

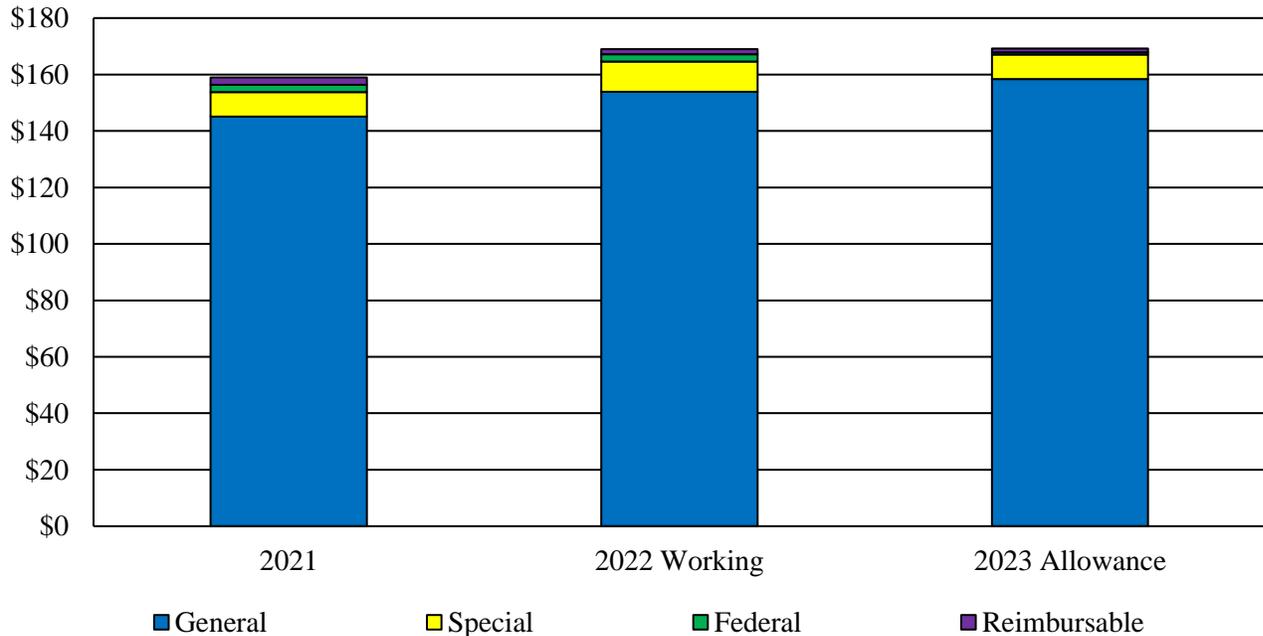
Q00A
Administration and Offices
Department of Public Safety and Correctional Services

Executive Summary

The Department of Public Safety and Correctional Services (DPSCS) Administration and Offices provide key policy and administrative oversight for the department. These include executive direction, information technology (IT) functions, security and intelligence gathering, capital program support, human resources, and program coordination. This analysis includes the Inmate Grievance Office (IGO) and the Maryland Commission on Correctional Standards (MCCS). Chapters 287 and 288 of 2021 established the new Maryland Department of Emergency Management (MDEM), which resulted in the transfer of the Maryland 9-1-1 Board out of DPSCS in fiscal 2022. As such, funds for the board are no longer reflected in this analysis.

Operating Budget Summary

Fiscal 2023 Budget Increases \$179,233, or 0.1%, to \$169.2 Million
(\$ in Millions)



Note: The fiscal 2022 working appropriation includes deficiencies. The fiscal 2022 working appropriation and fiscal 2023 allowance do not reflect funding for statewide personnel actions budgeted in the Department of Budget and Management, which include cost-of-living adjustments, increments, bonuses, and may include annual salary review adjustments.

Key Observations

- ***Contraband Levels at New High:*** The presence of drugs within correctional and detention facilities is an issue for inmate, staff, and institutional safety. Levels of contraband have been rising and increased 763% in two years. A detection system for contraband-carrying drones has been delayed due to competing priorities.
- ***Emergency Medical Contract Audit Reveals \$1 Million in Possible Recoveries:*** The DPSCS Office of the Inspector General (OIG) reviewed documentation relating to three months of COVID-19 expenses that were reimbursed by an emergency 33% increase to the inmate medical contract.
- ***High Administrative Vacancies Limit DPSCS Leadership Capacity:*** Administrative employees have the highest vacancy rates in the department and are responsible for carrying out important projects, policies, and reforms. Capital construction, IT, and general administrative positions are understaffed, leading to less capacity to carry out projects, implement changes, and reflect on operational challenges.

Operating Budget Recommended Actions

1. Add language restricting \$1,500,000 in funds to be used for increasing employment within two administrative units.
2. Adopt language requesting a report on the Justice Reinvestment Act.
3. Adopt narrative requesting a report on recidivism.
4. Adopt narrative requesting a report on contraband.

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Operating Budget Analysis

Program Description

DPSCS Administration and Offices includes two main units and two semi-independent commissions. These units together provide key policy and administrative oversight for the department.

- ***Executive Office of the Secretary:*** Administrative units provide overall policy and operational direction for the department by establishing policy, priorities, support, and oversight for the corrections, community supervision, and pretrial detention units. This unit includes the Office of the Secretary, Information Technology and Communications Division (ITCD), Intelligence and Investigative Division, Division of Capital Construction and Facilities Maintenance (DCCFM), Major Information Technology Development Projects (MITDP), and the Office of Administrative Services.

- ***Office of the Deputy Secretary for Operations (DSO):*** Operational units are responsible for providing executive direction to various programs, services, and operations. In addition to the Central Home Detention Unit (CHDU), DSO directs the following operational programs:
 - ***Clinical Services:*** Inmate Health Care Administration; Nursing Services; Social Work Services; Commitment Services; Mental Health Services; and Substance Abuse Treatment Services.

 - ***Inmate Services:*** Inmate Education; Work Release; Victim Services; Case Management; Commitment; Intake, Housing, and Transportation; Religious and Volunteer Services; and Transition Services.

 - ***Security Operations:*** Crisis Management; Intelligence Coordination; Security Audit Review; and the Canine Unit.

- ***MCCS:*** Commission staff audit correctional facilities and private home detention monitoring agencies to determine levels of compliance, develop audit reports, and provide technical assistance to correct areas of noncompliance. Trained volunteers are used extensively to accomplish the inspection process. Final audit reports of correctional facilities are reviewed by commission members, who are appointed by the Governor for a term of three years.

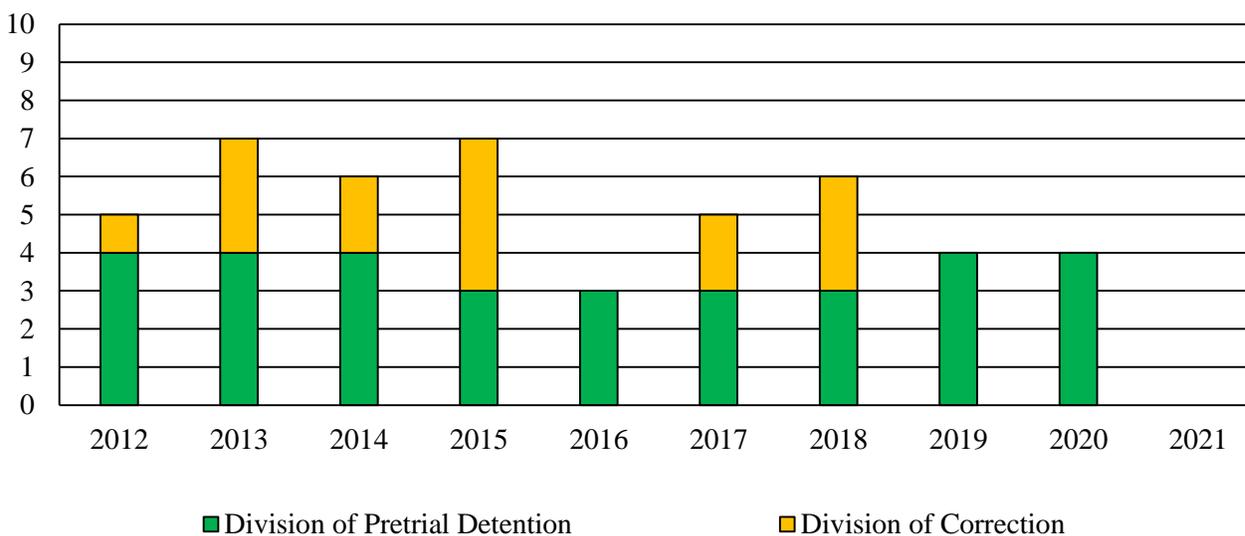
- ***IGO:*** Administrators hear grievances against any official or employee of the Division of Correction (DOC) or Patuxent Institution brought by any person confined to one of those facilities. A grievance or complaint that merits further consideration is referred to the Office of Administrative Hearings (OAH).

