

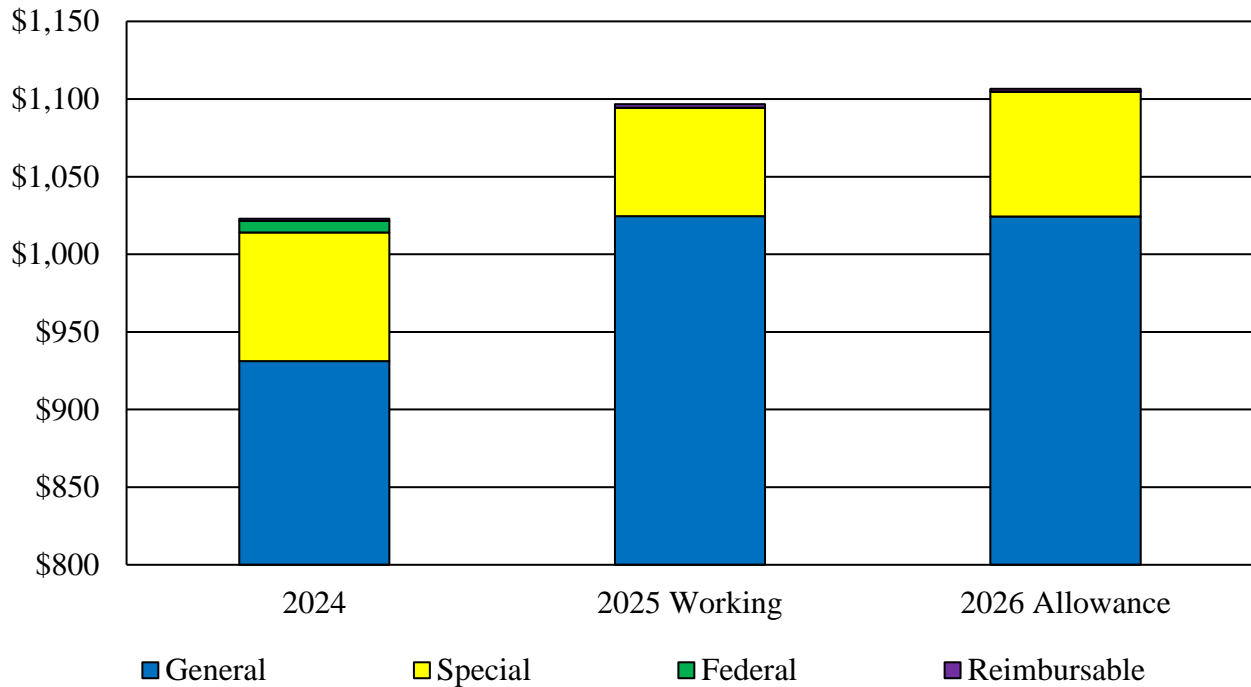
Q00B
Corrections
Department of Public Safety and Correctional Services

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 had a combined average daily population (ADP) of approximately 16,085 offenders in fiscal 2024; and Maryland Correctional Enterprises (MCE), which is the prison industry arm of the department. These agencies are allowed 4,930 regular positions and receive approximately 59.2% of departmental resources in fiscal 2026.

Operating Budget Summary

Fiscal 2026 Budget Increases \$10.0 Million, or 0.9%, to \$1.1 Billion
(\$ in Millions)



Note: The fiscal 2025 working appropriation accounts for deficiencies. The fiscal 2025 impacts of statewide salary adjustments are centrally budgeted in the Department of Budget and Management (DBM), and adjustments are not reflected in this agency’s budget. The fiscal 2026 impacts of the fiscal 2025 statewide salary adjustments appear in this agency’s budget. The fiscal 2026 statewide salary adjustments are centrally budgeted in DBM and are not included in this agency’s budget.

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Key Observations

- ***ADP Increasing:*** The trend of growth in the sentenced offender population that began after the COVID-19 pandemic did not subside in fiscal 2024. The ADP in fiscal 2024 and projected ADP in fiscal 2025 has not reached prepandemic levels. However, if the declining population trends reported before the pandemic had continued, the current projected ADP for the end of fiscal 2025 would have reached the same level, at which point the population increase would be unique and separate from a post-pandemic rebound.
- ***Settlement Calls Attention to DOC Policies and Treatment of Transgender Inmates:*** A \$750,000 settlement approved by the Board of Public Works (BPW) in October 2024 established individuals with gender dysphoria as a federally protected class and has coincided with DPSCS efforts to update its policies and training on the treatment of transgender inmates.
- ***MCE Failed to Collect Millions in Revenue:*** A June 2024 fiscal compliance audit report found that MCE did not properly pursue \$12.9 million in outstanding payments, most of which were from State agencies.
- ***Reentry Passport Program Rollout Stalled:*** The Reentry Passport Program – aimed at providing prerelease inmates with online access to their identifying documents – has faced delays since its pilot program in fiscal 2023. As of October 2024, the program remains stalled.
- ***Temporary Women’s Prerelease Program Faces Challenges:*** Statutorily required prerelease programming for women at the Maryland Correctional Institution for Women (MCI-W) remains limited by the facility – a high security prison – and low engagement from eligible inmates.

Operating Budget Recommended Actions

1. Add language restricting funds pending a report on the treatment of transgender inmates.
2. Adopt narrative requesting a report on an audit finding related to Maryland Correctional Enterprises collection of delinquent payments.
3. Adopt narrative requesting a report on the rollout of the Reentry Passport Program.
4. Adopt narrative requesting a report on women's prerelease programming.

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Operating Budget Analysis

Program Description

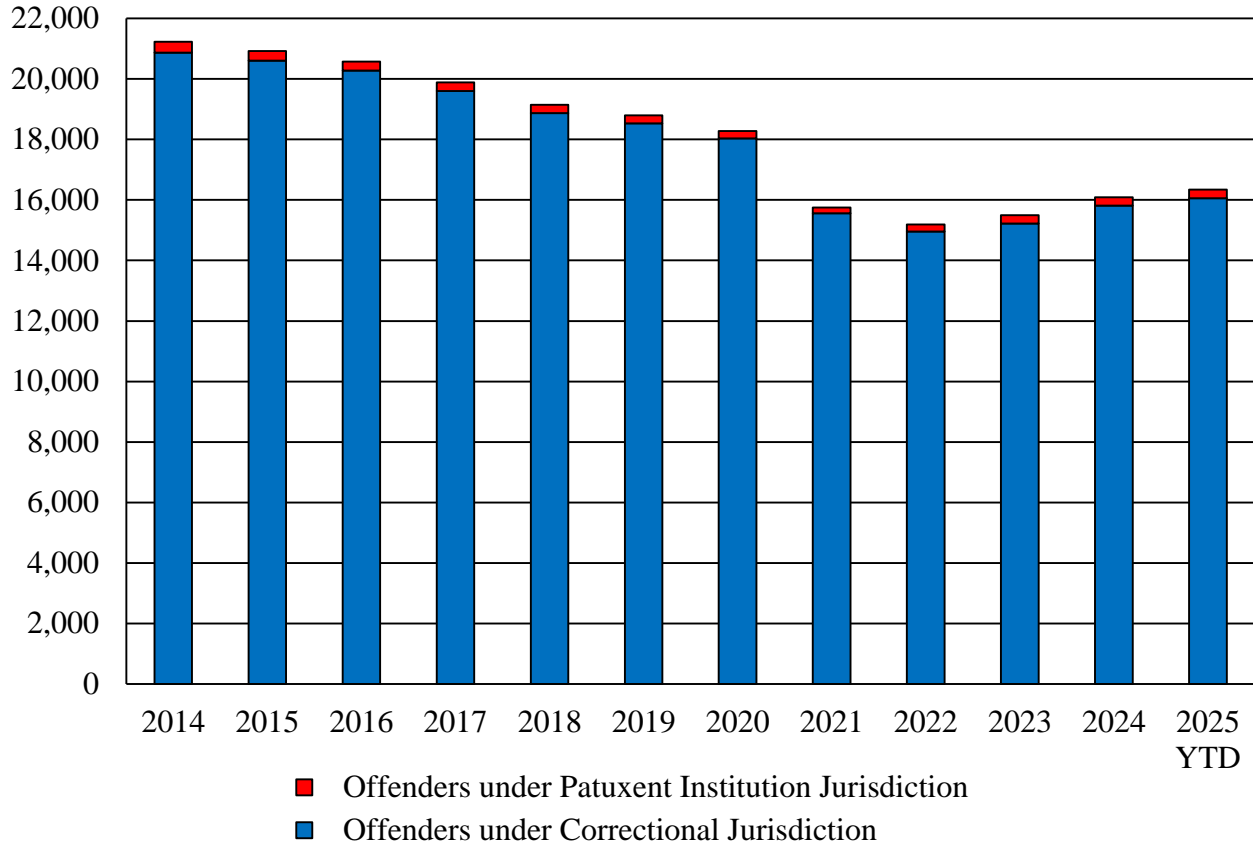
The DPSCS Corrections function includes the operations of State correctional facilities under DOC and PATX as well as MCE. DOC operates 12 correctional facilities, including MCI-W. The Baltimore City Correctional Center falls under the Division of Pretrial Detention and Services (DPDS) due to its location. However, the population measures reported in the Managing for Results section of this analysis consider 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 significant decline from 18,281 to 15,726, a decrease of 14%, due to the COVID-19 pandemic. The change in fiscal 2022 was modest at a 3% decline. However, **Exhibit 1** shows that the ADP of sentenced offenders in DPSCS custody has increased annually since then, and most recently increased by approximately 4% in fiscal 2024 over the prior year to 16,085 offenders. ADP has increased by approximately 2% in fiscal 2025 so far. Overall, the population declined by a total of 23% from fiscal 2014 to the second quarter of fiscal 2025.

