

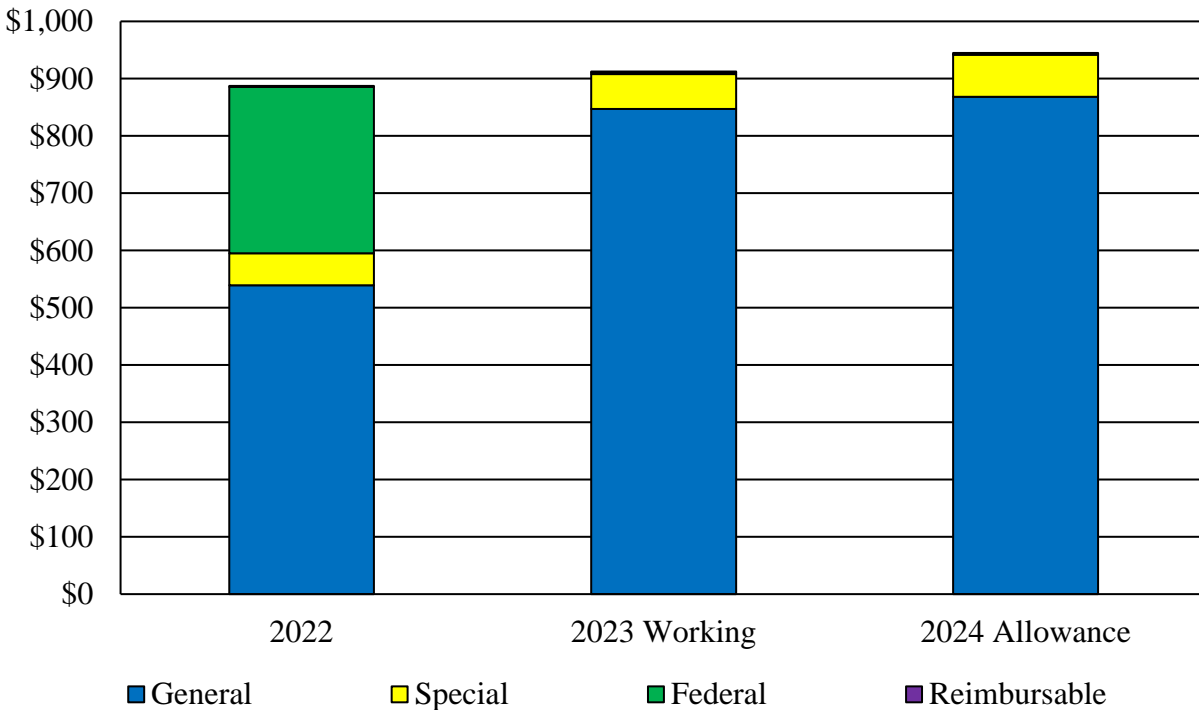
Q00B
Corrections
Department of Public Safety and Correctional Services

Executive Summary

Corrections is the primary charge of the Department of Public Safety and Correctional Services (DPSCS). This functional unit is comprised of the Division of Correction (DOC) and the Patuxent Institution (PATX), which have a combined average daily population (ADP) of approximately 15,200 offenders, and Maryland Correctional Enterprises (MCE), which is the prison industry arm of the department. These agencies are allowed 5,057 regular positions and receive approximately 60% of departmental resources in fiscal 2024.

Operating Budget Summary

Fiscal 2024 Budget Increases \$32.1 Million, or 3.5%, to \$944.8 Million
(\$ 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.

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Key Observations

- ***DPSCS Could Need Thousands More Correctional Officers (CO):*** While vacancies for COs number in the hundreds, a preliminary staffing study suggests the true need may be closer to 3,000.
- ***New Inmate Tablet Initiatives:*** Educational tablets and personal tablets are making their way into facilities under departmental guidance.
- ***ADP Growing Past Pandemic Lows:*** COVID-19 population trends could run their course by the end of fiscal 2025.

Operating Budget Recommended Actions

1. Add language restricting funds pending a report on numerical hiring goals.
2. Add language restricting funds pending quarterly hiring and attrition reports.

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Operating Budget Analysis

Program Description

This analysis examines the DPSCS Corrections function, which includes the operations of State correctional facilities under DOC and PATX as well as MCE. DOC operates 11 correctional facilities, including the Maryland Correctional Institution for Women (MCI-W). The Baltimore City Correctional Center (BCCC) falls under the Division of Pretrial Detention and Services (DPDS) due to its location. However, the population measures reported in the Managing for Results section of this analysis considers all incarcerated offenders regardless of facility. The Corrections function, in accordance with applicable State and federal law, works to protect the public, its employees, and offenders under its supervision. The function also works to return offenders to society with the necessary tools for success by offering job skills improvement, educational programming, mental health therapy, and drug treatment.

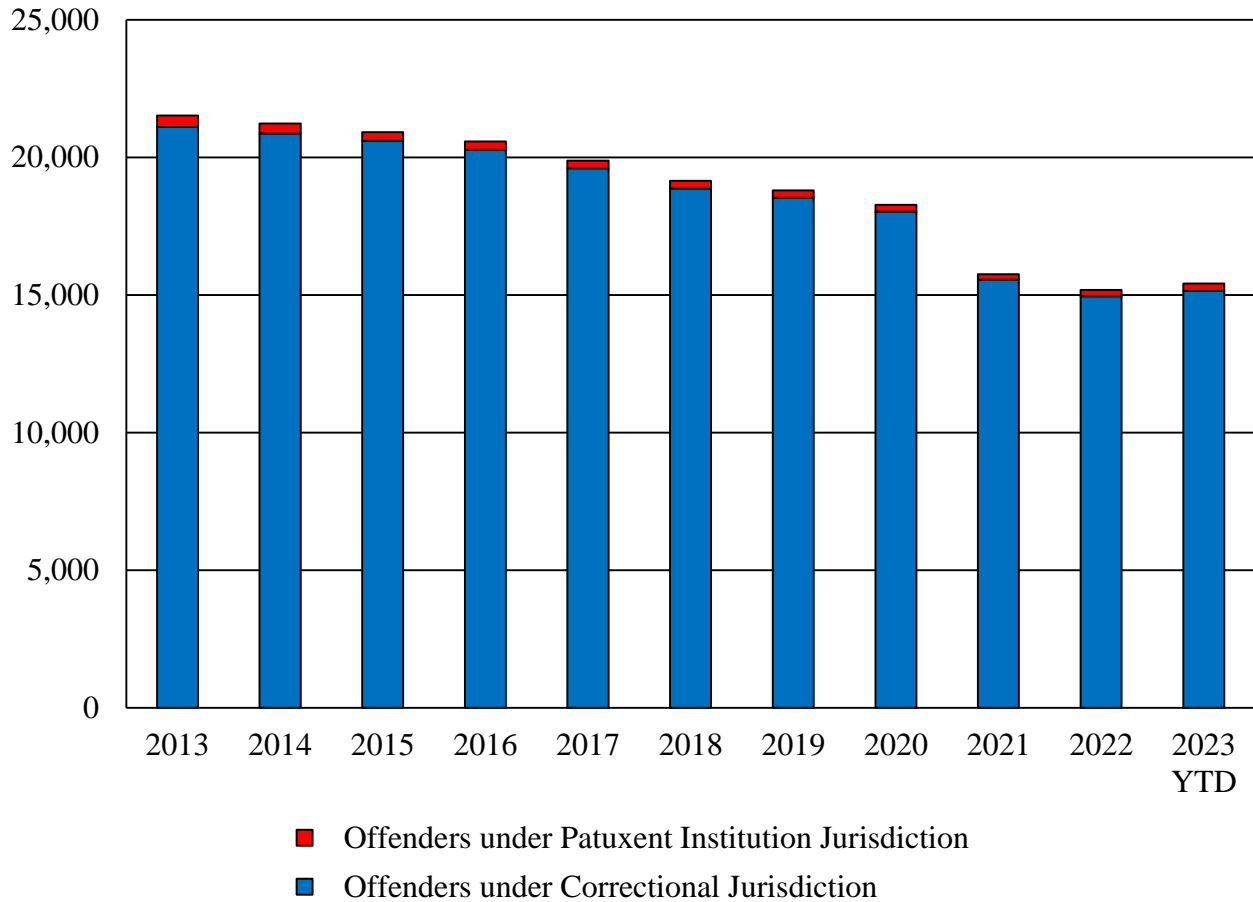
Performance Analysis: Managing for Results

1. Inmate Population Decline Reverses Course

From fiscal 2020 to 2021, the inmate population under correctional or PATX jurisdiction saw a record-breaking decline from 18,281 to 15,726, a decrease of 14%. The change in fiscal 2022 was modest at a 3% decline. However, year-to-date figures in **Exhibit 1** show that the ADP of sentenced offenders in DPSCS custody has increased by approximately 2% in fiscal 2023 so far. The population declined by a total of 27% from fiscal 2013 to 2023.

It should be noted that Exhibit 1 shows the ADP of all State-sentenced offenders rather than the ADP of DOC facilities only. In fiscal 2022, an average of 383 sentenced offenders were kept each day at the Central Home Detention Unit, State hospitals, transitional housing, or in the custody of other jurisdictions. An average of 209 sentenced offenders were kept in DPDS facilities.

Exhibit 1
Average Daily Population under Correctional Jurisdiction
Fiscal 2013-2023 YTD