Performance Analysis: Managing for Results

1. No Erroneous Releases in Fiscal 2021

Keeping offenders safely in the department’s custody is an integral part of the DPSCS mission. As a result, DPSCS tries to ensure that no sentenced inmate or pretrial detainee within a DPSCS facility is incorrectly released. The responsibility for meeting this goal falls within the Administration’s Commitment Unit. **Exhibit 1** shows the number of incorrectly released offenders since fiscal 2012. Fiscal 2021 saw no erroneous releases from either correctional or detention facilities.

Exhibit 1
Erroneously Released Offenders
Fiscal 2012-2021

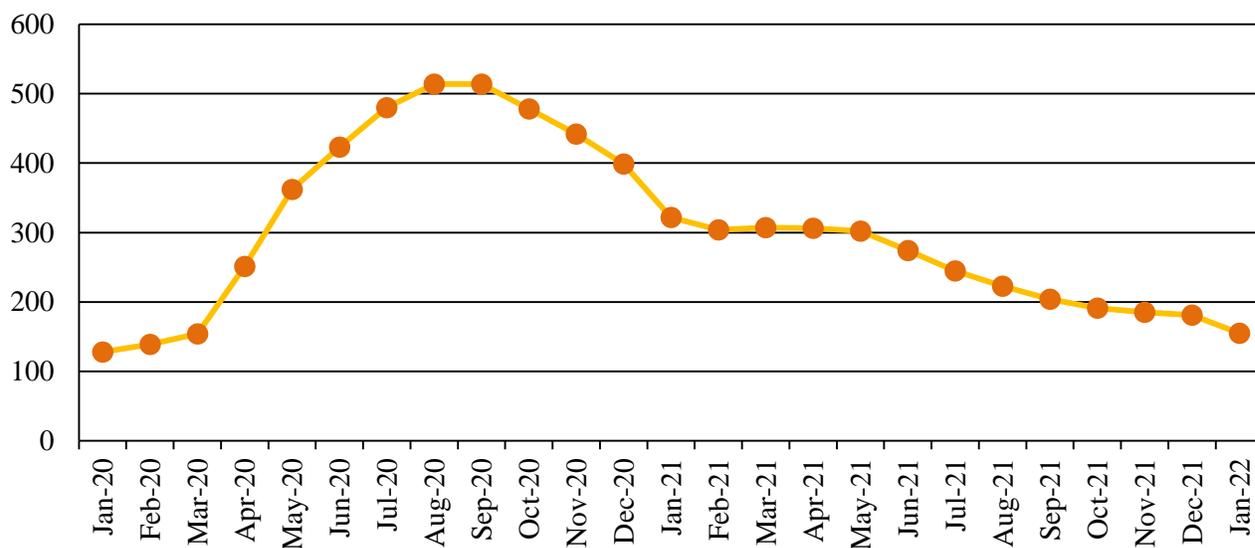


Source: Fiscal 2023 Managing for Results

2. Home Detention Populations Decline after COVID-19 Peak

The COVID-19 pandemic greatly increased placements to CHDU, which falls under DSO. **Exhibit 2** shows the average daily population (ADP) of CHDU over the past two years. CHDU’s population rose 302% from the low of 128 in January 2020 to the peak of 514 offenders in August of that year. The ADP has reduced since then and is nearly as low as prepandemic levels. CHDU medical expenses increased in fiscal 2022 in recognition of the population surge, but medical expenses decrease in fiscal 2023 due to the population decline.

Exhibit 2
Home Detention Average Daily Population
January 2020 to January 2022



Source: Department of Public Safety and Correctional Services

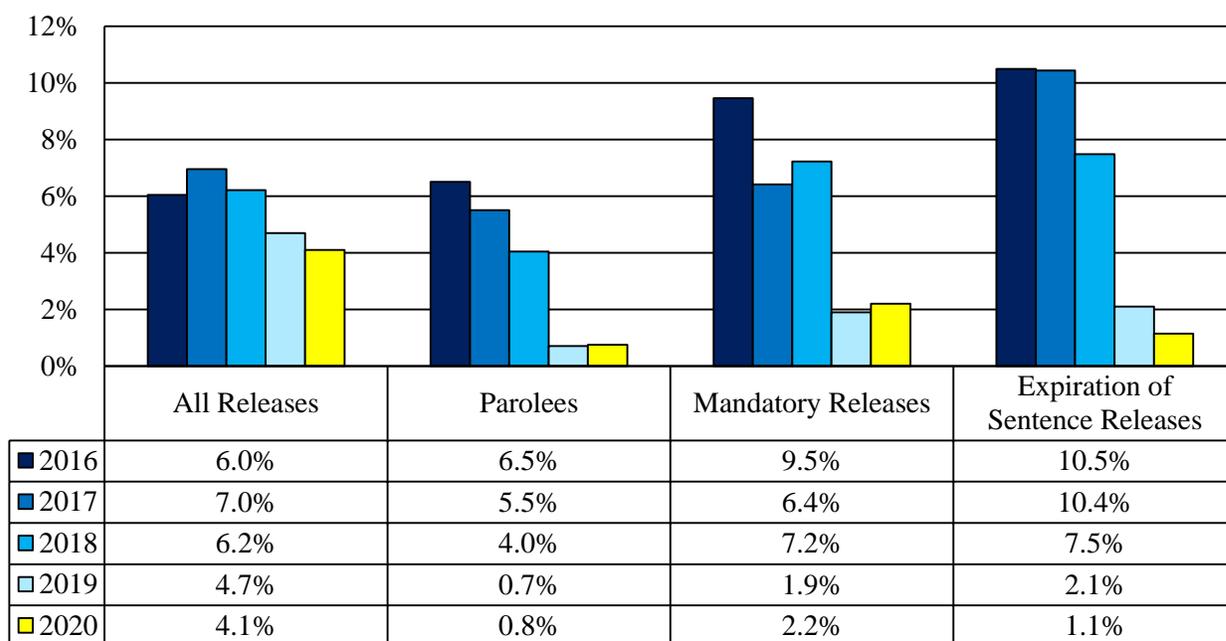
Walk-offs from CHDU are elevated in fiscal 2021, indicating a possible issue in keeping up with detainees. In recent years, home detention walk-offs were lower than 10 per year, but increased to 29 in fiscal 2021, corresponding to the population increase during COVID-19. CHDU averaged 26 offenders per agent in fiscal 2021 but may need an even smaller caseload size.

DPSCS should address the increased number of walk-offs within CHDU, including any issues maintaining proper caseload ratios and corrective action to prevent this trend from worsening.

3. Managing for Results Recidivism Data Is Limited

Overall, the number of inmates returned to correctional or community supervision within one year of release due to a new offense decreased since fiscal 2016. For the fiscal 2020 release cohort, 233 individuals recidivated within one year of release for the lowest rate on DPSCS record at 4.1%. Particularly, recidivism improved for those released on mandatory release or parole. **Exhibit 3** shows single-year recidivism rates for all release cohorts since fiscal 2016, which averages to 5.6%.

**Exhibit 3
Returns to Correctional Custody within One Year of Release
Fiscal 2016-2020**



Source: Fiscal 2023 Managing for Results

New Recidivism Data Allows for Better Analysis

Due to the fiscal 2015 transition to a new Offender Case Management System, DPSCS lost the ability to track recidivism for several cohorts of inmates released from correctional facilities. In fiscal 2019, DPSCS regained this ability and provided single-year recidivism rates beginning with the fiscal 2016 release cohort. Exhibit 3 shows an incomplete picture due to the timing of the reporting, but new data provided by DPSCS allows for a clearer analysis. The Managing for Results (MFR) data is submitted within two months of fiscal year end.

The recidivism rate provided in response to the 2021 *Joint Chairman’s Report (JCR)* shows returns to either DOC or the Division of Pretrial Detention and Services (DPDS) following sentencing for a new criminal offense or return to custody from parole or mandatory supervision due to violation of the conditions of release. Recidivism rates in the JCR are more comprehensive than the MFR measures because they are (1) captured after the three-year period, which allows for adjudication of charges that are attributed to their appropriate recidivism year based on offense date; and (2) the MFR definition is limited to return to DOC custody due to its impact on DOC workload and does not include a sentence to community supervision within its scope. Arrests are not included in recidivism nor is incarceration within local or out-of-state facilities. It is necessary to exclude those categories due

because they do not meet the threshold for recidivism to State custody, and that data is held by local correctional authorities. It may lead to an undercount of recidivism, even with the improvements over the MFR data.

Recidivism has been impacted by COVID-19, as court closures delayed prosecutions and convictions. The fiscal 2017 cohort may act as a baseline, as the Justice Reinvestment Act (JRA) was in effect and COVID-19 had no impact on court cases. The fiscal 2017 cohort had a three-year recidivism rate of 37.15%, very close to the 37.13% in fiscal 2016. In fiscal 2018, the rate decreased slightly but had been on track to meet or exceed previous rates until COVID-19. DPSCS is only able to provide two years of recidivism data for the fiscal 2019 cohort, but the second year of data shows recidivism remains low due to COVID-19. While the impact of COVID-19 is not limited to court processing delays, more time and analysis is needed to determine if COVID-19 reduced the likelihood that a released offender will commit another crime.

