in fiscal 2011. The number of parole hearings has since dropped back down to the pre-2012 level.

Exhibit 6 reflects the continued decline for the inmate population housed in State prison facilities. Fiscal 2003 saw the highest ADP numbers of the last 15 years, reaching 23,500 inmates. Over the next 10 years, the ADP embarked on an overall decline of 10.7% to its most recent low of 20,998 in fiscal 2014. DPSCS projects an inmate population of 20,691 housed in its correctional facilities in fiscal 2015.

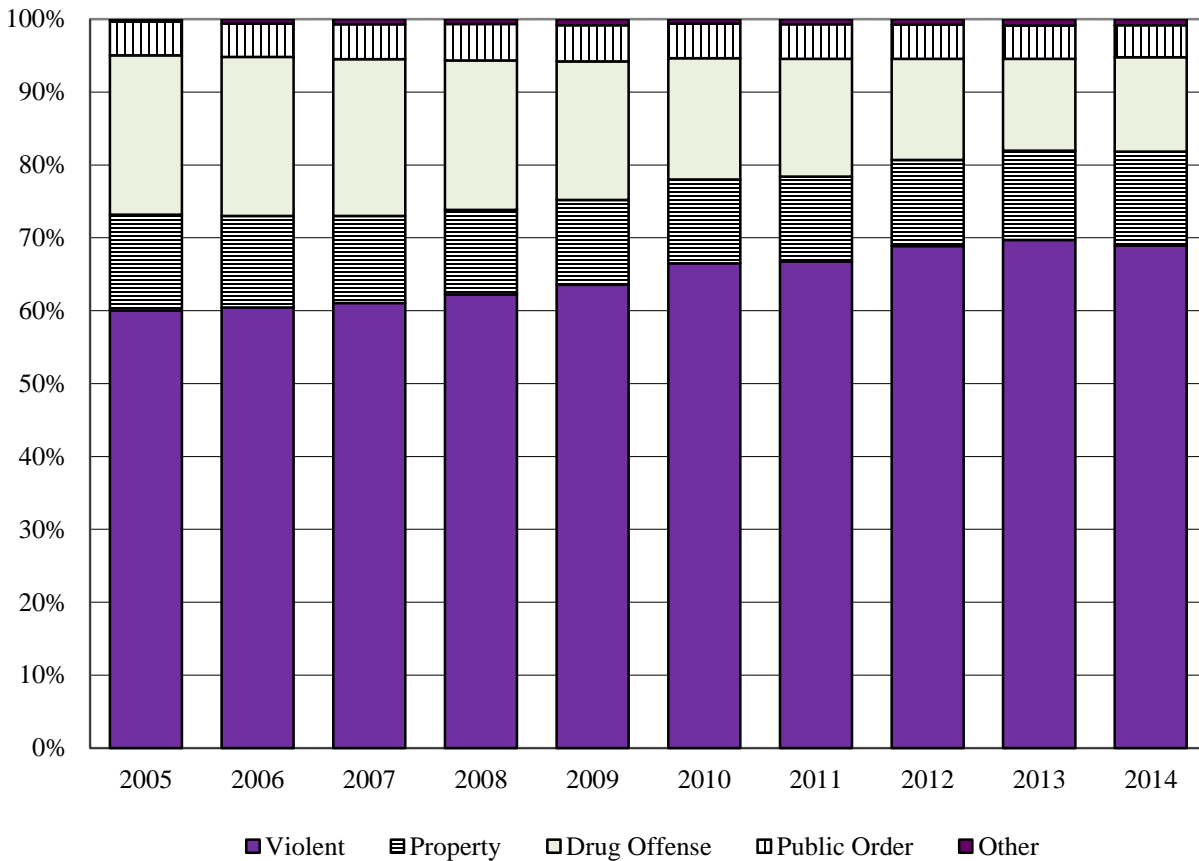
Exhibit 6
Department of Public Safety and Correctional Services
Average Daily Population – State Prison Facilities
Fiscal 2006-2015 (Est.)



Source: Department of Public Safety and Correctional Services

Concurrent with fluctuations in the total prison population, the offenses for which the prison population is incarcerated has shifted. **Exhibit 7** illustrates the various categories of offenses as a percentage of the total population of State inmates from fiscal 2005 through 2014. The percentage of the prison population incarcerated for violent offenses has consistently increased for more than a decade, rising 9.5 percentage points between fiscal 2004 and 2014, while the number of inmates incarcerated for drug offenses has declined by 10.0 percentage points since fiscal 2004. In fiscal 2014, nearly 70.0% of the standing population had a violent crime listed as the most serious offense. In comparison, offenders held for drug offenses accounted for approximately 12.9%. Offenders incarcerated for property-related offenses have remained relatively stable as a percentage of the total population during the same time period.

Exhibit 7
Department of Public Safety and Correctional Services
Most Serious Offense Distribution for Inmates Housed in Facilities
Fiscal 2005-2014