YTD: year to date

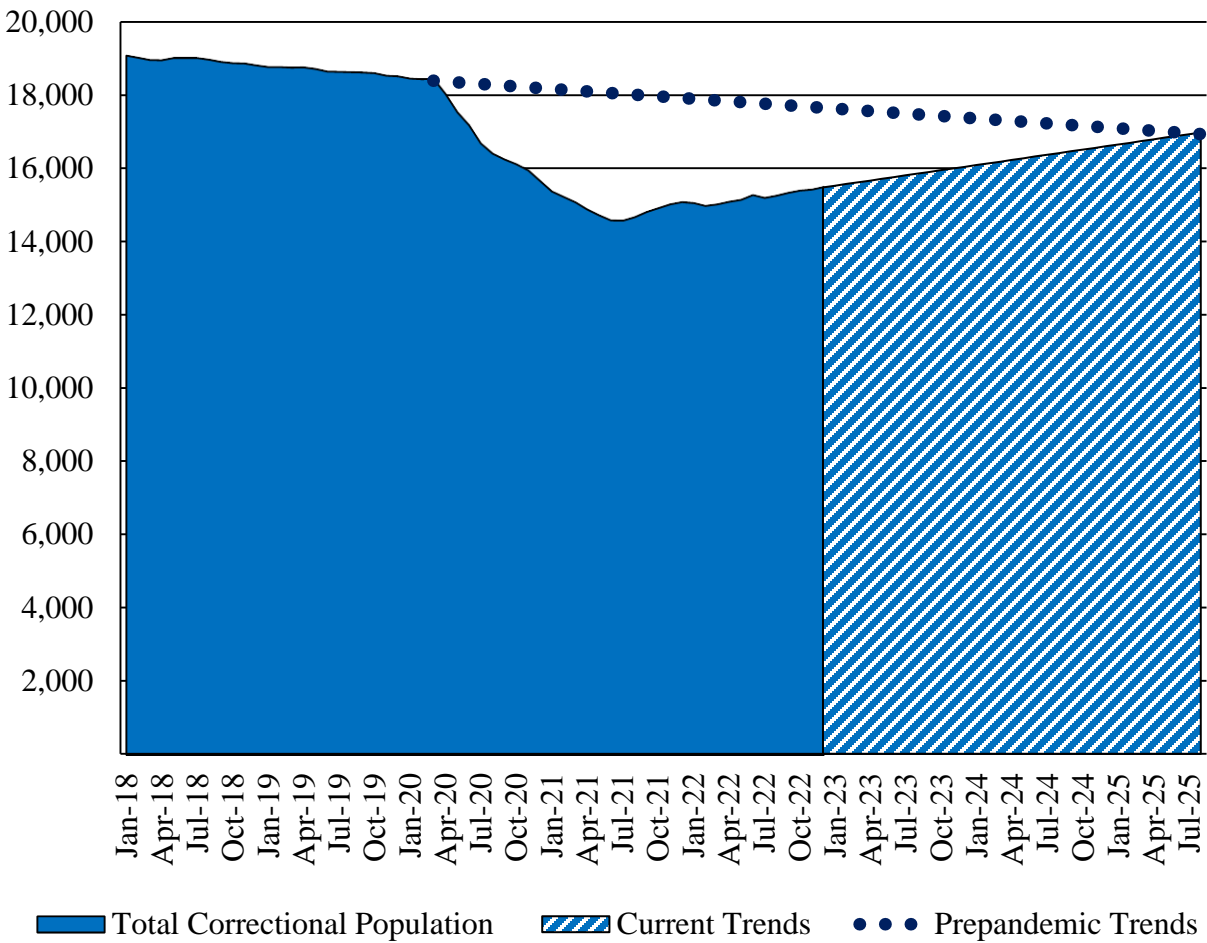
Source: Department of Public Safety and Correctional Services

Population Trends Beginning to Increase in Fiscal 2023

When comparing the eight months before the pandemic to the eight months after the pandemic, the inmate population declined 16 times faster in the first eight months of the pandemic compared to the previous eight months. Several periods of court closures during fiscal 2020 and 2021 caused correctional intakes to slow down considerably while DOC continued to release inmates according to their sentences. These factors drove the inmate population down faster than ever seen before. However, beginning in July 2021, the correctional population began increasing

as court processing speeds increased and the backlog of pretrial inmates was addressed. **Exhibit 2** shows the monthly ADP for male and female offenders in the Maryland correctional system since fiscal 2019. The dotted line represents the population if prepandemic trends had continued, while the diagonally shaded area represents the population if current trends continue. The two trend lines would meet in August 2025, indicating that the permanent effect of the pandemic on the population growth could be minimal if trends continue.

**Exhibit 2
Inmate Population Trends and Projections
Fiscal 2019-2026**

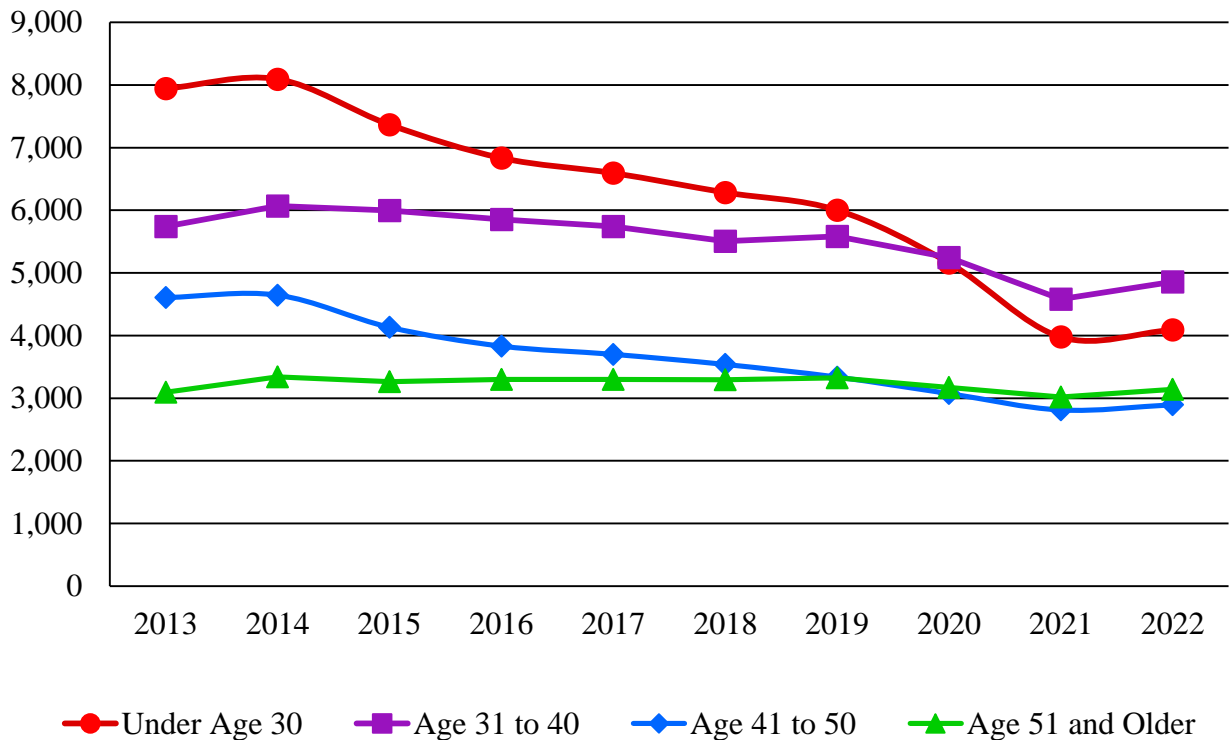


Source: Department of Public Safety and Correctional Services

2. Little Change in Average Inmate Age as Total Population Grows

Inmates within the State prison system have been aging faster than young offenders were added, causing the average inmate age to increase over time. **Exhibit 3** shows inmate age group totals since fiscal 2012. While the under-30 age group made up 37% of the incarcerated population in fiscal 2013 with 7,943 inmates, it made up only 27% in 2022 with just over 4,000 inmates. This marks a 52% decline of young people incarcerated in the State prison system during that time frame. There was, however, a small year-to-year increase in this age group, as with all other age groups, due to the 4% overall ADP increase between July 2021 and July 2022.

Exhibit 3
Inmate Population at Fiscal Year-end by Age Group
 July 2013 to July 2022



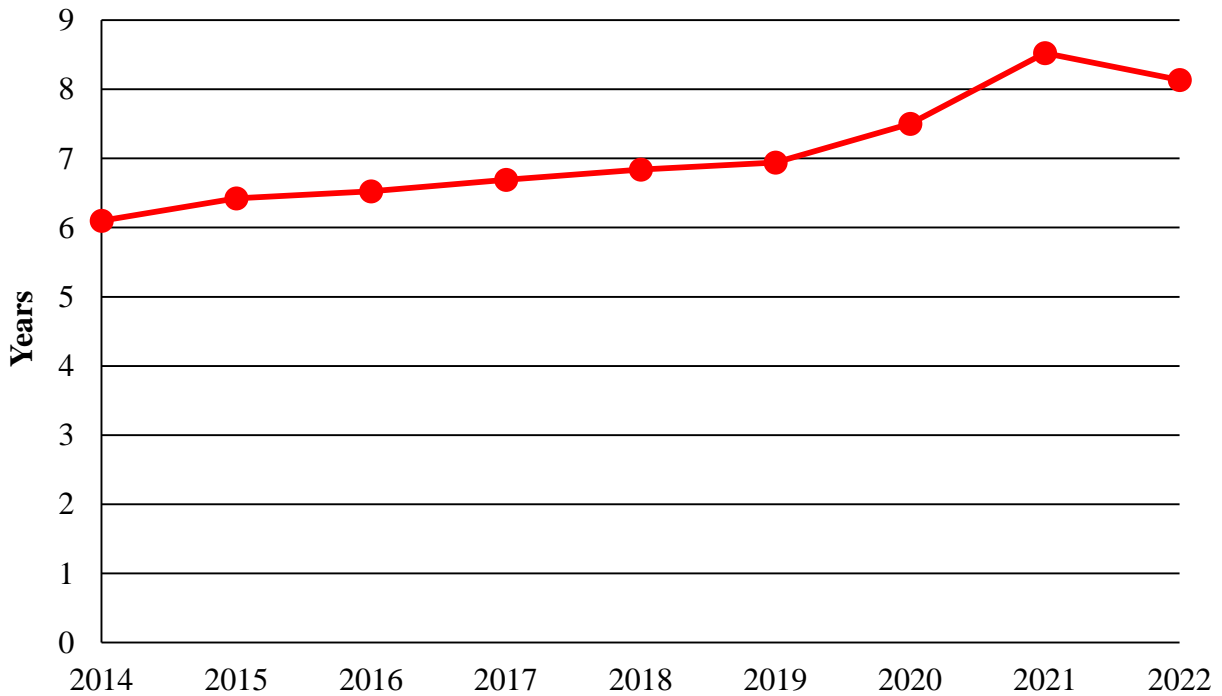
Source: Department of Public Safety and Correctional Services

The average inmate age is 39.5, the same as fiscal 2021, whereas it was 38 in fiscal 2019 and 2020. Jessup Correctional Institution (JCI) currently has the highest average inmate age at 42.1 years, while the correctional facilities with the lowest average inmate age are the Maryland Reception, Diagnostic and Classification Center (MRDCC) at 33.0 years and BCCC at 36.9 years. Both of those facilities house primarily short-sentenced inmates from Baltimore City.

3. Average Length of Stay Lowering from Pandemic Highs

The average length of stay (ALOS) for sentenced offenders at DPSCS facilities was 6.1 years in fiscal 2014 and increased steadily to 6.9 years in fiscal 2019 – a 14% increase in the time that it takes the average offender to be released. From fiscal 2019 to 2021, however, the ALOS went up substantially to 8.5 years due to COVID-19 court closures and decreased intakes to DOC. Monthly intakes were consistently low in fiscal 2021, resulting in fewer short-sentenced inmates to bring the ALOS down. These trends have partially reversed in fiscal 2022, with a 4.6% decrease in the length of stay as shown in **Exhibit 4**.