JRA Impacted Recidivism Trends

Sentenced offenders are no longer returning to custody as often within the first six months of release. The JRA graduated sanctions and technical revocation caps implemented in fiscal 2017 temper the speed with which releases are returned to custody. Recidivism is highest in the first-year post-release with technical violations of community supervision being the most common reason followed by new offenses, new probation cases, and a small number of returns from community supervision. First-time parolees have the best recidivism rates followed by those released without supervision because their sentences expired and those released with mandatory supervision because diminution credits shortened their sentence. Parole releases are discretionary, while mandatory supervision and expiration-of-sentence releases are required by statute. Despite this fact, those who have recidivated at least once before have the worst recidivism rates whether or not they are placed on parole or mandatory supervision. Of all releases, those aged younger than 35 have the highest recidivism rates, while those aged older than 65 have the lowest rates.

Fiscal 2022

Proposed Deficiency

DPSCS receives \$866,666 for new vehicles for the Central Transportation Unit and Canine Operations Unit. These appropriations will refresh the aging fleet of vehicles that have high maintenance costs.

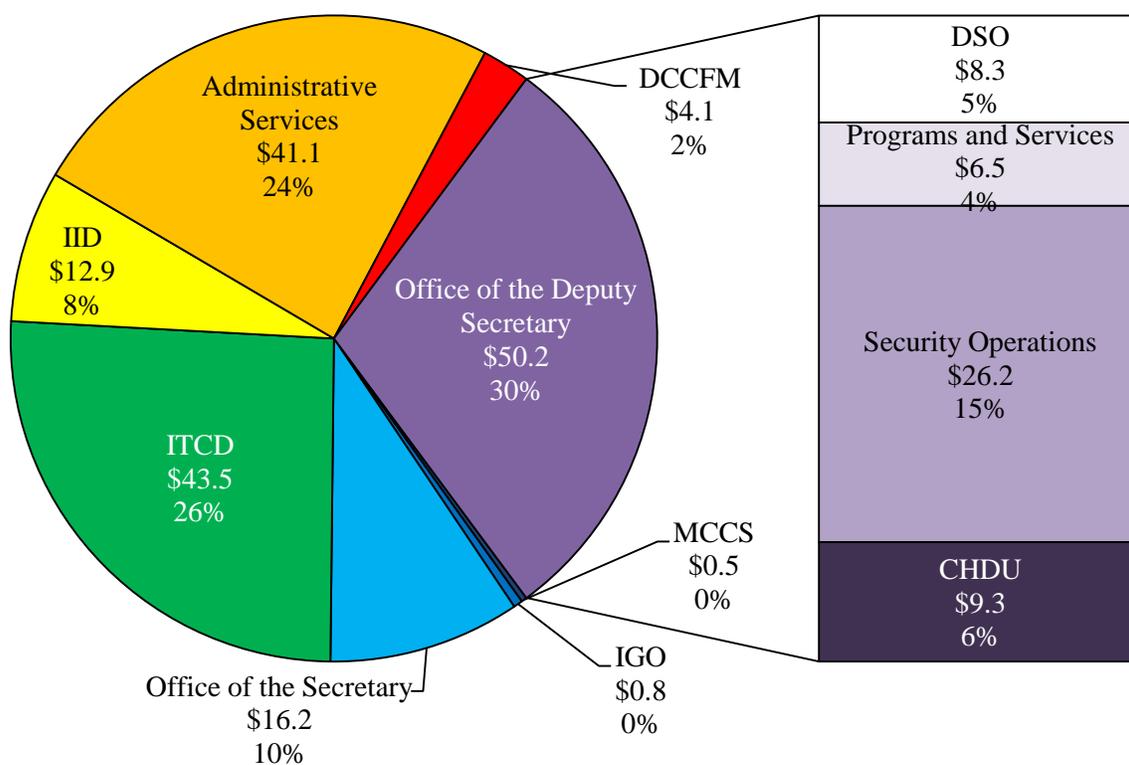
Maryland 9-1-1 Board Removed from DPSCS Budget

Due to recent legislation, the Emergency Number System's Board was reconstituted as the Maryland 9-1-1 Board and transferred to the new MDEM. The independent agency's personnel and funds were transferred via budget amendment to MDEM at the start of fiscal 2022, reducing the DPSCS special fund appropriation by approximately \$184 million. For continuity of analysis, fiscal 2021 through 2023 funding for the board is reflected in the MDEM – D52 budget analysis.

Fiscal 2023 Overview of Agency Spending

DPSCS Administration and Offices receive a total fiscal 2023 allowance of \$169.2 million. Most of the funds fall within the Executive Office of the Secretary. Of that unit, Administrative Services and ITCD make up the largest programs. The Office of the Deputy Secretary of Operations is the other primary unit, receiving 30% of funds. IGO and MCCS are small, semi-independent offices receiving less than 1% of resources. **Exhibit 4** shows agency spending by program.

Exhibit 4
Overview of Agency Spending
Fiscal 2023 Allowance



CHDU: Central Home Detention Unit
 DCCFM: Division of Capital Construction and Facilities Maintenance
 DSO: Deputy Secretary for Operations
 IGO: Inmate Grievance Office
 IID: Intelligence and Investigative Division
 ITCD: Information Technology and Communications Division
 MCCS: Maryland Commission on Correctional Standards

Note: The fiscal 2023 allowance does not reflect funding for statewide personnel actions budgeted in the Department of Budget and Management, which include cost-of-living adjustments, increments, bonuses, and may include annual salary review adjustments.

Source: Governor’s Fiscal 2023 Budget Books

Proposed Budget Change

As shown in **Exhibit 5**, DPSCS Administration and Offices receive nearly \$180,000 more in fiscal 2023 than in fiscal 2022. General funds increase the most due to administrative hearings, management studies, vehicle purchases, and personnel costs. Special and federal funds decline due to the end of MITDP funding for several projects. More information on the individual MITDPs can be found in **Appendix 3** through **Appendix 8**.

Exhibit 5
Proposed Budget
Department of Public Safety and Correctional Services – Administration and Offices
(\$ in Thousands)

How Much It Grows:	<u>General Fund</u>	<u>Special Fund</u>	<u>Federal Fund</u>	<u>Reimb. Fund</u>	<u>Total</u>
Fiscal 2021 Actual	\$145,111	\$8,616	\$2,599	\$2,686	\$159,012
Fiscal 2022 Working Appropriation	153,857	10,688	2,671	1,813	169,029
Fiscal 2023 Allowance	<u>158,353</u>	<u>8,736</u>	<u>775</u>	<u>1,344</u>	<u>169,208</u>
Fiscal 2022-2023 Amount Change	\$4,496	-\$1,952	-\$1,896	-\$469	\$179
Fiscal 2022-2023 Percent Change	2.9%	-18.3%	-71.0%	-25.9%	0.1%
Where It Goes:					<u>Change</u>
Personnel Expenses					
Employee and retiree health insurance					\$1,012
Social Security and retirement contributions					396
Workers’ compensation premium assessment					382
Overtime earnings					372
Turnover adjustments.....					348
Regular earnings					72
Other fringe benefit adjustments.....					11
Other Changes					
Administrative hearings					1,308
Duvall case management and litigation closure.....					750
Grants and inmate payments					339
Rent and utilities					269
Facilities Master Confinement Study.....					250
Travel and vehicles, including a fiscal 2022 deficiency for new vehicles					187
Other management studies and consultants					25
Other contractual services.....					-8

Q00A – DPSCS – Administration and Offices

Where It Goes:	<u>Change</u>
Communications	-47
Contractual employee turnover	-259
End of general funds for ERPIP and LMSR replacements	-1,000
Medical care realigned based on CHDU population decline	-1,270
Data processing equipment and computer supplies	-1,357
End of federal funds for MAFIS replacement	-1,600
Total	\$179

CHDU: Central Home Detention Unit
 ERPIP: Enterprise Resource Planning Implementation Project
 LMSR: Learning Management System Replacement
 MAFIS: Maryland Automated Fingerprint Information System

Note: The fiscal 2022 working appropriation includes deficiencies. The fiscal 2022 working appropriation and fiscal 2023 allowance do not reflect funding for statewide personnel actions budgeted in the Department of Budget and Management, which include cost-of-living adjustments, increments, bonuses, and may include annual salary review adjustments.

- Inmate medical costs are realigned from CHDU to DPDS due to a declining inmate population.
- New vehicle purchases are up in fiscal 2022 and 2023 to refresh the department’s aging fleet.
- Administrative hearing fees increase due to an increase in the number of internal employee investigations and inmate grievances referred to OAH.