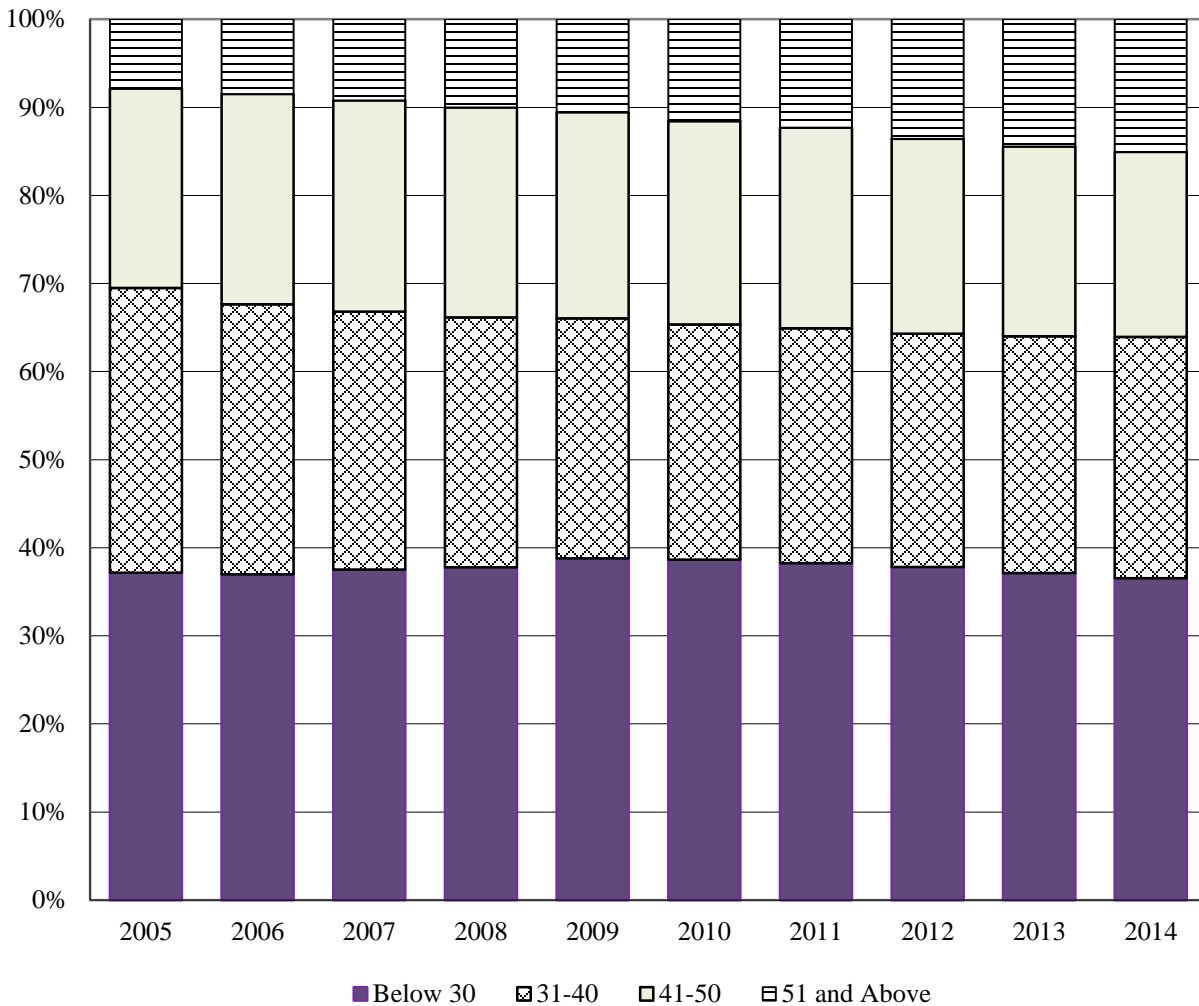


Source: Department of Public Safety and Correctional Services' *Inmate Characteristics Report*

As shown in **Exhibit 8**, the average age of the State prison population has gradually increased over the past 10 years. The percentage of inmates over the age of 40 has increased from 28.8% in fiscal 2004 to 36.1% in fiscal 2014. While this trend may not have serious implications for housing in the future, ultimately an older prison population will require more health care and other age-related services.

Exhibits 9 and 10 contain sex and race data for the inmate population. In fiscal 2014, 96.0% of the population was male and 4.0% was female. African Americans composed 70.9% of the inmate population, whites composed 27.8%, and all other races made up 1.4%.

Exhibit 8
Department of Public Safety and Correctional Services
Inmate Age Distribution
Fiscal 2005-2014



Source: Department of Public Safety and Correctional Services' *Inmate Characteristics Report*

Exhibit 9
Sex Data for the Inmate Population
Fiscal 2014

Male	21,200	95.7%
Female	942	4.3%

Source: Department of Public Safety and Correctional Services' *Inmate Characteristics Report*

Exhibit 10
Race Data for the Inmate Population
Fiscal 2014

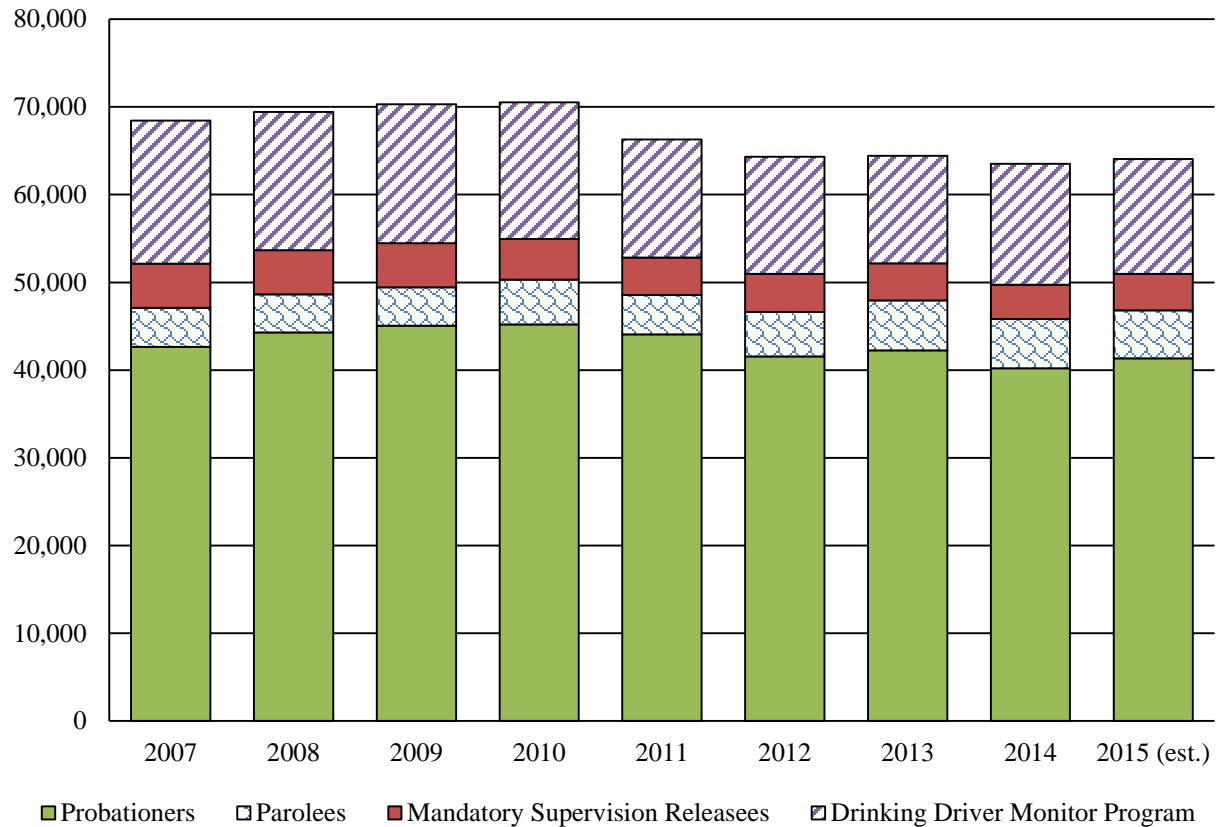
African American	15,693	70.9%
White	6,153	27.8%
Other	299	1.4%

