

DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES FY 2018 BUDGET OVERVIEW

Justice Reinvestment

Issue: DPSCS should provide an update on the status of the JRA implementation and how the provisions, taking effect on October 1, 2017, will impact the department's fiscal 2018 population. Additionally, DPSCS should comment on how the department's fiscal 2018 budget and needs compare to the fiscal note's estimate of anticipated savings and expenditures.

Response: As Judge Danny Long, Chair of the Justice Reinvestment Oversight Board, stated on January 4, 2017, the State has been declared to be in Stage II of the Justice Reinvestment Act. This means that the State is eligible for federal funding and the next two years will be dedicated to developing policies and conducting training. So this will be a slow, deliberate roll out and the process will take years to fully implement and years to realize the impact on the population. In fact, Pew's final analysis stated that the Justice Reinvestment Act should avert the 6% projected 10-year prison growth, reducing the prison population 179 beds below its current level. In total, the bill will reduce Maryland's 10-year prison population by 1,194 beds. Therefore, there will likely be minimal population impact in FY18.

In terms of the Act's implementation, the Department has already taken considerable action. Immediately after the passage of the Justice Reinvestment Act, the Department identified ten substantive provisions contained in the Legislation that the Department is required to implement and parsed out these 10 provisions to determine which units within the Department needed to be involved in order to ensure a successful implementation. Then, the Department assembled 10 Innovative Teams – corresponding to those 10 areas which include the following:

- Supervision Assessment and Case Planning
- Certificate of Rehabilitation
- Earned Compliance Credits
- Graduated Sanctions
- Inmate Assessment and Case Planning
- Evidence-Based Practices Training
- Diminution Credits
- Administrative Release
- Medical/Geriatric Parole
- Restitution

Each team meets at least monthly and they are led by two co-chairs. The co-chairs also meet on a regular basis to ensure effective communication and collaboration.

The Department has already dedicated a number of resources to the implementation of the Justice Reinvestment. In December, the Department was awarded approximately \$300,000 in Byrne Justice Assistance Grants (BJAG) funding to support the inmate risk and needs assessment provision of the JRA. Specifically, it will be used for the following:

- 5 Assessment Counselors & 1 Supervisor;
- Computers/equipment;
- 15,000 LSIR instruments; and,
- LSIR software license.

Implementation of the Justice Reinvestment Act requires several changes to the Offender Case Management System (OCMS). Specifically, adjustments need to be added within Division of Corrections case management for good conduct credits; enhancements need to be made for the Maryland Parole Commission (MPC) pertaining to special releases and juvenile lifer alerts; the Division of Parole and Probation (DPP) requires the addition of a violation matrix for offenders on parole; and, a template for the Division of Parole and Probation to track Earned Compliance Credits. The Administration's FY18 budget includes \$500,000 in FY17 deficiency funding to implement these necessary changes in OCMS.

The Division of Parole and Probation has already begun and will continue training agents on the use of the risk and needs assessment tool for the Assessment and Case Planning component of the Act. The status of the training is as follows:

- **West Region** - Fully trained. Agents are conducting one Level Service Inventory-Revised (LSI-R) interview/week until full implementation in order to keep up the skills.
- **East Region** - Same as West Region
- **Central Region** – The Division of Parole and Probation has a July 1 goal for completion. The Division is working with George Mason University (GMU) through our current contract for them to train half of the agents and for them to provide train the trainer training to our staff so we can train the other half. The GMU trainer will be here in March to begin the training.

Furthermore, the Act requires the Department to implement “graduated sanctions” in response to “technical violations” of conditions of supervision, while ensuring proper due process. Leaders from the Graduated Sanctions Innovative Team have already met with members of the Judiciary to ensure they are fully involved with the development of a matrix. The most recent meeting with the Judiciary was held on January 27, 2017.

The Department will continue working on JRA implementation through the Innovative Teams and in cooperation with the Justice Reinvestment Oversight Board and other stakeholders.

Staffing

Issue: DPSCS should comment on what is driving the high vacancy rates, particularly among correctional officers and administrative positions and the impact on departmental operations. The department should also discuss what is being done to improve hiring in those areas. Given the high number of vacancies across all functions, DPSCS should discuss how it prioritizes which vacancies to fill. Finally, the department should comment on how it intends to balance filling vacant positions with funding its operating budget deficiencies.

The vacancy rate among correctional officer positions is driven by a number of factors including: (1) Correctional Officer Bill of Rights cases that resulted in termination; (2) retirements; and (3) difficulty recruiting due to the polygraph.

During calendar year 2016, there were a total of 543 Correctional Officer Bill of Rights (COBR) and Office of Administrative Hearings (OAH) cases assigned to the HR Employee Relations Unit for Prosecution of disciplinary charges. Termination was proposed as a disciplinary sanction for the involved employees in 129 of those cases. Of the total 543 COBR and OAH cases assigned, 89 resulted in termination, resignation in lieu of termination or retirement; resulting in CO and civilian vacancies. Of the 89 terminations, resignations and retirements, 42 were correctional officers.

2016 Correctional Officer Retirements

In 2016, 342 correctional officers retired.

Polygraph Requirement

Maryland House Bill 200 compelled the Department to require an individual to pass a polygraph examination before being appointed to serve as a correctional officer. While this effort has resulted in hiring better quality candidates, it has also impacted hiring due to a high fail rate (see below).

