

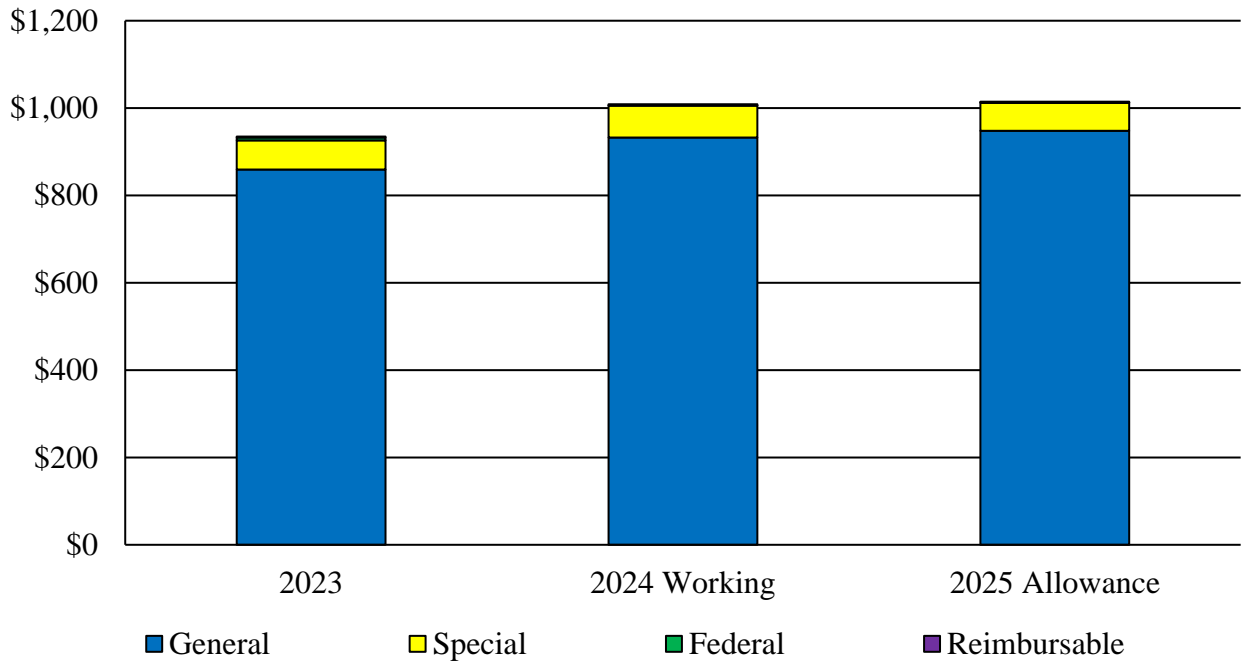
Q00B
Corrections
Department of Public Safety and Correctional Services

Executive Summary

Corrections is the primary charge of the Department of Public Safety and Correctional Services (DPSCS). This functional unit is comprised of three divisions: the Division of Correction (DOC) and the Patuxent Institution (PATX), which have a combined average daily population (ADP) of approximately 15,494 offenders in fiscal 2023; and Maryland Correctional Enterprises (MCE), which is the prison industry arm of the department. These agencies are allowed 5,035 regular positions and receive approximately 62% of departmental resources in fiscal 2025.

Operating Budget Summary

Fiscal 2025 Budget Increases \$6.1 Million, or 0.6%, to \$1.0 Billion
(\$ in Millions)



Note: The fiscal 2024 working appropriation includes deficiencies. The fiscal 2024 impacts of statewide salary adjustments appear in the Statewide Account in the Department of Budget and Management (DBM), and adjustments are not reflected in this agency’s budget. The fiscal 2025 impacts of the fiscal 2024 statewide salary adjustments appear in this agency’s budget. The fiscal 2025 statewide salary adjustments are centrally budgeted in DBM and are not included in this agency’s budget.

For further information contact: Jacob C. Cash

Jacob.Cash@mlis.state.md.us

Key Observations

- ***ADP Increasing:*** The trend of growth in the sentenced offender population that began after the pandemic did not subside in calendar 2023, despite court backlogs dwindling. In calendar 2023, the State-sentenced population increased by 641 and shows no signs of slowing. COVID-19 population trends are still expected to run their course by the end of fiscal 2025, at which point the population increase would be unique and separate from a post-pandemic rebound.
- ***Correctional Officer (CO) Employment Decreasing:*** While vacancy data shows an improvement of 175 positions in just one month from December 2023 to January 2024, the department reported a net loss of 18 COs in calendar 2023. New hires are trending down for three years in a row, and separations have outpaced new hires for two years.

Operating Budget Recommended Actions

1. Add language restricting funds pending quarterly hiring and attrition reports.

Q00B
Corrections
Department of Public Safety and Correctional Services

Operating Budget Analysis

Program Description

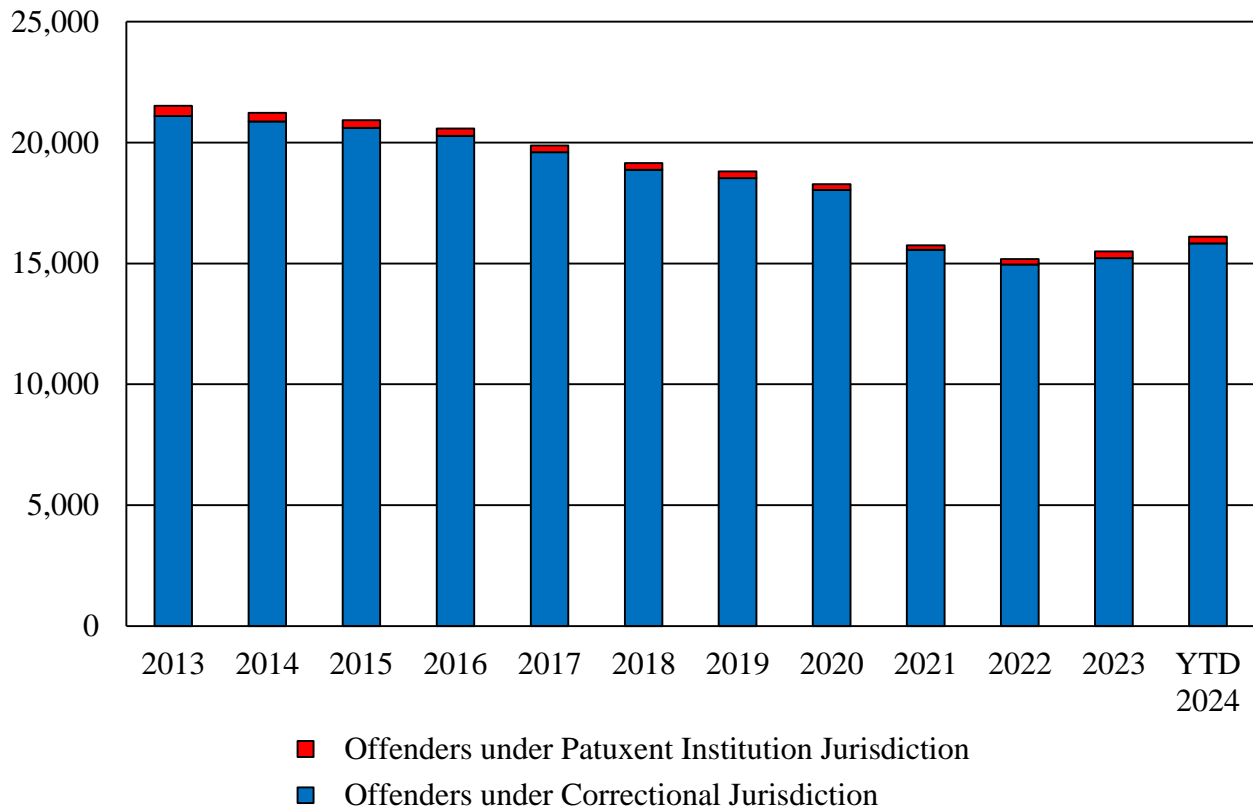
This analysis examines the DPSCS Corrections function, which includes the operations of State correctional facilities under DOC and PATX as well as MCE. DOC operates 11 correctional facilities, including the Maryland Correctional Institution for Women. The Baltimore City Correctional Center falls under the Division of Pretrial Detention and Services (DPDS) due to its location. However, the population measures reported in the Managing for Results (MFR) 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. Incarcerated Population Rising

From fiscal 2020 to 2021, the incarcerated 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, **Exhibit 1** shows that the ADP of sentenced offenders in DPSCS custody increased by approximately 2% in fiscal 2023 and has increased by approximately 4% in fiscal 2024 so far. The population declined by a total of 25% from fiscal 2013 to 2024.

Exhibit 1
Average Daily Population under Correctional Jurisdiction
Fiscal 2013-2024 YTD



YTD: year to date

Source: Department of Public Safety and Correctional Services

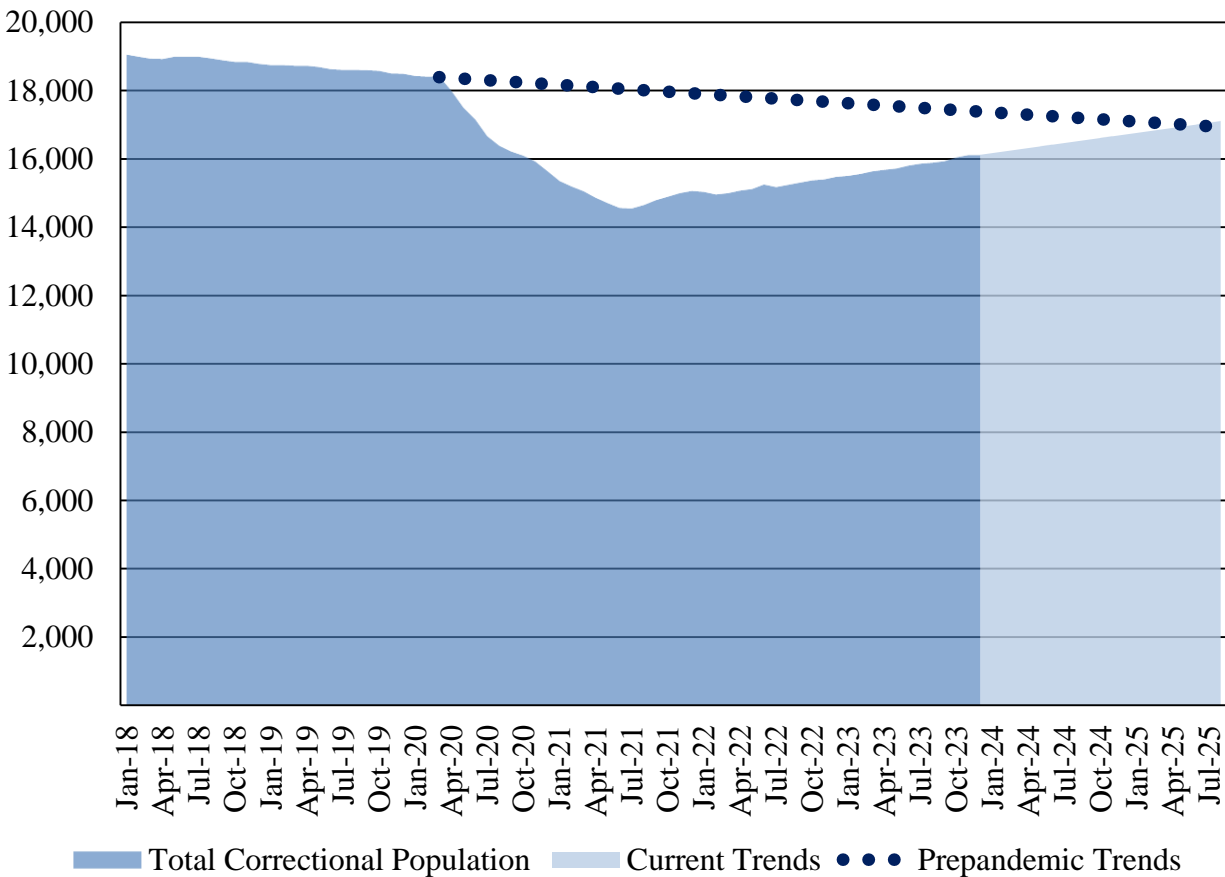
It should be noted that Exhibit 1 shows the ADP of all State-sentenced offenders rather than the ADP of DOC facilities only. In fiscal 2023, an average of 361 sentenced offenders were kept each day at the Central Home Detention Unit, State hospitals, or in the custody of other jurisdictions. An average of 238 sentenced offenders were kept in DPDS facilities.