Source: Department of Public Safety and Correctional Services' *Inmate Characteristics Report*

Community Supervision

Exhibit 11 shows the number of offenders with active cases under supervision from fiscal 2007 through 2015 by the following types of supervision: probation, parole, mandatory release, and Drinking Driver Monitor Program (DDMP). Probationers account for nearly two-thirds of the entire community supervision population, followed by DDMP participants (22.0%), parolees (9.0%), and mandatory supervision releases (6.0%). Between fiscal 2010 and 2014, the total number of offenders with active cases decreased by nearly 7,000, or 9.9%. Parole release cases were the only case type to increase during this period, growing by 10.7% over four years. The DDMP saw a decline of over 20.0% between fiscal 2010 and 2013 but experienced an increase of approximately 1,500 cases, or 12.7%, in fiscal 2014 over fiscal 2013. The total community supervision population decreased slightly between fiscal 2013 and 2014, with a caseload decline of approximately 1.4%, and is expected to remain relatively stable in fiscal 2015.

Exhibit 11
Department of Public Safety and Correctional Services
Offenders with Active Cases Under Supervision
Fiscal 2007-2015 (Est.)



Source: Department of Public Safety and Correctional Services

Fiscal 2015

Budget Overview

Deficiencies

There are six deficiency appropriations, which add a net \$12.8 million in general funds to the fiscal 2015 working appropriation. The deficiencies are listed in **Exhibit 12** and will be discussed in further detail in their respective agency analyses.

Exhibit 12
Department of Public Safety and Correctional Services Budget Overview
Fiscal 2015 Deficiency Appropriations

<u>Item</u>	<u>Funding</u>
Increased cost of contractual inmate medical services	\$6,500,000
Custodial employee overtime	3,000,000
Increased cost of raw food supplies	1,800,000
Increased cost of utilities	1,500,000
Additional special funds for vehicle replacements	400,000
Total Fiscal 2015 Deficiencies	\$13,200,000

Source: Department of Legislative Services; State Budget

Cost Containment

As shown in **Exhibit 13**, there are five general fund withdrawn appropriations and one 2% across-the-board general fund reduction that offset the increase in deficiency appropriations. The withdrawn appropriations include a \$100,000 reduction for information technology (IT) hosting and services contracts; a \$125,000 reduction for delayed purchasing of keyword recognition software; a \$356,579 reduction for delayed lease purchase of dietary equipment; and reductions for a statewide timekeeping system that is being replaced by a new statewide Personnel IT system totaling \$80,223. DPSCS' share of the 2% across-the-board general fund reduction is \$23.5 million, bringing the department's fiscal 2015 cost containment total to \$24.2 million. **DPSCS should comment on how it plans to allocate the fiscal 2015 2% general fund reduction, including any reductions that may affect implementation of safety and security enhancements such as expansion of cell phone access systems, repair and replacement of security cameras, American Correctional Association accreditation, and increased in-service training for correctional officers.**

Exhibit 13
Fiscal 2015 Reconciliation

<u>Action</u>	<u>Description</u>	<u>General Fund</u>	<u>Special Fund</u>	<u>Federal Fund</u>	<u>Reimb. Fund</u>	<u>Total</u>
Legislative Appropriation with Budget Amendments		\$1,176,960	\$141,006	\$27,426	\$6,977	\$1,352,369
July BPW	Reduce IT contract costs (\$100,000); eliminate funding for keyword recognition software (\$125,000); delay lease purchase of dietary equipment (\$356,579); DBM controlled items (\$80,223).	-662	0	0	0	-662
Working Appropriation		\$1,176,298	\$141,006	\$27,426	\$6,977	\$1,351,707
January BPW Across-the-board	2% across-the-board reduction.	-23,526	0	0	0	-23,526
Deficiency Appropriations	Additional general funds for overtime, inmate medical, food, and utilities costs, as well as special funds for vehicle replacements.	12,800	400	0	0	13,200
Total Actions Since January 2015		-\$10,726	\$400	\$0	\$0	-\$10,326
Adjusted Working Appropriation		\$1,165,572	\$141,406	\$27,426	\$6,977	\$1,341,381

BPW: Board of Public Works
 DBM: Department of Budget and Management
 IT: information technology

