
Department of Public Safety and Correctional Services Fiscal 2024 Budget Overview

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

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Analysis of the FY 2024 Maryland Executive Budget, 2023

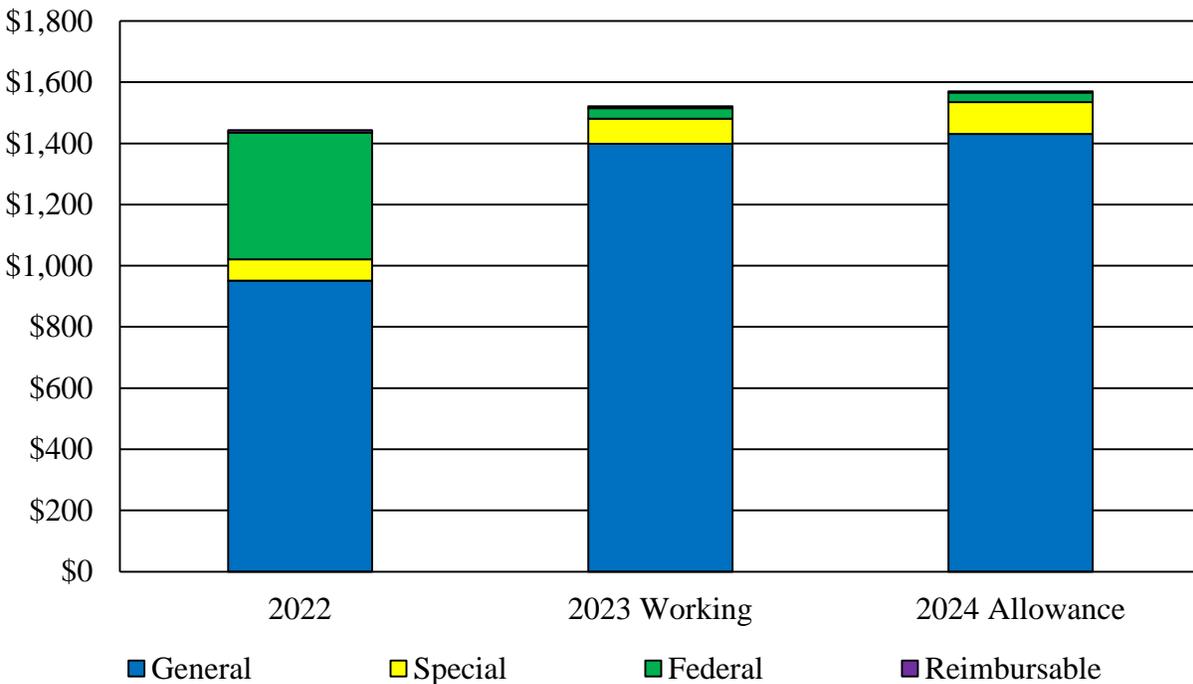
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Executive Summary

The Department of Public Safety and Correctional Services (DPSCS) is a principal department of State government, responsible for operating 13 correctional facilities throughout the State and 5 detention facilities in Baltimore City, whose combined fiscal 2022 average daily population (ADP) is approximately 17,300 offenders. In addition, the department supervises offenders on parole and probation. Currently, DPSCS has a budget allowance of \$1.6 billion and 9,217 authorized positions that account for approximately 5.3% of all general fund expenditures and 11.2% of the total State workforce.

Operating Budget Summary

Fiscal 2024 Budget Increases by \$49.1 Million, or 3.2%, to \$1.57 Billion
(\$ in Millions)



Note: Numbers may not sum due to rounding. The fiscal 2023 working appropriation includes deficiency appropriations including this agency’s share of a deficiency appropriation budgeted in the Statewide Account within the Department of Budget and Management (DBM). Fiscal 2024 salary enhancements are budgeted in the Statewide Account within DBM.

Key Observations

- ***Correctional Officer (CO) Employment Drops Past Previous Low:*** While DPSCS had previously made some progress in stemming the flow of COs out of the department, vacancies rose from 6.4% in July 2021 to 11.1% in January 2023.
- ***Personnel Costs Increase by \$29 Million Due to Annualized Salary Enhancements:*** In fiscal 2023, salary enhancements increased the base for personnel costs, resulting in higher regular earnings, overtime, and fringe benefits despite no increase in overall employment.
- ***Sentenced Offender Population Is Rebounding in State Prisons:*** After record decreases in recent years, the State-sentenced population in fiscal 2023 has already increased by 450 offenders.
- ***Five-year Outcomes: Justice Reinvestment Act (JRA) Results in Drop of 910 Offenders and \$3.9 Million in Savings:*** Since the JRA was enacted, the ADP dropped by 3,817 offenders – 910 of which (24%) can be directly related to JRA provisions.

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Program Description

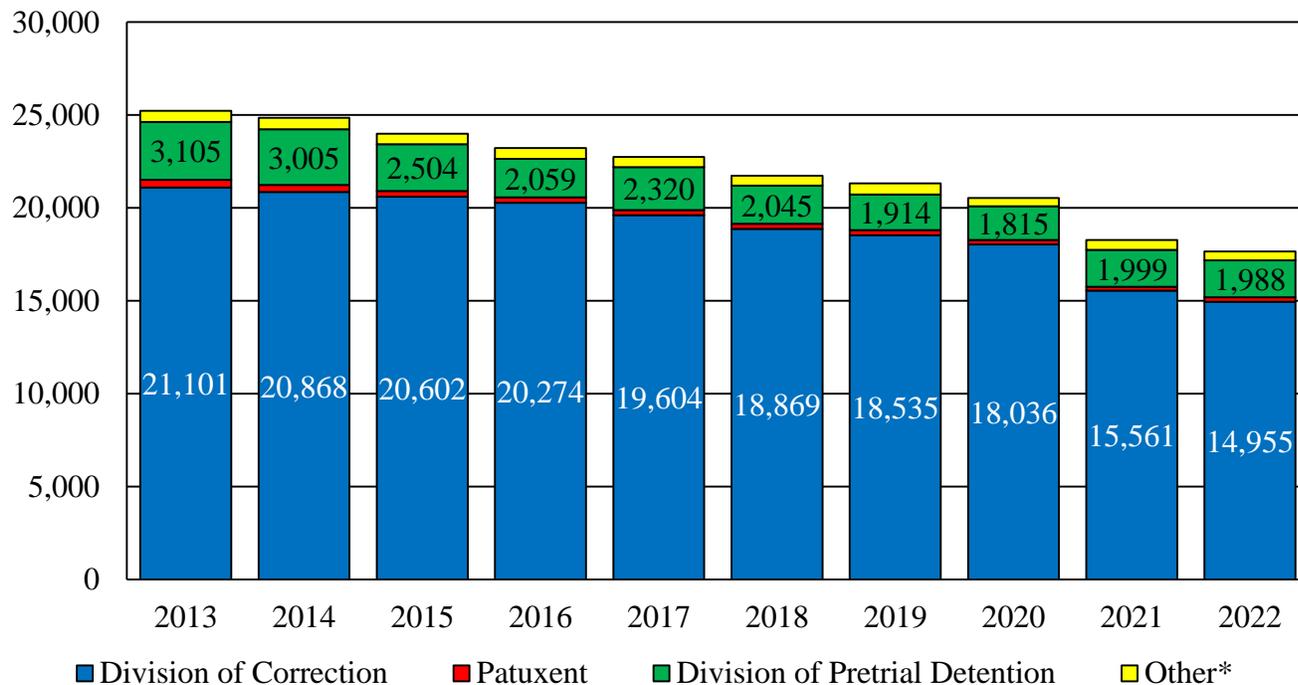
DPSCS helps keep Maryland communities safe and provides services to victims of crime. The department strives to ensure the safety, security, and wellbeing of defendants and offenders under its supervision and to provide criminal justice agencies with access to timely, accurate information about defendants and offenders.

Performance Analysis: Managing for Results

1. State Prison and Jail Populations Stable but Could Soon Increase

Exhibit 1 shows the annual ADP of prisoners and detainees in DPSCS custody from fiscal 2013 to 2022. The 10-year decline was 7,586 offenders, or 29.1%. The annual decline from fiscal 2021 to 2022 was 625 offenders, or 3.4%. From a historical perspective, Maryland has substantially reduced the sentenced offender population. In the first two quarters of fiscal 2023, however, the total State-sentenced population increased by over 450 offenders. As the courts make progress in processing criminal caseloads, there is a reasonable expectation that the incarcerated population will continue to grow even if pretrial populations do not. If current trends continue into the remainder of fiscal 2023, the population in DPSCS custody would grow past fiscal 2021 levels.

**Exhibit 1
Incarcerated Offenders – Average Daily Population
Fiscal 2013-2022**



*Other includes federal prisoners held at the Chesapeake Detention Facility and offenders in local jails awaiting transfer to the Department of Public Safety and Correctional Services.