Exhibit 4
Average Length of Stay
Fiscal 2014-2022

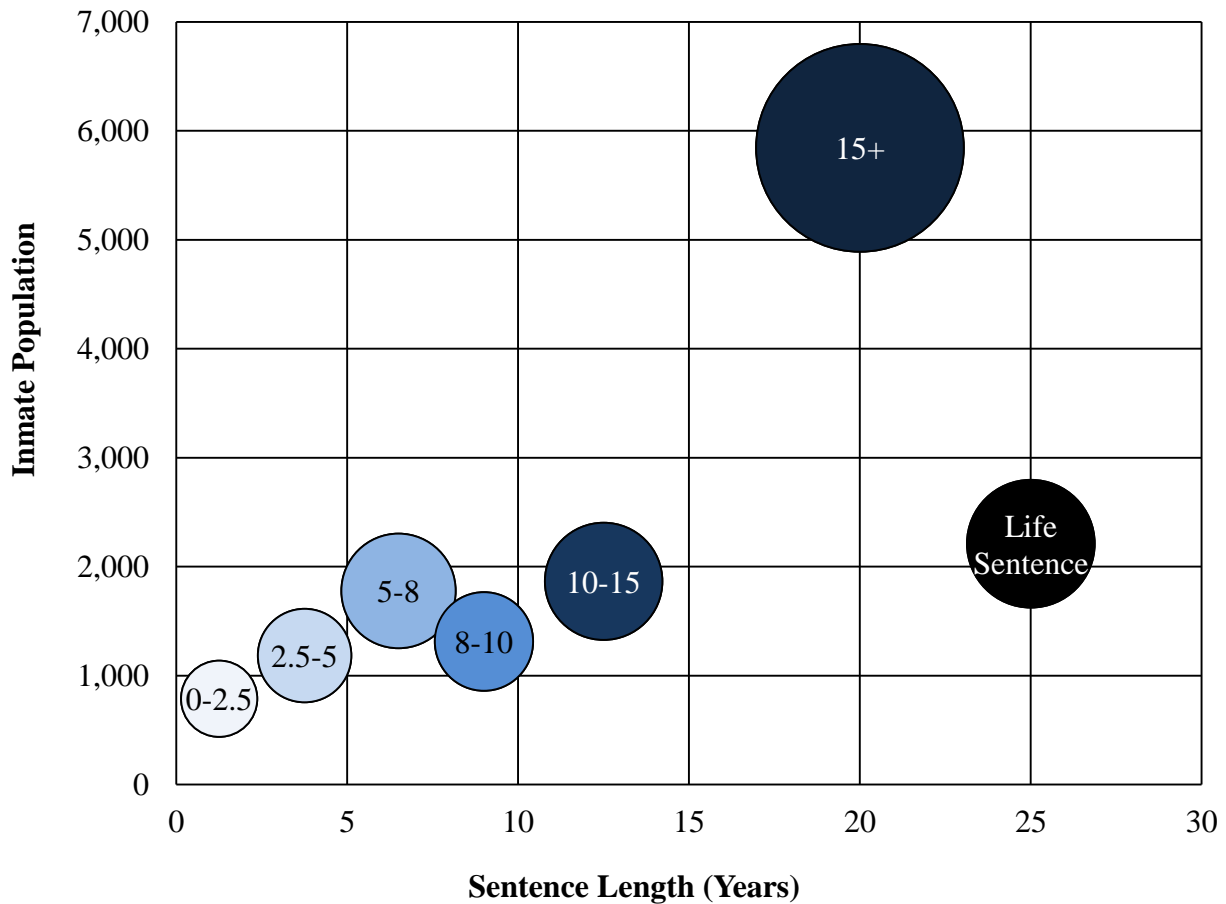


Source: Department of Public Safety and Correctional Services

Most sentenced inmates in DPSCS custody are incarcerated for violent offenses, including homicide (30%), assault (15%), and sexual assault (11%), while a significant portion are incarcerated for property crimes, including robbery (18%) and burglary (5%).

Exhibit 5 groups the inmate population by sentence length, showing that a majority of those remaining in DPSCS custody were serving medium-term or extended sentences, which is consistent with the most serious offense category of remaining inmates. There were only 84 inmates serving sentences of less than a year and only 300 inmates serving sentences between 1 and 2 years. By comparison, 8,055 inmates were serving sentences longer than 15 years, with 2,212 incarcerated for life sentences.

Exhibit 5
Inmate Population by Sentence Length
Fiscal 2022



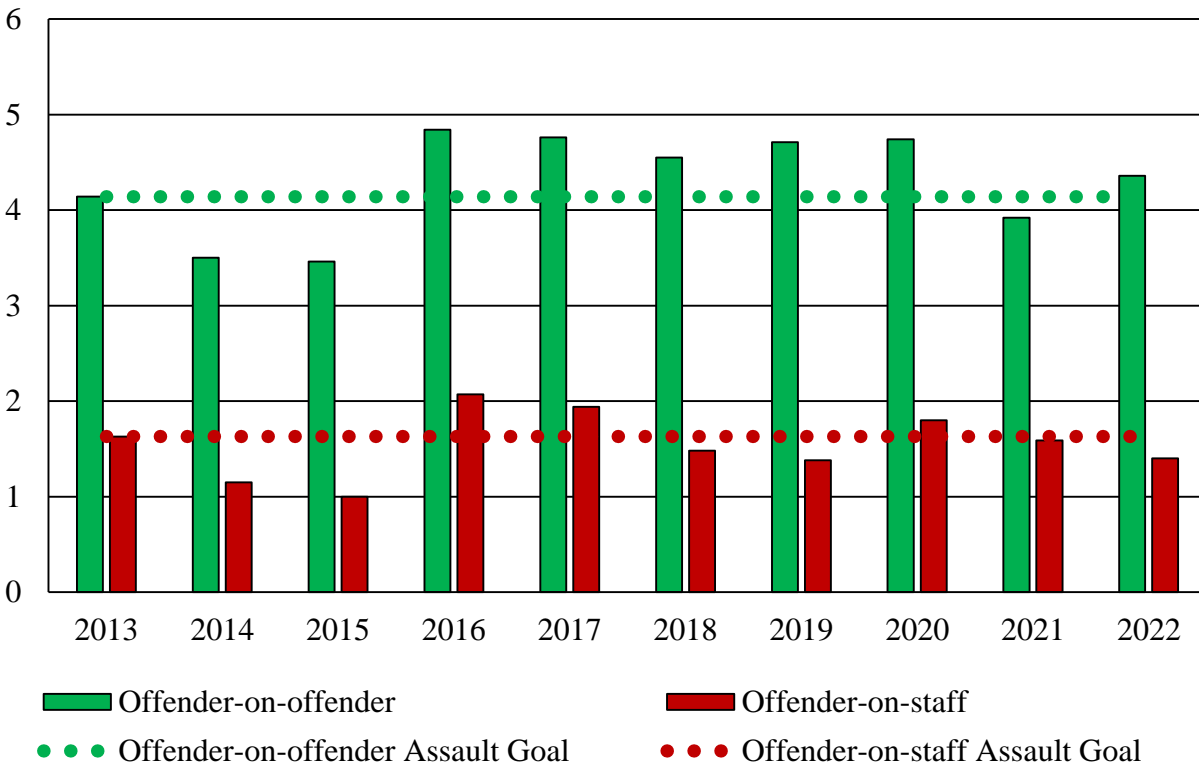
Note: Each bubble represents a group of inmates with similar sentence lengths as indicated in each label. Placement on the x-axis is approximate. The size of each bubble and placement on the y-axis corresponds to the size of each group.

Source: Department of Public Safety and Correctional Services

4. Offender-on-offender Assaults Exceed Maximum Goal

From fiscal 2021 to 2022, offender-on-staff assault rates declined, while offender-on-offender assaults increased. **Exhibit 6** shows current assault rates by target of assault for fiscal 2013 through 2022. In fiscal 2021, offender-on-offender assaults decreased below the goal of 4.1 assaults per 100 ADP for the first time since fiscal 2015. The fiscal 2022 increase, however, returns correctional assaults past the not-to-exceed level. Offender-on-staff assaults increased over the goal of 1.6 assaults per ADP in fiscal 2020 for the first time since fiscal 2017 but decreased below the goal again in fiscal 2021 and 2022.

Exhibit 6
Assaults in Correctional Facilities Per 100 ADP
Fiscal 2013-2022



ADP: average daily population

Source: Department of Public Safety and Correctional Services

Fiscal 2022

Deficiencies and budget amendments increased the fiscal 2022 appropriation to approximately \$896 million compared to the initial \$813 million legislative appropriation. The majority of the increases were \$41 million related to cost-of-living adjustments (COLA) and \$40 million for bonuses approved during the 2021 and 2022 sessions. Reverted general funds and canceled special funds related to MCE spending needs brought actual spending levels to \$887 million.

Fiscal 2023

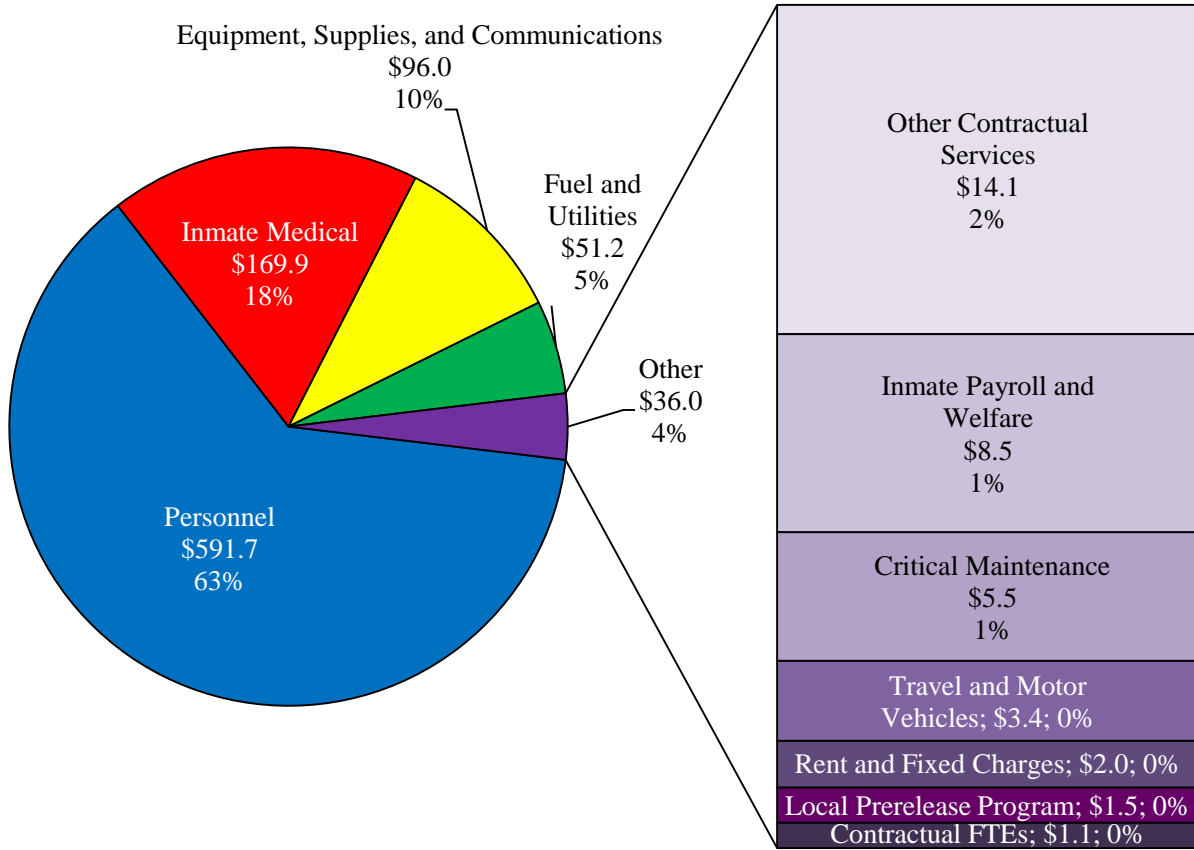
Proposed Deficiency

DPSCS Corrections receives a general fund deficiency appropriation of \$4.5 million to fund increases in energy costs for the Eastern Correctional Institution (ECI) Co-Generation Facility and the Maryland Correctional Institution – Hagerstown (MCI-H) Power Generation Station. An additional \$150,500 was added to fund the maintenance of oxygen infrastructure and gas tanks at the Maryland Correctional Institution hospital facility.

