

Department of Legislative Services  
Maryland General Assembly  
2012 Session

FISCAL AND POLICY NOTE

House Bill 198

(Chair, Judiciary Committee)(By Request - Departmental  
- Public Safety and Correctional Services)

Judiciary

Judicial Proceedings

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Correctional Services - Delegation of the Secretary's Authority

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This departmental bill authorizes the Deputy Secretary of Public Safety and Correctional Services to exercise the authority of the Secretary, with the Secretary's approval. The Deputy Secretary is also included under specified provisions limiting the authority of the Secretary.

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Fiscal Summary

**State Effect:** None. This bill accommodates a department-wide reorganization and does not directly affect State finances. The reorganization will be accomplished with existing budgeted resources for the remainder of FY 2012 through 2013.

**Local Effect:** None.

**Small Business Effect:** The Department of Public Safety and Correctional Services has determined that this bill has minimal or no impact on small business (attached). Legislative Services concurs with this assessment.

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Analysis

**Current Law:** The Secretary of Public Safety and Correctional Services may exercise any power, duty, responsibility, or function of any unit, unit head, or appointing officer in the Department of Public Safety and Correctional Services (DPSCS). The Secretary may not exercise specified powers and duties of the Maryland Parole Commission; a hearing examiner or a commissioner acting as a hearing examiner to hear cases for parole release not required to be heard by the commission; or the department's Sundry Claims Board.

**Background:** DPSCS is undergoing a major reorganization over the course of the next 6 to 12 months. DPSCS announced the reorganization at the end of calendar 2011. It is expected to be completed by the end of September 2012. This bill grants a newly created Deputy Secretary of Operations, in addition to the Secretary, the authority to exercise any power, duty, responsibility, or function of any unit, unit head, or appointing officer in the department.

The focus of the reorganization is on successful offender re-entry and lower recidivism, achieved by eliminating the Division of Correction, the Division of Pretrial Detention and Services, and the Division of Parole and Probation. Under the reorganization plan, the functions of these divisions will be integrated into three regions across the State. The North Region will include corrections and community supervision functions in Garrett, Allegany, Washington, Frederick, Carroll, Howard, Montgomery, Harford, and Cecil counties. The Central Region will include corrections, community supervision, and detention functions in Baltimore City and Baltimore County. The Southern Region will include corrections and community supervision functions in Anne Arundel, Prince George's, Calvert, Charles, St. Mary's, Kent, Queen Anne's, Caroline, Talbot, Dorchester, Wicomico, Somerset, and Worcester counties.

According to DPSCS, the current structure yielded rigid and inflexible divisions and redundant efforts between agencies. DPSCS also advises that providing inmates with adequate access and exposure to community providers and parole and probation agents prior to release from prison has been an ongoing problem for years.

The reorganized DPSCS places all functional responsibilities under the oversight of three regional directors, who in turn will report to the newly created Deputy Secretary. Pre-trial detention functions will only occur within the Central Region, where the Central Booking and Intake Center and Baltimore City Detention Center are located. With the new Offender Case Management System – due to come online in June 2012 – DPSCS believes the regional approach will streamline the offender's flow through the department, increasing the efficiency of service delivery. The oversight of the Deputy Secretary is intended to allow for creation of singular departmental policies, instead of separate rules, procedures, and programs for each division. Operationally, DPSCS will try to keep offenders within the region from which they originate, unless need dictates they be housed at a facility elsewhere in the State. All female offenders will be located in the Southern Region, as the State only has one female correctional facility.

The new Deputy Secretary will have two audit divisions and the Office of the Inspector General and the Maryland Commission for Correctional Standards will report directly to

the Secretary of Public Safety and Correctional Services. Under the reorganization, these units will be tasked with including programmatic review in their audits.

DPSCS believes the structure will integrate all operations across the department, improving the match between offender needs and programmatic resources. The department also suggests that, although job responsibilities for field staff will not change, these employees will be able to develop a better understanding of and gain exposure to the complete correctional and supervision processes.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Department of Public Safety and Correctional Services,  
Department of Legislative Services

**Fiscal Note History:** First Reader - February 3, 2012  
ncs/hlb

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## ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Correctional Services – Delegation of the Secretary’s Authority

BILL NUMBER: HB 198

PREPARED BY: Department of Public Safety and Correctional Services

### PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND SMALL BUSINESS

OR

WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND SMALL BUSINESSES

### PART B. ECONOMIC IMPACT ANALYSIS

The proposed legislation will have no impact on small business in Maryland.