Exhibit 1
Average Daily Population of State-sentenced Offenders
Fiscal 2014-2025 YTD



YTD: year to date

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

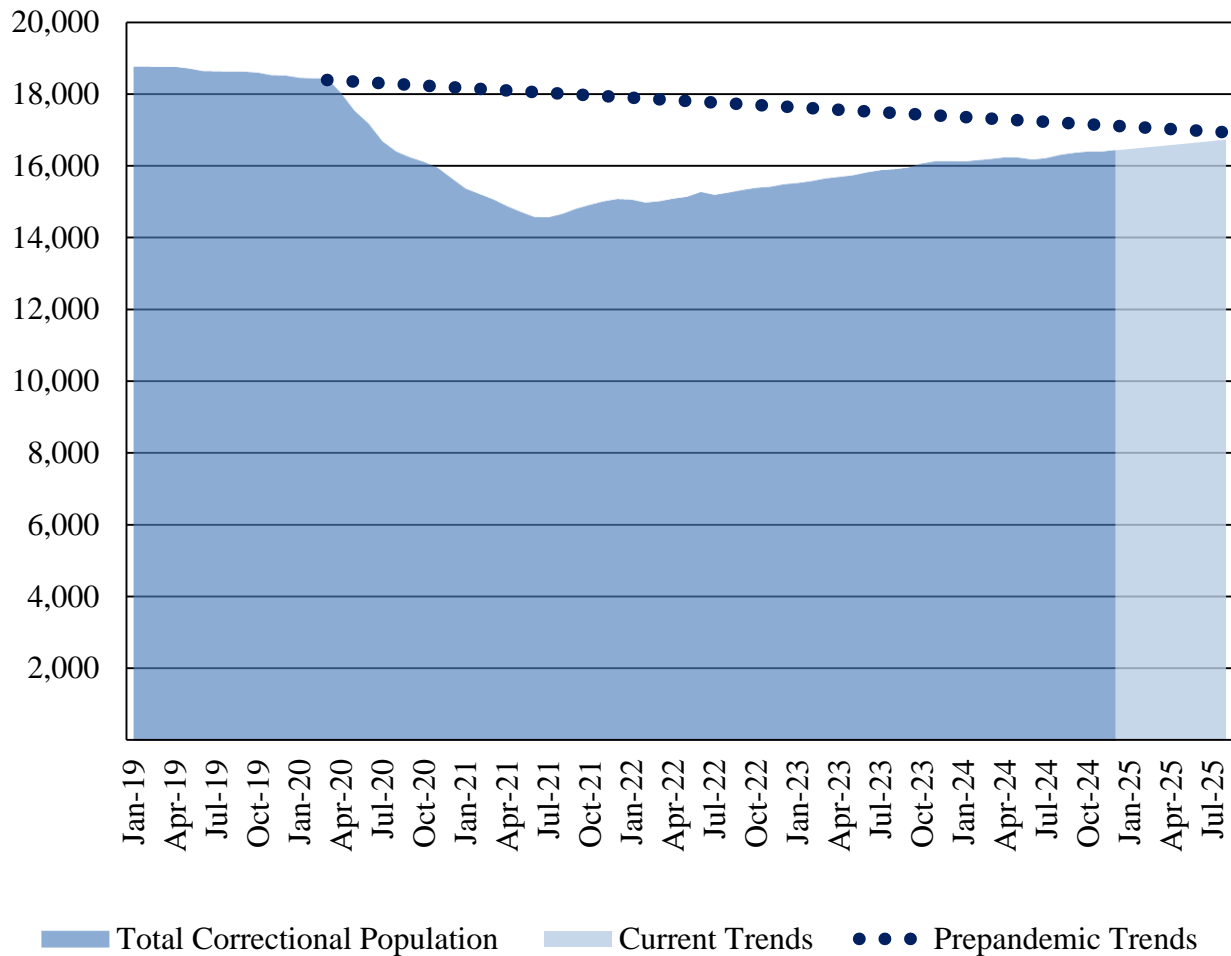
It should be noted that Exhibit 1 shows the ADP of all State-sentenced offenders rather than the ADP of DOC facilities only. This includes an average of 408 sentenced offenders who were kept each day at the Central Home Detention Unit, State hospitals, or in the custody of other jurisdictions in fiscal 2024. An average of 253 sentenced offenders were kept in DPDS facilities.

Prison Population Remains Below Prepandemic Levels

Pandemic-related court closures during fiscal 2020 and 2021 caused correctional intakes to slow down considerably, quickly reducing the incarcerated population as DOC continued to release individuals according to their sentences. 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 offenders in the Maryland correctional system since calendar 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 are expected to 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
Calendar 2019-2025**

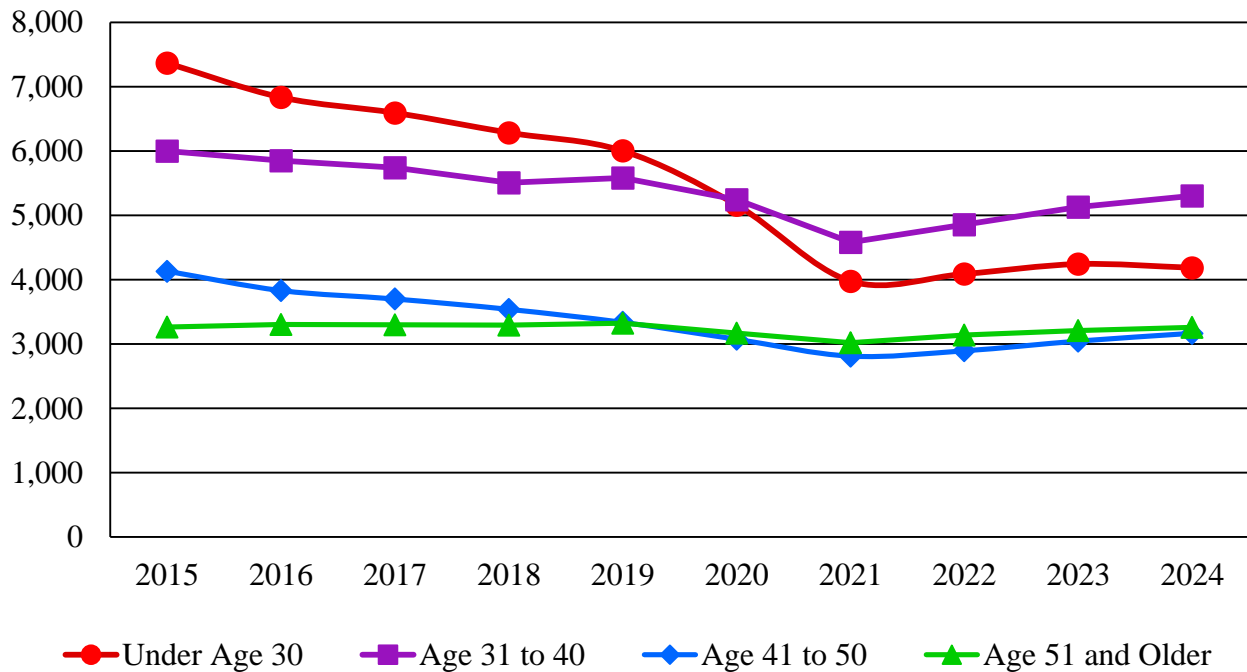


Source: Department of Public Safety and Correctional Services; Department of Legislative Services

2. Average Age of Incarcerated Individuals Increases

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 2015. While the under-30 age group made up the largest share of the incarcerated population at 35% in fiscal 2015 with 7,366 incarcerated individuals, it made up the second largest share at 26% in fiscal 2024 with 4,186 individuals. This marks a 43% decline of young people incarcerated in the State prison system during that timeframe.

