



Department of Public Safety and Correctional Services

Office of the Secretary

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January 26, 2012

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CRIMINAL INJURIES
COMPENSATION BOARD

EMERGENCY NUMBER
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SUNDRY CLAIMS BOARD

INMATE GRIEVANCE OFFICE

The Honorable James E. DeGrange, Sr., Chair
Senate Public Safety, Transportation and Environment Subcommittee
Room 101, James Senate Office Building
Annapolis, Maryland 21401-1991

Re: Department of Public Safety and Correctional Services (DPSCS) –
Office of the Secretary

Dear Chairman DeGrange:

Attached for your reference is the Department's discussion pertaining to issues in the the DPSCS Office of the Secretary Operating Budget Analysis.

I hope this information is responsive to the issues and concerns that were raised by the Analyst. Let me extend my sincere thanks to you and the Subcommittee for your ongoing interest in and continued support for the Department of Public Safety and Correctional Services. I welcome the opportunity to provide additional information and assistance should you have any questions with respect to this issue.

Sincerely,

Gary D. Maynard
Secretary

c: Members of the Senate Public Safety, Transportation, and Environment Subcommittee
Mr. Matthew Bennett, Staff, Senate Budget & Taxation Committee
Ms. Rebecca Ruff, Policy Analyst, DLS
Ms. Diane Lucas, Supervisor, Budget Analyst, DBM
Deputy Secretary G. Lawrence Franklin
Deputy Secretary J. Michael Stouffer
Assistant Secretary David Bezanson
Director Susan Dooley, Financial Services
Director Rhea L. Harris, Office of Legislative Affairs

**DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES
FY 2013 OFFICE OF THE SECRETARY**

Performance Analysis: Managing for Results

Issue: IIU should discuss whether the staffing issues have been addressed, particularly in the Central Region and to what extent cell phones have played a role in the increased demand for services and complexity of cases.

Response: The Internal Investigative Unit (IIU) has aggressively acted to address staffing issues, particularly in the Central Region, since FY2010. Six detectives have been hired since the FY2010 Managing For Results' (MFR) statistics were compiled. However, since that time, six positions have been vacated, including five positions in the Central Region, directly affecting case closure rates. Several vacancies were due to administrative actions taken based on performance matters. Currently, the Unit has three vacant authorized detective positions as well as three vacant contractual detective positions, including one captain and two lieutenants.

Recruitment efforts for detectives are ongoing and continuous; however, IIU has experienced difficulty in attracting candidates who can pass the screening process, including the polygraph examination. The Unit continues to re-advertise and interview all applicants in order to fill vacant positions while ensuring that all candidates possess the qualifications and required skill sets to become detectives.

To manage caseload requirements and meet supervisory needs, two Detective Sergeants have been assigned duties as Acting Detective Lieutenants. Detective Sergeants who are acting as supervisors effectively maintain a double caseload as they continue to maintain their investigative caseload in addition to the assumption of supervisory duties. However, as a result of the double duty, it is more difficult to complete their investigative caseload in a timely manner.

Due to concentrated vacancies in the Central Region, cases are being assigned to detectives in the Eastern and Western Regions, which has subsequently affected the case closure rate for those regions, as more travel time, court time, and overall investigative time is required. The increased time requirement has significantly impacted the case closure rate in these regions.

While cell phone cases are not necessarily complex from the case writing perspective, the Unit's involvement with the State's Attorney's Office and other allied agencies regarding cell phone cases, in conjunction with the evolving interest in criminal prosecution in these cases has increased the overall man hours required to be successful in this area. Many factors contribute to the successful completion of

cases. In the area of cell phone cases, the greater number of cases coming in equals greater hours spent speaking with witnesses, time spent with the Court Commissioner obtaining charging documents, and man-hours spent in court. Each factor may appear minimal individually, but each is a contributing factor to case closures and the lack of time available to write investigative reports.

IJU has recently been awarded a grant entitled "Cell Phone Interdiction." Funds from the Cell Phone Interdiction Grant will allow the agency to hire two full-time Investigators to handle cell phone cases, in addition to part-time secretarial staff to do tracking. The Unit currently has one detective working solely on cell phone investigations. Once the grant positions have been filled, that detective will be reassigned to a regular caseload which should improve the Unit's case closure rate.