Population Increases in Fiscal 2024

When comparing the eight months before the pandemic to the eight months after the pandemic, the incarcerated 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 individuals according to their sentences. These factors drove the incarcerated 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 individuals 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 light shaded area represents the population if current trends continue. The two trend lines would meet in June 2025, indicating that the permanent effect of the pandemic on the population growth could be minimal if trends continue.

Exhibit 2
Incarcerated Population Trends and Projections by Average Daily Population
Fiscal 2019-2026



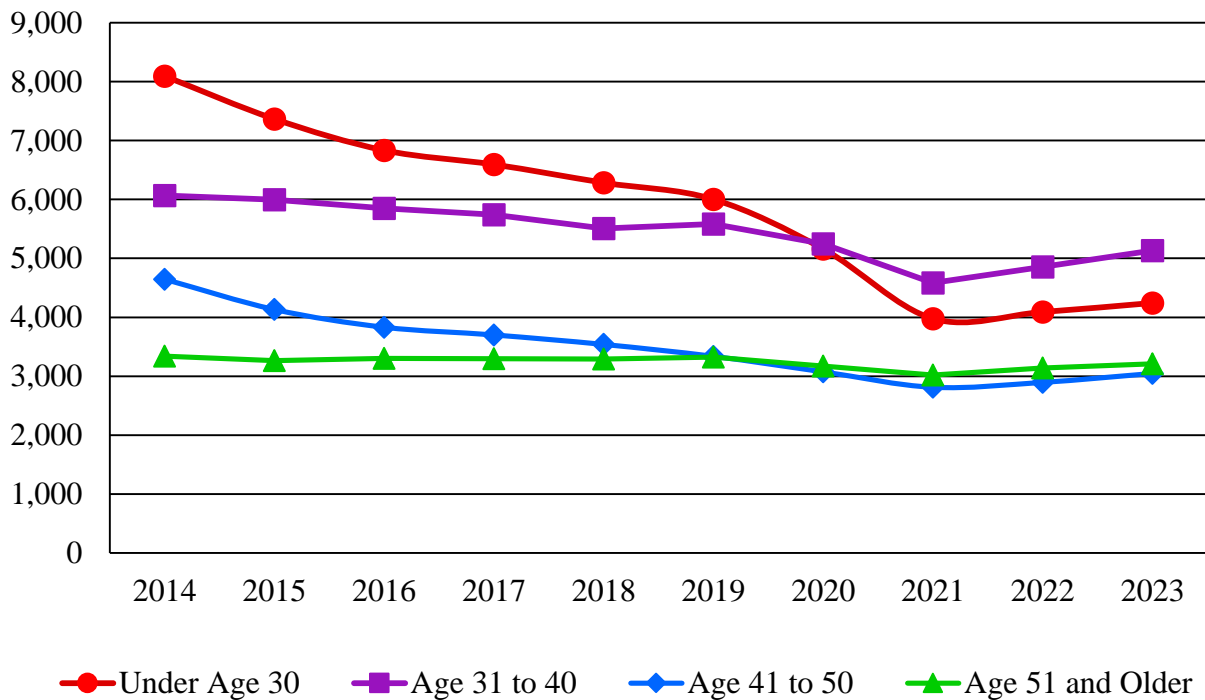
ADP: average daily population

Source: Department of Public Safety and Correctional Services

2. Average Age of Incarcerated Individuals

Incarcerated individuals within the State prison system have been aging faster than young offenders have been added, causing the average age to increase over time. **Exhibit 3** shows incarcerated individual age group totals since fiscal 2014. While the under-30 age group made up 37% of the incarcerated population in fiscal 2014 with 8,093 incarcerated individuals, it made up only 27% in fiscal 2023 with 4,243 individuals. This marks a 48% decline of young people incarcerated in the State prison system during that timeframe. There was, however, a small year-over-year increase for all age groups for the past two years, related to the 4% overall ADP increase between July 2022 and July 2023.

Exhibit 3
Incarcerated Population at Fiscal Year-end by Age Group
July 2014 to July 2023



Source: Department of Public Safety and Correctional Services

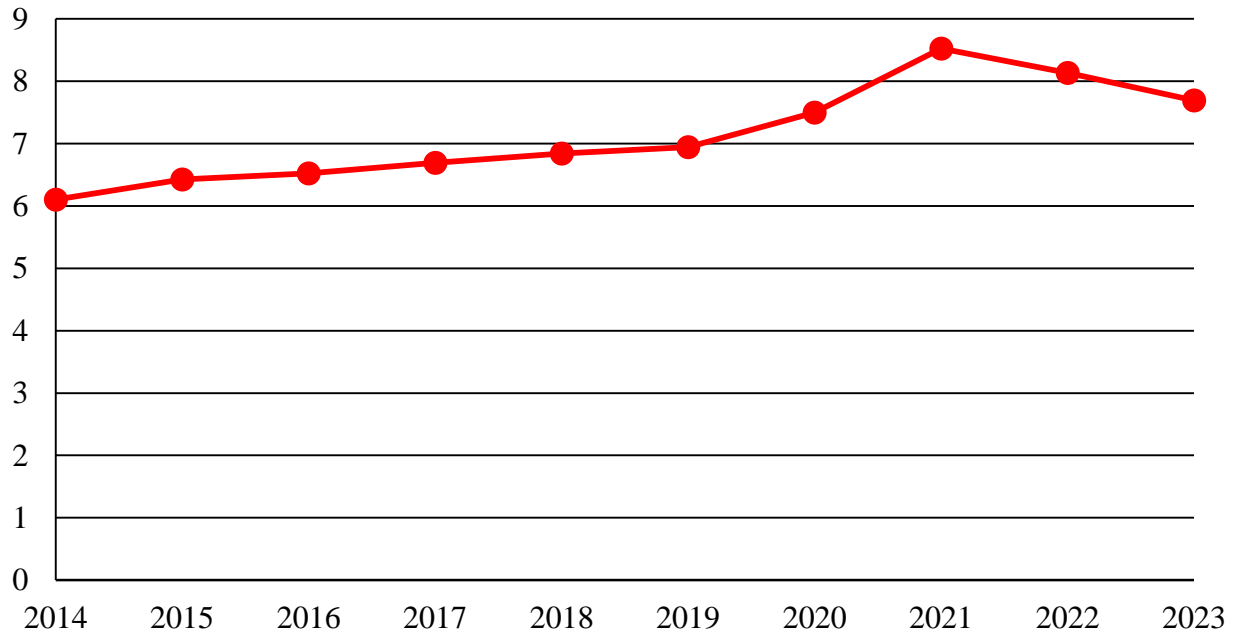
The average age of individuals in DPSCS custody is 39.4, approximately unchanged from fiscal 2022 compared to the average age of 38 in fiscal 2019 and 2020. Jessup Correctional Institution currently has the highest average age at 41.6 years, while the correctional facilities with

the lowest average age are the Maryland Reception, Diagnostic and Classification Center (MRDCC) at 31.3 years and Baltimore City Correctional Center at 35.8 years. Both of those facilities house primarily short-sentenced individuals from Baltimore City and saw a slight decrease in the average age from fiscal 2022.

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 took the average offender to be released. From fiscal 2019 to 2021, however, 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 individuals to bring ALOS down. These trends reversed in fiscal 2022, with a 4.6% decrease in ALOS. Fiscal 2023 saw this continue to decrease to 7.7 years, as shown in **Exhibit 4**.