Exhibit 3
Incarcerated Population at Fiscal Year-end by Age Group
 July 2015 to July 2024



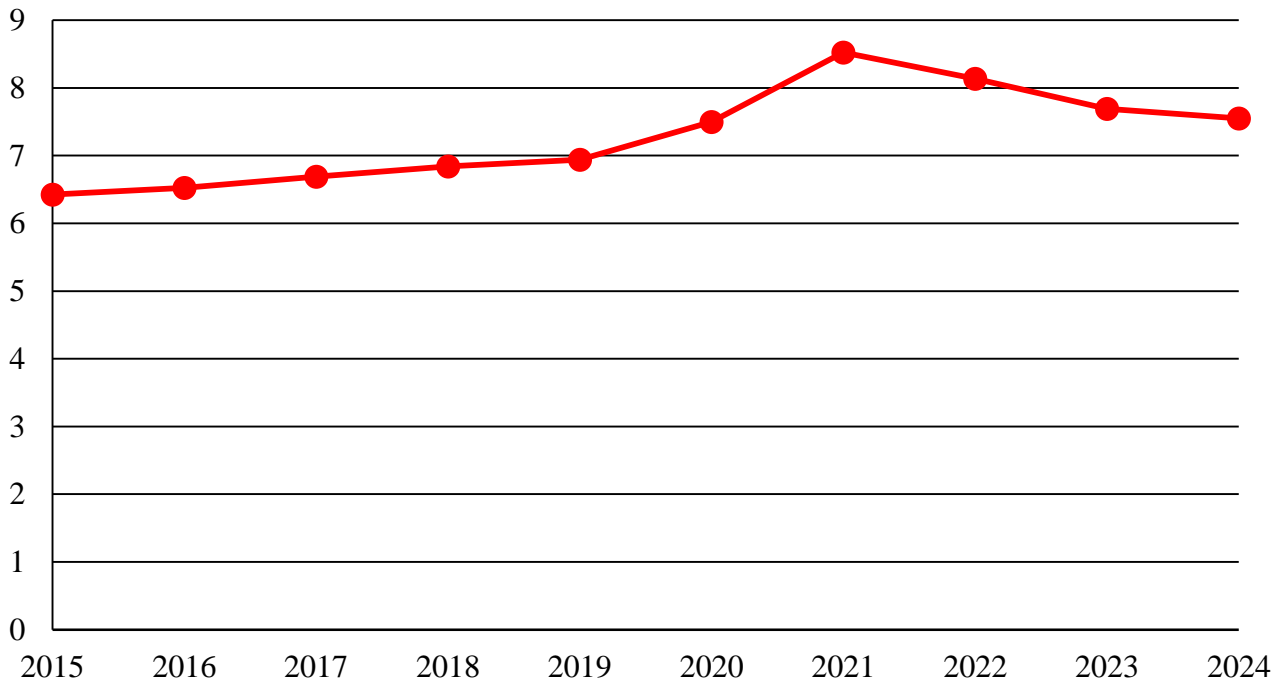
Source: Department of Public Safety and Correctional Services

At the end of fiscal 2024, the average age of individuals in DPSCS custody was 39.6, an increase of nearly two years from fiscal 2019 and 2020 when the average age was 38. Jessup Correctional Institution had the highest average age at 41.8 years at the end of fiscal 2024, while the correctional facility with the lowest average age (besides the Youth Detention Center) was the Maryland Reception, Diagnostic and Classification Center at 30.0 years. This facility houses primarily short-sentenced individuals from Baltimore City.

3. Average Length of Stay Decreasing

From fiscal 2019 to 2021, the average length of stay rose (ALOS) to a peak of 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 the ALOS down. These trends reversed in fiscal 2022, with a roughly 4.7% decrease in ALOS compared to the previous year. As shown in **Exhibit 4**, the ALOS in fiscal 2024 is 7.6 years, a 2% decline from fiscal 2023 (7.7 years).

Exhibit 4
Average Length of Stay in Years
Fiscal 2015-2024

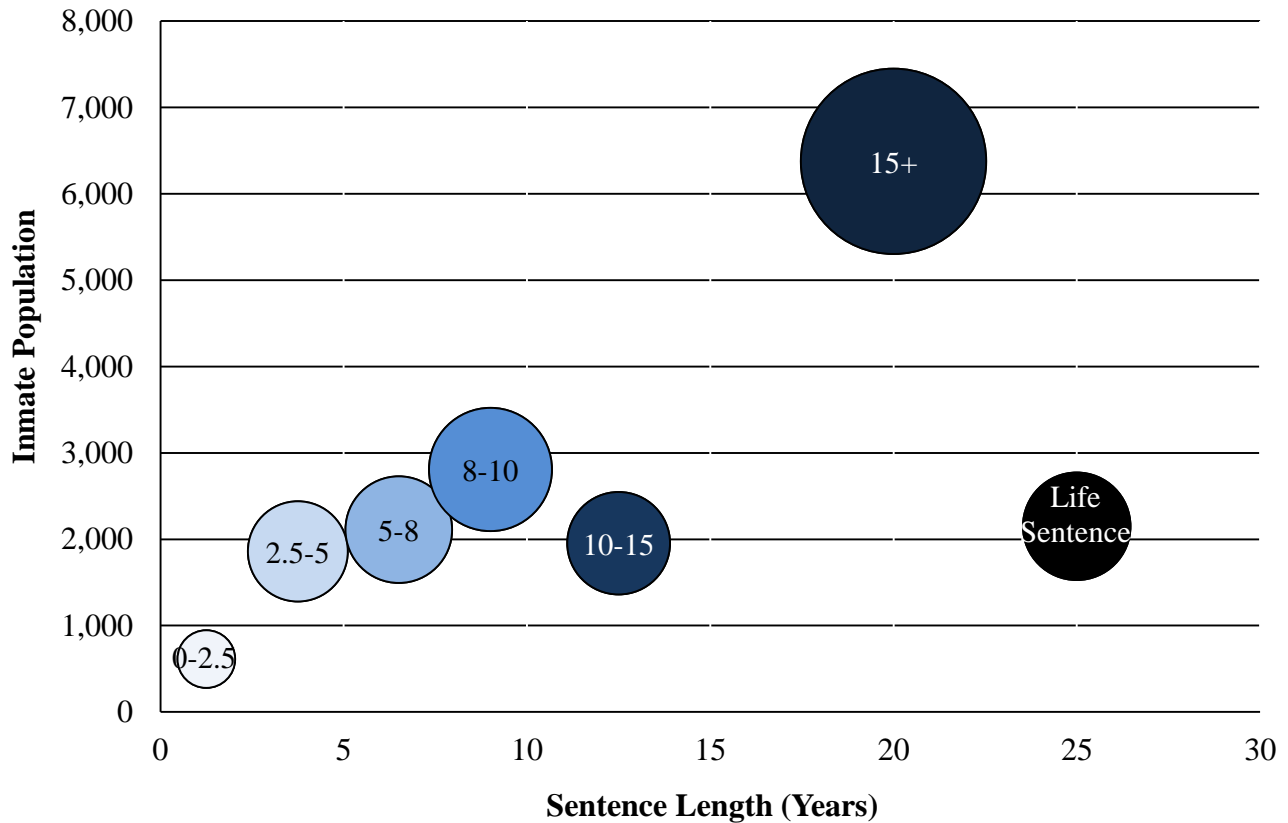


Source: Department of Public Safety and Correctional Services

Most sentenced individuals (71%) in DPSCS custody in fiscal 2024 were incarcerated for violent crimes as their most serious offense, including homicide (29%), assault (16%), robbery (16%), and sexual assault (10%). Only a small portion (5.8%) are incarcerated for property crimes, including burglary (4%), theft (1%), automobile theft (0.5%) and arson (0.3%). Weapons violations (9%), drug offenses (4.7%), and nonassault sexual crimes (4%) were other 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 62 incarcerated individuals serving sentences of less than a year, and 234 individuals serving sentences between 1 and 2 years. By comparison, 6,376 individuals were serving sentences longer than 15 years, and 2,149 received life sentences.