Fiscal 2024 Overview of Agency Spending

The DPSCS Corrections fiscal 2024 allowance includes approximately \$945 million. The majority of funding goes toward employing COs in State correctional facilities. **Exhibit 7** shows the other portions of the correctional budget, with inmate medical care contracts accounting for nearly one-fifth.

**Exhibit 7
Overview of Agency Spending
Fiscal 2024 Allowance
(\$ in Millions)**



FTE: full-time equivalent

Source: Governor’s Fiscal 2024 Budget Books

Proposed Budget Change

The fiscal 2024 allowance increases by \$32.1 million over the working appropriation. General fund growth is approximately 3.5% compared to the previous year increase of 9.1%. **Exhibit 8** breaks this budget change down into the items and programs with major changes.

**Exhibit 8
Proposed Budget
DPSCS – Corrections
(\$ in Thousands)**

How Much It Grows:	General Fund	Special Fund	Federal Fund	Reimb. Fund	Total
Fiscal 2022 Actual	\$539,484	\$55,417	\$290,971	\$1,522	\$887,394
Fiscal 2023 Working Appropriation	847,039	60,854	2,744	2,095	912,732
Fiscal 2024 Allowance	<u>868,474</u>	<u>73,743</u>	<u>215</u>	<u>2,389</u>	<u>944,821</u>
Fiscal 2023-2024 Amount Change	\$21,435	\$12,890	-\$2,529	\$293	\$32,088
Fiscal 2023-2024 Percent Change	2.5%	21.2%	-92.2%	14.0%	3.5%
Where It Goes:					<u>Change</u>
Personnel Expenses					
Employee and retiree health insurance					\$9,260
Net annualization of the November 2022 4.5% cost-of-living adjustment					4,951
Workers’ compensation premium assessment.....					978
Reclassifications					821
Social Security and retirement contributions.....					377
Other fringe benefits					30
Overtime					-293
Transferred positions					-1,712
Regular earnings					-2,063
Turnover adjustments					-2,744
Other Changes					
Inmate medical care and dental care contracts					7,590
Food and dietary supplies					5,590
Electricity, fuel, and other utilities					3,534
Outfitting of regional mailrooms with enhanced contraband mitigation systems					3,500
MCE raw materials, equipment, and supplies					1,555
New inmate mentorship program					1,500

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Where It Goes:	<u>Change</u>
Vehicle and travel costs primarily for inmate transport and road crews	1,076
Substance use disorder treatment services.....	371
Inmate payroll and welfare	355
Rent and fixed charges.....	144
Sign language interpreter services	45
Communications	25
Contractual full-time-equivalents	-11
Other contractual services.....	-41
Other equipment and supplies	-72
Conclusion of feasibility study for a women’s prerelease center	-150
End of one-time fiscal 2023 funding for inmate salaries to perform community projects through the Inmate Workforce Development Program	-300
Inmate pharmacy services.....	-608
Conclusion of critical maintenance projects at ECI, JCI, and MCI-J.....	-1,620
Total	\$32,088

DPSCS: Department of Public Safety and Correctional Services
 ECI: Eastern Correctional Institution
 JCI: Jessup Correctional Institution
 MCE: Maryland Correctional Enterprises
 MCI-J: Maryland Correctional Institution – Jessup

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.

Major Changes

The net change in personnel costs is mainly a result of higher health insurance costs. Turnover adjustments, the transfer of positions, and the rebasing of regular earnings contribute to reductions while the net annualization of the November 2022 4.5% COLA contributes to increases.

The majority of the fiscal 2024 budget increase occurs in operational expenses. Several of those changes are one-time only. DPSCS is in the process of rolling out a contraband prevention pilot program throughout the department’s regional mailrooms at a cost of \$3.5 million. The renovations are set to begin at ECI, where contraband spiked in fiscal 2021 to 10 times the previous average.

Inmate Mentorship Program

DPSCS is in the process of rolling out a new inmate mentorship program in fiscal 2023 for MCE workers. The program seeks to give individuals with life sentences, who have 10 years or more seniority and who already perform team leader tasks, the opportunity to pass on their skills and become mentors and trainers for beginner MCE workers. The program is budgeted in fiscal 2024 at \$1.5 million. Resources will cover the necessary supply resources and wages for 100 inmate peer mentors. A fiscal 2023 over-the-target appropriation is not repeated in fiscal 2024 for inmates transitioning to community-based work assignments to build skills for reentry, while providing goodwill projects to the community.

Other Changes

Other cost increases are impacted by higher inflation including food, electricity, and materials. These categories contribute over \$10 million to the budget increase. An additional increase is associated with the inmate medical care contract, which is shifted each year based on the share of the offender population in any given program. The share of the offender population is increasing for DOC, requiring a larger share of resources. The department as a whole, however, does see a \$5.9 million increase in these expenses, partially due to the fixed rate increase built into the contract as well as dental cost increases commensurate with inflation.

Personnel Data

	<u>FY 22</u> <u>Actual</u>	<u>FY 23</u> <u>Working</u>	<u>FY 24</u> <u>Allowance</u>	<u>FY 23-24</u> <u>Change</u>
Regular Positions	5,095.00	5,071.00	5,057.00	-14.00
Contractual FTEs	<u>17.55</u>	<u>33.67</u>	<u>31.01</u>	<u>-2.66</u>
Total Personnel	5,112.55	5,104.67	5,088.01	-16.66

Vacancy Data: Regular Positions

Turnover and Necessary Vacancies, Excluding New Positions	697.87	13.80%
Positions and Percentage Vacant as of 12/31/22	733.50	14.46%
Vacancies Above Turnover	35.63	

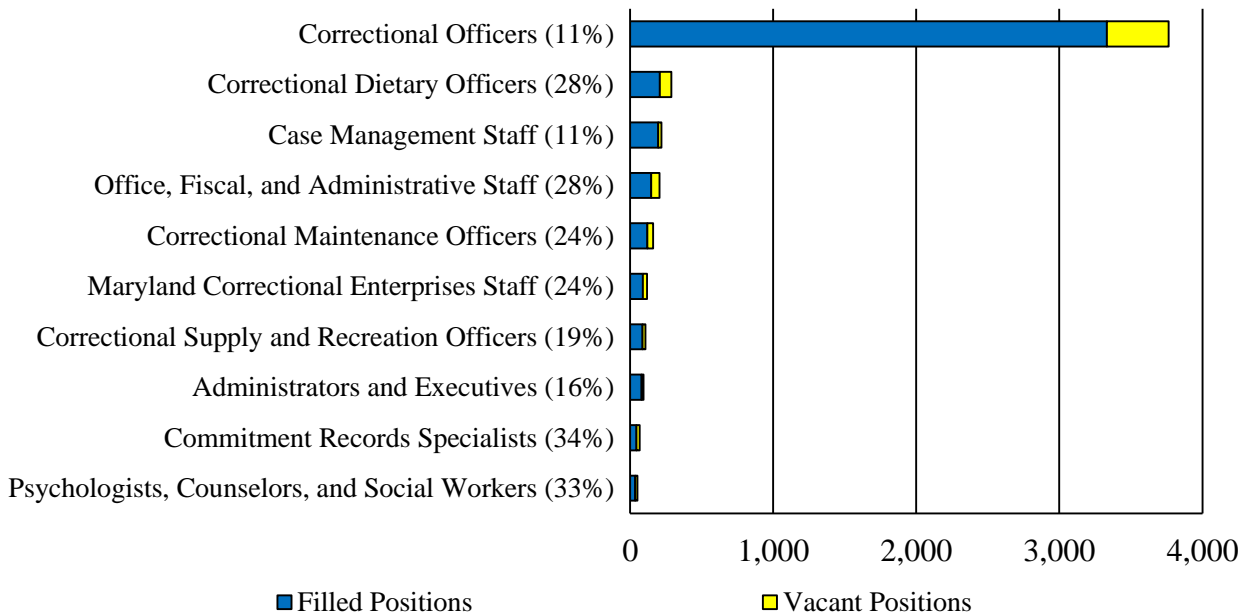
- Eight COs were transferred to the Intelligence and Investigation Division within the Office of the Secretary. Additionally, 4 administrative officers, 1 mental health counselor, and 1 information technology programmer were transferred to various units of the department to align with operational needs. This transfer of 14 positions removed \$1.7 million.

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- Contractual positions are reduced in fiscal 2024 by approximately 2.7 full-time equivalent (FTE) positions that provide clerical and secretarial support to administrators and volunteer coordinators.
- Adding approximately 35 filled positions on net would bring this division in line with budgeted turnover for the fiscal 2024 allowance.

Corrections is primarily made up of COs. While COs account for the most vacancies at 431, they also showed the lowest vacancy rate among classifications at 11%. This is, however, an increase from 6.5% vacancies in DOC in January 2022. **Exhibit 9** shows how the other employee classifications measure against the CO complement. Vacancies are highest among commitment records specialists, mental health staff, and social workers. Administrative vacancies, including for office staff and noncustodial COs, are also significant. CO vacancies drive overtime costs that have grown to nearly \$170 million, which represents 16% of personnel costs and 11% of total departmental costs. However, vacancies in other classifications at facilities also negatively affect the services rendered by DPSCS.

Exhibit 9
Vacancies by Classification Category
January 2023



Note: Vacancy rates shown in parentheses.