Source: Department of Legislative Services

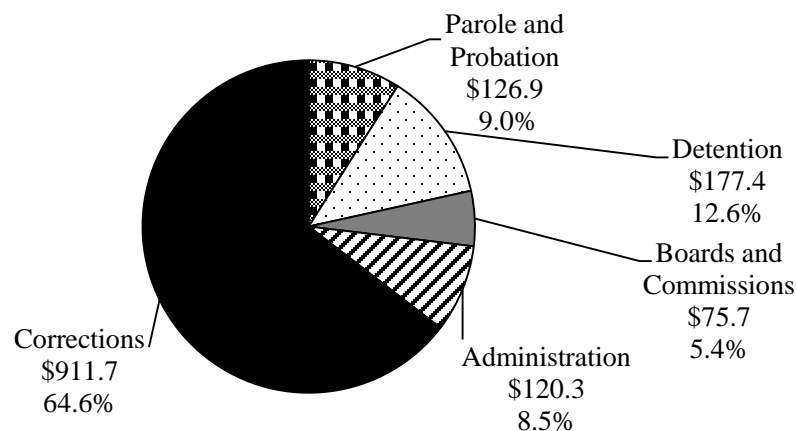
Fiscal 2016

The department's fiscal 2016 allowance totals nearly \$1.4 billion after adjusting for the fiscal 2016 2% across-the-board general fund reduction, and across-the-board reductions for the fiscal 2015 cost-of-living adjustment (COLA), and fiscal 2016 increment reductions. Approximately 87.0% of the department's allowance is general funds. In comparison to the fiscal 2015 working appropriation, accounting for the \$13.2 million in deficiencies and \$24.2 million in fiscal 2015 cost containment actions, the allowance reflects growth of 1.7%. Absent the fiscal 2015 and 2016 2% general fund reductions and the fiscal 2016 across-the-board COLA and increment adjustments, the department's fiscal 2016 allowance reflects growth of approximately \$46.0 million, or 3.4%.

Budget Overview

DPSCS can be categorized into five functional areas: administration, boards and commissions, detention, corrections, and parole and probation. As seen in **Exhibit 14**, the largest functional unit is the corrections function, responsible for the physical confinement and control of inmates incarcerated by Maryland's judicial system and includes the operation of 18 state prison facilities. The corrections function also includes the Maryland Correctional Enterprises (MCE), as well as the Security Operations Unit within the Office of the Deputy Secretary for Operations. The corrections function accounts for 65%, or \$911.7 million, of the department's nearly \$1.4 billion fiscal 2016 allowance.

Exhibit 14
Department of Public Safety and Correctional Services
Fiscal 2016 Allowance by Function
(\$ in Millions)



Note: Allowance not adjusted for contingent and back of the bill reductions.

Source: Department of Legislative Services; State Budget

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The next largest functional area is the detention function, which is responsible for everyone arrested in Baltimore City or arrested on a warrant from Baltimore City. It includes the Baltimore Central Booking and Intake Center, the Baltimore City Detention Center (BCDC), and the federal Chesapeake Detention Facility. Operation of these detention facilities accounts for 13%, or 177.4 million, of the department's allowance in fiscal 2016.

The parole and probation function includes the Maryland Parole Commission, the Pretrial Release Services Program, the Central Home Detention Unit, the Warrant Apprehension Unit, and the regional units responsible for supervising offenders under criminal supervision via probation or parole, and individuals assigned to DDMP. The parole and probation function's fiscal 2016 allowance is \$126.9 million, or 9%, of the total DPSCS allowance.

The administrative function also accounts for nearly 9% of the department's fiscal 2016 allowance and is composed of most of the units within the Office of the Secretary, including the Internal Investigative Unit, General Administration, Capital and Facilities Management, and the IT and Communications Division. The administration function also includes units within the Office of the Deputy Secretary for Operations, as well as General Administration units for each region. The administrative units coordinate and support the activities of the other functions. The administrative function's fiscal 2016 allowance is \$120.3 million.

The final functional area is the boards and commissions function, which includes the Criminal Injuries Compensation Board (CICB), the Inmate Grievance Office, the Emergency Number Systems Board (ENSB), the Maryland Commission on Correctional Standards (MCCS), and the Police and Correctional Training Commissions (PCTC). Each of these agencies, except for PCTC and MCCS, receives the majority of its operating revenue from special funds. CICB provides the administrative support to victims who wish to be compensated for injuries and damages sustained as a result of criminal activity. ENSB develops policy and provides financial support for the State's 9-1-1 emergency system. MCCS develops and audits compliance with the standards for all public and private correctional and detention facilities in the State. PCTC develops the training standards for all law enforcement and correctional officers in the State. The boards and commissions' functional area aggregate fiscal 2016 allowance is approximately \$75.7 million, or 5%, of DPSCS' total allowance.

Exhibit 15 provides an overview of the fiscal 2016 allowance by agency compared to the fiscal 2015 working appropriation. The most significant dollar increases occur in DPSCS administration and operations, although the actual percentage growth is minimal. DPSCS administration and operations grow by \$5.9 and \$17.9 million, respectively, which reflects growth of 2.2% and 1.7%, in comparison to fiscal 2015 spending.

Exhibit 15
Department of Public Safety and Correctional Services Budget Overview
Total Funds by Program
(\$ in Thousands)
Fiscal 2015-2016