**Exhibit 5
Incarcerated Population by Sentence Length
Fiscal 2024**



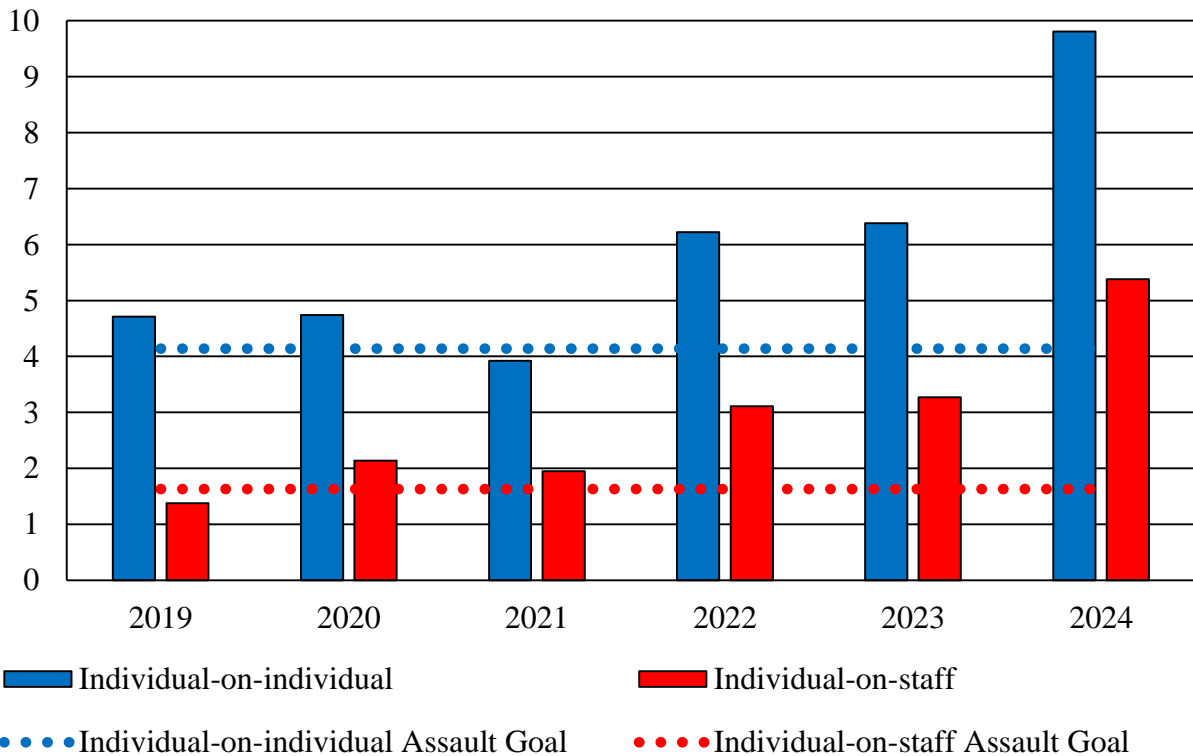
Note: Each bubble represents a group of incarcerated individuals with similar sentence lengths as indicated in each label. Placement on the x-axis is approximate. The size of each bubble and placement on the y-axis corresponds to the size of each group.

Source: Department of Public Safety and Correctional Services

4. Assaults in Correctional Facilities Increase Significantly

From fiscal 2023 to 2024, assault rates on staff and other incarcerated individuals increased. **Exhibit 6** shows current assault rates by target of assault for fiscal 2019 through 2024. The individual-on-individual assault rate increased to 9.81 per 100 ADP in fiscal 2024, more than twice the goal of 4.14 and a 54% increase over the year prior. The individual-on-staff assault rate increased to 5.38 per 100 ADP, more than triple the goal of 1.63. **DPSCS should discuss the reasons for the upward trending assault rates and efforts that it is taking to reduce assaults on incarcerated individuals and staff in correctional facilities.**

Exhibit 6
Assaults in Correctional Facilities
Per 100 Average Daily Population
Fiscal 2019-2024



Source: Department of Public Safety and Correctional Services

Homicides in Correctional Facilities

DPSCS reported five homicides in correctional facilities committed by an incarcerated individual on another incarcerated individual in fiscal 2024, an increase of two from fiscal 2023. Investigations are ongoing.

Fiscal 2025

Proposed Deficiency

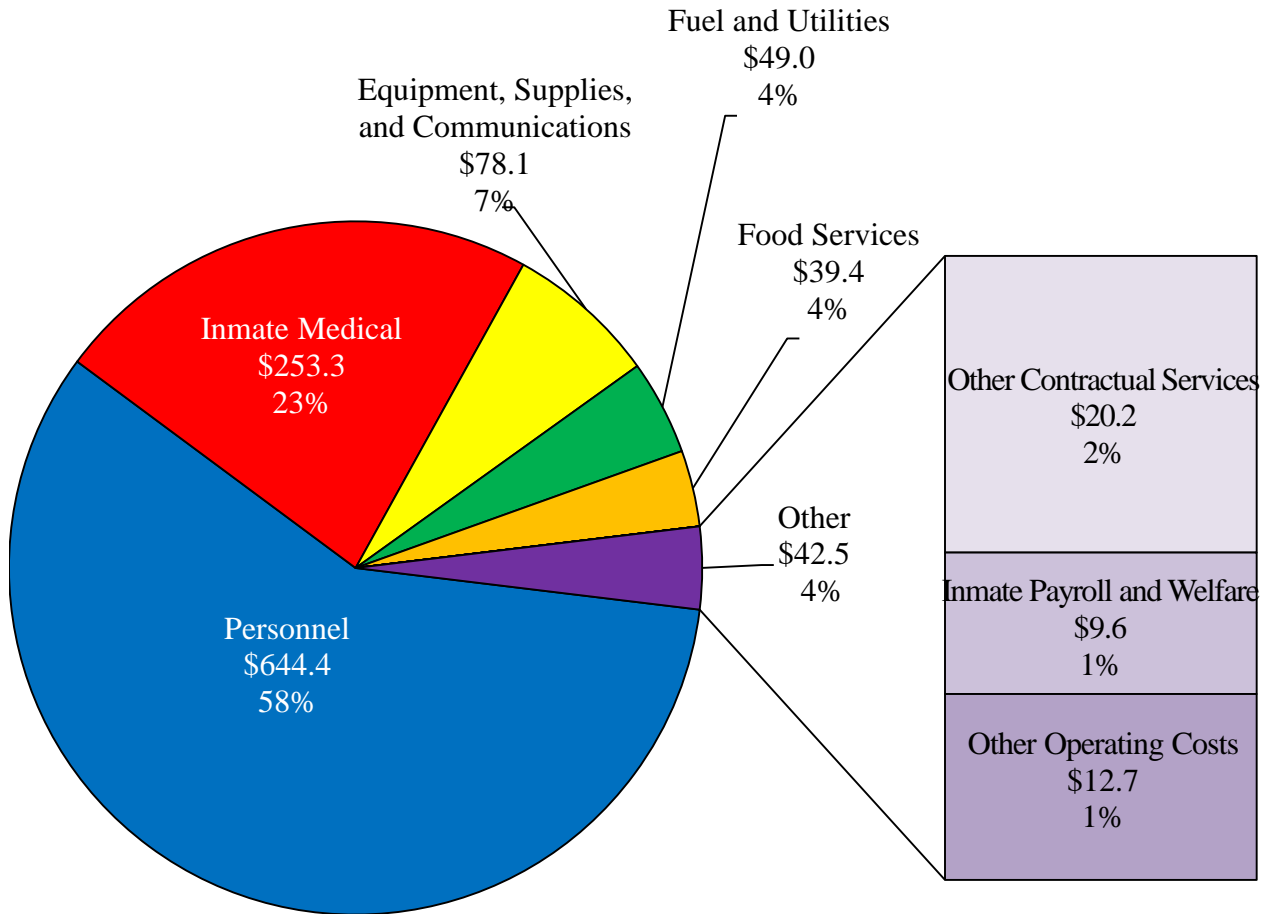
The fiscal 2026 allowance for DPSCS Corrections contains deficiency appropriations totaling \$76.9 million in general funds and \$5.0 million in special funds for the following purposes:

- \$40.6 million to cover fiscal 2024 shortfalls in operating costs;
- \$35.8 million to fund increased inmate health costs in fiscal 2025 resulting from a change in the medical and mental health care contractor;
- \$5.0 million reduction in general funds with a corresponding \$5.0 million increase in special funds from the Opioid Restitution Fund for contractual substance use disorder treatment services;
- \$2.5 million to fund the agency’s facility maintenance contract;
- \$1.1 million to supplement overtime and align the fiscal 2025 appropriation with actual expenditures;
- \$1.1 million to fund inmate food costs that were higher than budgeted due to inflation and an increasing inmate population; and
- \$874,481 to fund cost increases in inmate clothing and bedding.