Three Management Consultant Studies Are Funded in the Fiscal 2023 Allowance

- ***Duvall Case Management and Litigation Closure (\$750,000)***: to provide enhanced national attorneys and expert witnesses to finalize and reach substantive compliance with a number of provisions related to the *Duvall* litigation within 18 months;
- ***Women’s Prerelease Feasibility Study (\$150,000)***: to proceed with the next phase in planning for the development and construction of a prerelease facility for women in tandem with the Department of General Services (DGS); and
- ***Facilities Master Confinement Study (\$250,000)***: systemic criminal justice review with the aim of establishing future bedspace requirements for the State’s correctional facilities.

Personnel Data

	<u>FY 21</u> <u>Actual</u>	<u>FY 22</u> <u>Working</u>	<u>FY 23</u> <u>Allowance</u>	<u>FY 22-23</u> <u>Change</u>
Regular Positions	1,135.00	1,098.00	1,105.00	7.00
Contractual FTEs	<u>71.99</u>	<u>153.06</u>	<u>149.25</u>	<u>-3.81</u>
Total Personnel	1,206.99	1,251.06	1,254.25	3.19

Vacancy Data: Regular Positions

Turnover and Necessary Vacancies, Excluding New Positions	110.50	10.00%
Positions and Percentage Vacant as of 12/31/21	284.00	25.87%

Vacancies Above Turnover 173.5

- The fiscal 2023 allowance transfers 7 positions from DOC to the Office of Administrative Services. The positions include administrative and procurement officers.
- Budgeted turnover is reduced from 10.5% to 10.0% in the fiscal 2023 allowance. Actual turnover, however, is much higher than the allowance and, if using the average salary for the agency, equates to about \$14 million available to fill nearly 174 vacant positions.

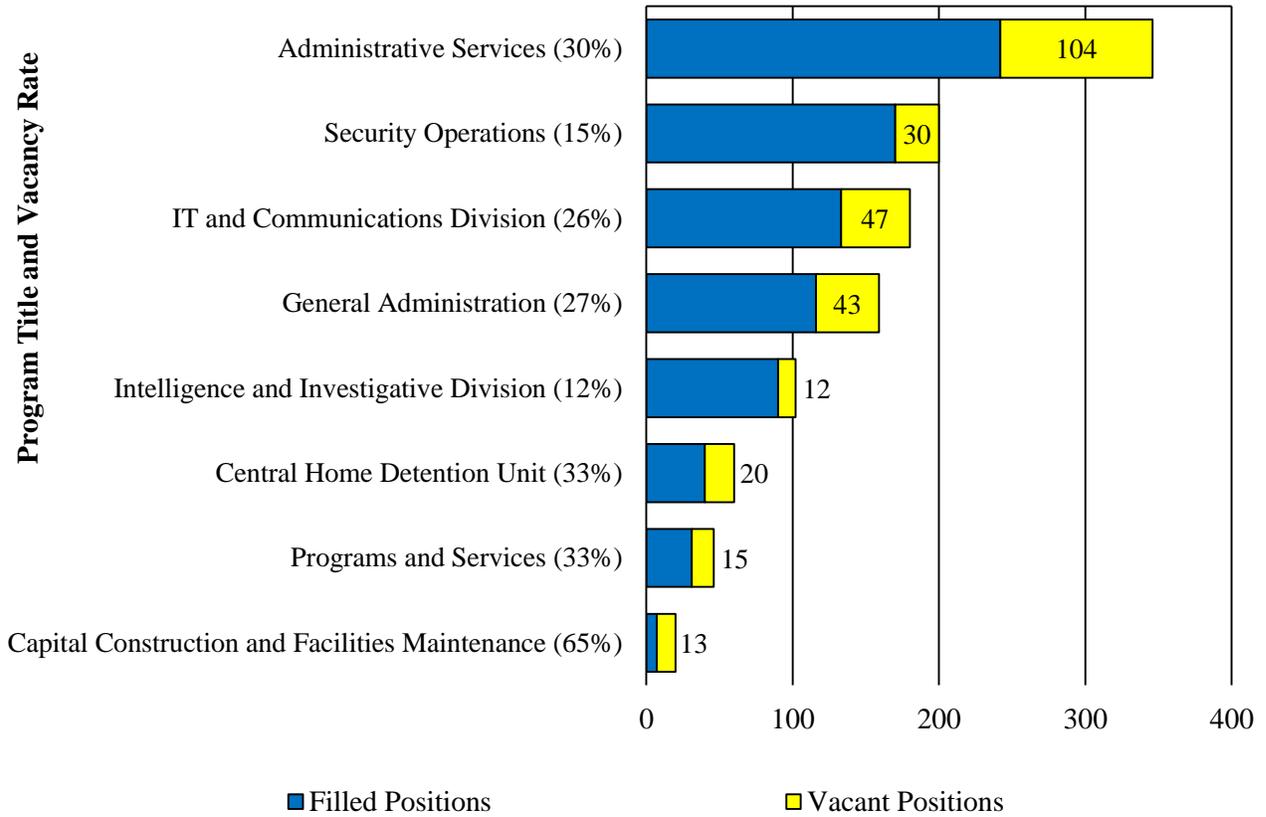
Administrative Position Employment Is on the Decline Again

DPSCS only hired 87 new administrative employees across all divisions in calendar 2021 while 219 separated from the department.

Administrative hiring is impacted by competing priorities. DPSCS only interviewed 25.5% of qualified applicants for administrative positions while interviewing 83% of qualified correctional officer (CO) applicants. In part, this is because of the expedited CO hiring process implemented in fiscal 2019. However, DPSCS must put more effort into interviewing and hiring administrative positions so that they can complete projects on time, implement policies properly, and carry out robust programs.

Exhibit 6 lists the programs with the highest vacancies in this division with their corresponding vacancy rates. A list of major classifications of administrative positions with high vacancies can be found in Exhibit 8 of the DPSCS – Overview – Q00 budget analysis. Vacancies are severe in DCCFM, with only 7 employees and 13 vacancies in January 2022. One-third of positions in CHDU and the Office of Programs and Services are unfilled and close to that share is vacant in the Administrative Services Division.

Exhibit 6
Vacancies by Administrative Program
January 2022



IT: information technology

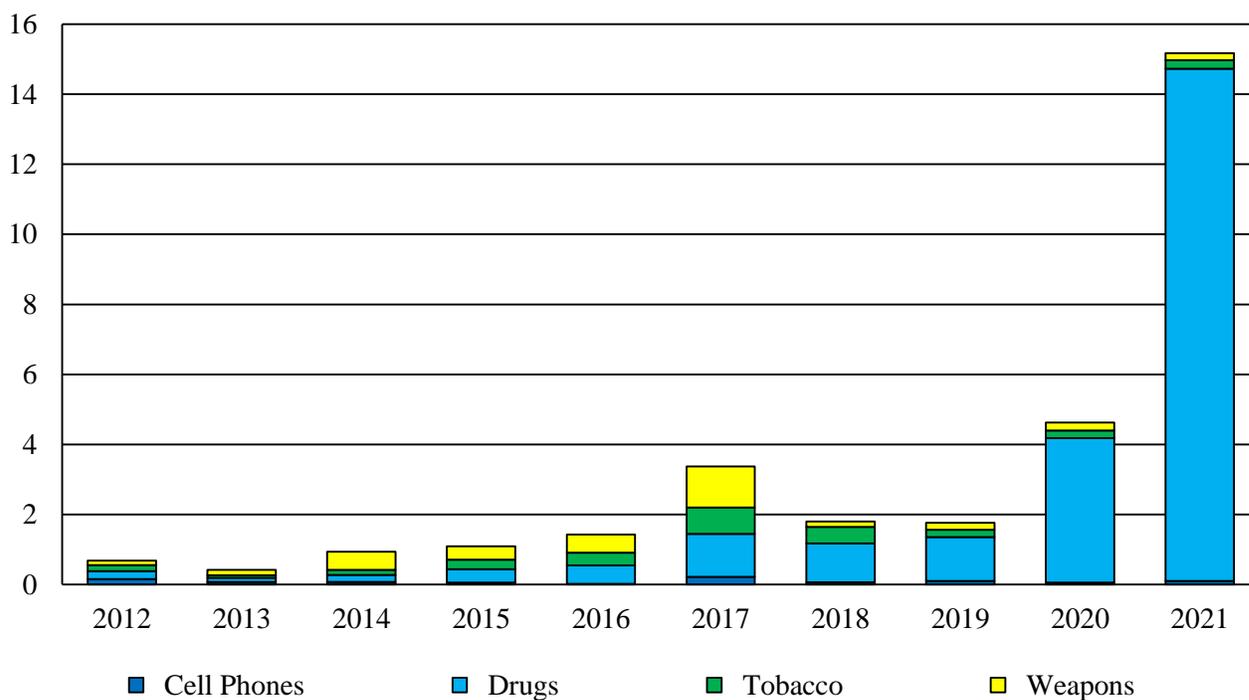
Source: Department of Budget and Management

Issues

1. Contraband Levels Are Very High

Safety in the DPSCS facilities is partially maintained through routine, random, and targeted searches for contraband. While weapons pose the most grave and immediate threat, controlled dangerous substances (CDS) are much more numerous and pose several threats to safety and security within the confines of State and local correctional facilities. The Canine Unit falls under the purview of the Security Operations program in the Deputy Secretary of Administration and is responsible for carrying out many of these searches, though physical searches by COs produce more contraband due to their familiarity and regular proximity to inmates. Contraband finds made by the Canine Unit per 100 ADP were up by 229% in fiscal 2021, as shown in **Exhibit 7**. The Canine contraband find rate increased 763% from fiscal 2019 to 2021, an increase nowhere near trends in the previous decade.