Exhibit 4
Average Length of Stay in Years
Fiscal 2014-2023

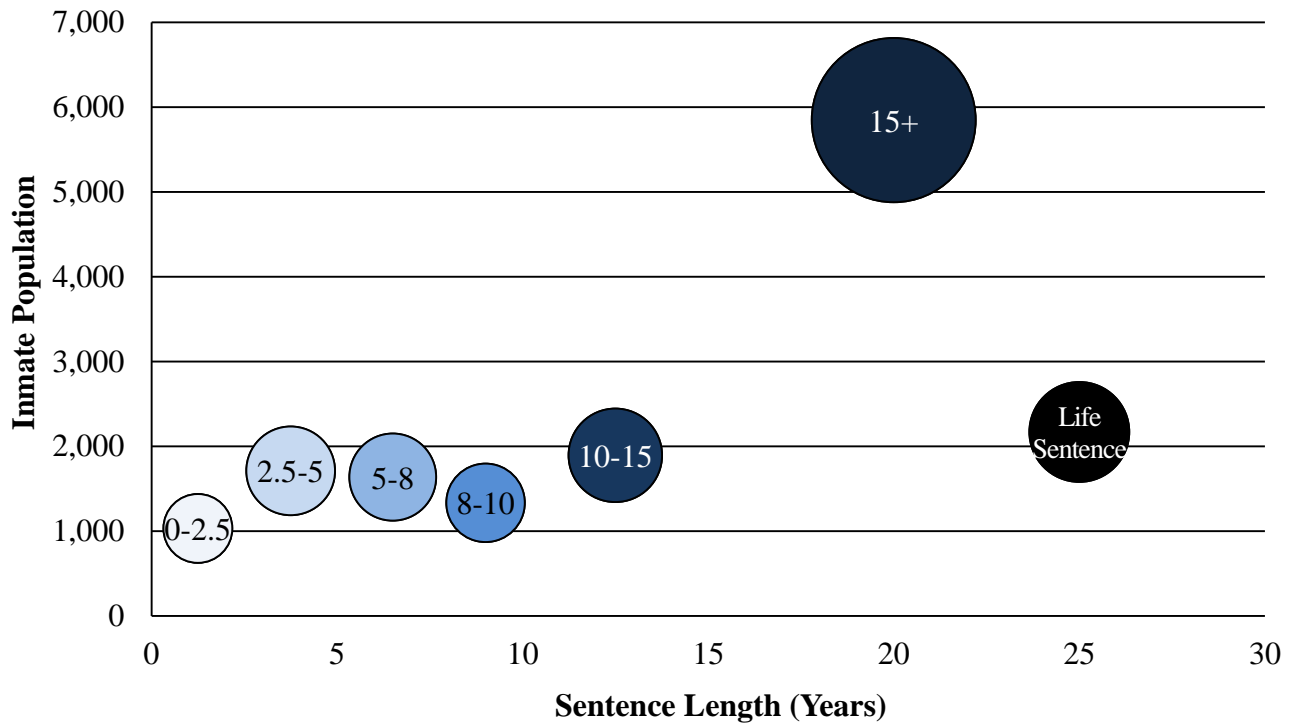


Source: Department of Public Safety and Correctional Services

Most sentenced individuals (72%) in DPSCS custody are incarcerated for violent crimes as their most serious offense, including homicide (29%), assault (16%), robbery (17%), and sexual assault (10%). Only a small portion (6.1%) are incarcerated for property crimes, including burglary (4.5%), theft (1.0%), automobile theft (0.4%) and arson (0.2%). Weapons violations (8%), drug offenses (4.6%), and nonassault sexual crimes (3%) were significant sources of incarceration.

Exhibit 5 groups the incarcerated 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 incarcerated individuals. There were 116 incarcerated individuals serving sentences of less than a year, and 342 individuals serving sentences between 1 and 2 years. By comparison, 8,018 individuals were serving sentences longer than 15 years, with 2,171 incarcerated for life sentences.

**Exhibit 5
Incarcerated Population by Sentence Length
Fiscal 2023**



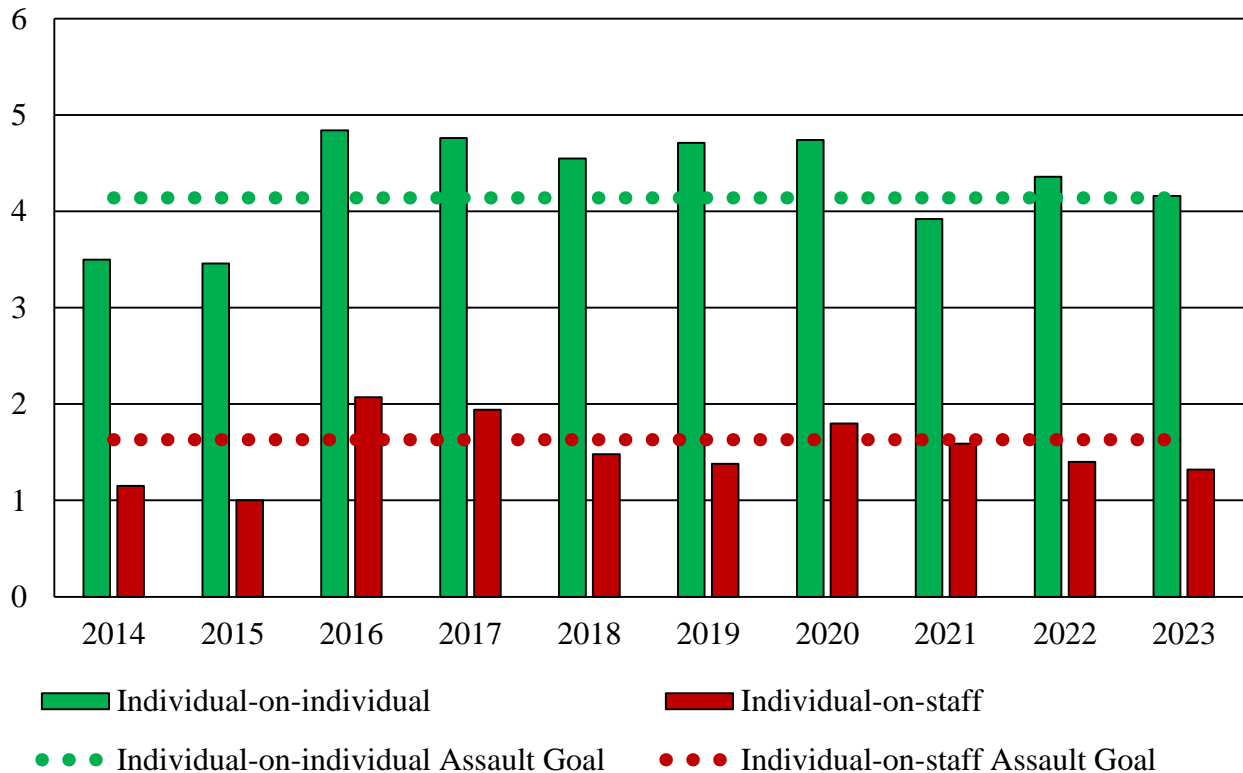
Note: Each bubble represents a group of incarcerated individuals with similar sentence lengths as indicated in each label. Placement on the x-axis is approximate. The size of each bubble and placement on the y-axis corresponds to the size of each group.

Source: Department of Public Safety and Correctional Services

4. Individual-on-individual Assaults Nearly Reach Goal

From fiscal 2022 to 2023, assault rates on staff and other incarcerated individuals declined, but individual-on-individual assault rates were slightly out of the target range. **Exhibit 6** shows current assault rates by target of assault for fiscal 2014 through 2023. In fiscal 2021, individual-on-individual assaults decreased below the goal of 4.1 assaults per 100 ADP for the first time since fiscal 2015. In fiscal 2022, correctional assaults returned to the trend of exceeding the MFR goal. Individual-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. The Maryland Correctional Institution – Hagerstown has had the highest growth in assaults from 2.5 per 100 ADP in fiscal 2021 to 10.7 in fiscal 2023 and now has the highest assault rate of any DOC facility.

Exhibit 6
Assaults in Correctional Facilities Per 100 ADP
Fiscal 2014-2023



ADP: average daily population

Source: Governor’s Fiscal 2025 Budget Books

Homicides in Correctional Facilities

In fiscal 2023, DPDS reported two homicides in correctional facilities by an incarcerated individual on another incarcerated individual. Investigations are ongoing. There were also two homicides in fiscal 2021 and 2022.

Fiscal 2023

The State Criminal Alien Assistance Program (SCAAP) federal grant award added \$4.3 million to the fiscal 2023 legislative appropriation for salaries and overtime of COs. SCAAP provides federal payments to states and localities that incurred CO salary costs for incarcerating undocumented criminal aliens with at least one felony or two misdemeanor convictions for violations of state or local law and incarcerated for at least four consecutive days during the reporting period.

Fiscal 2024

Proposed Deficiency

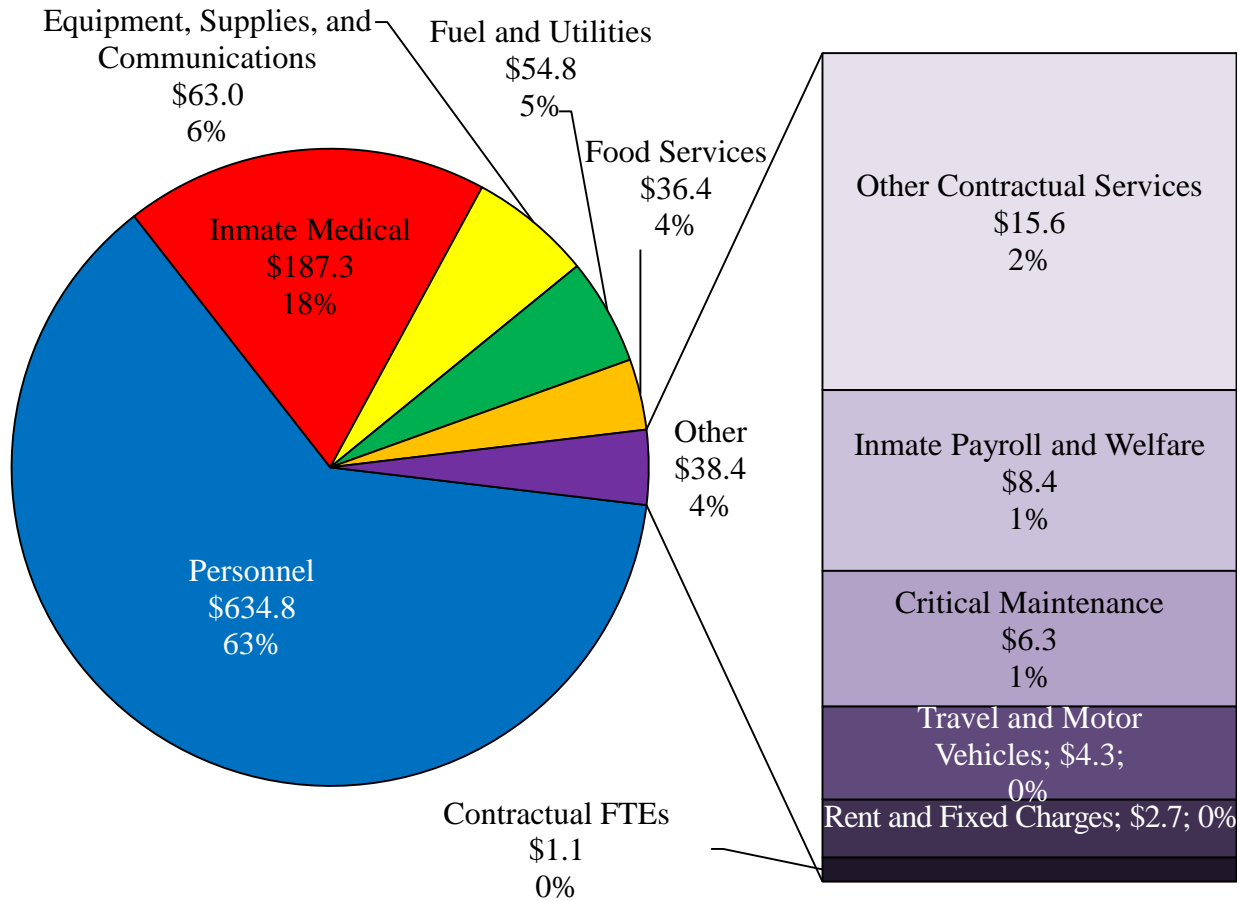
DPSCS Corrections receives general fund deficiency appropriations for six purposes:

- \$1.0 million for electricity that was higher than budgeted due to inflation;
- \$5.6 million for food services costs that were higher than budgeted due to inflation;
- \$9.4 million for an additional payment to the U.S. Department of Labor for retroactively paying COs that were negatively impacted by improper timekeeping procedures;
- \$13.0 million for waiving fiscal 2023 staffing liquidated damages and past medical expenses dating to the start of the contract period that were listed as credits but were not realized due to an agreement with the medical contractor to waive those expenses;
- \$19.8 million for the waiving of fiscal 2021 through 2022 staffing liquidated damages for the medical contract per a contract settlement agreement wherein \$20 million was also paid in fiscal 2023; and
- \$17.4 million for the cost of extending the medical contract through the end of fiscal 2024.