Fiscal 2026 Overview of Agency Spending

The DPSCS Corrections fiscal 2026 allowance totals \$1.1 billion. Of this funding, 58%, or \$644.4 million, supports regular personnel, mainly for employing correctional officers (CO) in State correctional facilities. **Exhibit 7** shows the other portions of the corrections budget with inmate medical care accounting for nearly one-quarter of spending (\$253.3 million).

Exhibit 7
Overview of Agency Spending
Fiscal 2026 Allowance
(\$ in Millions)



Note: The fiscal 2026 statewide salary adjustments are centrally budgeted in the Department of Budget and Management and are not included in this agency’s budget.

Source: Governor’s Fiscal 2026 Budget Books

Proposed Budget Change

The fiscal 2026 allowance increases by \$10.0 million over the fiscal 2025 working appropriation after accounting for proposed deficiency appropriations. **Exhibit 8** breaks down the budget change into items and programs with major changes. An increase of \$10.2 million in special funds to purchase raw materials for MCE production accounts for most of the change in expenditures. This increase aligns the fiscal 2026 allowance with actual MCE spending in fiscal 2024. A decrease of \$40.6 million due to one-time deficiency appropriations to cover fiscal 2024 shortfalls in operating expenses partially offsets net increases of \$30.2 million for the inmate health care contract, \$8.5 million for regular personnel, and \$2.8 million for food costs for the growing inmate population.

**Exhibit 8
Proposed Budget
Department of Public Safety and Correctional Services – 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 2024 Actual	\$931,118	\$82,921	\$7,400	\$1,461	\$1,022,901
Fiscal 2025 Working Appropriation	1,024,541	69,749	228	2,110	1,096,628
Fiscal 2026 Allowance	<u>1,024,383</u>	<u>80,357</u>	<u>228</u>	<u>1,611</u>	<u>1,106,579</u>
Fiscal 2025-2026 Amount Change	-\$157	\$10,608	\$0.00	-\$499	\$9,952
Fiscal 2025-2026 Percent Change	\$0.00	15.2%	\$0.00	-23.6%	0.9%
Where It Goes:					<u>Change</u>
Personnel Expenses					
Salary increases and related fringe benefits, including the fiscal 2025 COLA and increments.....					\$18,602
Overtime, after accounting for a proposed fiscal 2025 deficiency appropriation					15,340
Turnover decreases from 12.07% to 11.48%					2,616
Workers’ compensation premium assessment					92
Employee and retiree health insurance					-28,140
Other fringe benefit adjustments					-1
Other Changes					
Inmate health care costs, after accounting for proposed deficiency for fiscal 2025 costs					30,204
MCE raw materials and production supplies to align funds with actual spending (special funds)					10,159

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Where It Goes:	<u>Change</u>
Food services, supplies, and equipment, after accounting for a fiscal 2025 proposed deficiency for the food service contract.....	2,758
Maintenance supplies and equipment (building and household, laundry, housekeeping).....	2,292
Facility maintenance contracts (building, road and equipment repairs, janitorial services, groundskeeping, extermination, laundry, and trash removal), after accounting for a proposed fiscal 2025 deficiency	1,984
Inmate wages and welfare	1,254
Other equipment, supplies, and materials	396
Employee and inmate uniforms, after accounting for a proposed fiscal 2025 deficiency for inmate uniforms due to an increasing prison population	252
Communications, mainly due to postage and telephone costs	224
Rent and fixed payments	44
Cost of travel and vehicles decreased due to a decline in the number and value of vehicles purchased	-251
Contractual personnel, driven by a net decrease of 0.87 FTE and an increase in budgeted turnover	-336
Improvements to existing facilities’ land	-1,200
Utilities.....	-2,896
Payments to the Maryland Environmental Service for facility operations	-2,934
Fiscal 2025 proposed deficiency for fiscal 2024 shortfalls.....	-40,611
Other operating expenses	106
Total	\$9,952

COLA: cost-of-living adjustment
 FTE: full-time equivalent
 MCE: Maryland Correctional Enterprises

Note: The fiscal 2025 working appropriation accounts for deficiencies. The fiscal 2025 impacts of statewide salary adjustments are centrally budgeted in the Department of Budget and Management (DBM), and adjustments are not reflected in this agency’s budget. The fiscal 2026 impacts of the fiscal 2025 statewide salary adjustments appear in this agency’s budget. The fiscal 2026 statewide salary adjustments are centrally budgeted in DBM and are not included in this agency’s budget.

Personnel Data

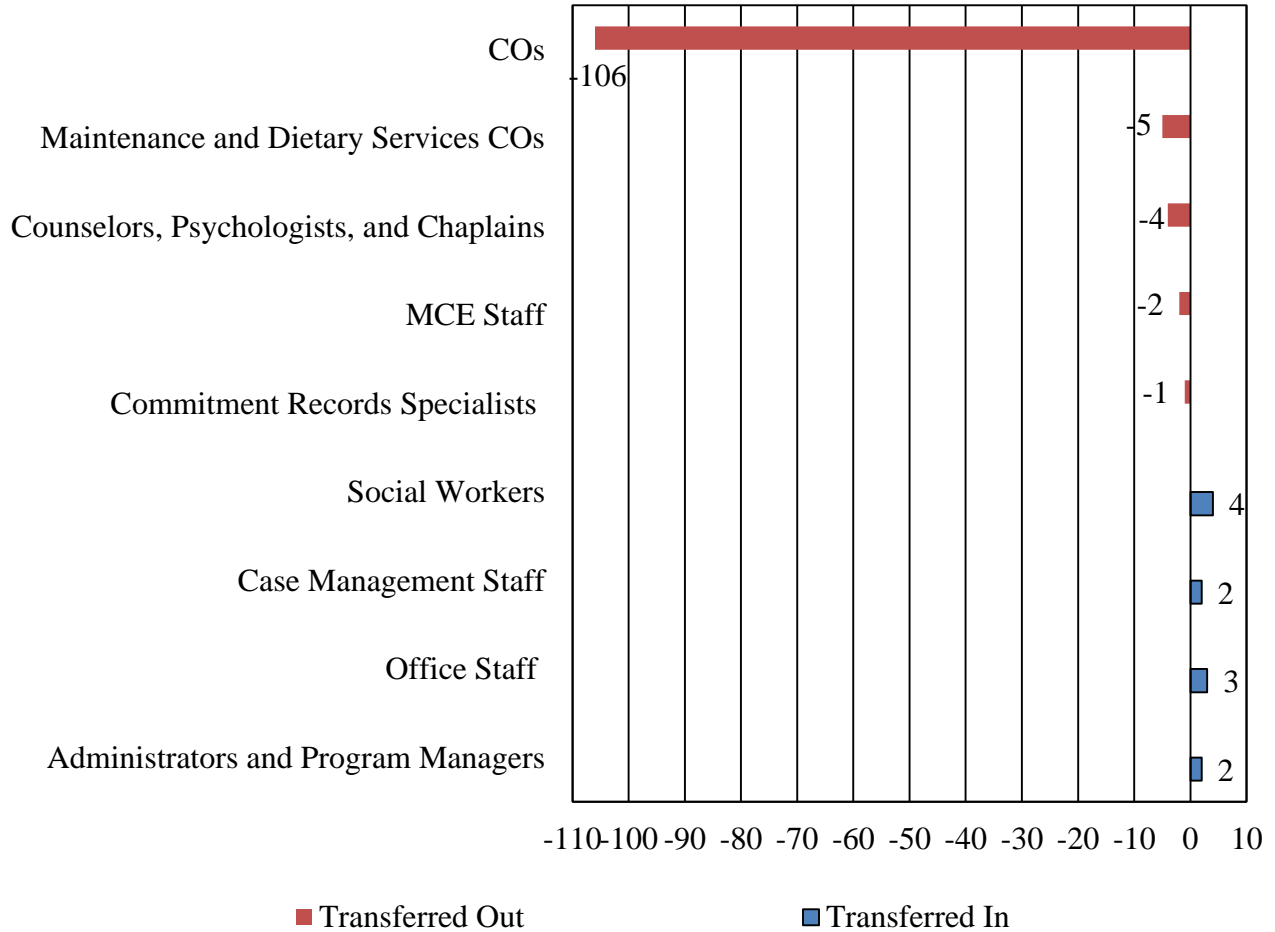
	<u>FY 24 Actual</u>	<u>FY 25 Working</u>	<u>FY 26 Allowance</u>	<u>FY 25-26 Change</u>
Regular Positions	5,057.00	5,037.00	4,930.00	-107.00
Contractual FTEs	<u>17.56</u>	<u>22.64</u>	<u>21.77</u>	<u>-0.87</u>
Total Personnel	5,074.56	5,059.64	4,951.77	-107.87