Exhibit 7
Canine Contraband Unit Finds Per 100 ADP
Fiscal 2012-2021

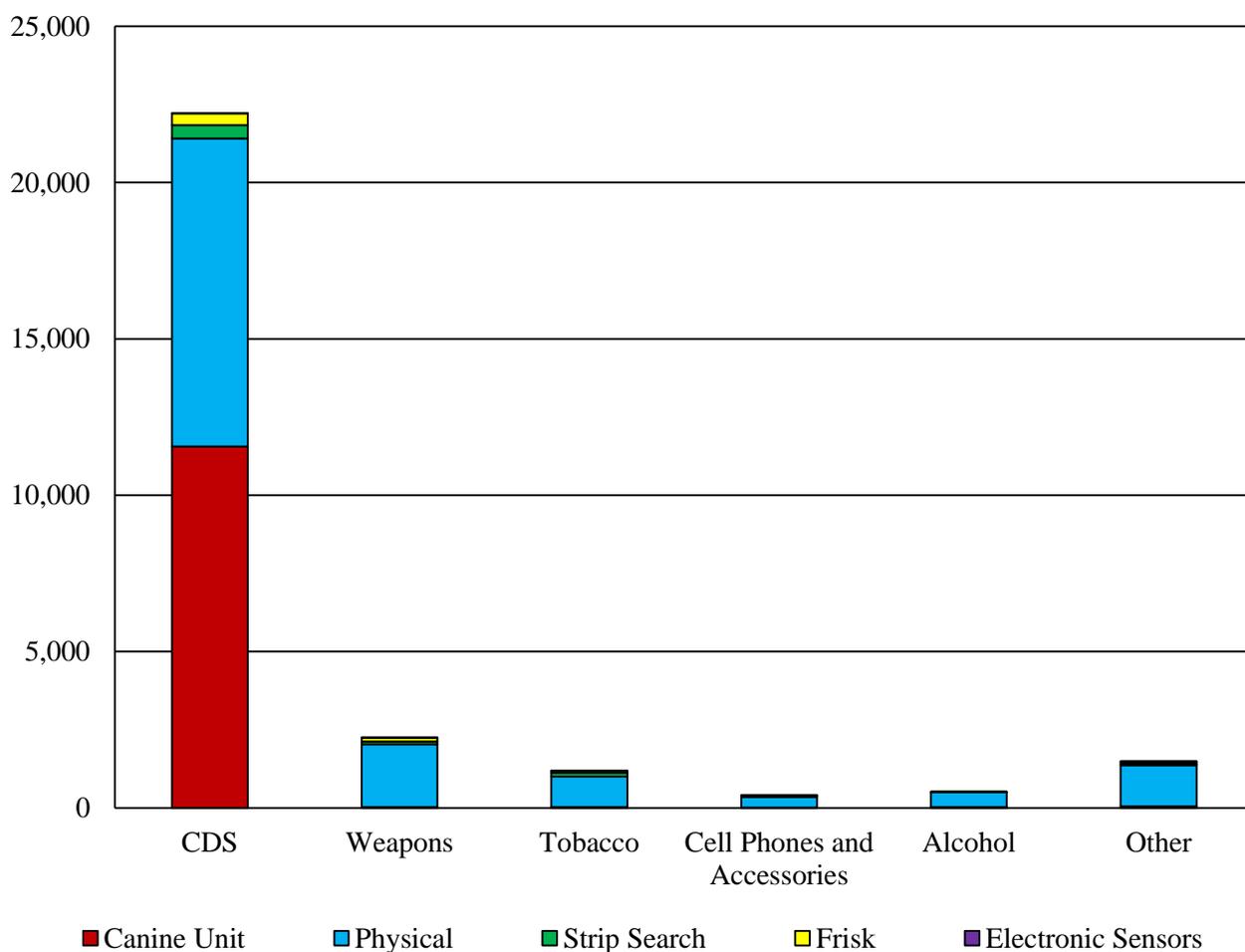


ADP: average daily population

Source: Governor’s Fiscal 2023 Budget Books

CDSs made up the largest share of finds at 96% while also showing the largest year-to-year increase of 254% from fiscal 2020 to 2021. Exhibit 7 shows only finds from the Canine Unit, while **Exhibit 8** shows all contraband finds regardless of search method for fiscal 2021, grouped by type of contraband. The most common search type was physical finds, while the most common contraband type was drugs, outnumbering all other contraband by nearly four to one. Using this data, CDS contraband increased 42% from fiscal 2020 to 2021.

Exhibit 8
All Contraband Finds
Fiscal 2021



CDS: controlled dangerous substance

Source: Department of Public Safety and Correctional Services

A few factors led to this increase. The most common type of contraband – Suboxone film – is very divisible, leading to a high number of individual units that are included in the total contraband count. However, individual instances of finding contraband increased alongside the total number found. Contraband finds are also impacted by the number of canines and canine handlers employed by the Security Operations program. The Canine Unit has 34 filled positions in January 2022, which is an increase over the 22 filled positions in January 2020. This increase in employment would not account for the large increase in the amount of drug contraband found in fiscal 2020, though, as the improvement in employment came after fiscal year closeout. For fiscal 2021, the higher employment likely contributed to the amount of contraband collected, but the increase is far too much to be accounted for solely by more employees in the Canine Unit.

Drone Detection Program Is Delayed

DPSCS funded a \$2.8 million exploratory pilot program for drone detection systems in fiscal 2018 to possibly counteract the influx of contraband entering four facilities through drone drops. In fiscal 2020, the project was upgraded from a pilot program to a full MITDP, targeting 25 facilities. The project was also transferred from Department of Information Technology (DoIT) leadership to DPSCS management. The primary objective of this project is drone detection and not response. Cost to date has been \$150,000 to complete project development, and total funding is expected to be adequate to complete system procurement and implementation for two pilot sites.

Competing agency interests have pushed this project back again. Last session, the project team was in the process of evaluating proposals. Vendor demonstrations were scheduled to occur in the second quarter of fiscal 2021. However, DPSCS reports that the project has been postponed as it is carrying out five other MITDPs and has 47 vacancies (26%) in the division responsible for IT.

DPSCS previously anticipated making an award recommendation in the third quarter of fiscal 2021, but now the project is one year behind. A 4-year, \$8.4 million contract is set to be heard before the Board of Public Works (BPW) on March 9th, 2022. When an award is made, two pilot sites will be chosen, and other sites will be added in the future as funding is made available.

This MITDP shows promise to decrease the amount of contraband entering facilities through at least one avenue. Contraband numbers for fiscal 2021 worsened rather than improved with the closure of facilities to the public and the move to all-virtual visitation due to the pandemic. One measure taken in the past to reduce contraband was the placement of electronic sensors that detect a variety of contraband items. The sensors reduced weapons and cell phones and serve as an effective contraband deterrent but were not designed to detect all contraband types. The Drone Detection MITDP should serve to widen the net cast by DPSCS security officials and increase safety and security within facilities.

DPSCS should comment on the 763% increase in drug contraband finds since fiscal 2019 and provide information on contraband interdiction initiatives, specifically the Drone Detection program.

2. ITCD and DCCFM Vacancies Lead to Delays and Performance Deficiencies

In the recent past, DPSCS has experienced a number of multi-year delays on current and active MITDPs, including the Computerized Criminal History (CCH) replacement, the Maryland Automated Fingerprint Information System (MAFIS) replacement, the Enterprise Resource Planning Implementation Project, and the Electronic Patient Health Record (EPHR) replacement. Each project is key to enhancing the overall work of the department and meeting legal and audit requirements.

Delays not only prevent the timely implementation of these enhancements but can also cause federal funds to lapse. In the case of MAFIS, an exception was made to extend the grant, but delays pushed the project two full years past the initial go-live date. Delays in the CCH replacement did cause \$2.3 million in federal funds to lapse, requiring new general funds to fill the gap.

ITCD Staffing

MITDP delays are mostly due to factors outside of DPSCS influence. However, the department could do more to ensure the IT division, which assists in the technical planning, integration, and implementation of development projects, is fully staffed and adequately funded. As of January 2022, about 26% of the ITCD positions are vacant. In previous years, ITCD has also been operating at this low staffing level.

Full employment in ITCD would not always translate to fewer delays or fewer fund lapses, but a more robust IT division could lead to improved outcomes for the department's MITDPs. Solicitations by DPSCS often fail due to changing technical specifications, which could be improved by more ITCD staff involvement in MITDP planning. Integration and implementation steps are frequently highlighted by DoIT as being high risk for DPSCS projects due to the high level of required interoperability of systems. The Office of Legislative Audits also found ITCD to be out of compliance with safe keeping of personally identifiable information (PII). With more human capital dedicated to ITCD, these complex projects and operational requirements could become easier to carry out.