Source: Managing for Results, Department of Public Safety and Correctional Services

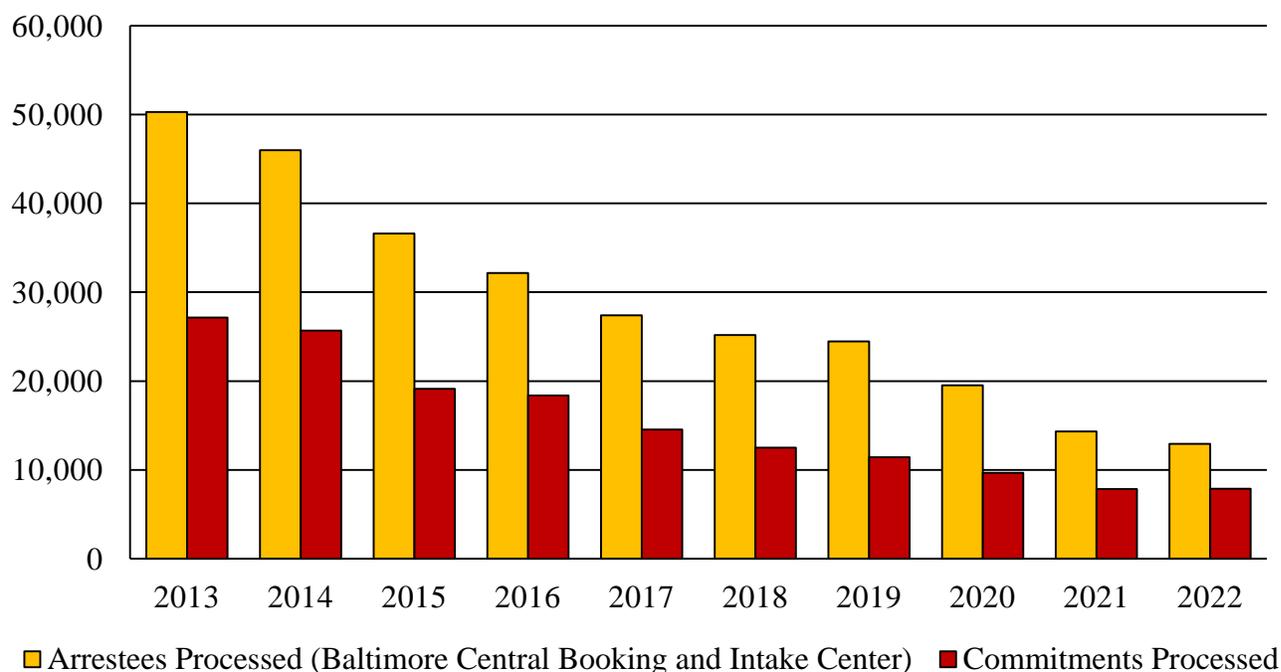
Inmate Population Statistics, Fiscal 2022

- 14,955 State prisoners were sentenced and incarcerated;
- 2,344 offenders were held in pretrial detention (1,988 local and 356 federal);
- the Eastern Correctional Institution (ECI) held the largest percentage of sentenced offenders at 2,709, or 18.1%; and
- the Baltimore Central Booking and Intake Center (BCBIC) held the largest percentage of detainees at 902, or 38.4%.

2. Baltimore City Arrests Down; Pretrial Detention Commitments Steady

Exhibit 2 shows arrestees processed and the number of arrestees committed to pretrial detention in Baltimore City from fiscal 2013 to 2022. The 10-year decline was 74% and 71%, respectively, for arrests and commitments. The annual change from fiscal 2021 to 2022, however, shows that while arrests were down by 9.7%, commitments to pretrial detention were slightly elevated by 0.6%. This means that the ratio of commitments to arrests also increased from an average of 53% in fiscal 2013 to 2021 to 61% in fiscal 2022.

Exhibit 2
Arrestees and Commitments to Pretrial Detention in Baltimore City
Fiscal 2013-2022



Source: Managing for Results, Department of Public Safety and Correctional Services

- **Baltimore City Arrests Declined 74% since 2013:** Over 50,000 arrestees were processed in fiscal 2013. In fiscal 2022, just under 13,000 arrestees were processed, which is a 9.7% decrease from fiscal 2021 levels.
- **Baltimore City Arrestees Committed to Detention Decreased 71% since 2013:** Approximately 27,000 arrestees were admitted to pretrial detention in fiscal 2013; in fiscal 2022, it was 7,881, a 0.6% increase from fiscal 2021 levels.

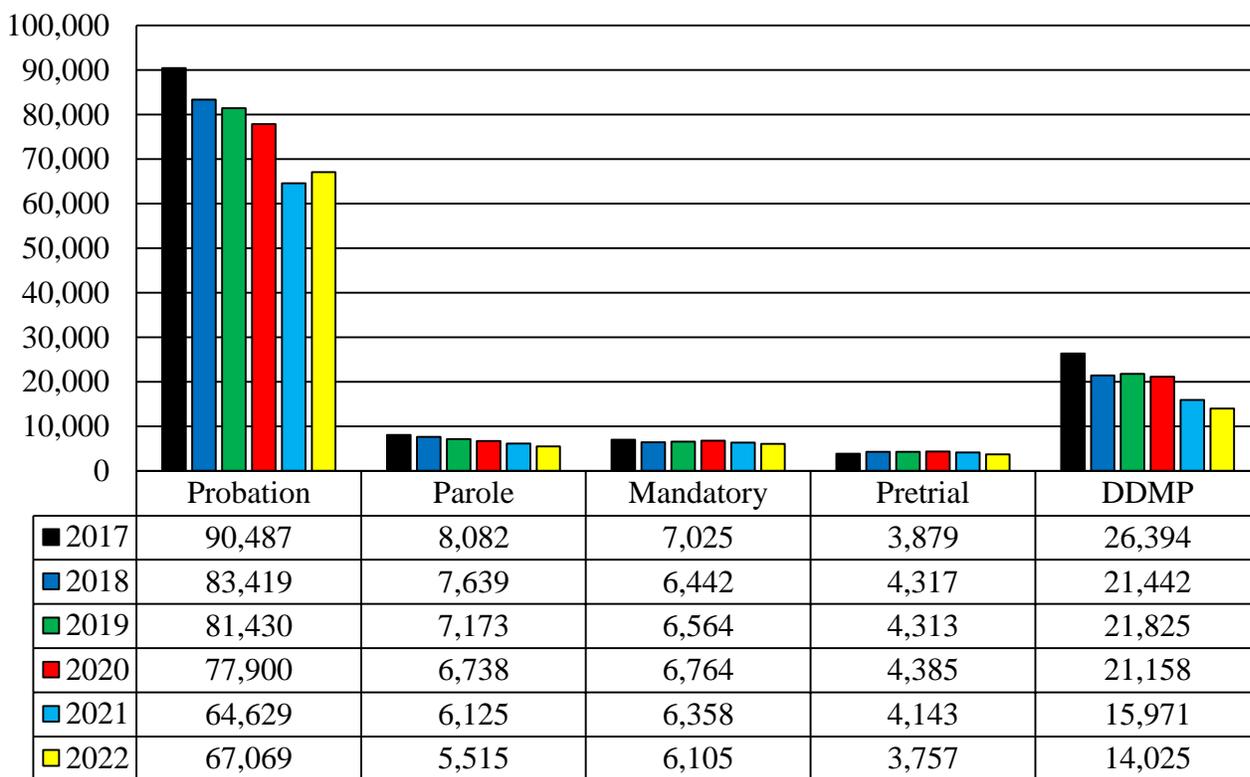
3. Probation Cases Increase While Other Community Supervision Cases Decline

Several of the department’s community supervision programs saw cases decline in fiscal 2022, including:

- *Parole*: -10.0%;
- *Mandatory Release*: -4.0%;
- *Pretrial Release Supervision Program*: -9.3%; and
- *Drinking Driver Monitor Program (DDMP)*: -12.2%.

Probation cases increased from fiscal 2021 to 2022 for the first time since fiscal 2011. The probation population increased for similar reasons to the incarcerated population. As the courts make progress in processing criminal caseloads, there is a reasonable expectation that the population placed on probation will also grow. However, it is unlikely that this growth will reach the levels seen prior to the COVID-19 pandemic. For historical context, **Exhibit 3** depicts the total number of cases under community supervision for the past six years.

**Exhibit 3
Parole and Probation Total Supervised Cases
Fiscal 2017-2022**



DDMP: Drinking Driver Monitor Program
Mandatory: mandatory release due to credits
Pretrial: Pretrial Release Supervision Program

Source: Department of Public Safety and Correctional Services

- Criminal Supervision Cases Decreased 25.5% since Fiscal 2017 but Increased 2.0% since Fiscal 2021:** Approximately 105,600 cases were under criminal supervision (probation, parole, and mandatory supervision) in fiscal 2017. In fiscal 2022, there were 78,689 cases under criminal supervision, which represents a 2.0% increase from fiscal 2021 levels.
- DDMP Cases Decreased by 46.9% since Fiscal 2017:** DDMP monitors managed 26,394 cases in fiscal 2017. In fiscal 2022, DDMP monitors managed 14,025 DDMP cases, which is a 12.2% decline from fiscal 2021 levels.

Fiscal 2022

After adjusting for the transfer of the Maryland 9-1-1 Board to the Maryland Department of Emergency Management, DPSCS actual fiscal 2022 spending was higher than the legislative appropriation by approximately \$109 million. Deficiency appropriations, statewide budget transfers, and budget amendments substantially increased allowed spending, primarily due to salary increases (\$25.9 million), bonuses (\$25.7 million), and pandemic response pay provided through the federal American Rescue Plan Act (\$40.2 million). There were also some areas where DPSCS spent less than appropriated. Notably, DPSCS reverted \$3 million in substance use disorder treatment services funding that was required through budget bill language to return to the General Fund if not used. Additionally, \$8.2 million in general funds were reverted due to a pharmacy surplus caused by unusually large annual pharmaceutical rebates.