Inmate Health Services

Issue: Both DPSCS and DBM should explain to the budget committees the reasons for the delays in the procurement and why the process has taken more than two years to complete. Both departments should also address what corrective actions are required in order to complete the award of the remaining inmate health contracts and to ensure these procurement issues do not occur in the future.

Response: The original contracts for Inmate Medical Services, Mental Health Services, Dental Services, Pharmacy Services, and Utilization Management expired on June 30, 2010. Prior to the expiration date, Request For Proposals (RFP) were issued by DPSCS.

Proposals were received, evaluated, and award recommendations were made and submitted to the Department of Budget and Management (DBM) for review/approval and for submission to the Board of Public Works. The Dental contract was awarded to Correctional Dental Associates and was approved by the Board of Public Works on 12/15/10. However, in the Department of Budget and Management's review, it was determined that there were flaws in the Pharmacy solicitation, and issues with prime contractors not utilizing certified MBE subcontractors for Mental Health and Medical.

It was decided that there was no remedy and the recommended awards had to be rescinded and the solicitation cancelled. This was done on December 13, 2010. During this time, the Director of Procurement Services was on sick leave, which eventually led to her retirement. With her retirement, DPSCS did not have the staff with the knowledge and experience to handle the re-soliciting of the multi-million dollar, highly complex procurements.

The Department of Budget and Management (DBM) and the Department of Public Safety and Correctional Services (DPSCS) entered into a Memorandum of Understanding in December 2010 for DBM to conduct certain procurements on behalf of DPSCS. These procurements included the inmate pharmacy contract,

inmate medical/utilization review services, inmate mental health services, and a Department-wide drug testing services contract. The Department-wide drug testing services contract was awarded in September 2011.

The three procurements in question (pharmacy, medical/UR, and mental health services) are critical, complicated, high dollar procurements. These procurements must result in contract services that work collaboratively through a multi-disciplinary model to address inmate/detainee health care needs. More importantly, these contracts must perform in a manner adequate to satisfy legal requirements including a consent decree.

The goal of the procurement effort is not simply to quickly put in place a contract. Rather the goal is to put in place an effective contract that well meets the identified needs and requirements of the State, at a good price, ultimately providing the best value to the State. It is not unusual for complex, high value procurements to take up to a year to complete. While many State solicitations require only modest changes to the prior solicitation, the pharmacy and medical industries are dynamic with each solicitation requiring substantial revisions. Furthermore, DPSCS identified additional initiatives and components that needed to be included in the new RFPs. To ensure the State received the best value from the pharmacy contract, DBM hired the Segal Company, a national expert on the pharmaceutical industry to provide technical advice on obtaining the best pricing.

Almost immediately after DBM agreed to undertake the DPSCS procurements, several events transpired to delay progress on the procurements. First, a protest on the \$2.4 billion DBM Pharmacy Benefits Management (PBM) procurement for State employees/retirees that DBM had recently completed and sought to award, was appealed to the Maryland State Board of Contract Appeals (MSBCA) by the non-selected incumbent. This began a time consuming 13-month protest/appeal process that only just concluded this month. The same DBM staff involved in conducting the DPSCS procurements was required to simultaneously address the protest/appeal requirements. Second, the incumbent in the inmate pharmacy contract filed two protests on the inmate pharmacy services procurement cancelled by DPSCS and a protest on the new inmate pharmacy services procurement that was being conducted by DBM. These protests were denied by DBM/DPSCS and were appealed to the MSBCA. A second vendor also filed a protest related to the specifications of the new RFP. The current pharmacy contract has been extended until June 30, 2012 to allow the resolution of the protests by MSBCA.