Fiscal 2025 Overview of Agency Spending

The DPSCS Corrections fiscal 2025 allowance totals more than \$1 billion. 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, dietary services, and welfare accounting for nearly one-quarter of spending.

Exhibit 7
Overview of Agency Spending
Fiscal 2025 Allowance
(\$ in Thousands)



FTE: full-time equivalent

Source: Governor’s Fiscal 2025 Budget Books

Proposed Budget Change

The fiscal 2025 allowance increases by \$6.1 million over the fiscal 2024 working appropriation. General fund spending grows \$15.3 million, while special and reimbursable fund spending decreases by approximately 12% each. General fund growth is approximately 1.6%, less than previous allowance increases of 9.1% and 3.5% in fiscal 2023 and 2024, respectively. **Exhibit 8** breaks the budget change down into the items and programs with major changes.

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

How Much It Grows:	<u>General Fund</u>	<u>Special Fund</u>	<u>Federal Fund</u>	<u>Reimb. Fund</u>	<u>Total</u>
Fiscal 2023 Actual	\$859,202	\$66,797	\$6,829	\$1,618	\$934,446
Fiscal 2024 Working Appropriation	932,344	73,707	215	2,389	1,008,654
Fiscal 2025 Allowance	<u>947,648</u>	<u>64,749</u>	<u>228</u>	<u>2,110</u>	<u>1,014,735</u>
Fiscal 2024-2025 Amount Change	\$15,304	-\$8,958	\$13	-\$279	\$6,080
Fiscal 2024-2025 Percent Change	1.6%	-12.2%	6.1%	-11.7%	0.6%

Where It Goes:	<u>Change</u>
Personnel Expenses	
Turnover expectancy decreases from 16.7% to 11.6%	\$21,381
Salary increases and associated fringe benefits including fiscal 2024 cost-of-living adjustment and increments	18,071
Overtime earnings	10,952
Accrued leave payout.....	29
Net transfer of 2 positions to the Governor’s Office of Children and 20 positions to other agencies within DPSCS	-1,794
Workers’ compensation premium assessment adjusted to meet needs of Injured Workers Fund	-4,657
Retroactive overtime payments resulting from U.S. Department of Labor audit into improper timekeeping procedures	-9,430
Other Changes	
Fuel and utilities.....	2,584
Equipment, supplies, and communications.....	1,657
Other contractual services.....	1,602
Travel and motor vehicles.....	911
Critical maintenance	800

Q00B – DPSCS – Corrections

Where It Goes:	<u>Change</u>
Rent and fixed charges.....	685
Contractual FTEs	54
Inmate payroll and welfare	-90
Food services	-413
Removal of one-time mailroom renovations	-3,500
Cost of waiving fiscal 2023 liquidated damages and unrealized credits from the medical contract per a separate agreement with the vendor to waive liquidated damages costs and unrealized Medicaid reimbursements	-12,985
Cost of waiving fiscal 2021 through 2022 liquidated damages for vendor staffing shortfalls per the contract dispute settlement agreement with the vendor	-19,777
Total	\$6,080

DPSCS: Department of Public Safety and Correctional Services

FTE: full-time equivalent

Note: Numbers may not sum to total due to rounding.

Personnel Data

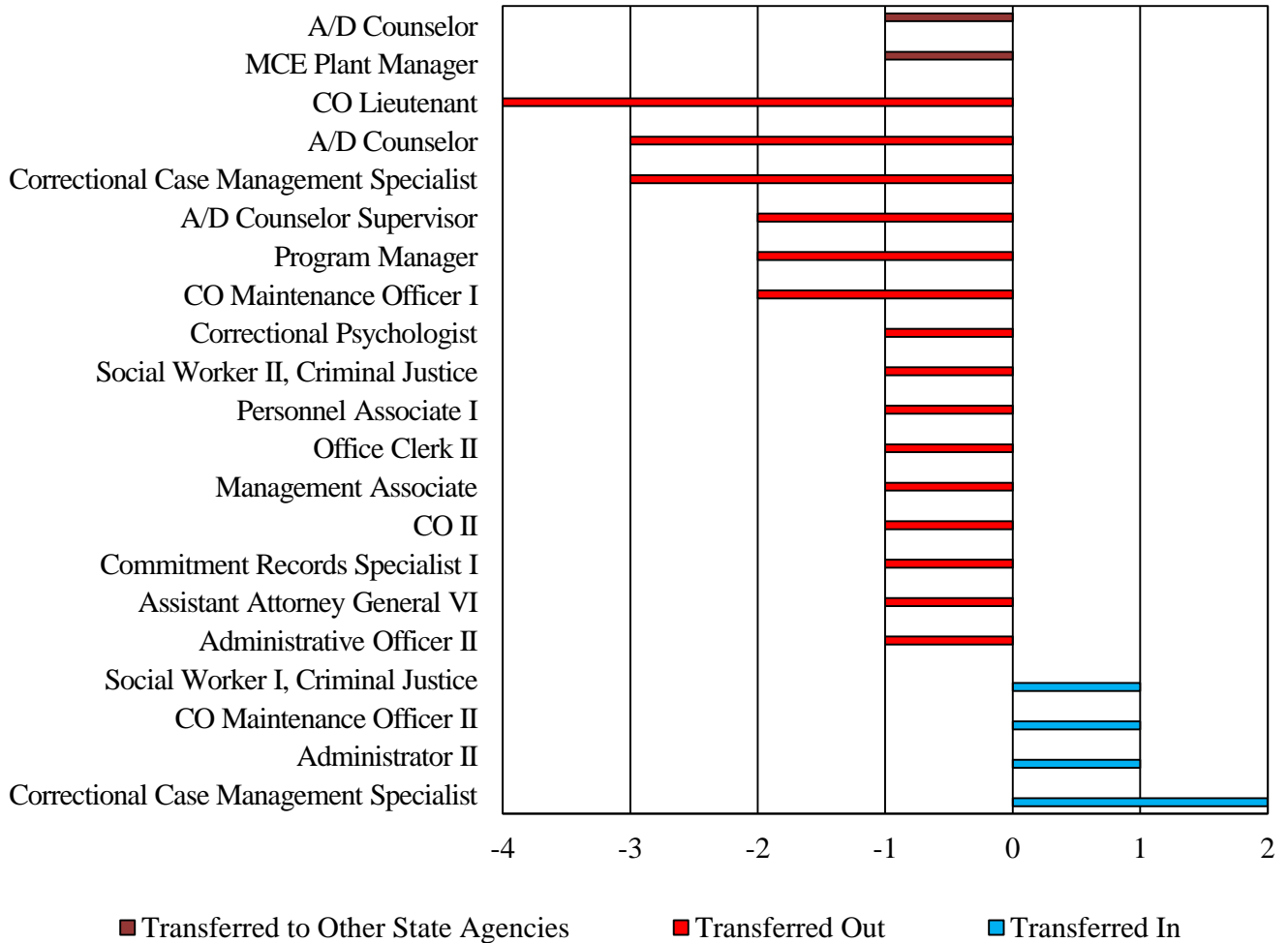
	<u>FY 23</u>	<u>FY 24</u>	<u>FY 25</u>	<u>FY 24-25</u>
	<u>Actual</u>	<u>Working</u>	<u>Allowance</u>	<u>Change</u>
Regular Positions	5,071.00	5,057.00	5,035.00	-22.00
Contractual FTEs	17.65	30.79	30.25	-0.54
Total Personnel	5,088.65	5,087.79	5,065.25	-22.54

Vacancy Data: Regular Positions

Turnover and Necessary Vacancies, Excluding		
New Positions	583.56	11.59%
Positions and Percentage Vacant as of 12/31/23	532.50	10.53%
 Vacancies Below Turnover	 51.06	

- DPSCS Corrections transferred 25 positions to other departmental programs and 2 positions to the newly independent Governor’s Office of Children. The allowance also transfers 5 positions from elsewhere in the department into this unit. **Exhibit 9** shows the number of positions transferred by classification. The associated funding changes are highlighted in the Governor’s proposed budget change section.