Fiscal 2023

Proposed Deficiencies

There are several general fund deficiency appropriations for fiscal 2023 that increase the department's appropriation by a total of \$11.8 million.

- The Division of Parole and Probation (DPP) was provided with \$4.3 million to fund salary step increases.
- Rising utility costs at the ECI Co-Generation Facility and the Maryland Correctional Institution (MCI) – Hagerstown Power Generation Station required \$3.2 million and \$1.4 million, respectively.
- DDMP special fund revenues fell short, requiring \$1.3 million in general funds.
- Approximately \$1.5 million was added due to a budgeting error in fiscal 2023 Supplemental Budget No. 3, which provided \$3.5 million to the Office of the Attorney General as part of a law enforcement task force.
- The maintenance of oxygen infrastructure and gas tanks at the MCI hospital facility required \$150,500.
- A grant budgeted in the Governor's Office of Crime Prevention, Youth, and Victim Services (GOCPYVS) for virtual reality training simulation equipment at the Police and Correctional Training Commissions (PCTC) was approved for \$66,300.

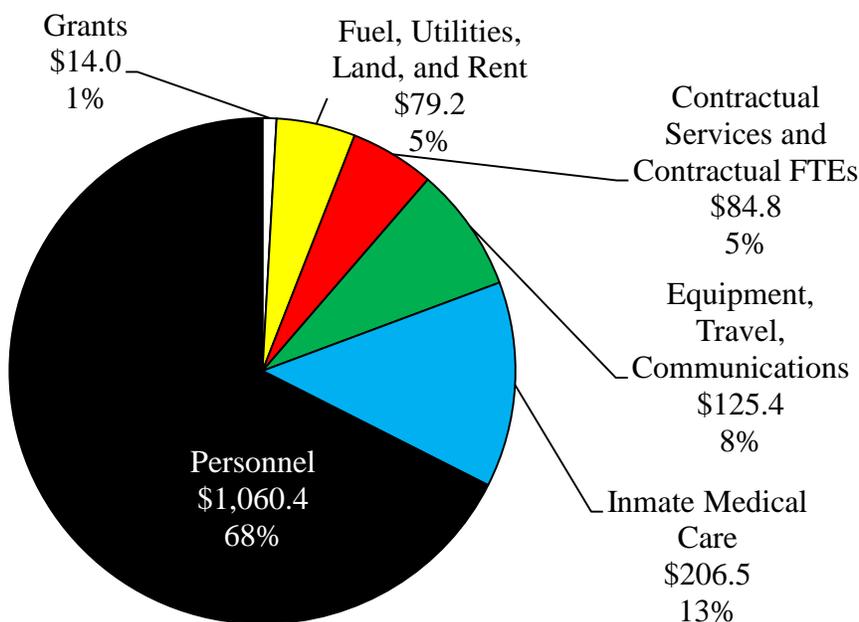
Additionally, the 4.5% cost-of-living adjustment (COLA) provided in November 2022 added a total of \$18.7 million across general, special, and federal funds.

Fiscal 2024

Overview of Agency Spending

The DPSCS allowance for fiscal 2024 is approximately \$1.57 billion. The allowance is primarily used to pay personnel costs (\$1,060.4 million), mainly for salaries and wages. Of this amount, 15.9%, or \$169.0 million, goes toward overtime costs related to the department’s large number of vacancies. The remaining areas of major spending are inmate medical care (\$206.5 million), supplies and materials (\$92.2 million), contractual services (\$75.9 million mainly related to key security and information technology (IT) programs), and fuel and utilities (\$59.8 million). **Exhibit 4** displays the fiscal 2024 allowance categorized by major spending areas.

Exhibit 4
Overview of Agency Spending by Purpose
Fiscal 2024 Allowance
(\$ in Millions)



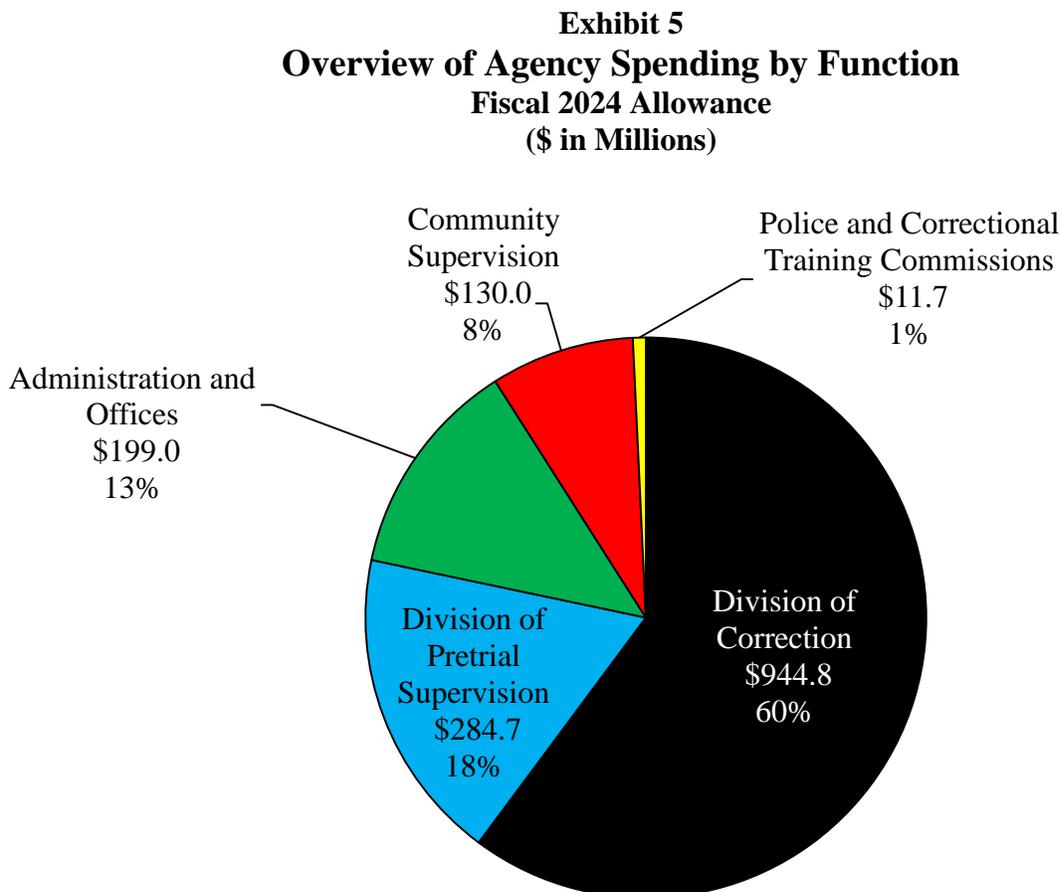
FTE: full-time equivalent

Note: The fiscal 2024 allowance does not reflect funding for statewide personnel actions budgeted in the Department of Budget and Management, which includes cost-of-living adjustments, increments, bonuses, and may include annual salary review adjustments.

Source: Governor’s Proposed Budget

Spending by Departmental Function

Exhibit 5 allocates the fiscal 2024 budget between the primary functional units of DPSCS.



Note: The fiscal 2024 allowance does not reflect funding for statewide personnel actions budgeted in the Department of Budget and Management, which includes cost-of-living adjustments, increments, bonuses, and may include annual salary review adjustments.

Source: Governor’s Proposed Budget; Department of Legislative Services

Corrections includes the Division of Correction (DOC); the Patuxent Institution; and Maryland Correctional Enterprises (MCE), the prison industry arm of the division. Corrections, which is responsible for the physical confinement and control of offenders incarcerated by Maryland’s judicial system, operates 12 State prisons, including the Patuxent Institution. The remaining State prison, the Baltimore City Correctional Center (BCCC), falls under the authority of the Division of Pretrial Detention and Services (DPDS) due to its location in Baltimore City. Additionally, not all sentenced offenders are held in DOC facilities, as DPDS facilities hold most offenders sentenced from Baltimore City to short local or State sentences. The DOC fiscal 2024 allowance is approximately \$944.8 million, or 60%, of the total DPSCS allowance.

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DPDS is the second largest functional area and is responsible for all offenders arrested in Baltimore City as well as those held on warrants from Baltimore City. Federal prisoners held at the Chesapeake Detention Facility (CDF) are also under DPDS' purview. Facilities include CDF; BCBIC; the Youth Detention Center; the Metropolitan Transition Center; and the Maryland Reception, Diagnostic, and Classification Center. BCCC, a State correctional facility, also falls under this budget. The DPDS fiscal 2024 allowance is approximately \$284.7 million, or 18%, of the total DPSCS allowance.

Administration and Offices make up the third largest functional area, consisting of several oversight units and independent agencies. Capital and Facilities Management, General Administration, the Intelligence and Investigative Division, and the Information Technology and Communications Division (ITCD) are included within DPSCS headquarters as well as the consolidated Administrative Services Program consisting of Human Resources, Procurement, Fiscal, Budget, Regulation and Policy Coordination, and Grants/Statistical Analysis. As required by Chapter 127 of 2021, a fiscal 2023 reorganization moved the Warrant Apprehension Unit reporting structure so that it now falls under the Intelligence and Investigative Division rather than DPP. The Inmate Grievance Office (IGO) and the Maryland Commission on Correctional Standards (MCCS) are independent agencies included in the discussion of the Administration budget. IGO has jurisdiction over all inmate grievances against DPSCS, and MCCS develops and audits compliance with standards for all correctional and detention facilities in the State. The Administration and Offices fiscal 2024 allowance is about \$199.0 million, or 13%, of the total DPSCS allowance.