DCCFM Has Too Many Projects and Too Few Resources

ITCD is not the only DPSCS unit with high staff vacancies that lead to project deficiencies. DCCFM has had increasing vacancies and increasing project delays and deficiencies. DCCFM is responsible for providing technical expertise, planning, project management, and is involved in procurement of capital construction and facility maintenance projects, including electronic building systems and capital equipment. As of January 2022, DCCFM operates with nearly twice as many vacancies (13) as full-time staff (7). This unit has also been plagued with high vacancies for the past few fiscal years, resulting in project deficiencies and delays.

Facilities Renewal Needs Are Great

The *Capital Improvement Program* for DPSCS is substantial in size and scope, requiring a robust team of experts to administer. In total, DPSCS has nine projects planned and three receiving

fiscal 2023 funding, totaling \$27.8 million in general obligation bonds. However, DCCFM is also working to administer approximately 28 capital maintenance or facility system projects through operating funds, DGS Facility Renewal capital funds, and Access Maryland funds for Americans with Disabilities Act (ADA) accessibility projects. There is also a substantial backlog of projects, currently estimated at approximately \$74 million, which grows as the facilities age.

DPSCS has been exposed to liabilities related to maintenance and ADA accessibility in the recent past, including a reopened human rights legal settlement. It is important for DCCFM to carry out facility improvement projects in collaboration with DGS quickly and to avoid further liability situations. Currently, there are several perimeter security systems that are past the end of their useful life, but the capital projects intending to fix them have faced delays since fiscal 2019. The steam tunnel replacements at Eastern Correctional Institution have similarly been delayed, as have electrical infrastructure upgrades.

These project delays preceded the COVID-19 pandemic but were made worse by recent trends regarding materials, labor, and operational realities. Not only have many technical specifications changed, but the cost of metals have more than doubled in real terms, and many projects required new or revised value engineering. Hiring was made difficult by the pandemic and further delays were caused by the transition to DGS project management.

DPSCS faces difficult circumstances with regard to hiring and project management. However, it is necessary that DPSCS lower the vacancy rates in ITCD and DCCFM due to the importance of their projects. With more staff, DPSCS could provide better technical expertise and avoid disruptive and costly project delays. **The Department of Legislative Services (DLS) recommends adding budget bill language to restrict \$1.5 million in personnel general funds so that they may only be used to increase ITCD and DCCFM employment.**

3. Medical Audit Reveals Nearly \$1 Million in Overbillings

In response to the looming pandemic and the declaration of health care workers and correctional staff as essential workers, DPSCS negotiated an emergency 33% increase to monthly payment levels for the medical contractor early in March 2020. In the emergency contract provisions, DPSCS rescinded the right to assess liquidated damages against the vendor, despite there being grounds to do so due to lower than required staffing levels. Additionally, this was a flat rate increase that did not require auditing of eligible expenses.

Contract Modification Rejected by the Board of Public Works

The increased payments under this emergency contract modification lasted until June 30, 2020, and the amount paid to Corizon Health totaled \$11.3 million. This contract decision was made by the department under difficult circumstances to protect its staff and inmates, but BPW unanimously rejected the emergency flat rate increase in favor of an auditable reimbursement model. While inmate medical costs that increased as a result of COVID-19 are eligible for federal aid, it is still important to maintain oversight of this funding. In fiscal 2021, DPSCS received \$15 million in federal funds for the

medical contract, although only \$7 million was in excess of the existing contract. This is not expected to continue into fiscal 2022 and 2023, as the Maryland Department of Health has taken on a larger role in the State’s COVID-19 operations.

Results from Audit Inspection

Fiscal 2022 budget bill language restricted \$100,000 and required DPSCS OIG to audit the documentation related to the emergency modification to the medical services contract. OIG found that approximately \$944,686 of the \$15,725,205 total (6%) were unsupported expenses that DPSCS should attempt to recover from the vendor. The largest discrepancy was in temporary staffing. Based on the OIG review, the vendor overbilled DPSCS \$327,731 by double counting temporary staffing hours and \$369,736 by failing to provide sufficient timekeeping records to substantiate other temporary staffing expenses.

OIG also found discrepancies in Medicaid recoveries totaling \$94,584, regular timesheets totaling \$35,605, bonus payments for temporary employees totaling \$21,990, and overcharges for disposable gowns and N95 masks totaling \$31,650. While these are smaller discrepancies, they add up to almost \$250,000 in possible recoveries.

DPSCS should comment on steps taken to recover the overpayments or otherwise correct the discrepancies identified by OIG.

Operating Budget Recommended Actions

1. Add the following language:

Provided that \$1,500,000 of this appropriation made for the purpose of personnel may only be used to increase employment within the Information Technology and Communications Division and Division of Capital Construction and Facilities Maintenance. 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.

Explanation: Staffing is low in the executive programs of Department of Public Safety and Correctional Services (DPSCS) responsible for carrying out information technology, capital construction, and facilities maintenance projects. Staffing deficiencies have led to project delays and cost increases. This language requires DPSCS to use new personnel funds to increase employment in the Information Technology and Communications Division and Division of Capital Construction and Facilities Maintenance.

2. Adopt the following narrative:

Justice Reinvestment Act (JRA) Report: The budget committees request that the Department of Public Safety and Correctional Services (DPSCS) submit a report by December 1, 2022, on the following items:

- annual updates on the number of offenders petitioning and approved for the JRA provisions including, but not limited to, administrative release, medical/geriatric parole, certificates of rehabilitation, and graduated sanctions;
- the number of offenders affected by the JRA diminution and earned compliance credit rules; and
- annual JRA cost savings updates along with any efforts/initiatives to increase savings.

Information Request	Author	Due Date
JRA report	DPSCS	December 1, 2022

3. Adopt the following narrative:

Report on Recidivism: The budget committees are interested in the impact of incarceration on the future outcomes of returning offenders. The budget committees request that the Department of Public Safety and Correctional Services (DPSCS) submit a report by November 15, 2022, on the following:

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- single-, two-, and three-year recidivism numbers for the fiscal 2016 through 2019 release cohorts;
- single- and two-year recidivism numbers for the fiscal 2020 release cohort; and
- an analysis of recent recidivism trends, including a comparison to past years and a comparison to other states.

Information Request	Author	Due Date
Recidivism report	DPSCS	November 15, 2022

4. Adopt the following narrative:

Report on Contraband: The budget committees request that the Department of Public Safety and Correctional Services (DPSCS) submit a report by October 15, 2022, on overall trends in contraband finds, including:

- an analysis of trends in contraband finds using data from at least three fiscal years;
- a review of departmental rules and procedures regarding contraband detection;
- a review of recent changes to contraband detection, including a discussion of COVID-19; and
- an analysis of personnel in the Canine Unit, including the impact of high vacancies on the ability to carry out tactical contraband searches.

Information Request	Author	Due Date
Contraband report	DPSCS	October 15, 2022

Appendix 1
2021 Joint Chairmen’s Report Responses from Agency

The 2021 JCR requested that DPSCS Administration and Offices prepare 2 reports. Electronic copies of the full JCR responses can be found on the DLS Library website.

- ***Recidivism Report:*** Due to the fiscal 2015 transition to a new Offender Case Management System, DPSCS lost the ability to track recidivism for several cohorts of inmates released from correctional facilities. DPSCS recently regained this ability and was requested to provide three-year recidivism rates to complement the single-year rates submitted as a performance measure with the budget. Recidivism was impacted by COVID-19-related court closures, but reincarceration rates and returns from supervision are down in recently released cohorts. More information can be found in the Managing for Results section of this analysis.

- ***COVID-19 Medical Expenses Audit Report:*** Fiscal 2022 budget bill language restricted \$100,000 pending a report from DPSCS OIG. OIG was directed to audit documentation regarding an emergency increase to the medical contract. OIG found that approximately \$944,686 of the \$15,725,205 total (6%) were unsupported expenses that DPSCS should attempt to recover from the vendor. The largest discrepancy was in temporary staffing. Based on the OIG review, the vendor overbilled DPSCS \$327,731 by double counting temporary staffing hours and \$369,736 by failing to provide sufficient timekeeping records to substantiate other temporary staffing expenses. More information can be found in Issue 2 of this analysis.

Appendix 2
IT and Communications Division Audit Findings

Audit Period for Last Audit:	February 2020 to September 2020
Issue Date:	September 2021
Number of Findings:	2
Number of Repeat Findings:	1
% of Repeat Findings:	50%

Finding 1: **ITCD maintained sensitive PII in a manner that did not provide adequate safeguards similarly to conditions in the previous report. ITCD supported computer operations for multiple mainframe applications and a server application, which processed such sensitive information, but in a manner that made the information vulnerable to improper disclosure.**

Finding 2: Intrusion detection prevention system coverage did not exist for certain untrusted encrypted traffic despite ITCD having the capability to do so with existing cybersecurity systems.