Work on the new procurement for the medical services and utilization review services (previously 2 separate contracts) began in late January 2011. As soon as work began, it was realized that the procurement could not be done simply by re-issuing the previous RFP with minor changes. Not only was significant effort required to resolve conflicts and ambiguities in the RFP, but DPSCS medical staff used the opportunity of the re-procurement to make many substantive changes to the specifications to address circumstances that had developed since the previous RFP was developed 18 months earlier. Despite all of the above difficulties, the new medical/UR RFP was issued by DBM in July 2011. Subsequent to issuance, 329 questions, many with multiple parts, were received from vendors. In reviewing and

responding to these questions, it was determined by DBM and DPSCS that significantly more revisions to the RFP were necessary to ensure that the specifications well met DPSCS needs and requirements and to try to hold down costs. Furthermore, these changes to the medical/UR RFP impacted both the pharmacy and the mental health services requirements and necessitated yet additional changes to those RFPs. These revisions to the three RFPs took significant time and effort on the part of DPSCS and DBM staff to complete.

The Departments are now at the point of evaluating the medical services/UR proposals. Proposals for mental health services are due February 9. Pending no significant schedule disruptions or protests, the Departments expect to have new medical/UR and mental health services contracts in place July 2012. Completion of the medical/UR and mental health services procurements and award of new contracts are a top priority for DPSCS and DBM.

Recommended Actions

1. Concur with Governor's allowance.

Response: The Department concurs with the recommended action.



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INMATE GRIEVANCE OFFICE

January 26, 2012

The Honorable James E. DeGrange, Sr., Chair
Senate Public Safety, Transportation and Environment Subcommittee
Room 101, James Senate Office Building
Annapolis, Maryland 21401-1991

Re: Department of Public Safety and Correctional Service (DPSCS)
Fiscal 2013 Budget Overview Responses

Dear Chairman DeGrange:

Attached for your reference is the Department's discussion pertaining to issues in the DPSCS Fiscal 2013 Budget Overview analysis.

I hope this information is responsive to the issues and concerns that were raised by the Analyst. Let me extend my sincere thanks to you and the Subcommittee for your ongoing interest in and continued support of the Department of Public Safety and Correctional Services. I welcome the opportunity to provide additional information and assistance should you have any questions with respect to this issue.

Sincerely,

Gary D. Maynard
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**DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES
FY 2013 BUDGET OVERVIEW**

Overtime

Issue: DPSCS should discuss the current drivers of employee overtime and what is being done to control its use. The department should also comment on the sufficiency of the fiscal 2012 appropriation and fiscal 2013 allowance in adequately covering overtime expenses.

Response: The current drivers of employee overtime within the Department are as follows:

Continued increase in relief factor components which include sick leave, leave without pay (LWOP), in-service training for fire arms conversion, increased entry level training due to increased attrition of Correctional Officer staff, and administrative leave days granted through the Correctional Officers Bill of Rights process. Due to these factors, Correctional Officers' availability for work is reduced thus requiring more overtime to staff required posts.

Other drivers of increased overtime are attributed to increases in special assignment posts related to the interdiction of contraband, secondary medical runs, and increased hours of Correctional Officer supervision at hospitals.

The Department has taken the following actions to control the use of overtime:

- We are working with our medical contractor to reduce the amount of secondary medical trips and the time spent in non-secured hospital wards.
- We are working with area hospitals in order to increase the usage of telemedicine in order to reduce trips.
- The Department is also reevaluating existing staffing plans in order to verify the authorized number of posts within our facilities.
- Lastly, we are verifying with all facilities adhering to state personnel rules and regulations regarding sick leave, leave without pay, and FMLA policies and procedures.

The Department continues to track overtime expenditures in order to determine the extent of additional funding which may be required for FY 2012 and FY 2013. The Department is in discussions with DBM as to potential additional funding required.

Case Management Plans

Issue: The department should comment on its plan to improve compliance with case management plans and increase the number of parole inmates. The discussion should identify similar programs in other states and include an explanation of how the department will achieve the improved compliance and why it was not being done in prior years. The department should also provide a list of the offenses excluding inmates from participating in the programs.

Response: The Department's plan to improve compliance with case management plans will require case management staff within the facilities to continue the use of the same risk assessment instrument and develop the inmate's individual case plan. In addition, the case management staff will have to submit the Parole Hearing Case Management recommendation paperwork to the Maryland Parole Commission (MPC) for a more timely consideration relative to the parole eligibility date. The facility case managers will give particular emphasis to scheduling the program contained in the Inmate Internal Case Plan so that the inmate will have the opportunity to complete the necessary program prior to the parole eligibility date.