Source: Department of Budget and Management

Issues

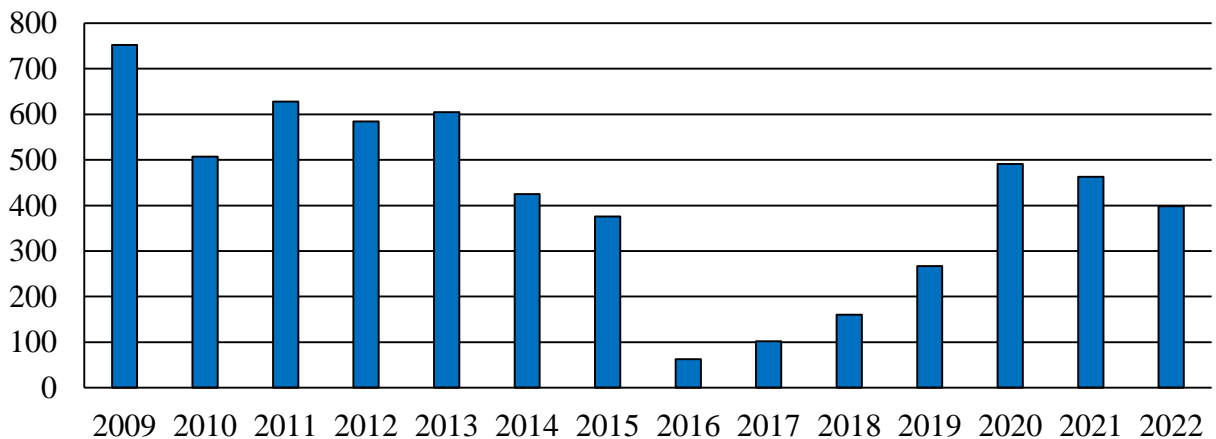
1. Vacancy and Staffing Analysis Results: DPSCS Estimates Needing 3,000 More COs

As discussed in the budget analysis for DPSCS Overview – Q00, DPSCS has struggled since calendar 2015 to hire enough COs and other employees to fill their appropriation and adequately staff their facilities and administrative programs. The CO hiring crisis resulted in a severe amount of overtime hours worked by the majority of COs. From July 2020 to December 2021, COs averaged approximately 12 hours of overtime per week. Burnout and inefficiencies caused by overworked employees is dangerous in a correctional environment, and assaults have been elevated during the worst of the employment crisis. All COs across the department are included in this issue analysis, including in the Office of the Secretary and DPDS.

Cumulative Hiring Gap

DPSCS previously made improvements in the hiring and retention of COs, primarily through amending the application process, increasing base pay, and providing a variety of targeted incentives, including new hire and retention bonuses, regional bonuses, and increased pay for those placed in COVID-19 areas. In calendar 2020 and 2021, DPSCS posted the first net increases in COs since 2014. However, while most of the above initiatives still stand today, calendar 2022 saw a net loss of COs. There remain difficulties in hiring enough COs to cover the CO separations. **Exhibit 10** shows the number of new CO hires since calendar 2009.

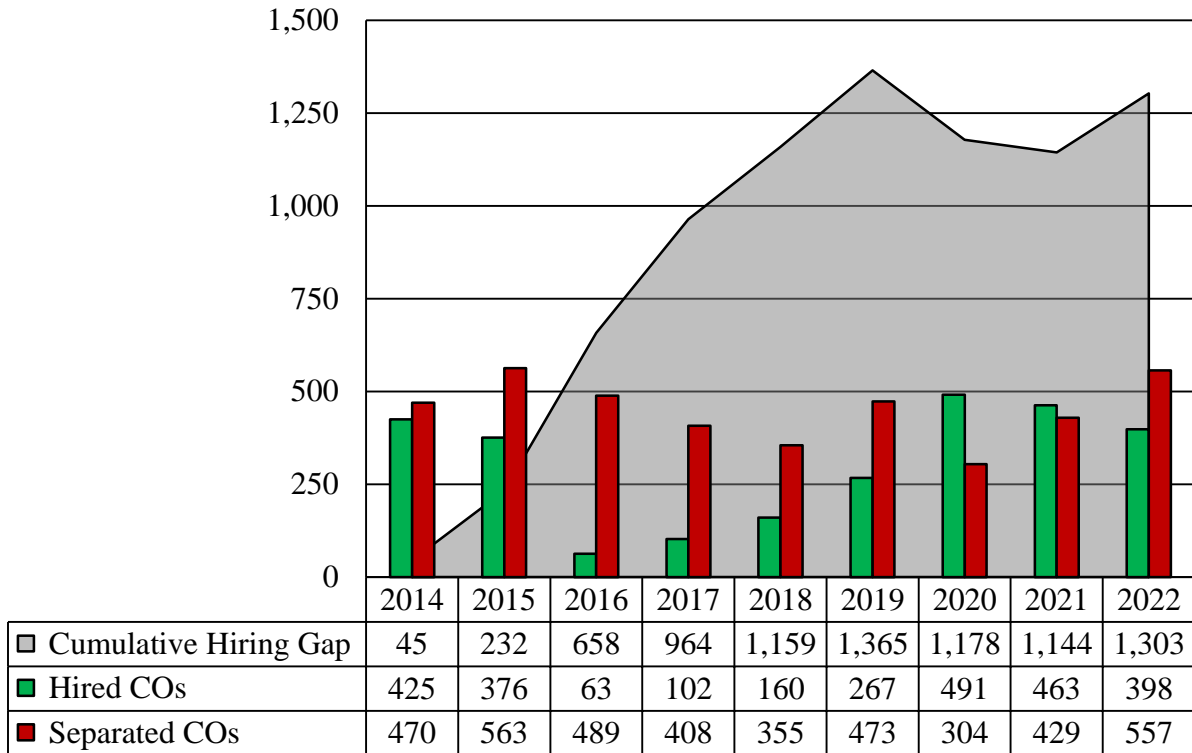
Exhibit 10
Correctional Officer New Hires
Calendar 2009-2022



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

To further illustrate this issue, **Exhibit 11** shows the cumulative hiring gap that grew due to separations outpacing hiring. The shaded area grew rapidly during the hiring crisis and has begun to increase again in calendar 2022.

Exhibit 11
Cumulative CO Hiring Gap
Calendar 2015-2022



CO: correctional officer

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

New Preliminary Staffing Analysis

While DPSCS vacancies are currently very high, they would be much higher without the series of abolishments that have eliminated 1,769 CO positions since the hiring crisis began in fiscal 2015. Without these abolishments, the vacancy rate for COs would be over 33%. A new staffing analysis suggests that it may be necessary to reverse these abolishments and add even more positions to reach a point where mandatory overtime is eliminated.

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A biennial staffing study is required by Correctional Services Article § 3-207.1. The most recent study report was submitted on October 31, 2022 – a year late due to COVID-19.

Exhibit 12 shows the results of the study. The exhibit combines the determinations made by the contracted consultants with the number of vacancies, resulting in 2,963 needed net hires. The facilities with the most need were Central Maryland Correctional Facility, Baltimore Central Booking and Intake Center, MCI-H, MRDCC, Maryland Correctional Training Center (MCTC), Roxbury Correctional Institution (RCI), and Maryland Correctional Institution – Jessup. Each of these facilities were understaffed by over 50% when looking solely at already funded positions.

Exhibit 12
Post-by-post Staffing Analysis Results
Fiscal 2021

	<u>DOC</u>	<u>DPDS</u>	<u>Total</u>
CO I and CO II	4,605	1,641	6,246
Sergeant	629	178	807
Total Necessary PINs	5,234	1,819	7,053
CO I and CO II	-1,817	-643	-2,460
Sergeant	-75	34	-41
Unfunded PINs	-1,892	-609	-2,501
CO I and CO II	-2,080	-697	-2,777
Sergeant	-174	-12	-186
Net Unfunded Plus Vacant PINs	-2,254	-709	-2,963

CO: correctional officer

DOC: Department of Correction

DPDS: Division of Pretrial Detention and Services

PIN: position identification number

Source: Department of Public Safety and Correctional Services; The Moss Group, Inc.

If all 2,500 new PINs were granted to DPSCS and filled for an entire fiscal year, the cost would be approximately \$185 million. At a more standard turnover rate of 25% for new employees or 13% for the department’s existing employees, the cost would be approximately \$140 million or \$160 million, respectively. Coincidentally, the overtime costs for DPSCS have risen to over \$160 million in fiscal 2024, and the agency is by far the State’s largest user of overtime. For several years, auditors, budget analysts, and even DPSCS employees have concluded that mandatory and voluntary overtime can easily exceed regular salaries for the officers willing to work the most.

Overtime earnings are twice as expensive for the State than regular earnings, and hiring COs to fill staffing gaps remains the most effective way of reducing overtime costs. Perhaps more important than reducing overtime costs is ensuring that employees are well-rested, as those employees perform better than overworked employees and create a safer, more rehabilitative environment for offenders.

Data Concerns

It is unclear if there is comparability between the current study and previous staffing studies submitted for fiscal 2017 and 2019. There are differences in relief factor calculations, definitions of posts and positions, and facility closures that make it difficult to directly compare the results of the post-by-post staffing analyses.

First, the fiscal 2022 study uses a Net Annual Work Hours methodology, which increases the estimated need for staff by considering how many hours an officer would be away from the post each year. The 2019 study used annual leave data but did not consider the impact of training on the relief factor for each post. The 2017 study opted for a standard relief factor used in the facility staffing plans rather than calculating a new factor. In theory, this makes the 2022 study more accurately reflect DPSCS staffing needs. However, the consultant group did not investigate the cause of any year-to-year changes in the data that may or may not indicate permanent trends. Therefore, the estimated staffing need may be slightly exaggerated if leave usage declines. For instance, the amount of annual leave usage used by CO I and CO II positions increased 28% from fiscal 2019 to 2021. Leave usage can vary widely across pay periods. Departmental sick leave data from July 2020 to December 2021 showed that the highest use periods were 250% higher than the lowest use periods and tended to coincide with peak COVID-19 rates.

Second, it is unclear how the fiscal 2022 study defines “funded positions”. The number of funded positions identified for each classification do not match the number in the budget books raw or adjusted for expected turnover. For instance, the study identified 5,087 total budgeted PINs for all COs. However, the actual number appropriated is 6,192 PINs. This only reduces to 5,261 PINs when adjusting for the fiscal 2021 expected turnover of 15.03%. Further, the fiscal 2022 analysis defines posts the same as in previous analyses but only looks at staffing needs for three classifications, leaving out CO lieutenants, CO captains, and CO majors. The previous analyses included all CO position needs.

Third, several facilities included in either the fiscal 2017 or 2019 analyses have been closed, reducing the overall need for post-by-post staffing. When comparing the current needs of existing facilities to their past needs, it would appear that DPSCS has a higher workload, as shown in **Exhibit 13**. However, as discussed in the performance evaluation section of this analysis, the population under DPSCS custody only declined from fiscal 2017 to 2021. There is a slight positive relationship between the increase in ADP and the increase in needed posts, yet the pattern is not as clear as it would be expected.