**Exhibit 9
Change in Position Allowance by Classification
Fiscal 2024-2025**



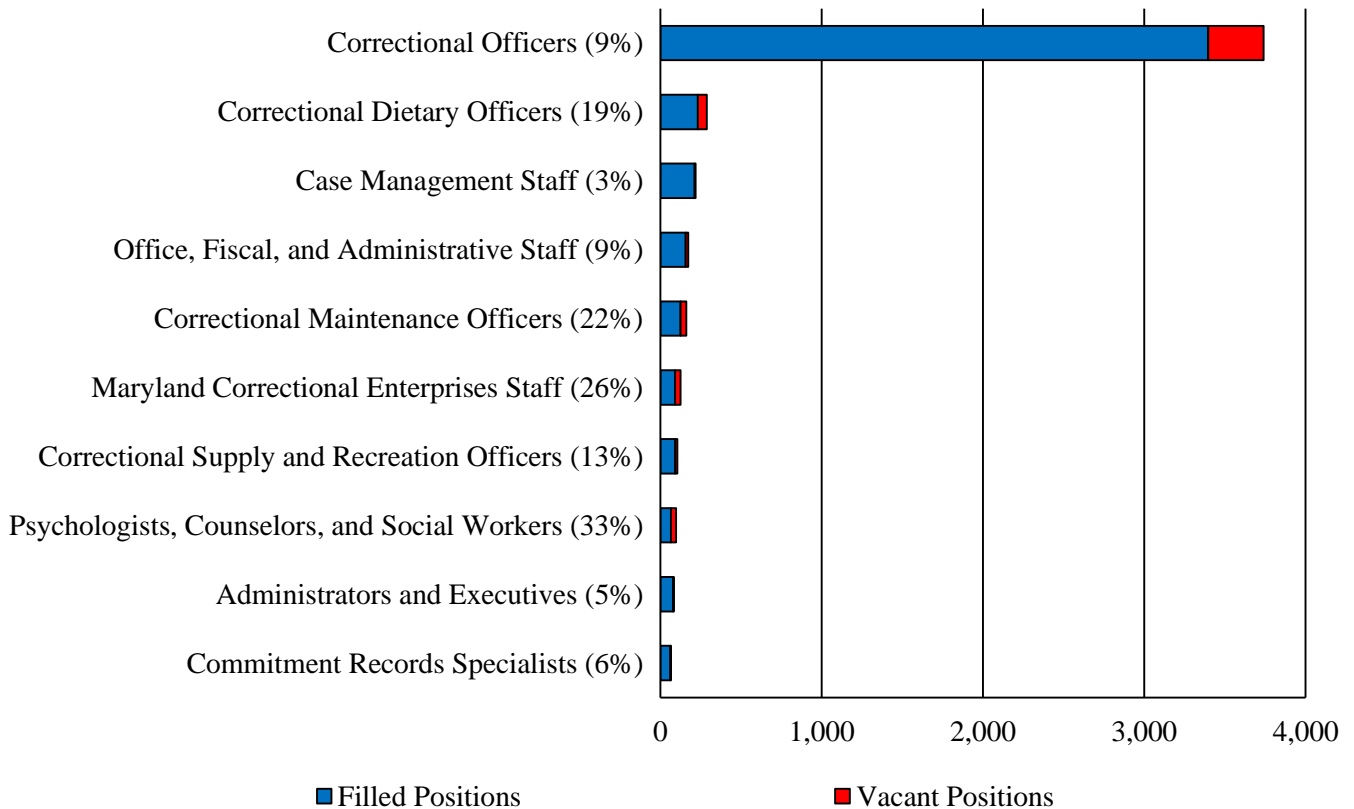
A/D: alcohol/drug
CO: correctional officer
MCE: Maryland Correctional Enterprises

Source: Governor’s Fiscal 2025 Budget Books

Corrections is primarily made up of COs. As of January 1, 2024, COs account for the most vacancies at 345. They also showed lower vacancy rates than the average among other classifications, which is 15% when excluding COs. The CO vacancy rate decreased from 11.2% in January 2023 to 9.5% in January 2024. However, the vacancy rate was trending upward and reached 12.7% departmentwide in December 2023, as mentioned in the analysis for Q00 – DPSCS Overview. The trends in DOC alone also mirror these wider trends.

Exhibit 10 shows how the other employee classifications measure against the CO complement. Vacancies are highest among counselors (64.7%), psychologists (46.2%), and mental health workers (33.3%), as well as MCE workers (25.6%), fiscal accounts staff (33.3%), correctional maintenance officers (22.4%), correctional dietary officers (19.2%), and social workers (16.2%). CO vacancies drive overtime costs that have grown to \$185.6 million, which represents 22% of personnel costs and 14% of total departmental costs. However, vacancies in other classifications at facilities also negatively affect the services rendered by DPSCS.

**Exhibit 10
Vacancies by Classification Category
January 2023**



Note: Vacancy rates shown in parentheses.

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

Issues

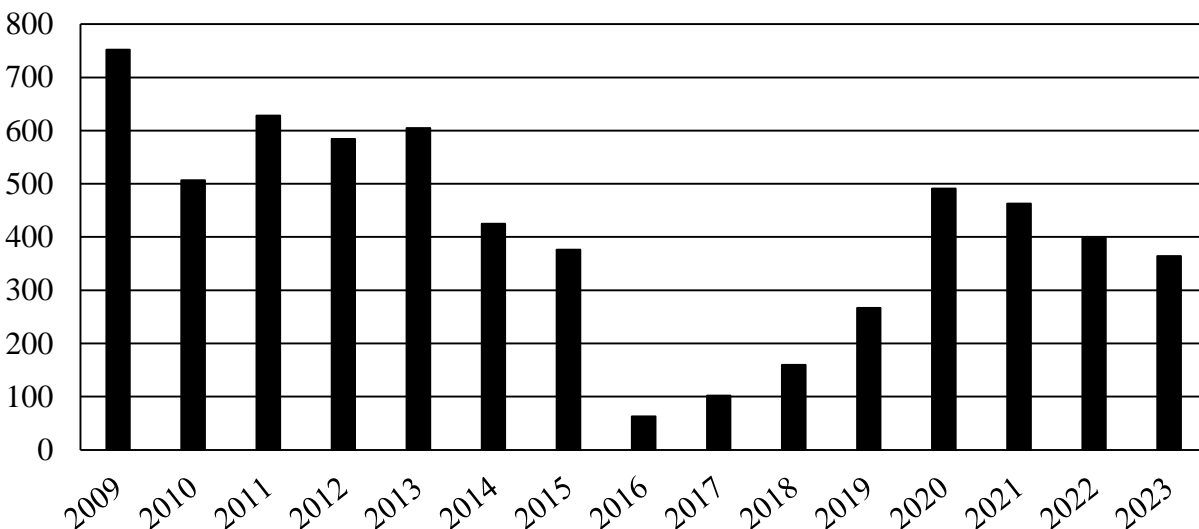
1. CO New Hires Decline for Third Year

DPSCS has struggled since calendar 2015 to hire enough COs and other employees to fill its appropriation and adequately staff its facilities and administrative programs. The CO hiring crisis resulted in a severe amount of overtime hours worked by the majority of COs. In fiscal 2023, COs averaged approximately 15 hours and 20 minutes of overtime per week. Burnout and inefficiencies caused by overworked employees are 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 2023 saw a net loss of COs. There remain difficulties in hiring enough COs to cover the CO separations. **Exhibit 11** shows the number of new CO hires since calendar 2009.

Exhibit 11
Correctional Officer New Hires
Calendar 2009-2023

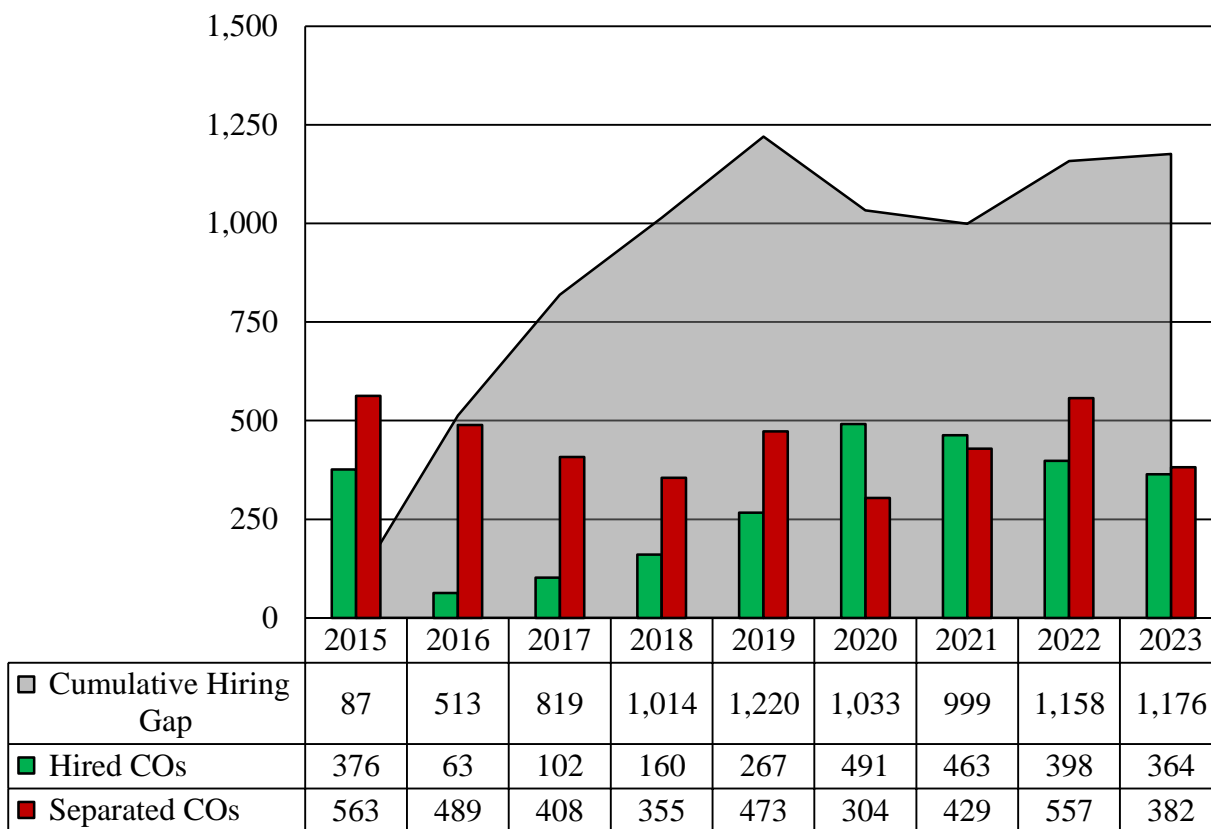


Source: Department of Public Safety and Correctional Services; Department of Legislative Services

Q00B – DPSCS – Corrections

The past three years have seen reductions in the number of COs hired at DPSCS. To further illustrate this issue, it is necessary to examine separations as well as new hires, as separations drive personnel replacement needs. **Exhibit 12** shows the cumulative hiring gap that grew since separations began outpacing hiring in calendar 2015. The hiring gap, represented by the shaded area in the exhibit, grew rapidly during the hiring crisis, increased in calendar 2022 following pandemic-era improvements, and slightly increased in calendar 2023.

Exhibit 12
Cumulative CO Hiring Gap
Calendar 2015-2023



CO: correctional officer

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

Staffing Analysis

While DPSCS vacancies are currently very high, they would be much higher without the series of abolishments that eliminated 1,769 CO positions since the hiring crisis began in

Q00B – DPSCS – Corrections

fiscal 2015. Without these abolishments, the vacancy rate for COs would be nearly 25%. This brings into question the adequacy of the current staffing levels. A biennial staffing study is required by § 3-207.1 of the Correctional Services Article. The most recent report was submitted on October 31, 2022 – a year late due to COVID-19. This recent staffing analysis by the Moss Group suggests that it may be necessary to reverse these abolishments and add even more positions to reach a point where mandatory overtime is eliminated.

A number of concerns have been raised about the Moss Group’s analysis. The Department of Legislative Services (DLS) noted several issues, including:

- miscalculation of budgeted position identification numbers (PIN);
- overestimation of leave usage;
- exclusion of several CO classifications;
- closure of facilities that were included in the study; and
- misalignment of ADP trends and staffing needs trends.