	Working Approp. 2015	Deficiencies 2015	Withdrawn Approp. and Across-the- board Actions 2015	Revised Working Approp. 2015	Allowance 2016	Across-the- board Actions 2016	Revised Allowance 2016	\$ Change 2015-16	% Change 2015-16
Operating Programs									
DPSCS Administration	\$273,704,582	\$400,000	-\$661,802	\$273,442,780	\$282,462,315	-\$3,134,704	\$279,327,611	\$5,884,831	2.2%
Parole Commission	6,027,545		0	\$6,027,545	6,191,863	-\$163,800	\$6,028,063	\$518	0.0%
Inmate Grievance Office	1,001,779		0	\$1,001,779	1,091,309	-\$14,582	\$1,076,727	\$74,948	7.5%
Police/Correctional Training Commissions	9,210,251		0	\$9,210,251	9,452,332	-\$180,884	\$9,271,448	\$61,197	0.7%
Criminal Injuries Compensation Board	5,039,612		0	\$5,039,612	5,212,032	-\$20,564	\$5,191,468	\$151,856	3.0%
Maryland Commission on Correctional Standards	579,234		0	\$579,234	536,728	-\$11,428	\$525,300	-\$53,934	-9.3%
DPSCS Operations	1,056,805,739	12,800,000	0	\$1,069,605,739	1,106,977,825	-\$19,444,685	\$1,087,533,140	\$17,927,401	1.7%
DPSCS Departmentwide Adjustments			-23,525,957	-\$23,525,957		-24,378,000	-\$24,378,000	-\$852,043	
Total	\$1,352,368,742	\$13,200,000	-\$24,187,759	\$1,341,380,983	\$1,411,924,404	-\$47,348,646	\$1,364,575,758	\$23,194,775	1.7%
Funds									
General Fund	\$1,176,959,693	\$12,800,000	-\$24,187,759	\$1,165,571,934	\$1,232,457,208	-\$46,059,868	\$1,186,397,340	\$20,825,406	1.8%
Special Fund	141,005,857	400,000	0	\$141,405,857	144,254,190	-848,150	\$143,406,040	\$2,000,183	1.4%
Federal Fund	27,426,198		0	\$27,426,198	29,177,043	-440,628	\$28,736,415	\$1,310,217	4.8%
Reimbursable Fund	6,976,994		0	\$6,976,994	6,035,963	0	\$6,035,963	-\$941,031	-13.5%
Total	\$1,352,368,742	\$13,200,000	-\$24,187,759	\$1,341,380,983	\$1,411,924,404	-\$47,348,646	\$1,364,575,758	\$23,194,775	1.7%

Note: Fiscal 2015 across-the-board reductions are made to general fund spending. Fiscal 2016 across-the-board reductions are made to general fund spending and personnel costs.

Source: Department of Public Safety and Correctional Services, Governor's Budget Books, Fiscal 2016

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The total general fund appropriation for the department reflects growth of \$20.8 million, or 1.8%. Absent the deficiency appropriations and across-the-board reductions, general fund growth is 4.8%. Given that more than four-fifths of the department's operations are funded via general funds, this reflects minimal growth in fiscal 2016 and suggests likelihood for underfunding in the Governor's allowance.

The department's special fund appropriation increases by 1.4%, or \$2.0 million. This increase is largely driven by personnel and miscellaneous spending increases within the MCE, which is a self-sustaining agency.

The \$1.3 million (4.8%) increase in federal funds is primarily driven by additional federal revenue for the operation of the Chesapeake Detention Facility in Baltimore City. This facility houses federal detainees awaiting trial in Maryland and is operated by the State on behalf of the federal government.

Exhibit 16 provides additional detail on how the department's operating expenses in the fiscal 2016 allowance increase by \$23.2 million, when adjusted for the fiscal 2015 deficiency appropriations, and withdrawn appropriations, and fiscal 2016 contingent and back of the bill reductions.

Exhibit 16 Proposed Budget Department of Public Safety and Correctional Services Budget Overview Fiscal 2016 (\$ in Thousands)

Where It Goes:

Personnel Expenses

Abolished positions	-432
Increments and general salary increase annualization (prior to cost containment)	11,225
Section 20: abolition of prior year 2% general salary increase	-12,830
Section 21: abolition of employee increments.....	-10,141
Employee overtime.....	-380
Employee and retiree health insurance	27,777
Employee retirement system.....	8,343
Workers' compensation premium assessment.....	1,717
Social Security contributions.....	556
Reclassification.....	284
Turnover	396
Other fringe benefit adjustments	22

Cost Allocations

Statewide personnel system allocation	-1,403
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Where It Goes:

Statewide enterprise budget system allocation	1,445
Department of Budget and Management paid telecommunications	348

Other Changes

Inmate medical expenses	3,527
Maryland Correctional Enterprises building repairs and improvements	700
Inmate food purchases	600
Security camera replacements and upgrades	500
Maryland Correctional Enterprises equipment purchases	405
Vehicle purchases	400
Utilities	-406
Contractual food services	-670
Section 19: difference in 2% across-the-board reduction	-852
Contractual full-time equivalent positions.....	-1,577
Cell phone managed access systems implemented at BCBIC & MRDCC	-7,180
Other	821

Total **\$23,195**

BCBIC: Baltimore Central Booking and Intake Center

MRDCC: Maryland Reception Diagnostic and Classification Center

Note: The fiscal 2015 working appropriation reflects deficiencies and the Board of Public Works reductions to the extent that they can be identified by program. The fiscal 2016 allowance reflects back of the bill and contingent reductions to the extent that they can be identified by program.

Personnel expenses increase by a net \$26.5 million. Employee and retiree health insurance accounts for most of the increase, at \$27.7 million, followed by the employee retirement system at \$8.3 million. These increases are partially offset by abolished positions and a decrease of \$11.8 million for increments and other compensation. Employee overtime decreases slightly in the allowance, when accounting for the \$3.0 million fiscal 2015 deficiency. Three vacant positions for the Drinking Driver Monitor program are abolished in the allowance, accounting for a decrease of \$432,000.

The department's fiscal 2015 appropriation includes nearly \$7.2 million in general funds to implement cell phone managed access systems at the Baltimore Central Booking and Intake Center (BCBIC) and the Maryland Reception, Diagnostic, and Classification Center (MRDCC). Although the department had plans to expand implementation of managed cell phone access systems, which are already in place at the Metropolitan Transition Center and the BCDC, the fiscal 2016 allowance does not include funding for new systems. The department has not yet awarded a contract for the managed access systems at BCBIC or MRDCC.

Also concerning funding for security upgrades is an additional \$500,000 in the Governor's fiscal 2016 allowance for the department's security camera replacement fund. The fund began in

fiscal 2015 with \$788,000. Currently, the department has security camera projects underway at eight facilities with fiscal 2015 operating and capital appropriations, but reports that the additional funding in fiscal 2016 will allow the department to maintain a higher level of camera repair and replacement.