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

Appendix 3
Computerized Criminal History
Major IT Project
Department of Public Safety and Correctional Services

New/Ongoing: Ongoing								
Start Date: July 31, 2018					Est. Completion Date: Fiscal 2025			
Implementation Strategy: Agile								
(\$ in Millions)	Prior Year	2022	2023	2024	2025	2026	Remainder	Total
GF	\$5.100	\$2.100	\$3.300	\$3.500	\$0.400	\$0.000	\$0.000	\$11.200
FF	0.600	0.000	0.000	0.000	0.000	0.000	0.000	0.600
Total	\$5.700	\$2.100	\$3.300	\$3.500	\$0.400	\$0.000	\$0.000	\$11.800

- Project Summary:** DPSCS is in the process of replacing the obsolete CCH mainframe system and replacing it with a state-of-the-art relational database and Internet interface. The legacy system, which includes the indent/index and Arrest Disposition Reporting mainframe systems will be replaced with an enhanced solution that allows for the provisioning of timely, updated offender information to local law enforcement, community supervision programs, and other DPSCS constituents. The new system will provide effective monitoring, rehabilitation, and case management of offenders within these programs, providing a time-saving process that eliminates manual processes while providing consolidated information within a single data system.
- Need:** The current system was implemented in 1978 and is obsolete. The existing mainframe cannot handle demand requiring inefficient temporary fixes to continue operational use.
- Observations and Milestones:** The pre-planning and increment planning stages of the project have been completed. Deliverables regarding the project charter and solutions roadmap as well as functional requirements have been submitted. A request for proposals (RFP) was released in fiscal 2019. The award was expected by mid-year 2020. The evaluation period was lengthened to accommodate vendor product demonstrations, completed in the fourth quarter of fiscal 2020.
- Changes:** The project completed technical reviews of proposals submitted in response to the RFP for the replacement CCH. Best and final offers have been requested, and DPSCS is in the final stages of selecting a contractor. An amendment to the RFP was issued to change the deployment approach from an on-premises deployment to a cloud-based solution. An award recommendation was submitted to the Office of State Procurement for subsequent approval.
- Concerns:** The current system has multiple interdependencies and replacement that may result in temporary impacts to existing procedures and processes that may not fully be identified at this point. Project delays led to the lapsing and replacement with general funds of \$2.3 million in federal grants.

Appendix 4
Electronic Patient Health Record
Major IT Project
Department of Public Safety and Correctional Services

New/Ongoing: Ongoing								
Start Date: 7/31/2018					Est. Completion Date: 1/31/2023			
Implementation Strategy: Agile								
(\$ in Millions)	Prior Year	2022	2023	2024	2025	2026	Remainder	Total
GF	\$8.800	\$6.200	\$4.000	\$0.000	\$0.000	\$0.000	\$0.000	\$19.000
Total	\$8.800	\$6.200	\$4.000	\$0.000	\$0.000	\$0.000	\$0.000	\$19.000

- Project Summary:** DPSCS is in the process of replacing the outdated EPHR with a new and more robust system to address the needs of the department. DPSCS acquired and is deploying a commercial off-the-shelf ambulatory EPHR that provides the facility for an automated Electronic Medication Administration Records system with a scheduling system that interfaces with internal systems and external vendors. The new cloud-based system will comply with legal requirements, as outlined in the *Duvall v. O’Malley* case, and provide DPSCS a comprehensive, primary, secondary, and specialty health services EPHR as well as providing inpatient services, utilization management, and social work mental health services that provide generally accepted standards of care.
- Need:** The current system is outdated, and some major components are not available to the users because they were not included in the software version in use. This has been problematic in ensuring a standard of care that meets federal guidelines. The system will satisfy judgement against DPSCS for issues outlined in the revised consolidated decree, *Duvall v. O’Malley*, U.S. District Court for the State of Maryland, preventing further monetary judgement against the agency. A comprehensive EPHR will allow for interconnection and information sharing for referrals and/or transitional assistance to community medical resources upon an inmate’s release. The new system will also satisfy the needs and standard operating procedures of external stakeholders by exchanging real-time updates to connected systems.
- Observations and Milestones:** The pre-planning phase for the new solicitation was completed in January 2019. The RFP closed on March 6, 2020. COVID-19 caused the project to experience limited access to the State hospitals thus leading to delays in some remaining infrastructure upgrades. An award was made on November 1, 2020, in the amount of \$31.2 million over seven years to Fusion Capital Management, LLC. Teams began working on the successful extraction of legacy data, and ongoing progress has been made on the development of templates, forms, and other pertinent processes relative to medical and mental health workflows. The vendor continues its focus on clinical content development and workflow refinement activities and continues to improve in planning-related activities for critical interface development activities. A program manager is assigned to the project.

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- **Concerns:** The project risks not completing deliverables related to functional requirements on time. This is due to process complexity and clarity around intra-agency workflows, both of which could impact development and/or configuration activities.

Appendix 5
Maryland Automated Fingerprint Identification System Replacement
Major IT Project
Department of Public Safety and Correctional Services

New/Ongoing: Ongoing								
Start Date: March 30, 2018					Est. Completion Date: Fiscal 2023			
Implementation Strategy: Agile								
(\$ in Millions)	Prior Year	2022	2023	2024	2025	2026	Remainder	Total
GF	\$4.400	\$0.100	\$0.000	\$0.000	\$0.000	\$0.000	\$0.000	\$4.500
FF	3.600	0.000	0.000	0.000	\$0.000	0.000	0.000	3.600
Total	\$8.000	\$0.100	\$0.000	\$0.000	\$0.000	\$0.000	\$0.000	\$8.100

- Project Summary:** MAFIS is used to perform fingerprint searches on individuals taken into custody by law enforcement and charged with an arrestable offense, but it is used by other agencies as well. The new system is expected to have enhanced requirements for the processing capabilities, record storage, and management capacity of the system to support the continued growth of the identification databases and identification processing workload.
- Need:** Support for the current system was scheduled to be permanently unavailable after June 30, 2019, requiring prompt replacement of the system. The immediate needs are (1) refresh the system technology to enhance maintainability and ensure continued availability of the system services; (2) enhance requirements for the processing capabilities, record storage, and management capacity of the system; and (3) support the continued growth of the identification databases and identification-processing workload.
- Observations and Milestones:** MAFIS production hardware was deployed in the third quarter of fiscal 2020, after corrective measures were implemented to address contract compliance and delivery quality concerns, with the new MAFIS application scheduled for release in the first quarter of fiscal 2021. Progress has been made on documenting business processes and workflows, along with steps toward instantiating a new production database. The project team completed the deployment of all core modules of the application in the first quarter of fiscal 2022, and the production system is now being stabilized. Once fully adopted, the project will transition to the operations and maintenance phase for a 12-month period.
- Changes:** Given the contractual issues encountered during the fourth quarter of fiscal 2019, DPSCS proposed a contract modification with strict stipulations that would delay production go-live until October 1, 2020. If the stipulations were not formally agreed to and met by the contractor, DPSCS would render the contractor in default, terminate the contract, and begin the solicitation process for a new contract. DPSCS’ notice of default laid out stipulations that offer the contractor the opportunity to cure contract deficiencies. Acceptance of these stipulations resulted in decreased implementation costs and other compensatory cost adjustments resulting in an amended contract.

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MAFIS production hardware was deployed in the third quarter of fiscal 2020 after corrective measures were implemented to address contract compliance and delivery quality concerns.

- **Concerns:** The primary risk is due to scheduling delays. The contractor has provided DPSCS with a verbal agreement for a no-cost extension of the legacy application, but this means that the current inefficient system will remain in use for an additional year.

Appendix 6
Learning Management System Replacement Project
Major IT Project
Police and Correctional Training Commissions

New/Ongoing: Ongoing								
Start Date: January 2020					Est. Completion Date: October 2022			
Implementation Strategy: Agile								
(\$ in Millions)	Prior Year	2022	2023	2024	2025	2026	Remainder	Total
SF	\$1.000	\$1.000	\$0.000	\$0.000	\$0.000	\$0.000	\$0.000	\$2.000
Total	\$1.000	\$1.000	\$0.000	\$0.000	\$0.000	\$0.000	\$0.000	\$2.000

- Project Summary:** Police and Correctional Training Commissions is in the process of implementing a new Learning Management System. The department provides regulatory oversight of entry-level training, ongoing in-service training, and certification of the sworn public safety professionals in the State. The new system will track public safety professionals’ certification throughout their careers as well as original certification or recertification, separation of employment, changes in officer status, promotion/demotion, name change, instructor certification, and transfers. In addition to tracking a public safety professionals’ training and certification history, the system will also be used to respond to public disclosure requests, create custom and standard reports, track course/class information history, scheduling and student attendance (academy and in-service classes) history, firearms qualification records, law enforcement agency information, agency contact information, and instructor certification and training area expertise information.
- Need:** The new system will replace the legacy system that has serviced public safety professionals for the last 20 years. The current system lacks the ability to track relevant data points of interest and produce essential reports.
- Observations and Milestones:** Solution pre-planning was completed in October 2020, and roadmap planning began in February 2021. The project developed and subsequently issued an RFP to acquire a Learning Management System solution in the third quarter of fiscal 2021. The evaluation team completed the oral presentation of the bids received in the fourth quarter of fiscal 2021 and anticipates making an award recommendation in fiscal 2022.