Community Supervision has three main units – the Maryland Parole Commission, DPP headquarters, and the regional office units that conduct criminal supervision of offenders on parole or probation or who are assigned to DDMP. The Community Supervision fiscal 2024 allowance is \$130.0 million, or 8%, of the total DPSCS allowance.

PCTC develops the training standards for all law enforcement and COs in the State and are the smallest function within DPSCS. PCTC's fiscal 2024 allowance is \$11.7 million, or less than 1%, of the total DPSCS allowance.

Spending by Fund Source

- **General Funds (\$1,431.3 Million):** Increase by \$32.3 million over the fiscal 2023 working appropriation due to salary increases and inflationary pressures on utilities, food, and software/IT costs.
- **Special Funds (\$104.0 Million):** Increase by \$21.9 million over the fiscal 2023 working appropriation because \$20 million in general fund personnel costs were replaced with special funds from the Fiscal Responsibility Fund.

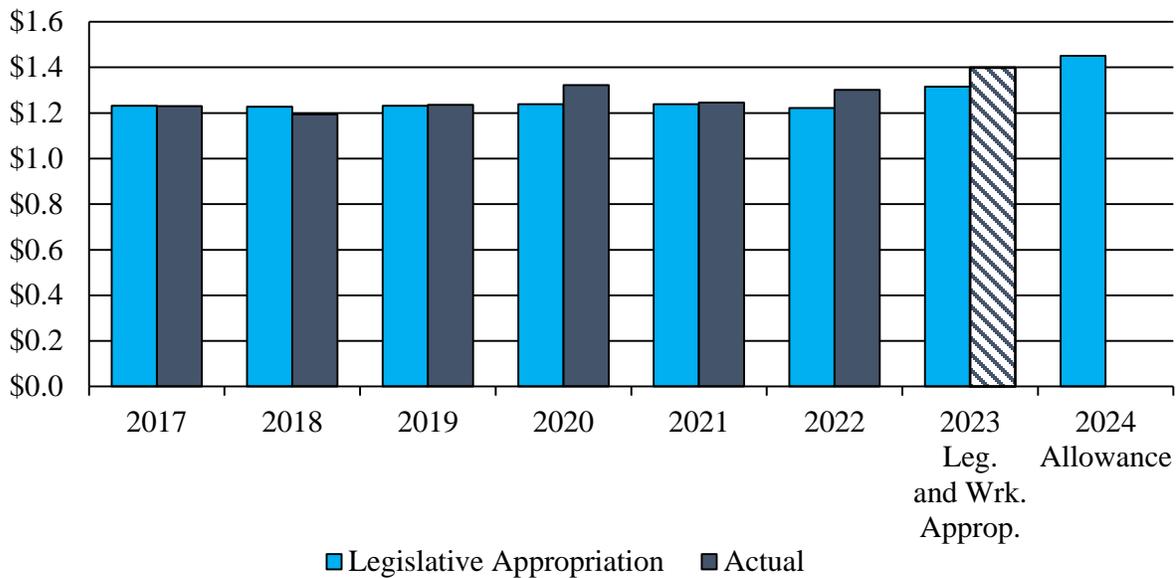
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- **Federal Funds (\$31.1 Million):** Decrease by \$2.4 million from the fiscal 2023 working appropriation. A federal grant for the State Criminal Alien Assistance Program is budgeted in fiscal 2023 but does not appear in fiscal 2024 because the award amount is only known during the current fiscal year.
- **Reimbursable Funds (\$4.0 Million):** Decrease by \$2.7 million from the fiscal 2023 working appropriation due to the end of Major Information Technology Development Project funding for drone detection.

Fiscal 2024 General Fund Expenses Increase by 6.7%

Exhibit 6 shows DPSCS general fund actual spending compared to the respective legislative appropriation since fiscal 2017. Large one-time federal and special fund swaps that would have otherwise covered general fund personnel expenses are included in this chart for more accurate comparison.

Exhibit 6
Actual versus Appropriated Spending – General Funds
Fiscal 2017-2024
(\$ in Billions)



Note: The fiscal 2023 working appropriation does not reflect a one-time fund swap of \$350 million in general funds for federal funds. The fiscal 2023 working appropriation includes deficiency appropriations including this agency’s share of a deficiency appropriation budgeted in the Statewide Account within the Department of Budget and Management (DBM). Fiscal 2024 salary enhancements are budgeted in the Statewide Account within DBM.

Source: Department of Public Safety and Correctional Services; Department of Legislative Services

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General fund expenses have grown since prepandemic times. Actual expenses in fiscal 2020 and 2022 were higher than appropriated, mostly due to one-time COVID-19 expenses in 2020 and the impact of salary increases in 2022. In fiscal 2023 and 2024, this trend accelerates due to salary increases and widespread inflationary pressures. The fiscal 2023 working appropriation is higher than the legislative appropriation due to the transfer of funding for COLAs, increments, bonuses, and annual salary review (ASR) adjustments from the statewide personnel account in the Department of Budget and Management (DBM). These changes account for approximately \$70 million of the fiscal 2023 increase. This is likewise expected to continue in fiscal 2024 as additional statewide salary enhancements are budgeted for later distribution to affected agencies. The impact of the annualization of these enhancements is seen below in the budget change discussion.

Proposed Budget Change

Accounting for all adjustments, overall funding grows by \$49.1 million, or 3.2%, compared to the fiscal 2023 working appropriation. By far, most of the allowance is in general funds (91.1%). **Exhibit 7** provides detail on the department’s fiscal 2024 allowance increase and the changes to programs and spending initiatives.

**Exhibit 7
Proposed Budget
Department of Public Safety and Correctional Services
(\$ in Millions)**

How Much It Grows:	<u>General Fund</u>	<u>Special Fund</u>	<u>Federal Fund</u>	<u>Reimb. Fund</u>	<u>Total</u>
Fiscal 2023 Working Appropriation	\$1,399.0	\$82.1	\$33.4	\$6.7	\$1,521.2
Fiscal 2024 Allowance	<u>1,431.3</u>	<u>104.0</u>	<u>31.1</u>	<u>4.0</u>	<u>1,570.3</u>
Fiscal 2023-2024 Amount Change	\$32.3	\$21.9	-\$2.4	-\$2.7	\$49.1
Fiscal 2023-2024 Percent Change	3.6%	26.6%	-7.1%	-40.2%	3.2%
Where It Goes:					<u>Change</u>
Personnel Expenses					
Health insurance premiums.....					\$17,087
Overtime earnings.....					7,002
Employee retirement contributions.....					6,526
Reclassifications.....					6,417
Regular earnings.....					2,557
Workers’ compensation premiums.....					1,882

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Where It Goes:	<u>Change</u>
Social Security contributions	1,706
Other fringe benefits	-166
Turnover expectancy.....	-13,873
Correctional and Detention Facility Operations	
Dietary services.....	5,308
Plant operation & maintenance	5,302
Clinical & medical services	5,226
Classification, education & religious services	-9
Criminal Supervision & Investigation Program.....	-70
Substance use disorder treatment.....	-402
Custodial care.....	-766
Security operations.....	-953
Other Changes	
General administration and employee services.....	9,221
Information technology.....	2,104
Maryland Correctional Enterprises	2,015
Intelligence and Investigative Division.....	843
IGO, MCCS, and PCTC.....	587
DPP and MPC	389
Division of Capital Construction and Facilities Maintenance	53
Warrant Apprehension Unit	-169
Central Home Detention Unit	-911
End of funding for multiple MITDP projects	-2,470
End of one-time Fiscal 2023 PAYGO funding for critical maintenance	-5,325
Total	\$49,110

DPP: Division of Parole and Probation
 IGO: Inmate Grievance Office
 MCCS: Maryland Commission on Correctional Standards
 MITDP: Major Information Technology Development Project
 MPC: Maryland Parole Commission
 PAYGO: pay-as-you-go
 PCTC: Police and Correctional Training Commissions

Note: Numbers may not sum due to rounding. The fiscal 2023 working appropriation includes deficiency appropriations including this agency’s share of a deficiency appropriation budgeted in the Statewide Account within the Department of Budget and Management (DBM). Fiscal 2024 salary enhancements are budgeted in the Statewide Account within DBM.

Personnel Costs Are Approximately 60% of Budget Increase

Personnel is the largest expense category for DPSCS and accounts for the most significant budgetary changes in the fiscal 2024 allowance as compared to the adjusted fiscal 2023 working appropriation. Regular and overtime earnings increase by a combined \$9.6 million, along with \$6.4 million in additional salary increases for reclassified employees. Health insurance, workers' compensation insurance premiums, and other fringe benefits together increase by \$18.7 million in fiscal 2024. These changes were the result of annualized COLAs and targeted salary increases for certain employee classifications and bargaining units. Moreover, salary step increases were approved for DPP in fiscal 2023, which necessitated deficiency funds in the working appropriation and funds in the fiscal 2024 allowance.

Social Security and employee retirement contributions require approximately \$2.7 million more in fiscal 2024 than fiscal 2023 due to a FICA rate adjustment. Turnover expectancy, on the other hand, was brought more in line with vacancies and removes approximately \$12.7 million in fiscal 2024. The full increase from fiscal 2023 to 2024 for personnel costs is \$29.1 million.