The department's fiscal 2016 allowance does not include funding for new positions or operating expenses for Dorsey Run Correctional Facility Phase II, which is scheduled to open at the end of fiscal 2016. One option that has been identified is to shift most funding and positions, as well as inmates, from Brockbridge Correctional Facility to Dorsey Run Correctional Facility when Phase II opens. However, a portion of correctional officers and inmates will need to remain at the Brockbridge Correctional Facility in order to manage the regional kitchen and warehouse upon which other nearby facilities rely.

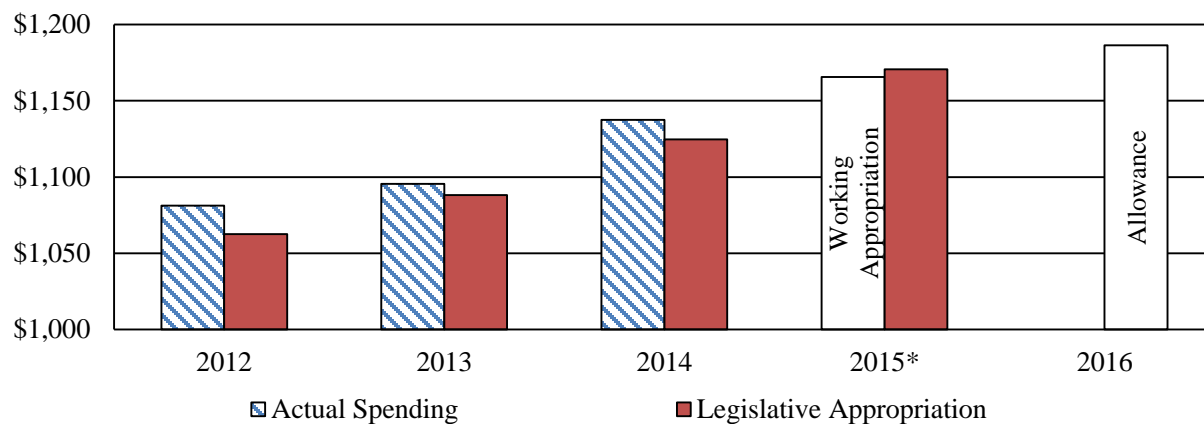
Also, the allowance does not include funding for 100 new correctional officers, as the legislature requested in fiscal 2015 budget bill language. However, the provision of the new correctional officers in the allowance would have been inconsistent with the more recent recommendation of the Spending Affordability Committee that, given the State's fiscal condition, the State should not create additional positions.

Underfunding Concerns

Exhibit 17 compares the department's actual general fund expenditures versus the legislative appropriation for the past five fiscal years. On average, general funds account for 85% of the department's budget. General fund deficiencies were provided in each of the past four fiscal years, with the gap between the legislative appropriation and actual expenditures, and therefore the size of the deficiency, generally growing. Although the allowance includes a \$12.8 million general fund deficiency, the department's working appropriation is below the legislative appropriation for the first time in at least the past four years. This is the result of the 2% across-the-board reduction for general funds, the department's share of which is \$23.5 million – nearly twice as large as the deficiency. Absent the 2% general fund reduction, the department's fiscal 2015 working appropriation is \$18.5 million over the legislative appropriation.

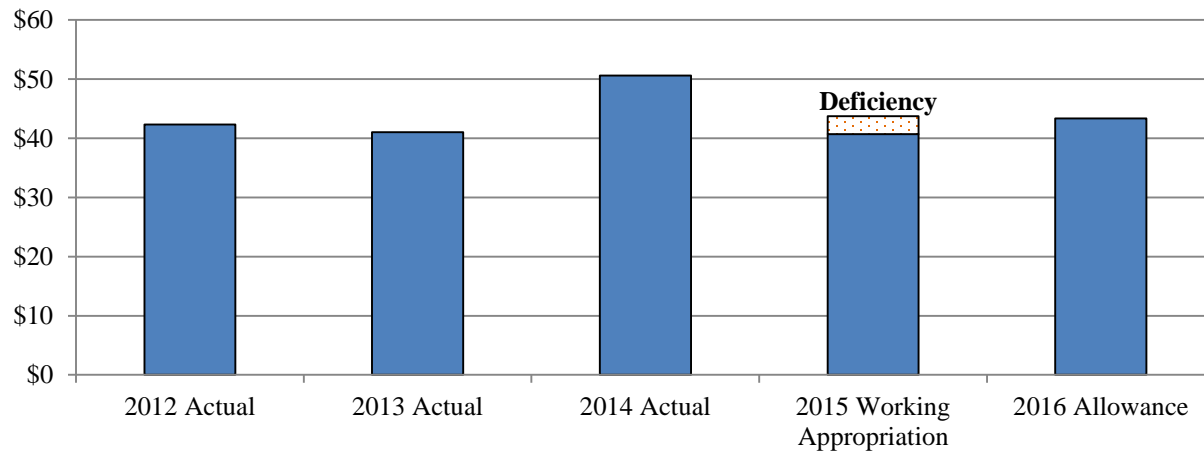
One habitual area of underfunding within the department's budget is employee overtime. **Exhibit 18** shows DPSCS employee overtime spending from fiscal 2012 through the fiscal 2016 allowance. Overtime expenses totaled \$41.0 million in fiscal 2013, the lowest it has been in the past four years. Although overtime decreased slightly between fiscal 2012 and 2013 by \$1.3 million, or 3.1%, the \$9.0 million deficiency in fiscal 2014 demonstrated that the reduction was unsustainable. With the fiscal 2015 deficiency, the fiscal 2015 overtime budget reflects a decline of 13.6%, or \$6.9 million. This is surprising given that the January 2014 COLA would likely increase overtime spending.