Vacancy Data: Regular Positions

Turnover and Necessary Vacancies, Excluding New Positions	565.96	11.48%
Positions and Percentage Vacant as of 12/31/24	593.00	11.77%
Vacancies Above Turnover	27.04	

- The fiscal 2026 allowance reflects a net decrease of 107 regular positions in DPSCS Corrections. The majority of the decrease is for CO positions that have been transferred from Corrections to DPSCS Administration and reclassified into intelligence, investigative, and general administrative positions. DPSCS reported that these transfers are part of a departmentwide effort to bolster its Intelligence and Investigative Division with the goal of improving public safety both inside and outside the facilities. Transfers in and out of Corrections are shown by category in **Exhibit 9**.
- In January 2025, 4,296 of the 4,788 allowed CO positions for fiscal 2025 were filled. CO vacancies are discussed in further detail in the Q00 – Overview analysis, along with DPSCS recruitment and retention strategies.

Exhibit 9
Net Change in Transferred Positions by Category
Fiscal 2026



CO: correctional officer
MCE: Maryland Correctional Enterprises

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

Issues

1. Settlement Highlights Abuse of Transgender Inmates under DOC Care

Transgender individuals in the prison system are subject to high rates of violence and sexual abuse from both COs and fellow inmates. There have been numerous settlements over the years following incidents of violence, sexual assault, harassment, and unwarranted use of solitary confinement. According to DPSCS, there were three settlements involving transgender inmates in calendar 2024, amounting to \$834,999. The settlements comprised approximately 38% of the total amount that DPSCS spent on settlements in calendar 2024, despite transgender inmates representing less than half of one percent of the total population in DPSCS custody.

In October 2024, BPW approved a \$750,000 settlement (\$350,000 in general funds and \$400,000 in special funds from the State Insurance Trust Fund) paid to Amber Canter, a transgender woman who accused three COs of assaulting her and placing her in an illegal chokehold in June 2019 while she was on pre-trial hold at Baltimore City Booking and Intake Center. The settlement notably established individuals with gender dysphoria as a protected class under the Americans with Disabilities Act (ADA), giving transgender inmates grounds to sue if they are mistreated or improperly accommodated.

DPSCS has previously indicated that housing of transgender individuals is governed by Part 115 of Title 28 of the Code of Federal Regulations, or the Prison Rape Elimination Act (PREA), which aims to reduce sexual violence in prisons. Part 115.21 mandates that inmate housing be informed by a risk assessment of each inmate’s likelihood of being sexually abused based on several factors, including their gender identity and their own perception of their vulnerability. Current DPSCS policy mandates that transgender inmates be housed 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. The PREA requires DPSCS to consider on a case-by-case basis whether a placement would ensure the inmate’s health and safety and whether the placement would present management or security problems when deciding whether to assign a transgender or intersex inmate to a facility for male or female inmates and in making other housing and programming assignments.

A White House executive order issued on January 20, 2025, directs the U.S. Attorney General and Secretary of Homeland Security to ensure prisoners are housed on the basis of biological sex. The executive order adds that, if necessary, the administration will move to amend Part 115.21 of PREA and provide “interpretation guidance” regarding the ADA to ensure compliance. An amendment to Part 115.21 may weaken protection standards for Maryland prisons and place transgender inmates at an increased risk of violence.

Committee narrative in the 2024 *Joint Chairmen’s Report* (JCR) requested DPSCS to submit a report on the treatment of transgender individuals in correctional facilities. The Department of Legislative Services (DLS) is unable to provide fiscal 2024 data on the number of transgender inmates under the State’s care because DPSCS’ report due October 1, 2024, has not been submitted to the budget committees. According to a past DPSCS report, there were

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approximately 72 transgender individuals in DPSCS custody in fiscal 2023, which was 0.4% of the total Corrections and Pretrial Detention population of 17,673.

DPSCS indicated that it is working to reduce incidents of mistreatment of transgender individuals in its care through policy updates and training. The department reported it is conducting research about best practices in other states and engaging LGBTQ+ advocates and internal stakeholders to revise key policies and ensure compliance with federal standards, including the PREA. These updates include improving housing assignments, transfer protocols, restrictive housing practices, and access to medical and mental health services for transgender individuals. The agency reported that it recently reclassified and updated 1 new position within the Office of Fair Practices and Inclusion (OFPI) to hire a subject matter expert dedicated to addressing the needs of the LGBTQ+ community. This expert will focus on developing and refining policies and practices that support both LGBTQ+ employees and incarcerated individuals. Moreover, DPSCS notes that the Executive Director of OFPI recently held a half-day training for all wardens, assistant wardens, and the executive leadership team to focus on LGBTQ+ issues, including updates on the PREA. The training included an open discussion to identify policies and practices requiring updates to better address the needs of the LGBTQ+ population.

DLS recommends restricting \$100,000 in general funds pending a report from DPSCS that provides data on the transgender individuals in correctional facilities and the amount the State has spent on settlements related to mistreatment from fiscal 2021 to fiscal 2025.

2. MCE Failed to Collect Millions in Late Payments, Audit Finds

A fiscal compliance audit issued in June 2024 by the Office of Legislative Audits (OLA) for the period of April 1, 2019, to June 30, 2023, found that MCE did not adequately pursue the collection of millions of dollars in delinquent accounts receivable. OLA reported that, as of June 2023, MCE was owed \$12.9 million, of which \$7.0 million, or 54%, was outstanding over 90 days.

MCE Operating Structure

Provisions in the Correctional Services Article mandate that MCE develop programs that provide work experience or rehabilitation for eligible incarcerated individuals. The Correctional Services Article also provides that MCE be financially self-supporting. Thus, the services and goods offered – including furniture, metal products, mattresses, and printing – by MCE are available to State and federal agencies; political subdivisions; and any charitable, civic, educational, fraternal, or religious agency, association, or institution. According to OLA, MCE’s fiscal 2023 operating revenue was \$51.4 million, while operating expenses totaled \$50 million, resulting in a net operating income of \$1.4 million.

Delinquent Accounts from State Customers

Of the total amount owed to MCE, \$12.5 million, or 97%, was from State agencies and \$6.7 million, or 96%, was outstanding for more than 90 days. However, based on State regulations, State agencies cannot be referred to the Central Collection Unit (CCU) for collection action. This significantly inhibits MCE's ability to collect outstanding payments from the majority of its customers. OLA reported that MCE did not issue any dunning notices to three of five delinquent accounts from State agencies, which had been outstanding for periods ranging from 261 days to 414 days. DPSCS has since developed and shared the following process to address outstanding balances from other State agencies.

- MCE will review the aged receivables report within five business days following the close of each month to identify past-due invoices, meaning they are older than 30 days.
- A representative from the MCE Accounts Receivable Department will issue a past-due notice to the agency and follow up with a collection call, documenting the response accordingly.
- If an invoice remains unpaid for 60 days, MCE will send another past due notice and make another collection call.
- Should an invoice remain unpaid for 90 days, MCE will reach out to the DPSCS Office of the Secretary for support. MCE will collaborate with the Secretary's Office to engage with senior leadership at the relevant agency, as well as other Executive Branch oversight bodies, to address agencies with ongoing delinquent accounts.

As of December 31, 2024, MCE escalated the top 10 customers with the highest past due balances to the Secretary's Office. The Secretary is sending letters to the leaders of those departments.

Delinquent Accounts from Non-State Customers

Of the \$12.9 million in accounts receivable, \$370,822 was from non-State entities, with \$285,975 outstanding for more than 90 days. CCU regulations generally require delinquent accounts to be referred after they have been outstanding for 120 days. OLA found that MCE did not refer its delinquent accounts to CCU as required, even when some had been outstanding for up to 774 days. According to CCU, MCE had not referred any accounts since August 2018.

DPSCS has established similar initial procedures to collect past-due payments from non-State customers but has additional tools at its disposal if accounts remain unpaid. For instance, once an invoice from a non-State customer goes unpaid for 60 days, MCE will pause order processing until all past due invoices are paid. If an invoice reaches 80 days past due, MCE will send a final notice to the customer demanding immediate payment before referring the account to CCU at the 90 day mark.