Inflation Puts Upward Pressure on Nonpersonnel Expenses

The nonpersonnel expense categories that experienced an increase were mainly those affected by inflation, whereas other facility operations saw a decrease. Dietary, clinical, and maintenance subprograms together rose by almost \$16 million in the allowance. Food, medical, and maintenance costs have increased across agencies. There were additional increases in data storage IT contracts as well as MCE supply costs that are partially attributable to inflation.

The fiscal 2024 allowance also enhances general administration funding for the following purposes:

- \$3.5 million to outfit regional mailrooms with greater contraband-detection systems;
- \$2.4 million for converting 17 contractual positions to regular positions in the Inmate Education Program with the Maryland Department of Labor;
- \$1.2 million to fund supplies and inmate wages for approximately 100 Peer Trainers and supplies for an offender mentorship program; and
- \$0.7 million to increase the CO uniform allotment from 3 to 6 per year.

Personnel Data

	<u>FY 22 Actual</u>	<u>FY 23 Working</u>	<u>FY 24 Allowance</u>	<u>FY 23-24 Change</u>
Regular Positions	9,217.40	9,217.40	9,217.40	0.00
Contractual FTEs	<u>137.28</u>	<u>355.34</u>	<u>269.55</u>	<u>-85.79</u>

Vacancy Data: Regular

Turnover and Necessary Vacancies	1,015.88	11.0%
Positions and Percentage Vacant as of 1/1/23	1,441.60	15.6%
Vacancies Above Turnover	425.72	

- At current staffing levels, the allowance overprovides by over 400 positions. Using the departmental average, this corresponds to about \$37 million available for adding filled positions.
- Budgeted turnover increases from 10% in fiscal 2023 to 11% in fiscal 2024, bringing the budget closer to actual vacancies and resulting in a reduction of \$14 million in the allowance.

Issues

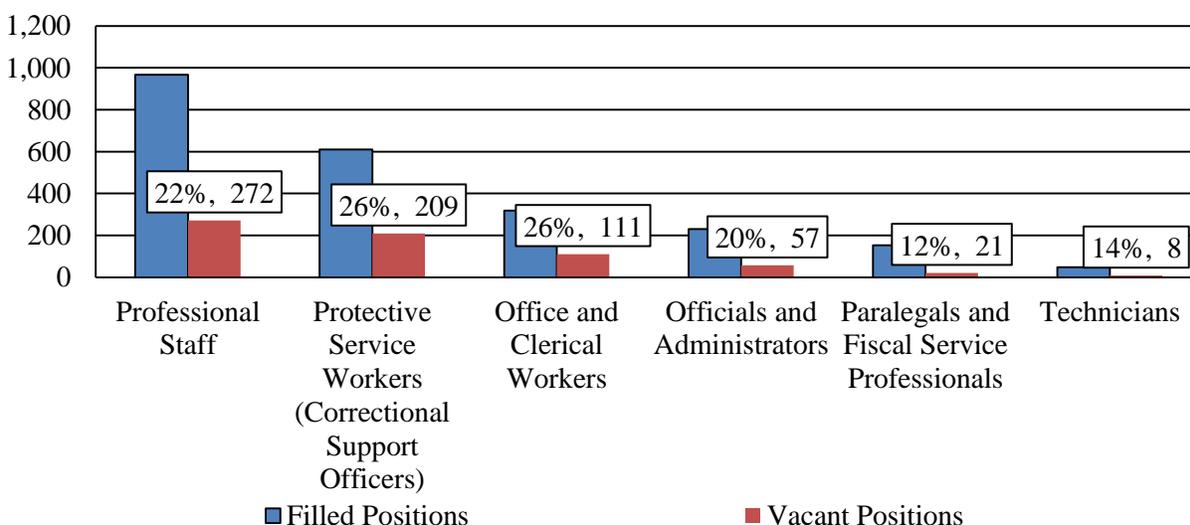
1. Vacancies Soar as Staffing Continues to Worsen

The budget committees have been concerned for several years that DPSCS staffing levels are not adequate. CO vacancies are particularly troubling as COs directly supervise incarcerated offenders. Low staffing rates contribute to inmate idleness, safety risks, and a reduced emphasis on rehabilitation. Vacancies are not limited to COs; they are even more extensive among administrative staff that carry out daily activities and operations, including noncustodial COs. Issues with program management led to budget bill language in fiscal 2023 that restricted \$750,000 for the purpose of hiring more employees in ITC and the Division of Capital Construction and Facilities Maintenance, units that have struggled to complete major IT and capital projects in a timely manner.

DPSCS employment fell to a record low in January 2022. However, employment has fallen even further in January 2023 to only 7,776 employees, a year-to-year reduction of 138 employees. Most of the reduction is a loss of COs. Using the working appropriation and vacancy data provided by DBM, DPSCS employed 4,787 COs, 749 community supervision agents, and 2,268 administrative staff on January 1, 2023.

Several administrative employee categories are critically understaffed, as shown in **Exhibit 8**.

Exhibit 8
Administrative Employees and Vacancies
January 2023



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

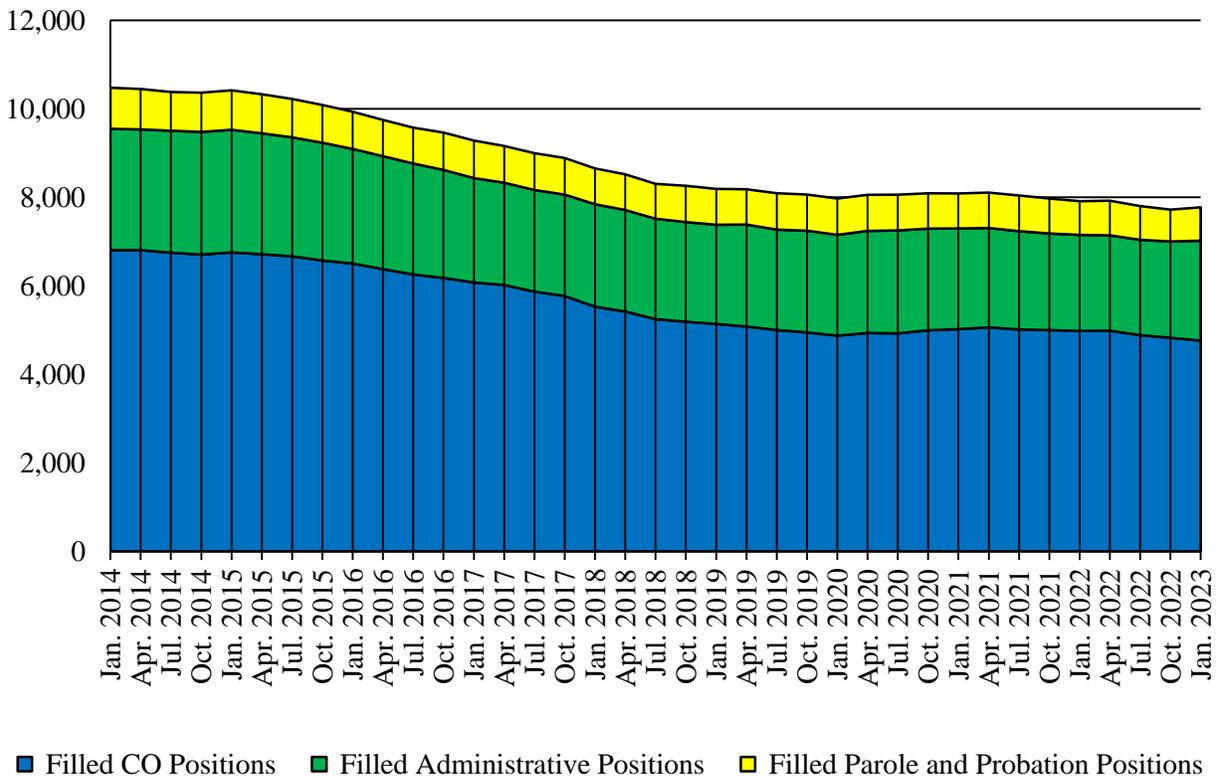
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Each category is concerning for their own reasons but of note is the protective service workers such as correctional dietary officers, correctional maintenance officers, and correctional supply officers. These administrative-type COs maintain order in facilities by ensuring offenders receive the appropriate nutritional requirements, keeping track of supplies and inmate-related materials, and ensuring the facility is in a state of good repair.

Filled Positions

Exhibit 9 shows the number of filled positions each fiscal quarter from January 2014 until January 2023. Employment for administrative positions remains the lowest with nearly 1 in 4 positions vacant.