MPC will begin scheduling initial parole hearings for inmates serving sentences of five years or less as soon as possible and inmates serving sentences of more than five years will have an initial parole hearing six months in advance of their parole eligibility. Not all inmates will be eligible for this plan; however, expediting the initial hearings will provide case management more time to get inmates recommended for parole into necessary programming. Inmates serving sentences that have been excluded from this plan will still be considered for parole consistent with current practices.

In concert with this effort, Hearing Officers will review the case plan as part of their normal review and seek clarification/guidance from case management in instances in which the offender has not complied with specified programming.

Other states that utilize similar policies include Nevada, Kansas, Arkansas, Kentucky and California.

Inmates with the following offenses are excluded from participating:

- Murder,
- Attempted murder,
- Manslaughter,
- Rape (1st and 2nd degree),
- Other sex offenses,
- Weapons offenses,
- Distribution of controlled dangerous substances (CDS),
- Armed robbery,
- Arson, and

- Kidnapping.

Fuel and Utility Expenses

Issue: DPSCS should comment on what is being done to control fuel and utility expenses within the facilities.

Response: The Department has implemented and expanded Energy Performance Contracts (EPC) in three facility complexes that provide infrastructure improvements, alternative sources of energy, utility savings, monitoring and verification of effectiveness, training, maintenance, and environmental benefits. For example, in FY2012, the Department entered into a \$13.9 million energy performance contract impacting all Division of Correction facilities in Jessup. The FY2012 appropriation and FY2013 allowance reflect the \$1.7 million anticipated savings as a result of this energy conservation project.

Recently completed energy-related capital projects include: (1) Replacement of exterior windows at Patuxent Institution and (2) Replacement of a leaky steam distribution line at the Maryland Correctional Training Center (MCTC). Newly constructed and renovated buildings at MCTC have been installed with appliances and fixtures utilizing the best mechanisms available to allow a high percentage for sustaining energy savings.

The Department is actively seeking to obtain LEED Silver Ratings status for projects currently under construction at North Branch Correctional Institution, Western Correctional Institution, and Dorsey Run Correctional Facility by means of requiring them to be designed with an emphasis on lower but higher efficiency energy consumption.

Recently, we have shared access to the State Energy Data Base with all our facilities' wardens so they can better monitor and track consumption of power and fuel in their efforts to conserve energy consumption.

Finally, the Department is seeking technical assistance from National Institute of Corrections for energy reduction strategies in order to develop cleaner energy sources and to educate inmates and correctional staff on green job technologies.

Departmental Reorganization

Issue: DPSCS should be prepared to discuss its proposed reorganization, including its evaluation of programming needs and services. The department should comment on how the new structure will improve connections with community organizations and service providers and

improve communication and operational efficiencies among the functions.

Response: The new organization will consist of 3 regions statewide. These consolidated regions will combine custody, pretrial detention, and community supervision operations under a single entity. It will break down silos for offenders through integrated efforts, information sharing, and consistent common goals. Its major focus will be upon successful re-entry for individuals supervised by the Department. Through the regional concept, the Department will be able to better match offender's needs with local resources. This will include community based programming, drug treatment, job placement, and housing resources. This new organization will improve population management through a dynamic sequential case planning. Re-entry services will leverage a new Offender Case Management System which will assist in improving offender rehabilitation process. Efficiencies will also be gained through the reduction of duplicated services which existed within the prior organizational structure. Through this regional concept, the Department will be better able to improve historic deficiencies, delivering offender programming and services, requiring fewer resources.

Recommended Actions

1. Adopt committee narrative requesting the Department to provide parole release data.
2. Adopt committee narrative requesting the Department to submit an evaluation of its current programming needs and available resources.
3. Adopt committee narrative requesting the Department to develop a request for information to begin examining the possibilities of utilizing Social Impact Bonds.

Response: The Department concurs with all three recommended actions.