Appendix 7
Enterprise Resource Planning Implementation Project
Major IT Project
Department of Public Safety and Correctional Services

New/Ongoing: Ongoing								
Start Date: Fiscal 2020					Est. Completion Date: Fiscal 2022			
Implementation Strategy: Agile								
(\$ in Millions)	Prior Year	2022	2023	2024	2025	2026	Remainder	Total
SF	\$6.000	\$0.100	\$0.100	\$0.000	\$0.000	0.000	\$0.000	\$6.100
Total	\$6.000	\$0.100	\$0.100	\$0.000	\$0.000	\$0.000	\$0.000	\$6.100

- Project Summary:** The Maryland Correctional Enterprises (MCE) intends to replace its legacy application with a new Enterprise Resource Planning solution. The new solution will modernize and automate manual processes that result in delays in accounts payables, accounts receivables, inventory management, along with delays in other financial workstreams. The new application will provide a centralized system to address the current limitations of decoupled processes and systems and will replace manual and inefficient business processes.
- Need:** Currently, many of the processes within MCE are paper driven, causing long delays in accounts payables, accounts receivables, and generating financials. Auditors have found issues with the accounting of inventory related to the current system. Analysis of sales data history can take several weeks, as data mining is difficult with the current system. The current system has surpassed its end of life, causing difficulty in acquiring replacement parts and service as well as longer than average downtime. Prior updates for the system have not been purchased or installed, as it would require a complete replacement of the backend hardware.
- Observations and Milestones:** A project manager was brought on in May 2020, and a RFP went live in the first quarter of fiscal 2021. An award was approved at the January 27, 2020 BPW meeting for Global Shop Solutions in the amount of \$1,495,980 for February 2021 through April 2022. The initiation, planning, concept, and design phases are complete, and the test and authenticate phases are underway. The planned go-live date is November 8, 2021, for phase one of the implementation, which includes all functionality currently performed in MCE’s existing system. Follow-on phases to bring individual shops’ off-line processes into the new system are being planned to follow phase one implementation.
- Changes:** This project has undergone significant changes since inception in 2008, with the previous solicitation canceled in lieu of a new cloud-based solution. Procurement issues continued after the project was modified, so a project manager and team was procured (contract approved November 20, 2019) to reissue the RFP and make an expeditious award. This has quickly moved the project to the point of software implementation in November, 2021. Maintenance costs will continue in fiscal 2023 as operations are smoothed out through project review iterations.

Appendix 8
Drone Detection and Response System
Major IT Project
Department of Public Safety and Correctional Services

New/Ongoing: Ongoing								
Start Date: Fiscal 2021					Est. Completion Date: Fiscal 2021			
Implementation Strategy: Waterfall								
(\$ in Millions)	Prior Year	2022	2023	2024	2025	2026	Remainder	Total
GF	\$2.800	\$0.000	\$0.000	\$0.000	\$0.000	\$0.000	\$0.000	\$2.800
Total	\$2.800	\$0.000	\$0.000	\$0.000	\$0.000	\$0.000	\$0.000	\$2.800

- **Project Summary:** DPSCS is looking to implement a Drone Detection and Response System to warrant against unlawful entry of contraband into the State prison system. The project is a two-phase approach. Phase one is for a sole-source contract to develop the requirements for a RFP. Phase two will procure a contractor to deliver and implement the system.
- **Need:** Currently, DPSCS lacks the ability to deter unmanned drones from flying overhead and releasing contraband items onto prison property.
- **Milestones:** DPSCS released an expanded solicitation in the fourth quarter of fiscal 2020 for a full drone detection program across 25 correctional facilities. The award was delayed due to competing priorities but is expected to be made in fiscal 2022. After initial implementation and evaluation of results, the solution may be expanded to other facilities as funding allows.
- **Concerns:** As the new system may integrate with other legacy applications, the department will be required to provide subject matter experts knowledgeable in legacy applications, business processes, and workflows.

Appendix 9
Object/Fund Difference Report
DPSCS – Administration and Offices

<u>Object/Fund</u>	<u>FY 21</u> <u>Actual</u>	<u>FY 22</u> <u>Working</u> <u>Appropriation</u>	<u>FY 23</u> <u>Allowance</u>	<u>FY 22 - FY 23</u> <u>Amount Change</u>	<u>Percent</u> <u>Change</u>
Positions					
01 Regular	1,135.00	1,098.00	1,105.00	7.00	0.6%
02 Contractual	71.99	153.06	149.25	-3.81	-2.5%
Total Positions	1,206.99	1,251.06	1,254.25	3.19	0.3%
Objects					
01 Salaries and Wages	\$ 99,227,173	\$ 104,958,183	\$ 107,550,862	\$ 2,592,679	2.5%
02 Technical and Special Fees	4,246,878	4,933,088	4,673,613	-259,475	-5.3%
03 Communication	2,159,013	2,043,391	1,996,360	-47,031	-2.3%
04 Travel	61,291	181,697	157,047	-24,650	-13.6%
06 Fuel and Utilities	241,459	277,623	267,395	-10,228	-3.7%
07 Motor Vehicles	1,314,987	1,606,491	2,685,017	1,078,526	67.1%
08 Contractual Services	37,991,301	40,189,225	39,659,539	-529,686	-1.3%
09 Supplies and Materials	1,579,881	2,011,940	1,653,640	-358,300	-17.8%
10 Equipment – Replacement	4,657,261	6,261,566	4,462,380	-1,799,186	-28.7%
11 Equipment – Additional	428,107	416,750	201,940	-214,810	-51.5%
12 Grants, Subsidies, and Contributions	2,582,866	2,383,924	2,723,000	339,076	14.2%
13 Fixed Charges	4,521,847	2,898,072	3,177,056	278,984	9.6%
Total Objects	\$ 159,012,064	\$ 168,161,950	\$ 169,207,849	\$ 1,045,899	0.6%
Funds					
01 General Fund	\$ 145,111,455	\$ 152,990,057	\$ 158,353,070	\$ 5,363,013	3.5%
03 Special Fund	8,615,760	10,688,140	8,735,810	-1,952,330	-18.3%
05 Federal Fund	2,599,085	2,670,766	774,694	-1,896,072	-71.0%
09 Reimbursable Fund	2,685,764	1,812,987	1,344,275	-468,712	-25.9%
Total Funds	\$ 159,012,064	\$ 168,161,950	\$ 169,207,849	\$ 1,045,899	0.6%

Note: The fiscal 2022 working appropriation does not include deficiencies. The fiscal 2022 working appropriation and fiscal 2023 allowance do not reflect funding for statewide personnel actions budgeted in the Department of Budget and Management, which include cost-of-living adjustments, increments, bonuses, and may include annual salary review adjustments.

Appendix 10
Fiscal Summary
DPSCS – Administration and Offices

<u>Program/Unit</u>	<u>FY 21</u> <u>Actual</u>	<u>FY 22</u> <u>Wrk Approp</u>	<u>FY 23</u> <u>Allowance</u>	<u>Change</u>	<u>FY 22 - FY 23</u> <u>% Change</u>
01 Office of the Secretary	\$ 108,369,091	\$ 114,279,979	\$ 117,719,687	\$ 3,439,708	3.0%
02 Deputy Secretary for Operations	49,553,891	52,621,160	50,243,540	-2,377,620	-4.5%
00 Inmate Grievance Office	661,836	728,462	767,663	39,201	5.4%
00 Maryland Commission on Correctional Standards	427,246	532,349	476,959	-55,390	-10.4%
Total Expenditures	\$ 159,012,064	\$ 168,161,950	\$ 169,207,849	\$ 1,045,899	0.6%
General Fund	\$ 145,111,455	\$ 152,990,057	\$ 158,353,070	\$ 5,363,013	3.5%
Special Fund	8,615,760	10,688,140	8,735,810	-1,952,330	-18.3%
Federal Fund	2,599,085	2,670,766	774,694	-1,896,072	-71.0%
Total Appropriations	\$ 156,326,300	\$ 166,348,963	\$ 167,863,574	\$ 1,514,611	0.9%
Reimbursable Fund	\$ 2,685,764	\$ 1,812,987	\$ 1,344,275	-\$ 468,712	-25.9%
Total Funds	\$ 159,012,064	\$ 168,161,950	\$ 169,207,849	\$ 1,045,899	0.6%

Note: The fiscal 2022 working appropriation does not include deficiencies. The fiscal 2022 working appropriation and fiscal 2023 allowance do not reflect funding for statewide personnel actions budgeted in the Department of Budget and Management, which include cost-of-living adjustments, increments, bonuses, and may include annual salary review adjustments.