**Exhibit 9
DPSCS Filled Positions by Employee Classification
January 2014 to January 2023**

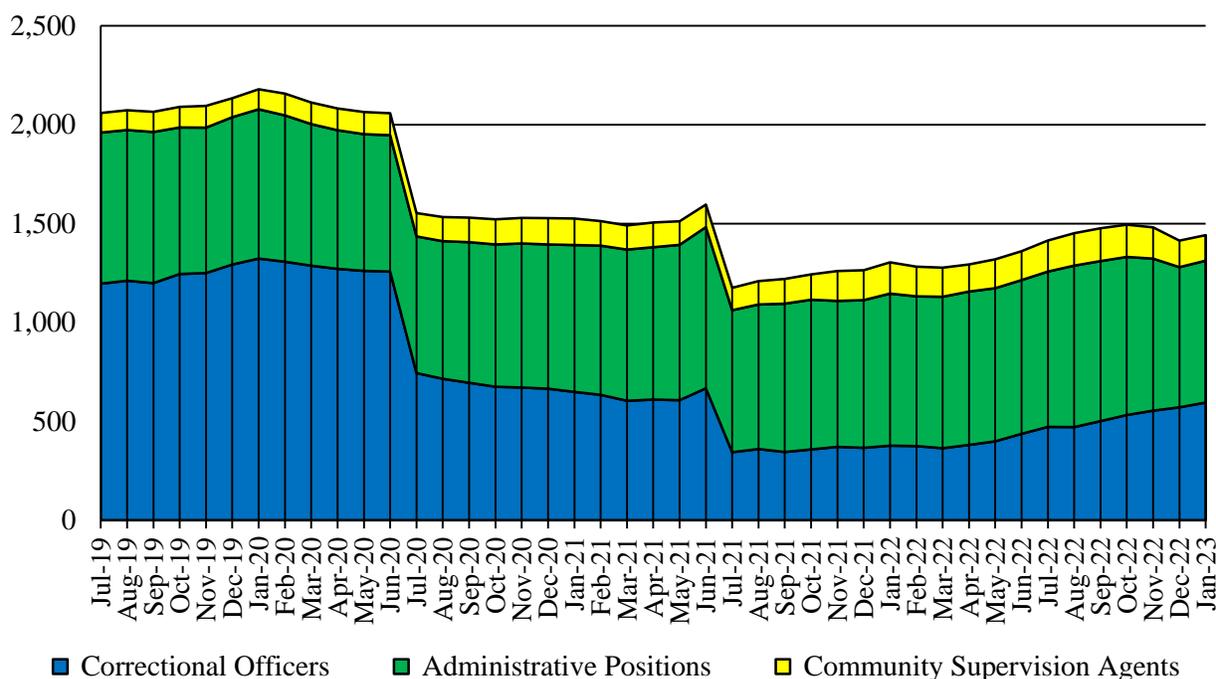


CO: correctional officer
 DPSCS: Department of Public Safety and Correctional Services
 Source: Department of Budget and Management

Vacancies and Abolishments

Exhibit 10 shows the current total of DPSCS vacancies. Position abolishments decreased the legislative appropriation for regular positions from 10,414 in fiscal 2019 to 9,217 in fiscal 2022. These position abolishments were made for a few reasons, including a declining inmate population and the closure of several housing units and facilities. However, much of the personnel reduction was related to the inability of the department to fill those positions. The abolished positions bring the budget closer in line with reality, as increasing vacancies in the past led to large savings that were transferred to other areas of the department instead of being used to hire employees.

Exhibit 10
DPSCS Vacancies by Employee Classification
July 2019 to January 2023



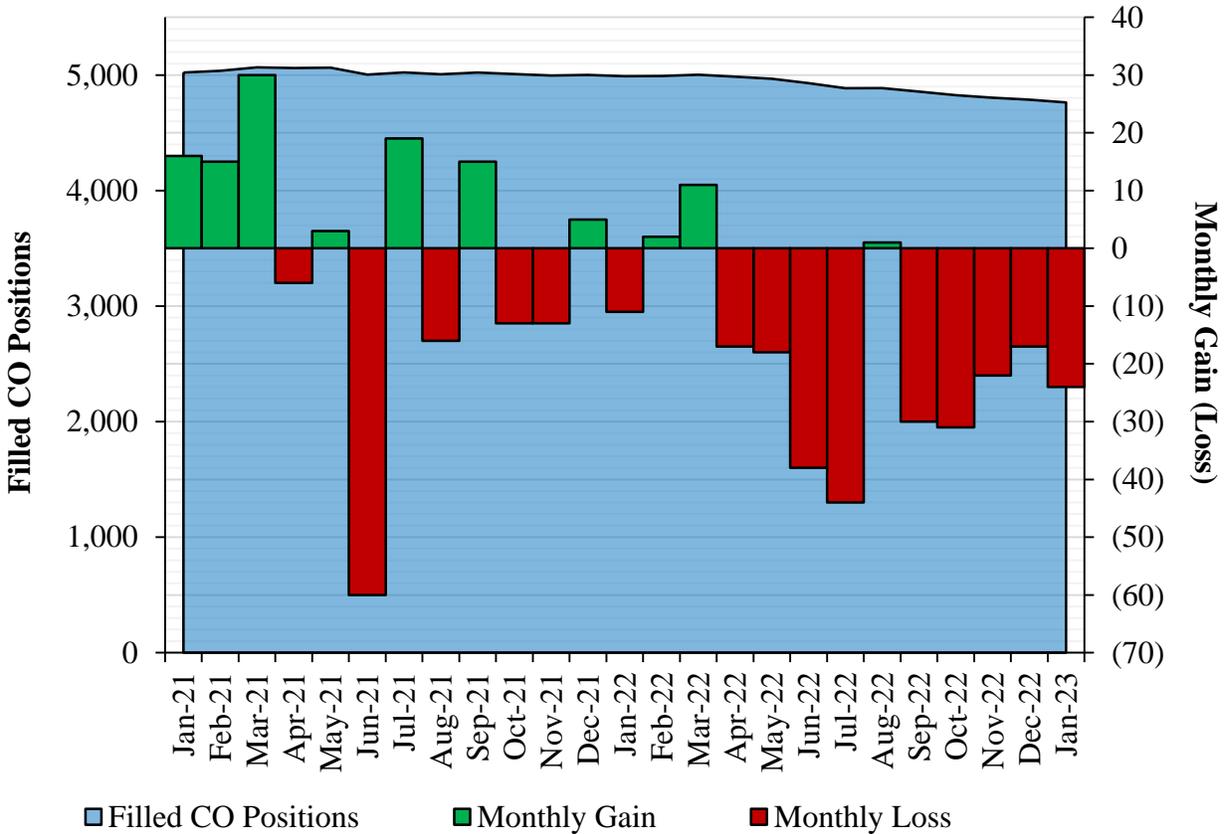
DPSCS: Department of Public Safety and Correctional Services

Source: Department of Budget and Management

These changes make it difficult to compare past vacancy rates to the present. Vacancies as of January 1, 2023, stand at 595 for COs (11.1%), 718 for administrative positions (24.1%), and 129 for community supervision agents (14.6%). The total number of positions authorized for fiscal 2023 and 2024 is 9,217.

Exhibit 11 shows filled CO positions and the monthly gain or loss in employees according to DBM vacancy data. DPSCS lost COs in 5 out of 12 months in calendar 2021. In calendar 2022, DPSCS lost COs in 9 out of 12 months. The year-to-year decline for COs was 227 employees.

Exhibit 11
CO Filled Positions
January 2021 to January 2023



CO: correctional officer

Source: Department of Budget and Management

Salary Enhancements

Ongoing Departmental Bonuses

While the department's previous initiatives to increase hiring and reduce attrition were briefly successful in reversing the net loss of employees, it appears that more is needed. The pandemic prevented one-day in-person hiring events that were successful in 2019. DPSCS restarted those events with updated eligibility standards for prior substance use that were relaxed in fiscal 2022. Currently, the CO starting salary is \$50,551 with a new hire bonus of \$5,000 and a regional bonus of \$2,500 for hard-to-recruit regions. In addition, the Retention Longevity Pay Incentive provides up to \$37,500 for COs who have met the 20 years of service and are eligible to retire for working four additional years.

Salary Increases

DPSCS employees represented by the American Federation of State, County and Municipal Employees (including COs) receive a negotiated salary increase of nearly 12% over the next two years. The majority of the increases took effect in fiscal 2023, with a 2% COLA budgeted in fiscal 2024. In addition, qualifying workers that were part of a grievance over elevated quarantine and response pay received a \$2,500 bonus in January 2022. Those employees who are unrepresented received a \$1,500 bonus, a 1% COLA, and a 2.4% increment adjustment in January 2022 as well as a 3% COLA and 2.4% increment adjustment in July 2022 for a total of nearly 9%. On top of these increases, an additional 4.5% COLA was approved for fiscal 2023, adding almost \$20 million departmentwide.

Targeted Step Increases

Over 3,800 employees received fiscal 2022 step increases after the CO I entry salary was increased by 7.4% (from a step 3 to a step 5), and the CO II-Lateral entry salary was set at a step 7. Current COs received an increase of 3 steps, while CO IIs were all advanced to step 8 (an increase of up to 5 steps). Also, CO sergeants, correctional maintenance officers, correctional laundry officers, correctional dietary officers, correctional supply officers, and MCE officers under the Public Safety and Security bargaining unit all received one step as well.

The previous 9.5% salary increase for COs in fiscal 2019 was instrumental in improving DPSCS employment for a short period. The new salary increases should likewise increase employment by continuing to make salaries more competitive and responsive to high inflation. However, the trends in employment data so far in fiscal 2023 have not borne the expected fruits of these enhancements.

ASR Results

Approximately 183 employees in the fiscal series of job classifications received an ASR grade increase of 6% in fiscal 2023. These included accountants, fiscal accounts clerks, fiscal services officers, and internal auditors. Fiscal 2024 ASR grade increases of 6% were approved for

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about 145 correctional supply officers, 16 correctional dietary managers, and 5 correctional maintenance regional managers. Additional classifications receiving an ASR grade increase are DDMP supervisors (11 PINs), mental health counselors (40 PINs), social worker regional supervisors (13), and correctional psychology chiefs (13 PINs). The ASR process is initiated by the requesting agency and evaluated by DBM. The grade increases in fiscal 2023 target some of the hardest to fill classifications but leave out many of the administrative classifications with the highest vacancy rates. Notably, administrative officers, administrative specialists, and those in the administrator series have high vacancies and perform critical support roles.