DPSCS found issue with the quantitative analysis not accounting fully for the collapsibility of posts, which would have reduced the number of positions estimated to be required. Additionally, leave usage was unusually high due to the pandemic, which skewed results. According to DPSCS, the staffing study has been reviewed by wardens, security personnel, and union representatives at each facility, and those groups have forwarded their recommendations to the Secretary of Public Safety for consideration. In public testimony, the American Federation of State, County, and Municipal Employees commented that union representatives came to the conclusion that more PINs were needed than the Moss Group indicated and found that the short staffing caused officers to work multiple posts, work an average of 16 hours per week of mandatory overtime, and leave service at high rates, as well as keep posts collapsed out of low staffing rather than purposeful approval by supervisors.

However, the Moss report still provides a useful perspective for broadly reviewing departmental personnel needs. The study suggested that approximately 2,500 more CO positions would need to be funded in order to reduce the extreme overtime that burdens Maryland’s officers to the point of many quitting after less than a year. According to the quarterly attrition report received in January 2024, 310 entry-level COs separated from the department in calendar 2023. Resignations made up the most common reason for departure, and the most common reason for resignation is overtime and the demand it places on employees. As time progresses, DPSCS should seek to not only reduce vacancies to a standard low rate but also increase the position allotment for COs throughout the State. This is necessary to lower mandatory overtime and prevent instances where COs are manning multiple posts or violating regulations in order to take individuals to appointments and programming.

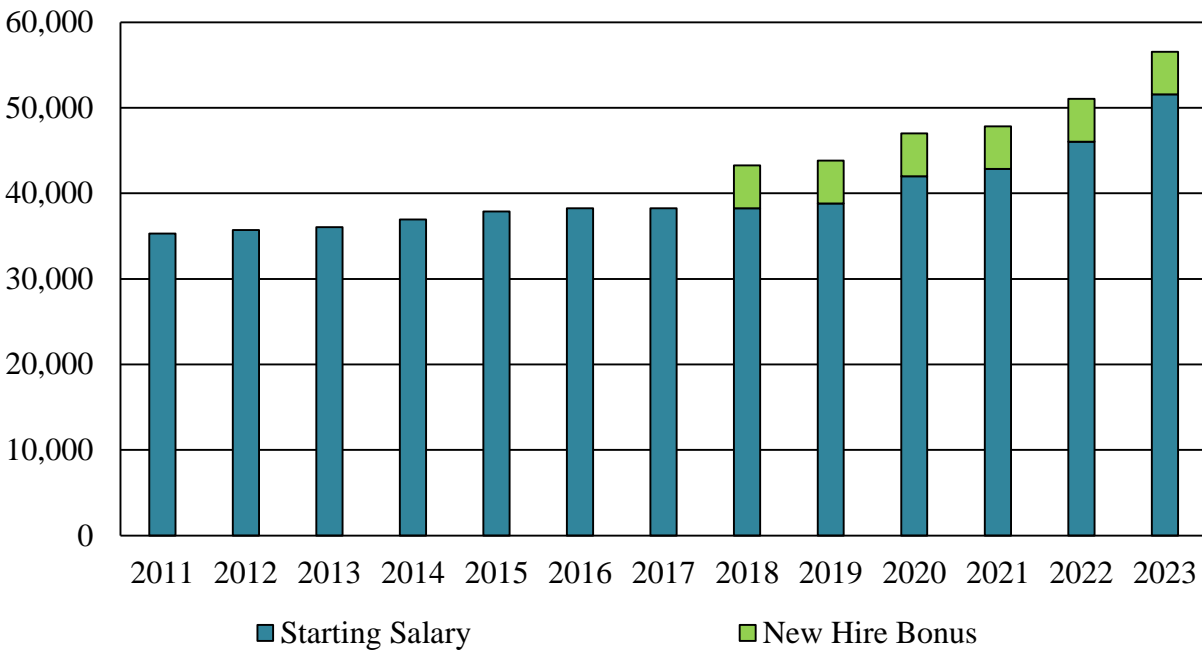
New Hiring Efforts

DPSCS continues to implement strategies to boost applications, make the hiring process more friendly, and minimize the number of applications that are withdrawn. The department is continuing to organize same-day hiring events that include onsite background checks and assistance from department staff as well as union representatives to provide conditional offers of employment in many cases. The Human Resources Services Division also worked to streamline the hiring process to remove unnecessary or duplicative steps. The marketing strategy has also targeted social media, job fairs, and community outreach programs to attract more applicants from diverse pools of talent.

While these strategies have been helpful, it is partially reliant on heavy preparation from departmental units and temporary lifts on statewide hiring requirements, such as three-member panel multiday structured interviews. As positions are filled, not as many conditional offers of employment will be able to be made in single-day hiring events and not as many positions will be eligible for streamlined processing. CO vacancies by sheer volume create a burden for other administrative classifications. The effort it is expected to take to make new CO hires is expected to increase in the future, as temporary lifts on statewide hiring requirements return the process to a necessarily lengthier one.

COs officers have been subject to the CO Salary Schedule rather than the Standard Salary Schedule since fiscal 2020. The current salary for entry-level COs is \$51,563 plus a \$5,000 bonus for signing on and completing the CO entrance-level academy and a \$2,500 bonus for Western Maryland or the Eastern Shore, which have been harder to keep fully staffed. However, once those first-year bonuses are over, the CO II salary may not be as attractive, especially as the main way to increase pay is working more overtime. This becomes an endurance game that is not sustainable for long-term employment or operational stability. **Exhibit 13** shows the starting CO salary over time, highlighted by an average increase of 1.4% from fiscal 2011 to 2017 and an average increase of 5.2% from fiscal 2017 to 2023 (6.8% when including the \$5,000 new hire bonus).

**Exhibit 13
CO Starting Salary
Fiscal 2011-2023**



CO: Correctional Officer

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

Most of the bumps in pay came in fiscal 2020, 2022, and 2023. A recent statewide salary analysis released by the Department of Budget and Management recommended that the salary mid-point for DPSCS COs be increased by 6% to more closely align with peer jurisdictions. Such a change would cost the State approximately \$23.3 million and would affect the current salaries of 5,897 employees, including both bargaining unit and non-bargaining unit employees.

In light of vacancy information and the results of the post-by-post staffing analysis, DLS is concerned that COs 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. The rising population in DPSCS custody is further reason to increase the personnel allotment, as the ratio of incarcerated individuals to COs is set to increase under current trends.

Fiscal 2024 Budget Bill language restricted \$100,000 in general funds until DPSCS submitted the second of four hiring and attrition reports on January 25, 2024. The report

was received on January 24, 2024. Having used information in the report in the development of this budget analysis, 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 2025.

2. Tablet Computer Program

In fiscal 2023, a new tablet initiative was implemented by the department in addition to and separate from the educational tablets provided by the Maryland Department of Labor (MDL) and used in classrooms and libraries. Several companies have made the technology available to states, localities, and the federal government since approximately calendar 2016, including Global Tel Link (GTL)/ViaPath that provides the service to DPSCS. States across the nation have developed similar programs with vendors, including corrections departments in Washington, DC; Pennsylvania; Delaware; North Carolina; and West Virginia. Local jails in Virginia have also similar programs, while the Virginia Department of Corrections does not.

Program Content

Starting in April 2022, GTL/ViaPath has funded the distribution of tablets to incarcerated individuals. The program serves approximately 16,741 individuals with a surplus of 10% for fluctuations. All incarcerated individuals are allotted a maximum of 60 minutes a day to send text messages at no cost directly from their tablet. Inbound texts and all photo or video messages can be transmitted for \$0.20 per message. The cost to make a phone call through either the tablets or wall phones is \$.032 per call, which has resulted in estimated costs to incarcerated individuals averaging \$18.77 per individual per month, according to the 2022 DOC annual report and June 2022 population figures.

A variety of educational, career, and self-help programs are available for free on the tablets, including the following resources:

- a commissary and banking application;
- a limited selection of books and games;
- Career One-Stop – occupational research, training, education, certification, and skills;
- religious texts;
- Khan Academy;
- the Law Library;

Q00B – DPSCS – Corrections

- GTL/ViaPath Help application;
- the Merriam Webster dictionary;
- messages and notices from correctional administrators and educators;
- a calculator; and
- the Calm application.

Additionally, the tablets afford incarcerated individuals the purchase of “premium content,” which consists of department-approved music, games, movies, and books. This is the primary way that the company recoups the cost of providing the tablets and associated services. The most expensive package is \$22 per month for unlimited streaming. There is also a pay-per-minute option (charged \$0.04 a minute for use of any premium content), and middle option of a 30-day access pass (charged \$10 for 400 minutes, saving \$6 from per minute rate). From April 2022 to October 2023, incarcerated individuals and their families spent a total of \$3.1 million on acquiring premium content since implementation; this is approximately \$15 per month per individual.

Evaluation

The department reports overall satisfaction with and effectiveness of the department’s Tablet Computer Program. In general, it reports reduced agitation, behavioral issues, and idleness among incarcerated individuals. The individuals now have direct lines of communication with family and friends for 60 minutes per day and do not have to vie for access to wall phones, which are provided by the same company. The department plans to increase the evidence-based reentry programming resources available in the future.

Tablet Destruction

One potential issue is noncompliance with the departmental directive on the Tablet Computer Program issued in June 2022. For instance, abuse or improper use of the physical tablet could have safety implications for officers and those engaging with the incarcerated individuals. All participants are required to sign a Tablet Policy Acknowledgement Form upon issuance of a tablet that agrees if a tablet is destroyed on purpose, the individual is held accountable through a \$250 replacement charge, as shown in **Appendix 3**. Since the program’s launch in April 2022, approximately 202 individuals have destroyed their tablet, and the cost of the repairs was charged to their bank account. This represents approximately 1% of the individuals’ assigned tablets who have lost tablet privileges, whereas the majority of individuals have demonstrated the ability to properly possess the equipment so far.

Cybersecurity Risks

Additionally, as with any technology, there are cybersecurity concerns related to keeping the devices isolated from the Internet. The tablet network is separated from the Internet and messages are automatically screened and sorted through software. This process is backed up by intelligence officers investigating flagged messages. However, online forums have shown how to “jailbreak” tablets, and there may be incentives to bring in tablet-related contraband for these purposes. To refine this concern further, it should be noted that on November 15, 2023, charges were brought against an individual in DPSCS custody for allegedly using a contraband cellphone to transmit fraudulent court documents in an attempt to secure his unlawful early release. There was also a case in calendar 2018 in Idaho involving incarcerated individuals who were able to exploit software vulnerabilities to add credits to their commissary accounts totaling \$225,000.