Exhibit 17
Department of Public Safety and Correctional Services
Five-year Underfunding Trend
Fiscal 2011-2015
(\$ in Millions)



Source: Department of Legislative Services; Department of Budget and Management

Exhibit 18
Department of Public Safety and Correctional Services
Employee Overtime
Fiscal 2012-2016
(\$ in Millions)



Source: Department of Public Safety and Correctional Services

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The department currently has a high vacancy rate, which likely will increase the number of special assignment posts required, which are fully funded through the use of overtime. There is additionally an increased need for overtime in order to implement the phased-in increase in in-service training for correctional officers. Approximately \$637,000 of the fiscal 2015 appropriation is provided to begin a multi-year plan to increase in-service training for correctional officers from 18 to 40 hours annually. The department began implementation with six facilities in fiscal 2014, and the fiscal 2015 allowance provides for six additional facilities to increase training. It is anticipated that by the end of fiscal 2017 all facilities will be receiving 40 hours of in-service training annually.

It is possible that some overtime savings could be achieved with the 100 new correctional officer positions provided in the fiscal 2015 appropriation because additional filled positions will reduce the number of special assignment posts required. However, with a 40% turnover rate and the time needed to train the new officers, any impact to overtime in fiscal 2015 will not be realized until the end of the fiscal year and, therefore, is likely to be minimal. In the DPSCS fiscal projection for adding 377 additional positions, at the rate of 100 positions per year, the department estimated annual overtime savings of \$4.8 million beginning in fiscal 2016. As such, it likely that fiscal 2015 overtime spending will be higher than the current working appropriation. The fiscal 2016 allowance does not provide for any growth in overtime expenses and remains relatively stable with a decrease of \$380,000.

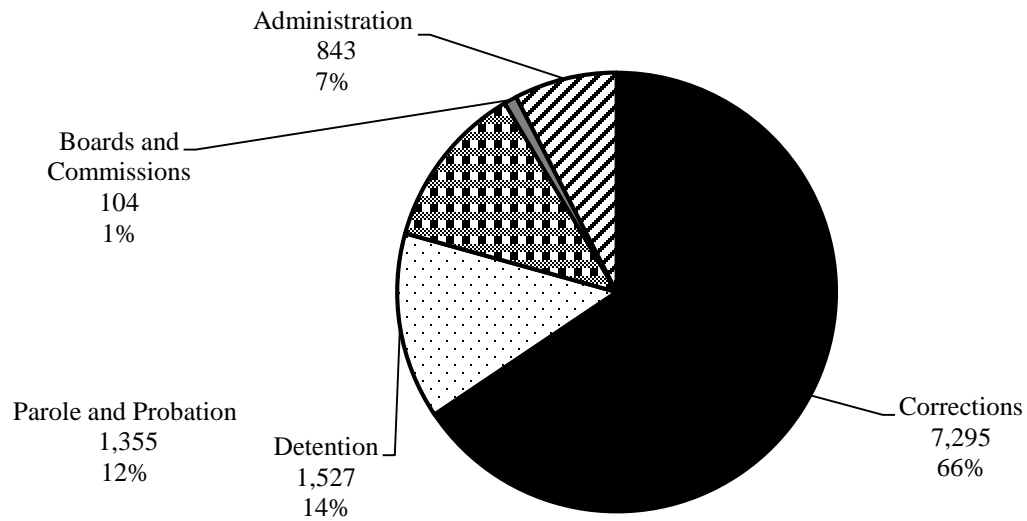
Staffing Overview

Exhibit 19 illustrates the department's fiscal 2016 regular position complement delineated into each of the five functional areas. Since the delivery of correctional services is very staff intensive, the position complement closely mirrors departmental spending. The corrections function accounts for 66% of all DPSCS personnel with 7,295 regular positions. The detention function has 14% of the department's employees. The parole and probation function has 12% of all employees, despite accounting for only 9% of the fiscal 2016 allowance. Personnel in the department's administrative units make up 7% of the position complement, with nearly 850 positions. The boards and commissions function requires only 1% of the department's personnel but 5% of its budget.

Exhibit 20 provides additional detail on both the regular position and contractual full-time equivalent (FTE) complement by agency, providing the net impact of position changes in fiscal 2015 and 2016. As a whole, DPSCS maintained level staffing for regular positions from the fiscal 2015 legislative to the working appropriation. Within the department, however, 6 positions were transferred from the operations unit to administration. The correctional supply officer positions were no longer needed in DPSCS Operations due to the commissary privatization and were reassigned to assist with departmental inventory control in DPSCS Administration. In the fiscal 2016 allowance, the department is reduced by 3 vacant positions in the DDMP.

The entire department's contractual FTE complement increases in fiscal 2015 by a net 4.84 FTEs. 4.53 Additional contractual FTEs were added in DPSCS Administration. In the fiscal 2016 allowance, 1.54 FTEs are lost, across DPSCS Administration and Operations.

Exhibit 19
Department of Public Safety and Correctional Services
Regular Position Complement by Function
Fiscal 2016



Source: Department of Legislative Services; State Budget

Exhibit 20
Department of Public Safety and Correctional Services Budget Overview
Fiscal 2015-2016