DPSCS reported that, as of December 31, 2024, there were a total of eight non-State agencies with past due balances. Those accounts have been referred to CCU for collection.

DLS recommends adopting committee narrative requesting a report from DPSCS including the number of delinquent payments that have been resolved, broken out by State and non-State customers, as well as an update on any delinquent accounts that have accrued since the June 2024 audit.

3. Reentry Passport Program Rollout Is Stalled

The Reentry Passport Program – aimed at providing prerelease inmates with online access to their identifying documents – has faced delays since its pilot program in fiscal 2023. During the pilot, only four incarcerated individuals were able to create email addresses and use the document portal. Issues with limited computer and Internet access halted the rollout planned for fiscal 2024. Language in the 2024 JCR requested that DPSCS provide an update on the rollout of the program. As of October 2024, the program remains stalled. As of the submission of DPSCS’s report, 278 Case Management and Reentry Staff were approved to use the portal to upload documents on behalf of consenting inmates. Currently, 294 individuals are released monthly from DPSCS custody.

DLS recommends adopting committee narrative requesting a report from DPSCS on the Reentry Passport Program rollout. The report should document the progress of expanding the existing pilot and future plans to implement the program.

4. Women’s Prerelease Programming Struggles to Close Gender Gaps

Chapter 16 of 2021 mandated that DPSCS build and begin operating a comprehensive rehabilitative prerelease unit for women by November 2023. The project, managed by the Department of General Services (DGS), is significantly behind schedule for several reasons, including changes to site location and DGS and DPSCS not utilizing its appropriations in a timely manner. As a result, the women’s prerelease center remains in the planning and design phase. While the new facility has been delayed, DPSCS is still required to provide evidence-based and gender-responsive services to incarcerated women in its custody.

Project FRESH is the temporary prerelease program for women at MCI-W. The program provides a dedicated housing unit with privileges and programming aimed at preparing inmates for reentry into society. Participants have access to educational and vocational training, trauma-informed therapy, parenting workshops, and substance use treatment, among other opportunities. Community partners also play a significant role in running the program through legal assistance, financial literacy training, and employment support. Project FRESH offers work release; however, opportunities and independence are more limited than in men’s prerelease

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complexes due to the operational challenges associated with running a prerelease program out of a high security facility.

Project FRESH has struggled with low participation rates. Slightly more than one-third of eligible women (31 out of 81) have opted into the program as of July 2024. All women in prerelease are housed in the same unit regardless of participation status, which may affect morale and engagement. Furthermore, DPSCS believes low participation may be because many of the inmates are serving short sentences and feel there are limited incentives to engage with Project FRESH. DPSCS stated that the restrictive environment of MCI-W plays a role as well. Additionally, staffing shortages have impacted implementation. Currently, there are no staff members dedicated to only the Project FRESH Reentry Unit. The 2 employees who work on the unit – a social worker and a reentry specialist – also provide services to the rest of the MCI-W population.

These conditions have significant implications for post-release employment, which is strongly correlated with reduced recidivism. While men in Maryland have access to dedicated prerelease complexes with low security and more opportunities to work, gain independence, and reintegrate prior to release, women’s only access to prerelease programming is through a high security prison.

DLS recommends adopting committee narrative requesting a report from DPSCS about Project FRESH participation rates and programming with particular emphasis on work release opportunities. The report should compare participation and prerelease programming opportunities to men’s prerelease centers.

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 (DPSCS) submits a report to the budget committees, in collaboration with experts, technical assistants, and transgender stakeholders, on the treatment of transgender individuals in correctional facilities. The report shall contain data for fiscal 2022 through 2025 on the following items:

- (1) annual total of transgender individuals in each of the agency’s correctional facilities and pretrial detention centers by gender identity;
- (2) annual totals of transgender individuals in each DPSCS correctional facility by housing placement category, including administrative segregation, disciplinary segregation, mental health unit, medical unit, dormitory, double cell, single cell, and all other housing placement categories, disaggregated by the gender of the housing placement and by the gender identity of the transgender individual;
- (3) the number and share of transgender individuals placed in restrictive housing, disaggregated by reason for placement and compared to the cisgender population;
- (4) annual average and median length of time transgender individuals spent in restrictive housing overall and disaggregated by reason for placement into restrictive housing compared to their cisgender peers for each DPSCS correctional facility;
- (5) annual number of requests by transgender individuals to transfer housing assignments, disaggregated by type of housing transfer request (including but not limited to transfer to a different gendered unit or facility, transfer into or out of a medical or mental health unit or facility, or transfer into or out of restrictive confinement) and the outcomes of those requests;
- (6) annual number of housing placement assessments for transgender individuals pursuant to DPSCS Executive Directive OPS.131.0001;
- (7) annual number of requests by transgender individuals to receive gender-affirming care and the outcomes of those requests disaggregated by type of medical care;
- (8) annual number of requests by individuals identified as vulnerable under Prison Rape Elimination Act (PREA) Standard 115.41 and by transgender individuals for privacy in showers, bathrooms, and while changing clothing, and the outcomes of those requests;

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- (9) annual number of PREA complaints filed and investigated and the outcome for complaints made by transgender individuals compared to cisgender peers;
- (10) annual number of complaints received, number of complaints that were investigated, and outcomes of each complaint for each correctional facility regarding violence, sexual abuse, harassment, discrimination against transgender individuals, other abuse, access to gender-affirming health care, and access to gendered commissary items;
- (11) the number and dollar amount of settlements paid to transgender individuals during each fiscal year from fiscal 2022 to 2025;
- (12) all policies regarding transgender individuals and/or gender dysphoria, including but not limited to, intake procedures, identification of transgender individuals, provision of gender-affirming health care, housing assignment, safety from violence and sexual abuse, and access to gendered commissary items;
- (13) a plan to issue guidelines that, at a minimum, are the equivalent of PREA Standard 115.42; and
- (14) an analysis of whether the above DPSCS policies are being implemented and followed at each correctional facility and an analysis of the education and training that DPSCS staff receive regarding LGBTQ+ individuals, along with a discussion of any obstacles to implementation and compliance.

The report shall be submitted by October 1, 2025, and 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: Transgender inmates are subject to high rates of violence, sexual abuse, and inappropriate housing assignments, such as unwarranted restrictive housing. Committee narrative in the 2024 Joint Chairmen’s Report requested that DPSCS submit a report on the treatment of transgender individuals by October 1, 2024. However, as of February 1, 2025, DPSCS had not submitted the requested report. This language restricts funding for general administration until DPSCS submits a report, in collaboration with experts, technical assistants, and transgender stakeholders, on the treatment of transgender individuals.

Information Request	Author	Due Date
Report on the treatment of transgender individuals	DPSCS	October 1, 2025

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2. Adopt the following narrative:

Delinquent Payments Report: A June 2024 audit conducted by the Office of Legislative Audits found that Maryland Correctional Enterprises (MCE) failed to collect late payments, mostly from State agencies. The committees request that MCE within the Department of Public Safety and Correctional Services (DPSCS) provide a report on the status of the payments owed by State and non-State customers, including whether any additional delinquent payments have accrued since its June 2024 fiscal compliance audit. The report should be provided by October 30, 2025.

Information Request	Author	Due Date
Report on delinquent payments to MCE	DPSCS	October 30, 2025

3. Adopt the following narrative:

Reentry Passport Program Rollout: The Reentry Passport Program is expected to provide all previously incarcerated individuals with access to an online portal after release where they can store and retrieve critical documents like their Social Security card or their birth certificate. Previous expectations set the Reentry Passport Program to be available for all returning citizens by fall 2023. However, the program remains in the pilot phase, and more work is needed to be done by the Department of Public Safety and Correctional Services (DPSCS) so that all returning citizens will have access to this service moving forward. The committees request that DPSCS submit a report by October 1, 2025, on the Reentry Passport Program rollout. The report should document the progress of expanding the existing pilot and future plans to fully implement the program, including:

- the number of individuals who already have Reentry Passport accounts;
- the dates that those individuals gained access to the passport;
- the list of functional passport functions;
- the list of nonfunctional/upcoming passport functions;
- the exact timeline by which all returning citizens will be able to access the passport;
- historic levels of returning citizens monthly;
- projected levels of returning citizens that will require new access to the passport monthly;

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- projected levels of returning citizens that will require ongoing access to the passport monthly;
- the list of documents that must be uploaded;
- the list of documents that may be uploaded;
- the process by which documents are uploaded, and by whom;
- the process by which returning citizens access documents;
- ways that the Maryland Total Human-services Integrated Network supports the initiative;
- challenges to full rollout; and
- the potential impact on recidivism.