In DPSCS facilities, strategically placed CellSense towers are used to detect cellphones, while GTL/ViaPath blocks tablet communication in unauthorized areas within facility confines. However, the security of these technologies is not absolute, as evidenced by cases such as the ones mentioned previously in Maryland and elsewhere. In addition, the reported locations of recovered contraband within DPSCS facilities shows that there is room for improvement in cellular contraband prevention. In the past, managed access services to prevent unauthorized cellphone use were purchased in one facility for \$500,000 in Baltimore City. However, the department moved away from managed access, despite its effectiveness, because the cost of scaling up was too high, and there remained the need for contraband interdiction. DPSCS asserts that cellular tablet use is effective at proactively curbing the demand for cellular contraband.

Safety Concerns

Another concern is related to the department’s adherence to the Tablet Program Directive in supplying all of the charging equipment needed, as well as the time and space to use their personal tablets as paid for. Particular concerns have been raised from members of the public regarding incarcerated individuals being denied access to charging stations, preventing them from using their purchased services for portions of the day. According to these concerns, assaults are lower where access is guaranteed, while assaults are higher where access is not guaranteed. MRDCC, a pretrial facility with a high sentenced-offender population in Baltimore City, is one such facility with rising assault rates. In that facility, rates for individual-on-individual assaults increased from 4.8 to 14.7 per 100 ADP, while rates for individual-on-staff assaults increased from 2.4 to 7.0 per 100 ADP from fiscal 2022 to 2023. This represents an overall tripling of assault rates for this facility in one year. Other facilities have seen increases, but the overall trend has been one of decline departmentwide, as mentioned in the Performance Evaluation section of this analysis and the analysis for Q00T04 – DPSCS DPDS. At this point in time, the connection between tablet use, adherence to the Tablet Computer Program directive, and assaults has not been studied.

DPSCS should comment on challenges to guaranteeing each housing unit has the proper technology needed to consistently deploy tablets as guided in the Tablet Computer Program directive. DPSCS should comment on funding needs for making any necessary changes to housing units.

3. Reentry Passport Rollout Stalled in Pilot Stage

In calendar 2022, DPSCS began working with the Maryland Total Human-services Integrated Network (MD THINK) to provide a new online service for easy access vital records and documents such as Social Security cards, birth certificates, and proof of release. The new program is titled the Reentry Passport Program and is a cooperative project between DPSCS, the Maryland Department of Human Services (DHS), which is the agency with ownership of the MD THINK platform, and the other agencies that use and contribute to MD THINK.

The budget committees were interested in the particulars of this program due to frequent constituent requests related to lack of paperwork after release from DPSCS custody. For those who were not able to secure their documents prior to release or lost track of the physical copies, the situation may result in reentry difficulties. The committees requested information in the 2023 *Joint Chairmen’s Report* (JCR) on the Reentry Passport Program. In the department’s response on September 1, 2023, DPSCS expressed expectations to fully roll out the program in fall 2023. This date has not been met. **DPSCS should provide the committees with the most recent implementation schedule, including the number and share of formerly incarcerated individuals who are using the new portal.**

Background

The existing MD THINK portal housed at DHS provides convenient access to a variety of critical documents and social services applications. The existing application was first launched in calendar 2017 to unify the data repositories and online platforms for human services, juvenile services, health services, and labor programs. The site allows for 24-hour access to customer account information, case details, and applications for services. The system also allows for the automatic transfer of information between the various public assistance applications so that entry duplication is minimized.

The modification to MD THINK to allow DPSCS services and data was initiated in calendar 2022. According to the JCR report, the program began in fall 2022 and is still in the pilot phase. The department expected to fully roll out the program to all reentering individuals by fall 2023, but implementation is stalled. Individuals seeking to use the program first create an account with MD THINK, which will provide them access to the wide array of State and federal social services programs available to them. The account does not require a physical address to sign up, and all that is needed is basic personal information and an email address.

Availability of Vital Records

Returning citizens have historically been required to secure their vital records through lengthy paper-based systems while corresponding from behind facility walls. The DPSCS Social Work Services Program Operations Manual requires that social workers assess individuals for identification needs. This typically applies only to individuals referred by psychology or medical staff for social work and only explicitly lists Social Security cards and birth certificates. The DPSCS Case Management Operations Manual requires case managers to provide individuals who

Q00B – DPSCS – Corrections

are within 180 days of release with the opportunity to apply for birth certificates and Social Security cards as well as military discharge forms and correctional facility release forms. While not all forms are applicable to all individuals, the comprehensive list of documents accessible from the Reentry Passport Portal is as follows:

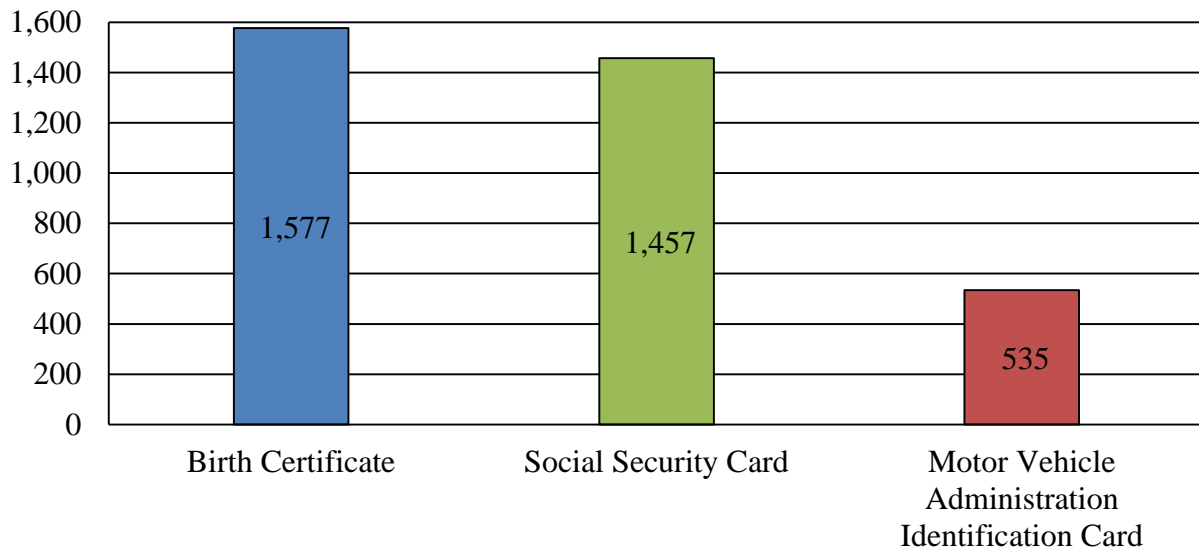
- birth certificates;
- Social Security cards;
- Maryland photo identification (ID) cards;
- DPSCS identity cards (R Card);
- Department of Defense form (DD 214);
- GEDs or high school diplomas;
- occupational skills certificates;
- transitional skills certificates;
- volunteer program certificates;
- college transcripts;
- education certificates;
- release plan;
- release resources;
- continuity of care forms; and
- community resource approval letters.

New Performance Measures Reported in Fiscal 2025 MFR

In the DPSCS fiscal 2025 MFR, new objectives were reported related to the well-being, reentry, and preparation of returning citizens. Objective number 3.4 includes the number of individuals that received assistance in obtaining identifying documents while incarcerated during the current fiscal years. Three measures are reported – the number of individuals that received a birth certificate, Social Security card, or Motor Vehicle Administration (MVA) ID card while incarcerated. The agency’s JCR response indicates that the agency hopes to roll out the program

so that all incarcerated individuals will have a chance to use the service. The hope is that future returning citizens will be able to easily pull up important information and documents whenever the Internet is accessible. Individuals who received an ID while incarcerated in fiscal 2023 totaled 1,577 for birth certificates, 1,457 for Social Security cards, and 535 or MVA IDs, as shown in **Exhibit 14**. These figures are pilot program figures but are comparable to the total ADP in DPSCS facilities in fiscal 2023, which was 17,673, or over 11 times the number of individuals who received birth certificates.

Exhibit 14
Individuals Receiving Identification While Incarcerated
Fiscal 2023



Source: Department of Public Safety and Correctional Services

The objective does not include a quantitative goal. At this point in time, a quantitative goal may not be applicable until the Reentry Passport Program is fully rolled out. However, DLS is concerned that the MFR lacks context, as it stands, and would be improved by developing attainable, yet aspirational goals related to meeting the actual needs of the population. It may also help to report these figures for returning citizens. Individuals released from DOC custody totaled 4,660 in fiscal 2023. DLS recognizes that this will be a process that may require time and multiple iterations to refine. **DPSCS should comment on the best way to identify quantitative goals and projections related to reentry objectives, including identification cards but also extending to the other new objectives reported in the fiscal 2025 MFR.**

Operating Budget Recommended Actions

1. 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 25, 2024, and the second report shall be submitted to the budget committees no later than January 25, 2025. 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 other purpose and shall revert to the General Fund if the report is not submitted to the budget committees.

Explanation: Correctional officer hiring within the Department of Public Safety and Correctional Services (DPSCS) has declined again. The quarterly reports requested in fiscal 2025 will continue the cooperation between DPSCS and the budget committees to track all departmental hiring and the success of recent staffing initiatives.

Information Request	Author	Due Date
Quarterly hiring and attrition reports	DPSCS	October 25, 2024 January 25, 2025 April 25, 2025 July 12, 2025

Appendix 1
2023 Joint Chairmen’s Report Responses from Agency

The 2023 JCR requested that DPSCS Corrections prepare six reports. Electronic copies of the full JCR responses can be found on the DLS Library website.

- ***DPSCS Quarterly Hiring and Attrition Reports:*** DPSCS submitted the second of four quarterly reports required by the fiscal 2024 Budget Bill on January 24, 2023. These reports indicate that CO hiring and attrition patterns reverted to previous trends of employee loss. DPSCS reported an overall gain in employment but a decrease in CO employment in calendar 2023. Further information regarding DPSCS staffing trends can be found in Issue 1 of this analysis.
- ***Treatment of Transgender Individuals:*** The budget committees requested information be presented on departmental policies and data for interactions with transgender individuals due to multiple legal suits against the State for adverse treatment. The department indicated that housing of transgender individuals is governed by Prison Rape Elimination Act limitations on separation of individuals based on sex. Transgender individuals are assigned to housing based on physical genitalia. Administrative segregation is optional for those who cannot be housed with others of their gender identity, but it is illegal to require such housing due solely to a transgender identity. There were approximately 89 different transgender individuals in DPSCS custody from fiscal 2021 to 2023, and the highest populations were located outside of Baltimore City facilities.
- ***Tablet Program:*** A new tablet initiative was implemented by the department in April 2022 (in addition to and separate from the educational tablets provided by MDL and used in classrooms and libraries). Further discussion of this data can be found in Issue 2 of this analysis.
- ***Reentry Passport Program:*** A new initiative to provide online access to vital records and important documents for returning citizens began in calendar 2022. Further discussion of this data can be found in Issue 3 of this analysis.
- ***Inmate Health Care:*** DPSCS is replacing the medical and mental health contracts for pretrial detention and correctional facilities. The solicitation is closed, and DPSCS is reviewing options. There will be two contracts rather than one to allow for specialization within the transient detention population and more permanent correctional population. Further discussion of this data can be found in Issue 1 of the analysis for Q00 – DPSCS Overview.
- ***Numerical Hiring Goals:*** DPSCS maintains that their goal is to reduce vacancies to 8% departmentwide. This is a doable goal for DPSCS, which has struggled to maintain an adequate staffing component in recent years. It still represents a higher vacancy rate than

Q00B – DPSCS – Corrections

typically ideal for an established State agency. The goal also would not reduce CO overtime utilization by much. Further discussion of this data can be found in Issue 1 of this analysis.