	Leg Approp. <u>2015</u>	Wrkg. Approp. <u>2015</u>	Change Leg. Wrkg. <u>2015</u>	Allowance <u>2016</u>	Change <u>2015-16</u>	% Change <u>2015-16</u>
Regular Positions by Program						
Operating Programs						
DPSCS Administration	1,392.5	1,398.5	6.0	1,398.5	0.0	0.0%
Parole Commission	76.0	76.0	0.0	76.0	0.0	0.0%
Inmate Grievance Office	7.0	7.0	0.0	7.0	0.0	0.0%
Police/Correctional Training Commissions	76.8	76.8	0.0	76.8	0.0	0.0%
Criminal Injuries Compensation Board	12.0	12.0	0.0	12.0	0.0	0.0%
Maryland Commission on Correctional Standards	4.0	4.0	0.0	4.0	0.0	0.0%
DPSCS Operations	9,558.1	9,552.1	-6.0	9,549.1	-3.0	0.0%
Total	11,126.4	11,126.4	0.0	11,123.4	-3.0	0.0%
Contractual Full-time Equivalents by Program						
Operating Programs						
DPSCS Administration	158.88	163.41	4.53	162.82	-0.59	-0.4%
Parole Commission	3.65	3.66	0.01	3.66	0.00	0.0%
Inmate Grievance Office	0.75	0.75	0.00	0.75	0.00	0.0%
Police/Correctional Training Commissions	27.16	26.93	-0.23	26.93	0.00	0.0%
Criminal Injuries Compensation Board	4.26	4.50	0.24	4.50	0.00	0.0%
Maryland Commission on Correctional Standards	3.68	3.68	0.00	3.68	0.00	0.0%
DPSCS Operations	196.35	196.64	0.29	195.69	-0.95	-0.5%
Total	394.73	399.57	4.84	398.03	-1.54	-0.4%

DPSCS: Department of Public Safety and Correctional Services

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

Issues

1. Special Joint Commission on Public Safety and Security in State and Local Correctional Facilities

In response to the April 2013 gang related corruption charges for inmates and correctional officers at the BCDC and related facilities, the Presiding Officers created the Special Joint Commission on Public Safety and Security in State and Local Correctional Facilities to conduct an in-depth study and critical review of the laws, regulations, policies, and practices affecting safety and security at all State prisons and local jails during the 2013 interim. The commission's December 2013 final report identified eight major areas of concern and 18 related recommended actions to address those concerns.

Legislation passed during the 2014 legislative session addressed recommended statutory changes, including increased penalties for possession or delivery of cell phones within a correctional facility and emergency suspension without pay for correctional officers charged with specified contraband violations. The department has also received a total of \$23 million for enhanced security programs and staffing recommended by the commission, including expansion of cell phone managed access systems and increased in-service training for correctional officers. Additionally, the Governor's five-year *Capital Improvement Plan* includes \$2.7 million in fiscal 2020 to begin replacement of the Men's Detention Center.

As required in fiscal 2015 budget bill language, the department submitted a report in November 2014 providing information on 6 remaining recommendations that had not yet been acted upon. However, the November 2014 report failed to address provisions of the budget bill language, and only half of the \$600,000 withheld appropriation was released for use by DPSCS. Since then, the department has submitted additional information addressing the remaining recommendations of the Joint Commission.

Development of a Risk Assessment Tool for Offenders at BCDC

The department has not developed a formal risk assessment tool to determine whether BCDC is an appropriate place of confinement and does not plan to. Although the department has been able to transfer detainees from BCDC to prison facilities for temporary housing under special circumstances, there is no standard procedure for determining whether an individual should be removed. The department cites transportation issues due to pending trials and controversy over housing pretrial detainees with convicted offenders as reasons a risk assessment tool cannot be developed. In situations where an individual at BCDC is deemed to be a significant threat to the rest of the population as the result of an incident or noted membership in a security threat group, the BCDC jail administrator collaborates with the central regional director to determine the appropriate action.

Potential Interim Projects prior to Construction of New Detention Facilities

The department identified several replacement and repair projects related to mechanical, plumbing, fire alarm, and security camera that have been completed over the past year to improve conditions and safety at BCDC totaling \$607,000. The department also is working with the Department of General Services to determine the cost and relative advantages to three additional interim projects, given the construction timeline for new detention facilities. The potential interim projects include replacement of failed steam lines, replacement of failed automatic sprinkler piping, and replacement of manually operated corridor doors with electronically operated doors.

Functionality of Security Cameras

The department reports camera functionality for the North, Central, and South regions to be 97%, 81%, and 91%, respectively. Additionally, the department has camera replacement, installation, and system projects under way at eight facilities. The Office of Grants, Policy, and Statistics plans to report a camera functionality measure with the fiscal 2017 Managing for Results submission.

Independent Third-party Security Audits

The department reports that 4 correctional facilities have successfully completed American Correctional Association accreditation audits: the Eastern Correctional Institution, the Chesapeake Detention Facility, the Western Correctional Institution, and the Roxbury Correctional Institution. Correctional facilities scheduled to undergo accreditation auditing in calendar 2015, include the North Branch Correctional Institution, BCBIC, Jessup Correctional Institution, and the Maryland Correctional Institution – Jessup. The department has not yet developed an accreditation schedule for the remaining 15 correctional facilities, and is instead focusing on the 4 facilities currently scheduled for auditing in 2015. However, the department does anticipate that all currently accredited facilities will be re-accredited in the future.

Evaluation of Full Body Scanners

The department does not recommend implementation due to mobility, cost, maintenance, privacy, accuracy, and timeliness concerns. Aside from the initial purchase cost, the machines have five-year maintenance costs of up to \$43,000. The average life expectancy for models the department has investigated is 8 to 10 years. The machines require a significant amount of training to operate, and subjective interpretation of the scanned images can result in false positives and time delays. The department instead has invested in expansion of its canine unit to identify drugs and other contraband at facilities.

Plan to Employ Correctional Officers with Arrest Powers

The department reports a total of 56 officers with arrest powers, and estimates it would need an additional 125 correctional officers with arrest powers in order to have one located on duty at all facilities at all times, at a total cost of \$10.1 million. Of the department's 56 current officers with arrest powers, 32 are part of the Warrant Apprehension Unit (WAU) and 24 are part of the Intelligence and Investigative Division (IID). The WAU is located in Baltimore City and the IID has three satellite offices in Savage, Hagerstown, and Salisbury. Officers located at these offices are available to respond to incidents on a 24-hour basis. Additionally, the department has developed partnerships with the Baltimore City Police Department and the Maryland State Police and has been able to call upon those departments for an arrest in the few cases when that has been necessary.

At this time, DPSCS has complied with the fiscal 2015 language and DLS recommends release of the remaining \$300,000 of the restricted general funds for use by DPSCS.