**Exhibit 13
Historical Comparison of Staffing Need
Fiscal 2017-2021**

	General Posts Only			General and Special Posts			ADP
	<u>2017</u>	<u>2019</u>	<u>2021</u>	<u>2019</u>	<u>2021</u>	<u>Difference 2019-2021</u>	<u>Difference 2019-2021</u>
CMCF	89	117	91	143	133	-7.0%	-40.8%
DRCF	234	241	216	259	256	-1.2%	-28.2%
ECI	552	625	571	639	592	-7.4%	-8.8%
ECI-A	96	119	96	134	127	-5.2%	-32.3%
JCI	488	498	462	534	615	15.2%	-25.1%
MCI-H	313	344	357	376	415	10.4%	31.7%
MCI-J	293	296	238	326	301	-7.7%	-3.4%
MCI-W	281	297	230	316	274	-13.3%	-37.1%
MCTC	471	505	629	531	684	28.8%	-23.7%
MRDCC	299	341	345	368	378	2.7%	31.1%
NBCI	454	518	494	552	550	-0.4%	-6.2%
PATX	419	448	397	479	417	-12.9%	-41.5%
RCI	352	335	374	352	406	15.3%	-10.6%
WCI	352	414	342	442	344	-22.2%	5.9%
BCCC	107	111	97	119	120	0.8%	-46.9%
Total	4,800	5,209	4,939	5,570	5,612	0.8%	-15.6%

ADP: average daily population

BCCC: Baltimore City Correctional Center

CMCF: Central Maryland Correctional Facility

DRCF: Dorsey Run Correctional Facility

ECI: Eastern Correctional Institution

ECI-A: Eastern Correctional Institution – Annex

JCI: Jessup Correctional Institution

MCI-H: Maryland Correctional Institution – Hagerstown

MCI-J: Maryland Correctional Institution – Jessup

MCI-W: Maryland Correctional Institution for Women

MCTC: Maryland Correctional Training Center

MRDCC: Maryland Reception, Diagnostic and Classification Center

NBCI: North Branch Correctional Institution

PATX: Patuxent Institution

RCI: Roxbury Correctional Institution

WCI: Women’s Correctional Institution

Note: Fiscal 2021 data were reported in the October 2022 report. Fiscal 2019 data were reported in the January 2020 report. In order to compare the previous staffing studies to the current study, only the facilities included across each report are listed. This list excludes detention facilities and facilities that are no longer in operation. Special post assignment needs were not estimated in the 2017 study.

Source: Department of Public Safety and Correctional Services

In light of vacancy information and the results of the post-by-post staffing analysis, the Department of Legislative Services (DLS) is concerned that all classifications of DPSCS employees are suffering vacancy rates that are much too high to sustain. Cost and safety concerns have already raised red flags that departmental action is needed to fill positions in facilities as quickly as possible. However, the department's staffing troubles are not limited to COs. Much needs to be done in hiring all classifications.

DPSCS should discuss the most recently released staffing analysis and the estimated number of additional positions required in comparison to previous staffing studies. In light of the ongoing struggles to fill CO positions, the department should also comment on what steps can be taken to improve working conditions, reduce overtime, and continue to evaluate staffing needs and operations until hiring efforts are more successful.

DLS recommends the adoption of budget bill language restricting \$200,000 in general funds pending the development and reporting of numerical hiring goals for COs, community supervision agents, and administrative staff.

Fiscal 2023 Budget Bill language restricted \$100,000 in general funds until DPSCS submitted the second of four hiring and attrition reports on January 12, 2023. The report was received on February 1, 2023. Having reviewed the report and used it in development of the fiscal 2024 budget analyses, DLS recommends these withheld funds be released to DPSCS upon conclusion of the budget hearings and recommends the adoption of this language again for fiscal 2024.

2. Correctional Education Enrollment Low; New Initiatives

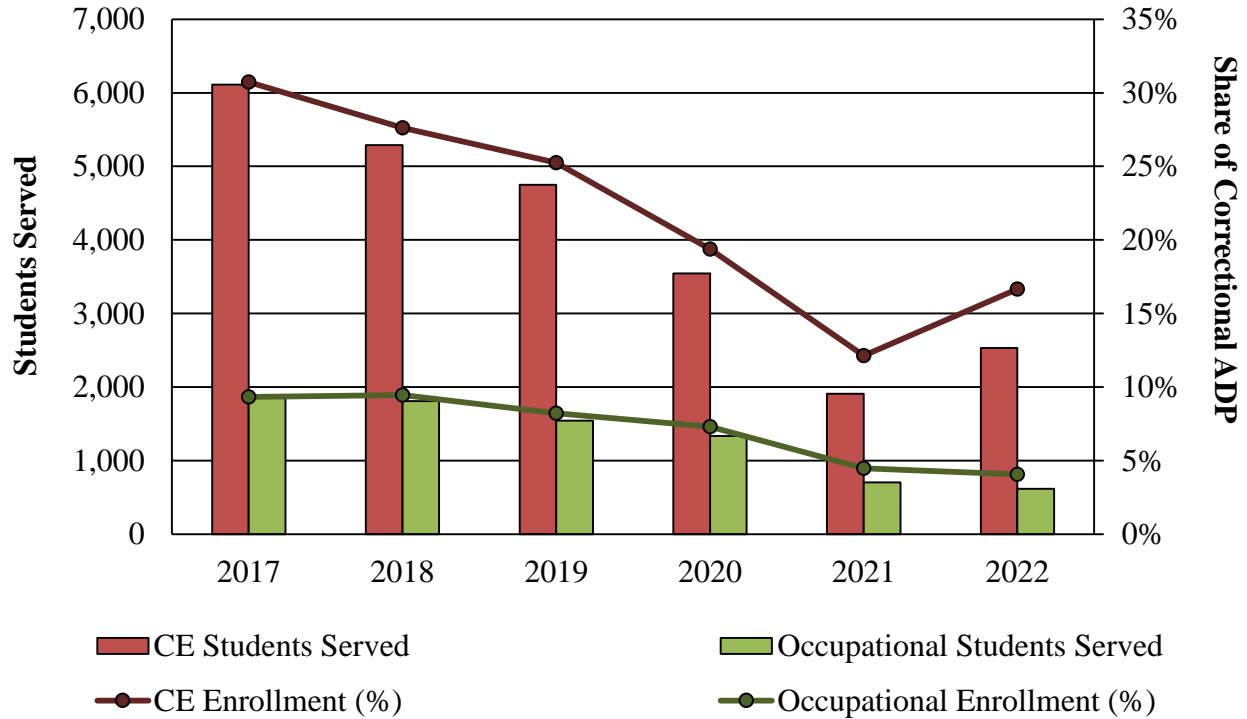
Education within correctional facilities is one of the fundamental components of rehabilitation. The Maryland Department of Labor (MDL) operates the Correctional Education (CE) program, which provides instruction and educational opportunities for those in DPSCS custody. The program is staffed and funded by MDL, but a memorandum of understanding (MOU) with DPSCS provides reimbursable funding for operational contracts, totaling \$3.5 million in fiscal 2022, \$3.1 million in the fiscal 2023 working appropriation, and \$3.1 million in the fiscal 2024 allowance. Most of the funding goes to educational equipment and supplies.

Conversion of PINs

In addition to the reimbursable funds mentioned above, \$4.6 million is budgeted within DPSCS to pay for CE instructors. Approximately \$2.4 million of this amount is associated with conversion of the instructor positions from contractual FTEs to regular PINs. MDL hires instructors through Hagerstown Community College, Anne Arundel Community College, and Wor-Wic Community College to work in each facility that offers CE. In fiscal 2024, all these contractual positions will be converted to regular PINs. This conversion is needed as the lack of instructors has limited the ability of MDL and DPSCS to educate and train offenders. **Exhibit 14** shows enrollment data for DPSCS offenders in the CE program and occupational programs. CE

enrollment fell from 31% in fiscal 2017 to a low of 12% in fiscal 2021. A total of 2,531 students were served in CE programs in fiscal 2022.

**Exhibit 14
CE Enrollment
Fiscal 2017-2022**

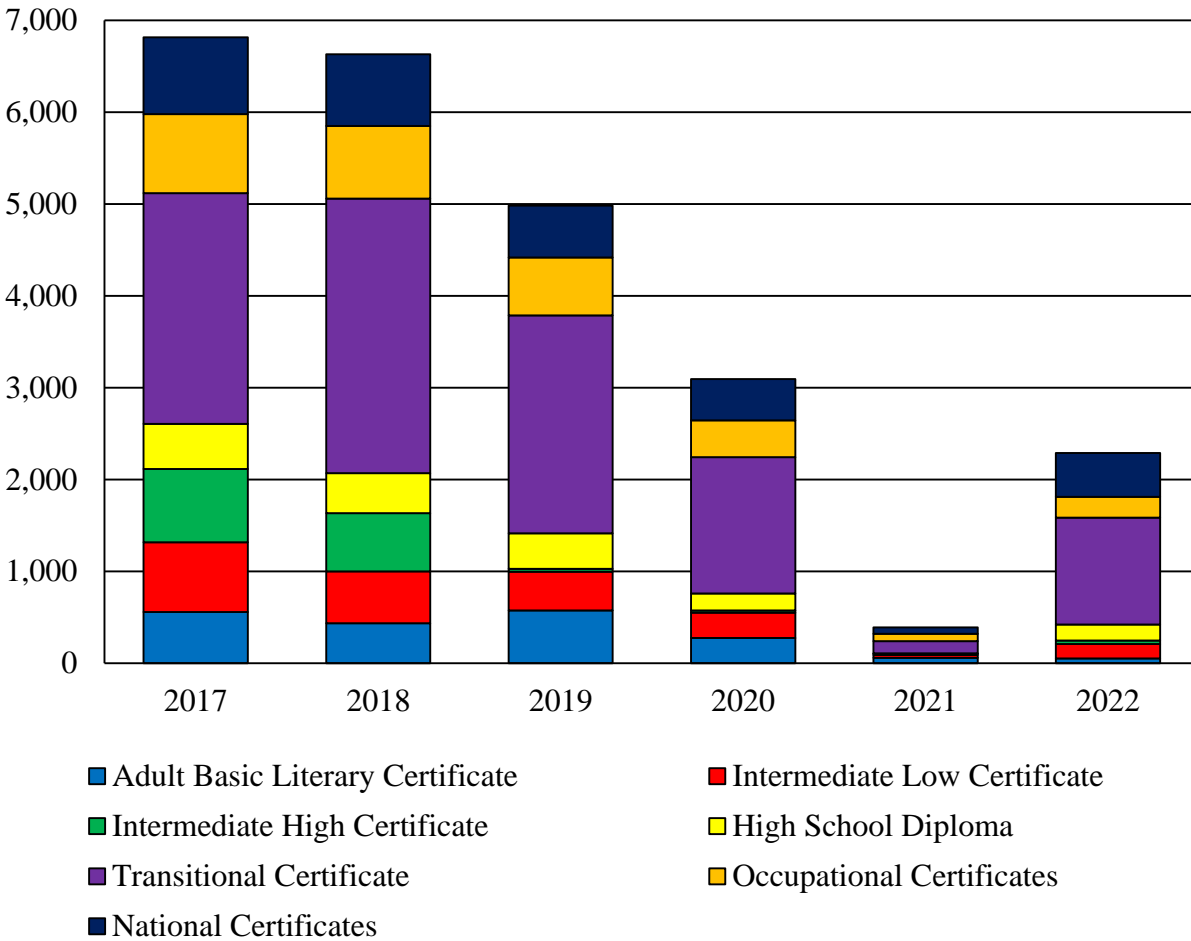


ADP: average daily population
CE: Correctional Education

Source: Managing for Results

Not only is enrollment down, but achievement is down as well. Fewer offenders were earning certificates and diplomas in both CE classes and occupational programs. This trend started prior to the pandemic, as seen in **Exhibit 15**, but accelerated to a trough in fiscal 2021. In fiscal 2017, approximately 84% of CE students were receiving a diploma or certificate. That rate declined to 13% in fiscal 2021. Only 4 students received high school diplomas in fiscal 2021 through the CE program. In fiscal 2022, diplomas increased to 171, and overall achievement levels increased to about half the levels seen in fiscal 2019.