Staffing Adequacy

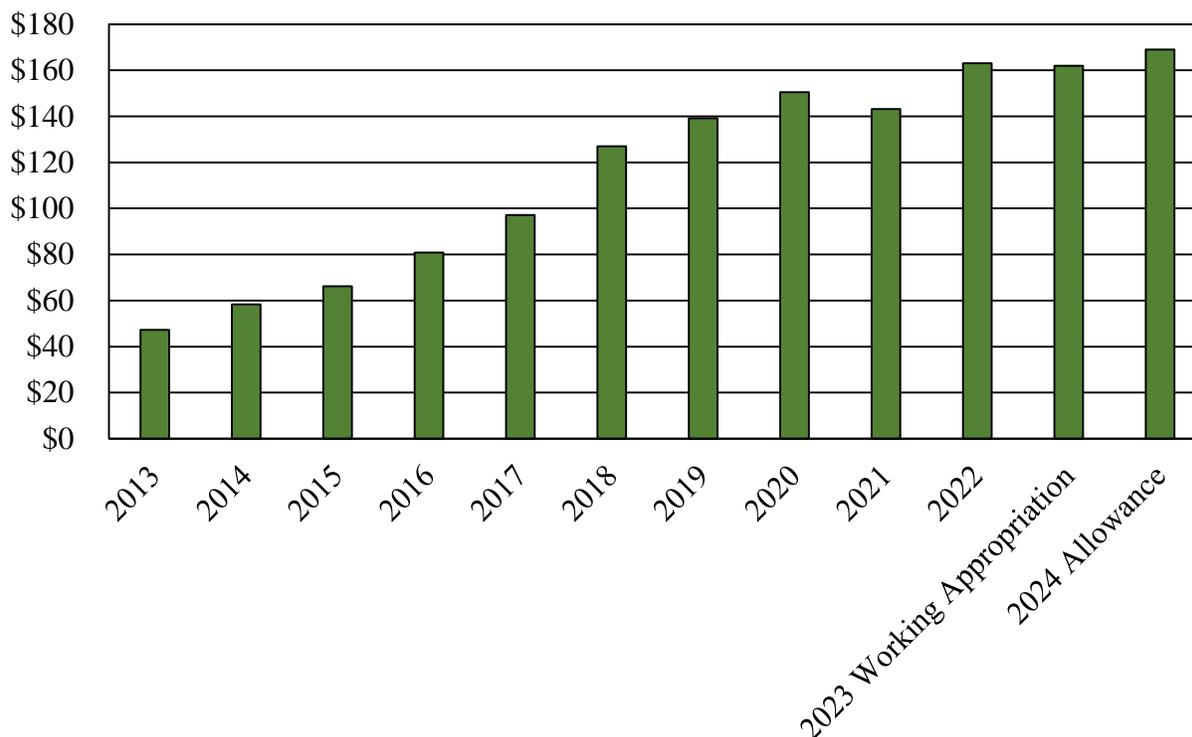
DPSCS has been delayed in accomplishing their statutorily mandated staffing analyses. While COVID-19 made the process extremely difficult, the previous staffing analysis conducted in calendar 2017 is out of date, and the department is in a much different situation today. The JRA and COVID-19 pandemic caused offender populations to plunge, but they are rebounding slightly in fiscal 2023 from the pandemic lows.

Post-by-post staffing information not only helps in analyzing the budgetary needs of DPSCS, but it will also help the agency identify staffing efficiencies and address systemic issues moving forward into a post-COVID-19 environment. It is possible that DPSCS will need to fill more than the nearly 600 vacant CO positions in order to truly meet its staffing needs. Until a post-by-post staffing study is made available, however, the State cannot accurately determine how many more positions or what types of salary enhancements are needed to ease the burden on COs who face frequent mandatory overtime. DPSCS has provided information that a staffing study completed in October, 2022, will soon be available for analysis.

Impacts of Vacancies on Overtime and Safety

In the years that the department lacked an up-to-date staffing analysis, the amount of funds required for overtime earnings rose from under \$100 million in fiscal 2017 to \$169 million in the fiscal 2024 allowance. The reduction in facility activities during COVID-19 resulted in less overtime hours worked and funds needed in fiscal 2021. However, **Exhibit 12** shows there remains an upward trajectory in the cost of overtime.

Exhibit 12
Overtime Funding
Fiscal 2013-2024
(\$ in Millions)

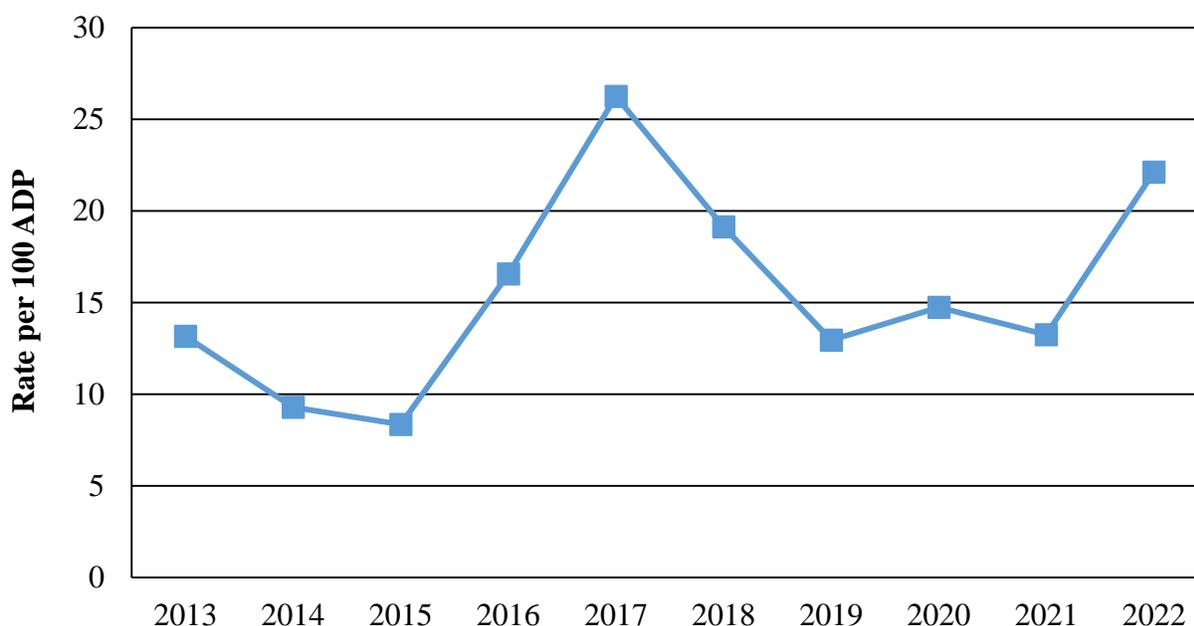


Note: Actual spending is adjusted to include the amount of Social Security paid on overtime earnings.

Source: Governor’s Proposed Budget; Department of Legislative Services

While excessive overtime usage creates budgetary concerns, it also reflects a normalization of unhealthy and unsafe conditions for officers, administrative staff, volunteers, and individuals in custody. Since 2015, offender-on-offender assaults in detention facilities particularly have been at an elevated level. Fiscal 2017 saw the highest peak seen in recent years, but fiscal 2022 levels have again risen dangerously high, as seen in **Exhibit 13**.

Exhibit 13
Offender-on-offender Assaults in Detention Facilities
Fiscal 2013-2022



ADP: average daily population

Source: Managing for Results, Department of Public Safety and Correctional Services

There is reason to be concerned with the staffing situation in DPSCS. The ADP is increasing in fiscal 2023, while staffing is decreasing. **DPSCS should brief the committees on hiring goals for fiscal 2024 and beyond to minimize or eliminate the need for mandatory overtime.**

2. Evaluation of Available Program and Service Data

Programming within DPSCS facilities suffered during COVID-19 due to necessary safety measures. Volunteers were not allowed within facilities during the pandemic, and most nonessential services were indefinitely postponed. MCE business units were closed down, only reopening a few shops for the production of personal protective equipment. All MCE business units have been reopened, but offender employment is still down by 43% from the pre-COVID-19 average to about 1,000 incarcerated employees according to calendar 2022 Managing for Results (MFR) data.

The MFR data is valuable for analyzing departmentwide annual data. The performance measures focus on safety and security, including assaults, escapes, homicides, absconders, and supervision revocations. While MFR data provide a big-picture view of DPSCS performance, the data lack a level of detail necessary to understand what is truly happening in each facility. DPSCS currently provides a facility-level breakdown of spending, assaults, MCE employment, and contraband finds. There has been, however, a historical lack of data regarding the programs and services that benefit and support the offender population, including self-help activities, re-entry services, on-site work assignments, and off-site work assignments. This issue discussion will focus on a potential expansion of facility-level MFR data to include participation measures for institutional programs and services.

Correctional Standards Audits Provide Infrequent Yet Invaluable Data

Staff for MCCS audits 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. This data includes reporting on a variety of program and support services in addition to the more traditional safety and security measures. 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. The commission’s work is forwarded to the secretary.