- ***Correctional Education Program:*** The report received an extension in November 2023 and was submitted shortly 3 days after the new deadline of December 31, 2023. Spending on correctional education employees decreased from a high of \$16.3 million in fiscal 2016 to only \$15.8 million in fiscal 2023. Staffing levels dropped from a high of 157.5 positions in fiscal 2014 to 144 in fiscal 2023. The agencies report that staffing shortages and budget limitations are impacting MDL’s ability to consistently offer a full menu of classes. Performance measures for achievement are below pre-pandemic levels but trending positively with the expressed goal of reaching pre-pandemic levels by fiscal 2025. The areas with most room for improvement are the earning of occupational, transitional, and intermediate-low certificates as well as high school diplomas. The agencies also expressed intentions to partner with the Office of Statewide Broadband to prioritize use of network connection infrastructure funding for incarcerated individuals and increase federal investment in general. Other strategies include pursuing apprenticeships, discretionary grants, and orienting the Correctional Education Council towards action in critical areas. The agencies concluded with bringing attention to the fact that technology and infrastructure improvements made available for education may also be used for correctional education, and doing so would serve some of the most underserved communities in the State.

Appendix 2
DPSCS Regional Operations Audit Findings

Audit Period for Last Audit:	April 18, 2018 – January 21, 2022
Issue Date:	July 2023
Number of Findings:	5
Number of Repeat Findings:	2
% of Repeat Findings:	40%
Rating: (if applicable)	

Finding 1: Redacted cybersecurity-related finding

Finding 2: **Employee overtime at DPSCS facilities was not always preapproved and supported and was not restricted to a maximum of 80 hours per pay period, as required by DPSCS policy.**

Finding 3: DPSCS did not maintain certain documentation supporting the propriety of time recorded on the biometric timekeeping system.

Finding 4: DPSCS did not establish adequate controls over inmate fund collections at the Jessup fiscal office to ensure collections were deposited and recorded timely.

Finding 5: **Monthly reconciliations of inmate funds recorded in the Maryland Offenders Banking System III to the related Comptroller of Maryland’s records were not timely or sufficiently comprehensive.**

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

Appendix 3
Rules for Tablet Assignment and Use
Department of Public Safety and Correctional Services

- 1. An inmate who accepts responsibility for and is assigned a state-owned tablet shall:**
 - sign a DPSCS Inmate Tablet Acknowledgements Form for each tablet received throughout the individual’s incarceration;
 - agree to abide by the department’s policies and procedures;
 - agree to use the tablet only for lawful purposes; and
 - agree to repay the department for the replacement cost of the tablet if the inmate’s intentional or grossly negligent behavior results in the damage or destruction of a tablet.

- 2. An inmate who has been assigned a tablet knows and understands that access to a tablet is a privilege that may be temporarily or indefinitely suspended, or permanently revoked based on the inmate’s:**
 - failure to abide by department and facility policy;
 - misuse of the tablet; and
 - intentional or grossly negligent behavior resulting in the damage or destruction of a tablet.

- 3. The managing official or designee may suspend or revoke an inmate’s access to a tablet at any time if the inmate attempts to or is successful in:**
 - using a tablet outside the inmate’s cell or day room;
 - using the tablet to contact or communicate with individuals not on the inmate’s approved call or visitor list;
 - sending, receiving, or accessing contraband materials;
 - accessing applications or content without proper payment;
 - accessing, using, or being in possession of another inmate’s assigned tablet;
 - intimidating or injuring another inmate to obtain access that inmate’s tablet or PIN;

Q00B – DPSCS – Corrections

- intentionally or through gross negligence damaging or destroying the assigned tablet;
 - intentionally or through gross negligence damaging or destroying a tablet assigned to another inmate; and
 - other written rules established by the managing official under Correctional Services Article, § 10-801, Annotated Code of Maryland.
- 4. The managing official or designee may limit, suspend, or revoke an inmate’s access to applications and content on the tablet if:**
- the inmate is using the tablet to intimidate, harass, bully, or manipulate individuals with whom the inmate is in contact;
 - the inmate is using the tablet to engage in unlawful activity or violating any of the department or facility’s written rules; or
 - there are exigent circumstances relating to the security, safety, and good order of the facility and its inhabitants that require a limitation to or pause of access to an application or content.
- 5. An inmate may only have one set of earbuds at any time and one tablet charging cord (if given one).**
- 6. An inmate must purchase replacement earbuds and charging cords if they are lost, damaged, or otherwise unusable and return the unusable earbuds and charging cords to the property officer when receiving the replacement items.**

**Appendix 4
Object/Fund Difference Report
DPSCS – Corrections**

<u>Object/Fund</u>	<u>FY 23 Actual</u>	<u>FY 24 Working Appropriation</u>	<u>FY 25 Allowance</u>	<u>FY 24 - FY 25 Amount Change</u>	<u>Percent Change</u>
Positions					
01 Regular	5,071.00	5,057.00	5,035.00	-22.00	-0.4%
02 Contractual	17.65	30.79	30.25	-0.54	-1.8%
Total Positions	5,088.65	5,087.79	5,065.25	-22.54	-0.4%
Objects					
01 Salaries and Wages	\$ 585,657,137	\$ 590,836,600	\$ 634,818,176	\$ 43,981,576	7.4%
02 Technical and Special Fees	1,014,005	1,057,639	1,111,535	53,896	5.1%
03 Communication	1,566,199	1,199,987	1,357,897	157,910	13.2%
04 Travel	149,487	93,551	100,321	6,770	7.2%
06 Fuel and Utilities	51,984,286	51,189,858	54,799,491	3,609,633	7.1%
07 Motor Vehicles	3,771,314	3,309,261	4,213,951	904,690	27.3%
08 Contractual Services	214,547,268	215,208,011	239,379,631	24,171,620	11.2%
09 Supplies and Materials	52,581,172	48,811,129	50,474,352	1,663,223	3.4%
10 Equipment – Replacement	12,577,029	14,494,009	10,860,372	-3,633,637	-25.1%
11 Equipment – Additional	894,553	313,000	283,000	-30,000	-9.6%
12 Grants, Subsidies, and Contributions	7,169,485	8,453,343	8,363,736	-89,607	-1.1%
13 Fixed Charges	1,926,009	1,997,644	2,682,190	684,546	34.3%
14 Land and Structures	607,983	5,490,000	6,290,000	800,000	14.6%
Total Objects	\$ 934,445,927	\$ 942,454,032	\$ 1,014,734,652	\$ 72,280,620	7.7%
Funds					
01 General Fund	\$ 859,201,697	\$ 866,143,440	\$ 947,647,766	\$ 81,504,326	9.4%
03 Special Fund	66,796,880	73,706,861	64,748,621	-8,958,240	-12.2%
05 Federal Fund	6,829,395	215,000	228,220	13,220	6.1%
09 Reimbursable Fund	1,617,955	2,388,731	2,110,045	-278,686	-11.7%
Total Funds	\$ 934,445,927	\$ 942,454,032	\$ 1,014,734,652	\$ 72,280,620	7.7%

Note: The fiscal 2024 appropriation does not include deficiencies. The fiscal 2025 allowance does not include cost-of-living adjustments.

**Appendix 5
Fiscal Summary
DPSCS – Corrections**

<u>Program/Unit</u>	<u>FY 23 Actual</u>	<u>FY 24 Wrk Approp</u>	<u>FY 25 Allowance</u>	<u>Change</u>	<u>FY 24 - FY 25 % Change</u>
01 Maryland Correctional Enterprises	\$ 52,702,943	\$ 60,352,930	\$ 61,673,914	\$ 1,320,984	2.2%
01 General Administration	19,087,296	32,685,982	28,158,326	-4,527,656	-13.9%
01 Patuxent Institution	66,007,846	66,002,904	77,497,152	11,494,248	17.4%
01 Maryland Correctional Institution – Hagerstown	63,096,850	66,809,316	69,292,056	2,482,740	3.7%
02 Maryland Correctional Training Center	91,361,216	91,331,899	99,600,486	8,268,587	9.1%
03 Roxbury Correctional Institution	64,097,047	65,007,185	71,077,721	6,070,536	9.3%
04 Western Correctional Institution	79,592,098	75,244,137	83,053,892	7,809,755	10.4%
05 North Branch Correctional Institution	73,434,237	72,844,298	77,996,810	5,152,512	7.1%
01 Jessup Correctional Institution	115,335,912	106,804,344	117,910,685	11,106,341	10.4%
02 Maryland Correctional Institution Jessup	52,957,898	50,967,166	55,226,007	4,258,841	8.4%
03 Maryland Correctional Institution for Women	46,658,611	46,320,464	50,436,690	4,116,226	8.9%
08 Eastern Correctional Institution	140,040,151	141,291,091	151,068,664	9,777,573	6.9%
09 Dorsey Run Correctional Facility	49,076,307	46,737,743	48,894,357	2,156,614	4.6%
10 Central Maryland Correctional Facility	20,997,515	20,054,573	22,847,892	2,793,319	13.9%
Total Expenditures	\$ 934,445,927	\$ 942,454,032	\$ 1,014,734,652	\$ 72,280,620	7.7%
General Fund	\$ 859,201,697	\$ 866,143,440	\$ 947,647,766	\$ 81,504,326	9.4%
Special Fund	66,796,880	73,706,861	64,748,621	-8,958,240	-12.2%
Federal Fund	6,829,395	215,000	228,220	13,220	6.1%
Total Appropriations	\$ 932,827,972	\$ 940,065,301	\$ 1,012,624,607	\$ 72,559,306	7.7%
Reimbursable Fund	\$ 1,617,955	\$ 2,388,731	\$ 2,110,045	-\$ 278,686	-11.7%
Total Funds	\$ 934,445,927	\$ 942,454,032	\$ 1,014,734,652	\$ 72,280,620	7.7%

Note: The fiscal 2024 appropriation does not include deficiencies. The fiscal 2025 allowance does not include cost-of-living adjustments.