Exhibit 15
Correctional Education Certificates and Diplomas
Fiscal 2017-2022



Note: Occupational and national certificates are counted based on total number. Individual students may achieve more than one of each type.

Source: Maryland Department of Labor; Fiscal 2024 Managing for Results

MDL is responsible for ensuring the CE program receives enough resources for operations. The budget increase is expected to improve instructor retention rates and prevent lapses in instruction. Additional initiatives indicated below are also expected to have an impact on the delivery of correctional education.

Educational Tablet Initiative

In November 2017, MDL partnered with DPSCS to establish the Educational Tablet Initiative. The program began as a pilot with only 6 tablets available to 37 students at MCI-W and 6 tablets available to 42 students at Brockbridge Correctional Facility (BCF). Tablet applications were used in classroom settings to prepare for and take the GED assessment. The initial fiscal 2018 costs were \$50,000 split evenly between MDL and the Governor’s Office of Crime Prevention, Youth, and Victim Services.

In July 2018, MDL funded 47 additional tablets to serve Adult Basic Education classes at MCI-W, BCF, RCI, MCTC, and the Metropolitan Transition Center. MDL funded 20 tablets in March 2019 at MCI-H, ECI, and JCI for a total of 79 tablets serving 520 students. MDL funded more tablets in fiscal 2020 for a total of 87 tablets in the eight schools served.

Personal Tablets and the Inmate Tablet Initiative

In calendar 2022, DPSCS began to deploy tablets through its contract with GTL/ViaPath. Inmates in multiple facilities have already been equipped with tablets, and the department plans to provide inmates in all facilities with the opportunity to use a personal tablet free of charge. While the basic uses of the tablet are free, there are pay-to-use features such as access to music streaming, video libraries, and games. This program is also free of charge to the State. This means the vendor’s only source of revenue through this program is offenders purchasing premium content. In a pessimistic viewing, this type of arrangement could encourage a company to prioritize return on investment over quality and quantity of resources. **DPSCS should comment on the new tablet program, including steps taken to ensure that access to tablets and electronic resources is not dependent on or impacted by the personal spending habits of offenders.**

3. MCE Spending Exceeds Sales

MCE is the State-use industries arm of DOC. It is a financially self-supporting agency that generates revenue for its operations and capital investments and reimburses DOC at a reasonable rate for services exchanged. MCE hires and trains inmates to perform a number of different industrial tasks, ranging from furniture building to textiles and from graphic design to mailing and distribution.

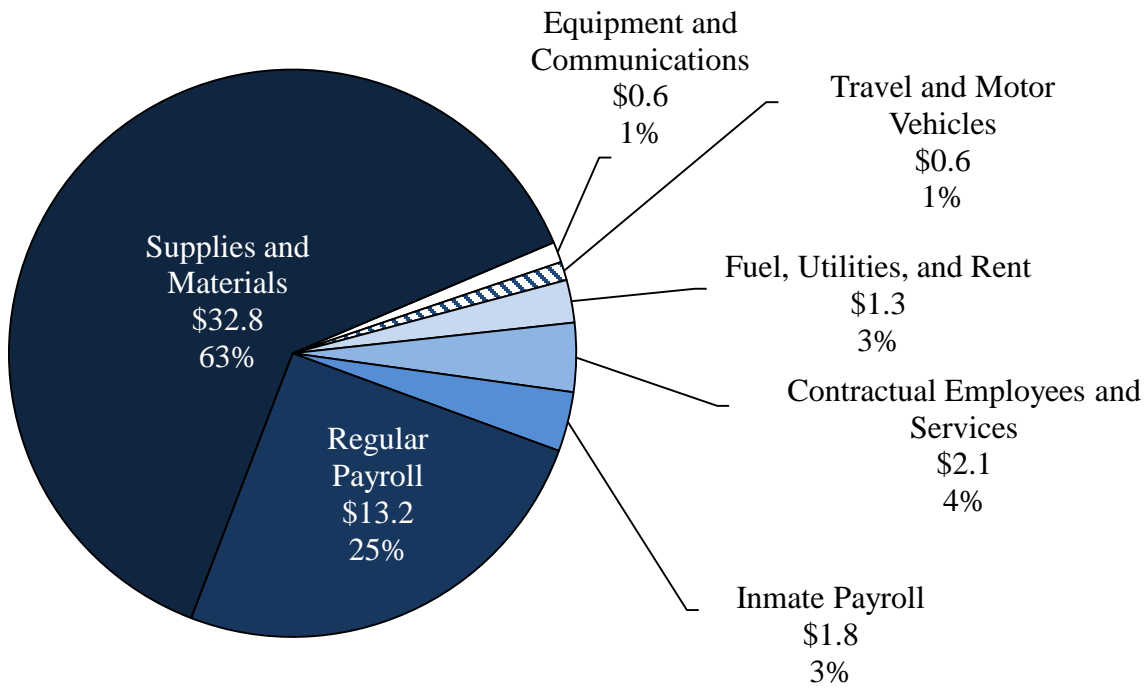
Inmate Compensation

The amount paid to each inmate ranges from \$1.31 to \$9.28 per day based on industry and skill level. MCE established a new scale in fiscal 2022 that includes a five-day work week base stipend and a four-day work week base stipend. Those participating in the Prison Industry Enhancement Certification Program (PIECP) are able to receive prevailing wages for their labor, which was raised from \$11.75 to \$15.00 in 2021. Currently, 12 individuals are employed in the

PIECP program at the Hagerstown MCE metal shop, resulting in total compensation of \$19,363 in inmate earnings and \$3,375 paid into the State’s Victims Compensation Fund.

The total amount paid to inmates in fiscal 2021 was \$1.8 million, while personnel expenses for officers and other MCE staff were about \$13.6 million. Total expenses for MCE in fiscal 2022 were \$51.7 million, including \$32.8 million for supplies and materials used in manufacturing, as demonstrated in **Exhibit 16**.

Exhibit 16
MCE Spending by Type
Fiscal 2022
(\$ in Millions)

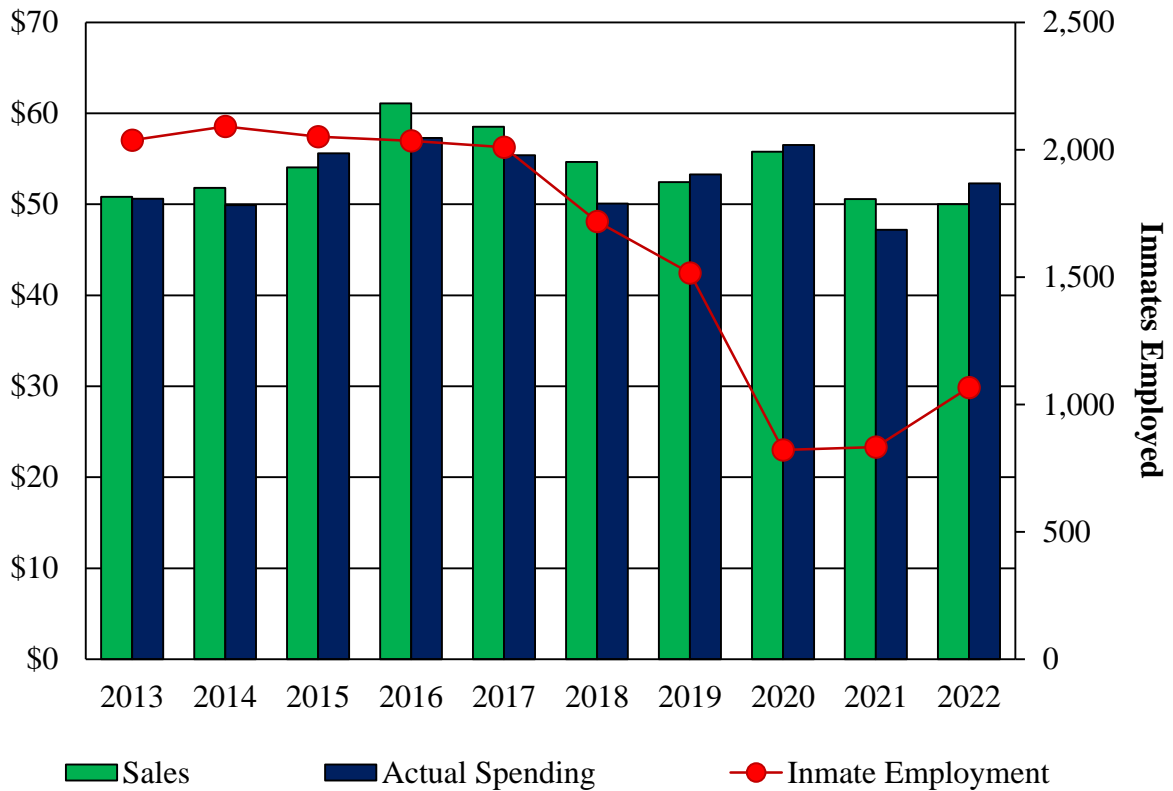


MCE: Maryland Correctional Enterprises

Source: Governor’s Fiscal 2024 Budget Books

Total sales for MCE were \$50.0 million in fiscal 2022, which is a 10% decrease from fiscal 2020 and \$1.7 million below expenses. MCE employment numbers were already at their lowest point in over a decade in fiscal 2019 at 1,516 but declined by 46% to 821 by the end of fiscal 2020 due to COVID-19 safety precautions. Inmate employment was 1,066 in fiscal 2022, showing a lingering impact of the pandemic on operations. **Exhibit 17** shows MCE sales and expenses against inmate employment, which is measured at the end of the fiscal year.