Exhibit 14 provides an example of the type of programmatic reporting included in an MCCS audit, detailing the results of the April 2022 MCCS audit into programs and services at the MCI for Women (MCI-W). As the exhibit shows, many self-help activities were not available to inmates, including inmate council, substance abuse counseling, alcoholics anonymous, and narcotics anonymous. It also showed that only five female offenders were involved in off-site programs. In the audit’s “Significant Changes” section, MCCS reported that all programs and activities were placed on pause due to COVID-19 at the time of the audit. While this does not reflect noncompliance with MCCS standards, it does raise a concern regarding availability of services and programs for the offender population at the facility.

Prepandemic audits showed much higher levels of participation in self-help programs. In the 2019 audit, there were 147 total participants in alcoholics anonymous, narcotics anonymous, and other self-help activities. In 2019, there were only 6 offenders in off-site assignments, which indicates that low participation in those opportunities is a pre-existing situation at MCI-W. Even the 2019 audit showed a much lower level of programming and services compared to the 2013 audit, where dozens of programs were offered, and hundreds of participants were engaging in self-help and group activities.

The pandemic was an extraordinary time for public administration, and DPSCS made difficult decisions to address safety and security concerns, including stopping MCE production lines, pulling volunteers out of facilities, and closing down group activities. However, after two full years of pandemic response, safe programming alternatives do exist and should be implemented to help offenders seeking to better themselves.

Exhibit 14
MCI-W Audited Programs and Services
April 2022

	Participants	Frequency/Schedule
Self-help Activities		
Inmate Council	n/a	
Substance Abuse Counseling	n/a	
Mental Health Counseling/Therapy/ Psychologist/Psychiatrist	Varied due to COVID-19	
Alcoholics Anonymous	n/a	
Narcotics Anonymous	n/a	
Religious Services	All inmates	Weekly
General Privileges		
Library	All inmates	
Commissary	All inmates	Monday and Tuesday
Visiting	All inmates	Weekly
Telephone Use	All inmates	Daily for General Population
Mail	All inmates	Monday through Friday
Indoor Exercise	All inmates	Daily/Recreation Hall Gym Resumed Early March
Outdoor Exercise	All inmates	Resumed mid-February
Games	All inmates	Daily
TV/VCR	All inmates	Daily
Radios	All inmates	Daily
Institutional Programs/Trusty Assignments		
Sanitation	60	Daily
Laundry	20	Daily
Kitchen	70	Daily
Commissary	n/a	n/a
Other		
Off-site Programs/Work Crews		
Landscaping/Road Crew	5	Monday through Friday

MCI-W: Maryland Correctional Institution for Women

MCCS: Maryland Correctional Enterprises

Source: Maryland Commission on Correctional Standards

New Participation Data Are Needed at the Facility Level

Discovering and reporting gaps in service sooner would allow DPSCS and the General Assembly to pursue policies that may enhance service delivery. However, audit reports only take place once every three years and are focused on compliance with regulatory standards rather than meeting programmatic goals. Also, the MCCA audit cycle includes all correctional facilities and private home detention monitoring agencies operating in the State. Considering this limitation, it would be difficult to expand the mission of MCCA to perform annual audits. Instead, translating the most salient of these statistics into annual metrics reported on each facility would be incredibly valuable to stakeholders. This would enable MCCA to make improvements within the system and more accurately measure its success in administering programs.

Updated participation metrics allow for better program evaluation and policies to better serve the offenders in their care. While the MCCA audit reports are very valuable for independently verifying the conditions of each facility in meeting its standards, they are limited to infrequent audits that only show a snapshot of time. Furthermore, their goal is to ensure compliance with correctional standards rather than measuring performance or improvement toward achieving goals.

Programmatic data is currently lacking and long overlooked. Available data indicate that few activities are available for offenders to better themselves. **The Department of Legislative Services (DLS) recommends that the budget committees seek additional information from DPSCS on program and service data with the goal of tracking and encouraging participation. DLS recommends committee narrative directing DPSCS to determine which program and service statistics could be feasibly translated into participation measures reported annually for each facility. The potential measures should include, but not be limited to, the categories and applicable activities inspected during MCCA audits. For technical purposes, this recommendation appears in the DPSCS – Administration Operating Budget analysis.**

3. JRA Implementation Update

The JRA of 2016 is one of the State’s primary statutes addressing criminal justice reform. The JRA includes policy changes designed to reduce prison populations and correctional spending and reinvest the savings in programs that reduce recidivism. The JRA became effective on October 1, 2017, and as a result, has produced five years of data as well as significant changes in sentencing, parole, and treatment options for offenders.

Exhibit 15 displays each of the major JRA provisions, their definitions, and their results.

Exhibit 15
Justice Reinvestment Act – Status Updates
October 2017 to October 2022

	<u>Results</u>	<u>Average 2018-2020</u>	<u>2021</u>	<u>2022</u>	<u>Total (All Years)</u>
Administrative Release: Allows inmates convicted of certain nonviolent offenses to be released on parole after serving one-fourth of their sentence. Victims are notified of the early release and can request a regular parole hearing.	Screened	596	224	503	2,515
	Ineligible	464	223	419	2,034
	Eligible	115	51	84	481
Geriatric Parole: Offenders age 60 and up who were sentenced under Section 14-101 of the Criminal Law Article (and convicted of more than one violent crime and have served at least 15 years) can petition for geriatric parole.	Screened	14	0	0	41
	Ineligible	13	0	0	40
	Eligible	<1	0	0	1
Medical Parole: Inmates or their advocates can petition to be released if they are chronically debilitated or incapacitated and are physically incapable of presenting a danger to society. The Governor has 180 days to deny any approved request.	Screened	52	250	67	472
	Eligible	18	33	18	106
	Deceased	4	6	2	19
	Denied	33	217	49	366
Division of Parole and Probation (DPP) Graduated Sanctions: DPP supervision agents use a matrix to determine the proper sanction against an offender who has violated parole. Noncustodial (nonjail) sanctions are considered. Revocation caps limit the length of incarceration time imposed for violations of parole or probation to 15, 30, or 45 days, respectively, for the first, second, and third violation. Technical violations do not involve arrest, summons, or willfully evading parole/probation supervision.	Received Sanctions	1,091	1,253	1,188	5,714
Diminution Credits: Expands offender eligibility to earn diminution credits, how many credits can be earned, and for what reasons.	Received Credits	488	247	374	2,086
Earned Compliance Credits: The Justice Reinvestment Act allows individuals on probation and parole to earn credits to reduce their supervision and now requires DPP to automatically transfer nonviolent offenders (who have earned enough credits to satisfy their supervision term) to unsupervised probation or parole, where they will not be required to report regularly or pay supervision fees.	Received Credits	48,983	35,600	39,478	222,026
Certificates of Rehabilitation: Allows nonviolent offenders to apply for a certificate of completion to restore their rights to obtain certain professional certifications.	Applied	10	13	15	57
	Denied	3	3	7	19
	Approved	6	10	8	37

Source: Department of Public Safety and Correctional Services; Department of Legislative Services

Estimated JRA Total Cost Avoidance: \$3.9 Million

Estimating the impact of the JRA on the DPSCS budget and operations is difficult and has been stated as such in the past by the department as well as in other states and jurisdictions where similar legislation was enacted. However, because the JRA is designed to further reduce inmate populations and apply those savings (from fewer inmates), estimated cost savings can be quantified in terms of cost avoidance. In other words, as specific inmates have reduced sentence time due to JRA provisions, administrators can determine exactly how many fewer days inmates are serving and calculate the savings to the State.

In this context, variable costs are those specific costs to DPSCS that are impacted the most by a change in inmate population, such as food, laundry/uniform expenses, etc. Medical care is no longer included in this calculation because the current inmate medical contract does not change with the population, causing JRA savings estimates to fall below their potential. The fiscal 2022 inmate variable cost was \$3,515 per offender per year, or \$9.63 per day. Overall, DPSCS and DLS determined the following for the fifth year of JRA implementation, October 1, 2021, through September 30, 2022.

- ***Administrative Release:*** Resulted in 35,059 fewer days served by inmates.
- ***Diminution Credits:*** 13,082 fewer days served.
- ***Medical Parole:*** 16,020 fewer days served.
- ***Total Days Avoided:*** 64,161 fewer days served.
- ***ADP Avoidance:*** 176 fewer inmates in custody on average day.
- ***Fiscal 2022 JRA Direct Cost Avoidance:*** \$617,542

The fiscal 2024 allowance for GOCPYVS includes \$13.6 million in grant funding through the Performance Incentive Grant Fund. This fund supports State, local, and nonprofit projects that reduce Maryland's State and local incarcerated population through appropriate diversion, deflection, service provision, and recidivism reduction resources. GOCPYVS calculates the amount budgeted each year by multiplying the total cumulative reduction in the State correctional population since October 2017 by the variable inmate cost.

Appendix 1
2022 Joint Chairmen’s Report Responses from Agency

The 2022 *Joint Chairmen’s Report* (JCR) requested that DPSCS prepare two overview reports. Electronic copies of the full JCR responses can be found on the DLS Library website.

- **JRA Report:** DPSCS provided an update on the implementation of the JRA, including the number of offenders petitioning and approved for JRA provisions and the annual JRA cost avoidance estimate. In total, the JRA has resulted in at least 910 fewer inmate years served. Further information regarding the JRA can be found in Issue 3 of this analysis.

- **Overtime Pay Errors:** DPSCS provided a summary of the initial U.S. Department of Labor (DOL) findings for undercompensating employees for overtime work at Jessup Correctional Institution (JCI). DOL found that 343 individuals at JCI were affected by these underpayments from November 2018 to November 2020. The audit concluded that 343 current and former employees were owed a total of \$468,238.98. The median amount owed was \$1,073.