Information Request	Author	Due Date
Reentry Passport program rollout	DPSCS	October 1, 2025

4. Adopt the following narrative:

Women’s Prerelease Programming: The Department of Public Safety and Correctional Services (DPSCS) was required by the Corrections Services Article §§ 3-301 through 3-305 to operate a comprehensive rehabilitative prerelease unit for women by November 1, 2023. The committees note that DPSCS has been consistently delayed in meeting the statutory requirement to build a new, standalone, prerelease facility. While design for the new facility has been delayed, DPSCS is still required to provide evidence-based and gender-responsive services to incarcerated women in its custody and has reportedly begun to do so. However, the amount of information on the new programming is limited, and the committees seek further details into the department’s plans to comply with the comprehensive and gender-responsive programming requirements of the statute. The committees ask that DPSCS provide a report on the following information on the women’s prerelease unit at the Maryland Correctional Institution for Women no later than August 1, 2025:

- an overview of the current prerelease program for women;
- goals and objectives;

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- curriculum and activities, including particular attention to work release and job- related services;
- eligibility requirements;
- the number of applicants, individuals approved, individuals denied, current population, and average daily population for each month in fiscal 2025 in Project FRESH and any other prerelease programming for women;
- resources dedicated to the program, including staff, funding, and facility space;
- a literature review of the program’s evidence-based practices for preparing women to reenter society;
- a plan to measure program effectiveness, including any outcomes or performance data that will be measured and reported;
- a summary of participant satisfaction and feedback on the program;
- an evaluation of the inclusivity and accessibility of the program for women with various backgrounds and needs;
- implementation challenges and future steps for improvement or expansion within the existing facility during the delay in constructing the new facility; and
- a comparison to the opportunities, resources, and conditions provided in men’s prerelease facilities.

Information Request	Author	Due Date
Report on women’s prerelease programming	DPSCS	August 1, 2025

Appendix 1
2024 Joint Chairmen’s Report Responses from Agency

The 2024 JCR requested DPSCS prepare four reports. Electronic copies of the full JCR responses can be found on the DLS Library website.

- ***Reentry Passport Program Rollout:*** The Reentry Passport Program has faced delays since its pilot program in fiscal 2023. As of October 2024, the program remains stalled. Further discussion appears in Key Observation 3 of this analysis.
- ***Women’s Prerelease Programming:*** Project FRESH offers prerelease programming for women required by statute while a designated women’s prerelease unit is constructed. The program has seen issues with low participation, limited staffing, and fewer opportunities available for women than men. Further discussion appears in Key Observation 4 of this analysis.
- ***Racial Discrimination and Retaliation:*** In response to the committees’ concerns regarding an ongoing racial discrimination lawsuit, DPSCS provided a significant amount of data about Maryland Correctional Training Center employee demographics, overtime, bonuses, promotions, and disciplinary actions, disaggregated by race. Despite comprising only 12% of all employees in fiscal 2024, Black employees worked a quarter of all overtime hours and comprised half of all terminations, indicating potential bias. Nevertheless, 29% of promotions and 16% of bonuses went to Black employees in fiscal 2024. The report also outlines six formal complaints related to racial discrimination and retaliation filed between fiscal 2022 and 2024. DPSCS concluded that only one of the complaints featured sufficient evidence suggesting racial bias.
- ***Treatment of Transgender Individuals:*** As of February 1, 2025, this report was not submitted. Further discussion can be found in Key Observation 1 of this analysis.

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**Appendix 2
Audit Findings**

Audit Period for Last Audit:	April 1, 2019 – June 30, 2023
Issue Date:	June 2024
Number of Findings:	1
Number of Repeat Findings:	0
% of Repeat Findings:	0%
Rating: (if applicable)	n/a

Further detail on this fiscal compliance audit can be found in Issue 2 of this analysis.

Finding 1: MCE did not adequately pursue the collection of delinquent accounts receivable.

Appendix 3
Object/Fund Difference Report
Department of Public Safety and Correction Services – Corrections

<u>Object/Fund</u>	<u>FY 24</u> <u>Actual</u>	<u>FY 25</u> <u>Working</u> <u>Appropriation</u>	<u>FY 26</u> <u>Allowance</u>	<u>FY 25 - FY 26</u> <u>Amount Change</u>	<u>Percent</u> <u>Change</u>
Positions					
01 Regular	5,057.00	5,037.00	4,930.00	-107.00	-2.1%
02 Contractual	17.56	22.64	21.77	-0.87	-3.8%
Total Positions	5,074.56	5,059.64	4,951.77	-107.87	-2.1%
Objects					
01 Salaries and Wages	\$ 661,830,346	\$ 634,818,176	\$ 644,425,420	\$ 9,607,244	1.5%
02 Technical and Special Fees	891,088	1,111,535	775,787	-335,748	-30.2%
03 Communication	1,534,502	1,357,897	1,581,840	223,943	16.5%
04 Travel	127,370	100,321	150,773	50,452	50.3%
06 Fuel and Utilities	49,459,741	54,799,491	48,969,613	-5,829,878	-10.6%
07 Motor Vehicles	3,914,609	4,213,951	3,912,088	-301,863	-7.2%
08 Contractual Services	224,259,786	239,379,631	312,808,200	73,428,569	30.7%
09 Supplies and Materials	62,877,977	50,474,352	64,905,714	14,431,362	28.6%
10 Equipment – Replacement	2,553,590	10,860,372	11,333,523	473,151	4.4%
11 Equipment – Additional	1,172,306	283,000	283,000	0	0%
12 Grants, Subsidies, and Contributions	7,940,862	8,363,736	9,617,276	1,253,540	15.0%
13 Fixed Charges	3,074,664	2,682,190	2,725,993	43,803	1.6%
14 Land and Structures	3,263,674	6,290,000	5,090,000	-1,200,000	-19.1%
Total Objects	\$ 1,022,900,515	\$ 1,014,734,652	\$ 1,106,579,227	\$ 91,844,575	9.1%
Funds					
01 General Fund	\$ 931,117,884	\$ 947,647,766	\$ 1,024,383,239	\$ 76,735,473	8.1%
03 Special Fund	82,921,392	64,748,621	80,356,612	15,607,991	24.1%
05 Federal Fund	7,400,147	228,220	228,220	0	0%
09 Reimbursable Fund	1,461,092	2,110,045	1,611,156	-498,889	-23.6%
Total Funds	\$ 1,022,900,515	\$ 1,014,734,652	\$ 1,106,579,227	\$ 91,844,575	9.1%

Note: The fiscal 2025 appropriation does not include deficiencies. The fiscal 2026 allowance does not include statewide salary adjustments budgeted within the Department of Budget and Management.

**Appendix 4
Fiscal Summary**

Department of Public Safety and Correction Services – Corrections

<u>Program/Unit</u>	<u>FY 24 Actual</u>	<u>FY 25 Wrk Approp</u>	<u>FY 26 Allowance</u>	<u>Change</u>	<u>FY 25 - FY 26 % Change</u>
03 Maryland Correctional Enterprises	\$ 68,531,712	\$ 61,673,914	\$ 71,651,812	\$ 9,977,898	16.2%
01 Division of Correction Headquarters	19,409,797	28,158,326	28,269,912	111,586	0.4%
00 Patuxent Institution	73,987,763	77,497,152	81,353,431	3,856,279	5.0%
02 Corrections - North Region Operations	402,553,999	401,020,965	429,776,956	28,755,991	7.2%
02 Corrections - South Region Operations	458,417,244	446,384,295	495,527,116	49,142,821	11.0%
Total Expenditures	\$ 1,022,900,515	\$ 1,014,734,652	\$ 1,106,579,227	\$ 91,844,575	9.1%
General Fund	\$ 931,117,884	\$ 947,647,766	\$ 1,024,383,239	\$ 76,735,473	8.1%
Special Fund	82,921,392	64,748,621	80,356,612	15,607,991	24.1%
Federal Fund	7,400,147	228,220	228,220	0	0%
Total Appropriations	\$ 1,021,439,423	\$ 1,012,624,607	\$ 1,104,968,071	\$ 92,343,464	9.1%
Reimbursable Fund	\$ 1,461,092	\$ 2,110,045	\$ 1,611,156	-\$ 498,889	-23.6%
Total Funds	\$ 1,022,900,515	\$ 1,014,734,652	\$ 1,106,579,227	\$ 91,844,575	9.1%

Note: The fiscal 2025 appropriation does not include deficiencies. The fiscal 2026 allowance does not include statewide salary adjustments budgeted within the Department of Budget and Management.