Exhibit 17
MCE Sales, Expenses, and Employment
Fiscal 2013-2022
(\$ in Millions)



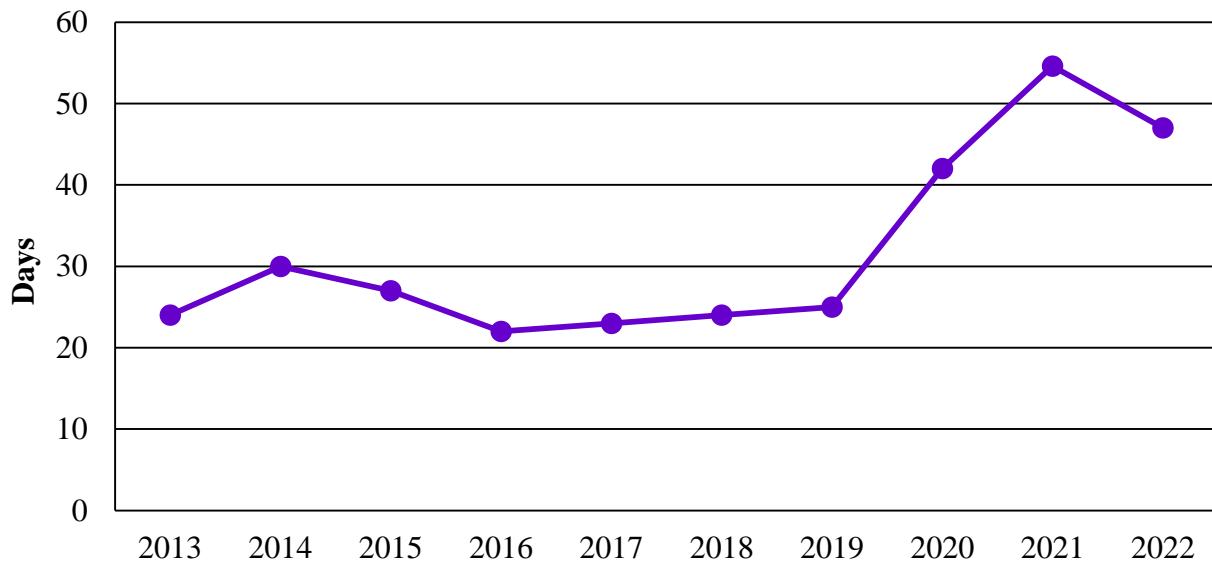
MCE: Maryland Correctional Enterprises

Source: Governor’s Fiscal 2024 Budget Books; Department of Public Safety and Correctional Services

Future Steps For MCE

As a result of closures due to the pandemic, MCE was not able to produce goods for several customers. The timeframe needed to successfully deliver an MCE order more than doubled from fiscal 2019 to 2021 and remains high at 47 days, as shown in **Exhibit 18**. This inevitably led to lost sales and cancellations of MOUs, including a 13-year contract. MCE experienced a higher-than-normal increase of waiver requests from State agencies to bypass MCE’s purchasing preference, enabling the agencies to purchase the products from other vendors as MCE was unable to provide the requested product within the given timeframe. Teleworking has also decreased the need for office furniture in State agencies. Given that furniture sales typically account for approximately 40% of MCE revenues, the impact has been significant. Due to the reduction in the State prison population, MCE has also experienced decreased sales in inmate items such as clothing, bedding, etc.

Exhibit 18
Average Delivery Time Per MCE Order
Fiscal 2013-2022



MCE: Maryland Correctional Enterprises

Source: Governor’s Fiscal 2024 Budget Books; Department of Public Safety and Correctional Services

MCE should comment on current efforts to reduce MCE order delivery times, increase sales, and increase inmate employment. There may be a need to adjust MCE sales prices and tactics to sustain the sales volume necessary to continue providing opportunities to offenders.

Operating Budget Recommended Actions

1. Add the following language to the general fund appropriation:

, provided that \$200,000 of this appropriation made for the purpose of General Administration may not be expended until the Department of Public Safety and Correctional Services submits a report on the numerical hiring goals to the budget committees. The report shall include an analysis of the 2022 staffing study submitted to the General Assembly that identifies major concerns, limitations, and takeaways from the study. The report shall also identify and explain numerical hiring goals for correctional officers, community supervision agents, and administrative personnel for fiscal 2024. The report shall be submitted to the budget committees no later than July 15, 2023. The budget committees shall have 45 days from the date of the receipt of the report to review and comment. Funds restricted pending the receipt of a report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted to the budget committees.

Explanation: Since fiscal 2015, the Department of Public Safety and Correctional Services (DPSCS) has struggled to maintain staffing levels in facilities and across departmental functions. A preliminary staffing analysis suggested that DPSCS facilities are understaffed and in need of additional funded positions. This report will require the incoming administration to review the results of the staffing analysis and provide the budget committees with numerical goals to better track hiring performance.

Information Request	Author	Due Date
Numerical hiring goals	DPSCS	July 15, 2023

2. Add the following language to the general fund appropriation:

, provided that \$100,000 of this appropriation made for the purpose of General Administration may not be expended until the Department of Public Safety and Correctional Services submits the second of four quarterly hiring and attrition reports to the budget committees. The reports shall include a breakdown of all hires and separations for each of the three months in question by category of employee (correctional officer, community supervision agent, or administrative employee) and by reason for separation. The report shall also include narrative summarizing all hiring events and changes to the hiring process that occurred during the quarter; the quantity, type, and cost of bonuses disbursed; as well as overall applications received, tested, and interviewed. The first quarterly report shall be submitted to the budget committees no later than October 12, 2023, and the second report shall be submitted to the budget committees no later than January 12, 2024. The budget committees shall have 45 days from the date of the receipt of the second quarterly report to review and comment. Funds restricted pending the receipt of a report may not be transferred by budget amendment or otherwise to any

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other purpose and shall revert to the General Fund if the report is not submitted to the budget committees.

Explanation: Hiring within the Department of Public Safety and Correctional Services (DPSCS) has declined again after one year of improvement in employment. The quarterly reports requested in fiscal 2024 will continue the cooperation between DPSCS and the budget committees to track all departmental hiring, the success of recent initiatives, and the impact of COVID-19 on public safety staffing.

Information Request	Author	Due Date
Quarterly hiring and attrition reports	DPSCS	October 12, 2023 January 12, 2024 April 12, 2024 July 12, 2024

Appendix 1
2022 Joint Chairmen’s Report Responses from Agency

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

- ***DPSCS Hiring and Attrition Reports:*** DPSCS submitted the second of four quarterly reports required by the fiscal 2023 Budget Bill on February 1, 2023. These reports indicate that DPSCS hiring and attrition patterns reverted to previous trends of employee loss. DPSCS reported an overall gain in COs and overall employees in the second quarter of fiscal 2023, but the overall change in calendar 2022 was a reduction. Further information regarding DPSCS staffing trends can be found in Issue 1 of this analysis.

Appendix 2
Object/Fund Difference Report
Department of Public Safety and Correctional Services – Corrections

<u>Object/Fund</u>	<u>FY 22</u> <u>Actual</u>	<u>FY 23</u> <u>Working</u> <u>Appropriation</u>	<u>FY 24</u> <u>Allowance</u>	<u>FY 23 - FY 24</u> <u>Amount Change</u>	<u>Percent</u> <u>Change</u>
Positions					
01 Regular	5,095.00	5,071.00	5,057.00	-14.00	-0.3%
02 Contractual	17.55	33.67	31.01	-2.66	-7.9%
Total Positions	5,112.55	5,104.67	5,088.01	-16.66	-0.3%
Objects					
01 Salaries and Wages	\$ 572,399,423	\$ 572,196,879	\$ 591,703,549	\$ 19,506,670	3.4%
02 Technical and Special Fees	979,311	1,041,155	1,057,639	16,484	1.6%
03 Communication	1,312,168	1,174,560	1,199,987	25,427	2.2%
04 Travel	89,098	99,803	93,551	-6,252	-6.3%
06 Fuel and Utilities	43,334,021	43,121,246	51,189,858	8,068,612	18.7%
07 Motor Vehicles	3,103,193	2,227,327	3,309,261	1,081,934	48.6%
08 Contractual Services	175,478,304	176,629,160	183,987,661	7,358,501	4.2%
09 Supplies and Materials	77,332,919	73,105,276	80,031,479	6,926,203	9.5%
10 Equipment – Replacement	2,407,476	11,014,810	14,494,009	3,479,199	31.6%
11 Equipment – Additional	675,763	145,868	313,000	167,132	114.6%
12 Grants, Subsidies, and Contributions	6,216,751	8,397,933	9,953,343	1,555,410	18.5%
13 Fixed Charges	1,748,269	1,853,526	1,997,644	144,118	7.8%
14 Land and Structures	2,317,214	7,110,000	5,490,000	-1,620,000	-22.8%
Total Objects	\$ 887,393,910	\$ 898,117,543	\$ 944,820,981	\$ 46,703,438	5.2%
Funds					
01 General Fund	\$ 539,484,145	\$ 832,794,532	\$ 868,474,202	\$ 35,679,670	4.3%
03 Special Fund	55,417,085	60,483,293	73,743,048	13,259,755	21.9%
05 Federal Fund	290,970,946	2,744,395	215,000	-2,529,395	-92.2%
09 Reimbursable Fund	1,521,734	2,095,323	2,388,731	293,408	14.0%
Total Funds	\$ 887,393,910	\$ 898,117,543	\$ 944,820,981	\$ 46,703,438	5.2%

Note: The fiscal 2023 appropriation does not include deficiencies. The fiscal 2024 allowance does not include contingent reductions or cost-of-living adjustments.

Appendix 3
Fiscal Summary
Department of Public Safety and Correctional Services – Corrections

<u>Program/Unit</u>	<u>FY 22 Actual</u>	<u>FY 23 Wrk Approp</u>	<u>FY 24 Allowance</u>	<u>Change</u>	<u>FY 23 - FY 24 % Change</u>
01 Maryland Correctional Enterprises	\$ 52,294,935	\$ 57,552,293	\$ 60,389,117	\$ 2,836,824	4.9%
01 General Administration	4,975,736	27,404,261	34,197,344	6,793,083	24.8%
01 Patuxent Institution	61,839,143	63,379,295	66,071,248	2,691,953	4.2%
01 Maryland Correctional Institution – Hagerstown	62,628,288	62,320,200	66,865,851	4,545,651	7.3%
02 Maryland Correctional Training Center	91,006,634	86,840,775	91,417,225	4,576,450	5.3%
03 Roxbury Correctional Institution	63,124,184	61,783,431	65,064,962	3,281,531	5.3%
04 Western Correctional Institution	76,773,474	73,657,912	75,316,116	1,658,204	2.3%
05 North Branch Correctional Institution	72,125,234	69,897,661	72,928,151	3,030,490	4.3%
01 Jessup Correctional Institution	106,804,226	102,233,973	106,900,677	4,666,704	4.6%
02 Maryland Correctional Institution – Jessup	50,125,736	49,320,889	51,023,690	1,702,801	3.5%
03 Maryland Correctional Institution for Women	44,253,080	43,689,805	46,370,536	2,680,731	6.1%
08 Eastern Correctional Institution	133,368,938	136,698,146	141,418,938	4,720,792	3.5%
09 Dorsey Run Correctional Facility	48,916,078	44,195,262	46,783,684	2,588,422	5.9%
10 Central Maryland Correctional Facility	19,158,224	19,143,640	20,073,442	929,802	4.9%
Total Expenditures	\$ 887,393,910	\$ 898,117,543	\$ 944,820,981	\$ 46,703,438	5.2%
General Fund	\$ 539,484,145	\$ 832,794,532	\$ 868,474,202	\$ 35,679,670	4.3%
Special Fund	55,417,085	60,483,293	73,743,048	13,259,755	21.9%
Federal Fund	290,970,946	2,744,395	215,000	-2,529,395	-92.2%
Total Appropriations	\$ 885,872,176	\$ 896,022,220	\$ 942,432,250	\$ 46,410,030	5.2%
Reimbursable Fund	\$ 1,521,734	\$ 2,095,323	\$ 2,388,731	\$ 293,408	14.0%
Total Funds	\$ 887,393,910	\$ 898,117,543	\$ 944,820,981	\$ 46,703,438	5.2%

Note: The fiscal 2023 appropriation does not include deficiencies. The fiscal 2024 allowance does not include contingent reductions or cost-of-living adjustments.