CO Applicant Polygraph Disqualification Reasons Time Period: January 2016 – December 2016

Polygraph Disqualified (Reasons)	
Admissions on the polygraph screening booklet	45
Admissions during the polygraph interview	63
No opinion-purposeful noncompliance	6

Total	114
Deception type <u>during</u> the polygraph test	20
Applicant falsification	4
Theft	2
Domestic violence	2
Illegal drugs	6
Serious crime	4
Sex crime	2
Gangs	0
Significant response type <u>during</u> the polygraph test	51
Applicant falsification	3
Theft	11
Domestic violence	5
Illegal drugs	10
Serious crime	5
Sex crime	12
Gangs	5
Inconclusive to issue type <i>as a result of</i> polygraph test	35
Applicant falsification	4
Theft	5
Domestic violence	7
Illegal drugs	4
Serious crime	6
Sex crime	5
Gangs	4
Total	106
Total Polygraph Disqualifications	220

**Correctional Officer Candidates Tested, Interviewed, Hired 2007 thru 2016
(Impact of Polygraph Requirement)**

Year	# Candidates Tested	# Candidates Interviewed	# Candidates Hired
2009	7,715	3,809	752
2010	5,784	3,809	507
2011	5,605	3,294	628
2012	4,470	2,917	584
2013	4,033	2,805	605
2014	4,097	3,021	425
2015	3,129	2,321	376

2016	2,411	1,043	63
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The vacancy rate among administrative positions is attributable to a couple of factors. First, the Human Resources Services Division (HRSD) was reorganized last year in order to streamline the manner in which people were hired, promoted and transferred. Prior to this reorganization, each institution within the Department had distinct standards and processes. This variation created unfairness and a lack of proper oversight. HRSD first reviewed the disjointed reporting structures and practices and then centralized the major human resources functions while establishing uniform practices across all institutions.

Secondly, like the correctional officer series, the Department is experiencing a large number of retirements and transfers throughout administrative positions which has led to a spike in the vacancy rate.

The Department is currently conducting the following recruitments in our professional series:

- 19 Fiscal Positions;
- 16 HRSD positions;
- 9 Social Worker positions;
- 19 Case Managers;
- 14 Addictions counselors;
- 5 Psychologists;
- 10 Mental Health Counselors;
- 1 Director of Mental Health;
- 5 Procurement positions;
- 86 Correctional Dietary positions;
- 41 Correctional Maintenance positions;
- 38 Correctional supply positions;

The Department anticipates that most of these positions will be filled within the next few months. The Department will continue to recruit and hire for the other vacant administrative positions.

The Department has been working tirelessly to fill all vacant positions. The Department created a Recruitment Unit – staffed with three professional recruiters. This unit is tasked with executing a recruitment plan developed in October 2015 that addresses all phases of recruitment within the organization.

Recognizing that our current employees represent a tremendous recruiting resource the Department has designated institutions that are responsible for identifying and attending community events to attract qualified applicants.

The Department also obtained, equipped, and marked a dedicated HR recruitment van for travel to various job fairs and hiring events. The vehicle is clearly marked with the word "Recruiter" on both sides; the DPSCS website and Facebook address are both prominently displayed.

In terms of communications and advertising efforts, the Department has deployed several new initiatives. The Department developed a professional recruitment video designed to generate interest in careers at the Department, which has been broadcasted on regional television stations. The Department recently entered into a contract for a billboard display on MD Route 220 just south of the Cumberland Institutions. The billboard is expected to be installed by February 2017. Graphics for this display, as well as two (2) 4' by 8' signs are currently being developed. The signs will be posted on the roadside in the front of each Cumberland Institution. Additionally, professional recruitment banners are being developed for display on public buildings in high traffic areas.

The Department is in continuous contact with military affiliates and has taken the following steps to engage the veteran communities:

- Continuously blast out career opportunities through the Delaware National Guard, Maryland National Guard, The Army Partnership for Youth Success Program (PaYS), U.S. Army Soldiers for Life Program (this program forwards DPSCS jobs internationally), U.S. Navy Fleet and Family Services (who also forward DPSCS jobs internationally), West Virginia National Guard, US. Department of Veterans Affairs, Maryland Department of Veterans Affairs.
- The Maryland Department of Veterans Affairs forwards job applications and opportunities via their distribution list of approximately 40,000 veterans. Specifically, the Washington DC National Guard, Employer Support of the Guard and Reserve, and the US Army Reserve P3 Program (Public and Private Partnership) receives notifications.
- The Maryland Workforce Exchange "One Stop Job Centers" have 33 offices statewide. They, along with sixty-six (66) Local Veterans Employment representatives and Disabled Veterans Outreach Program representatives throughout Maryland's Workforce Exchange Offices receive DPSCS job notifications.
- Representatives from the Department's Recruitment Office attended 40 military career events since January 2016.

In addition to engaging our military partners, the Department is actively pursuing civilian candidates. Representatives from the Department's Recruitment Office attended 70 civilian career events since January 2016, including several colleges and universities. Several of which were out-of-state.

The Department recently implemented a \$500 “Finder’s Fee” Program as an incentive for employees to recruit qualified candidates. Since the Department cannot hire a Correctional Officer under the age of 21, the Department developed a Correctional Officer Cadet Program which will be comprised of 52 cadets who act in non-supervisory roles and will transition to Correctional Officers once eligible.

Lastly, the Department has offered regional walk-in testing to bring the application process to the communities. One hundred forty (140) CO testing dates have been offered by HR Recruiting state-wide since January 2016.

The Department feels strongly that all vacant positions must be filled in order to ensure the safety and security of both our staff and offenders under our custody. This not only includes front-line positions but also the many support positions and functions that enable the Department to complete its mission and will continue to make filling vacant positions the number one priority moving forward.

Lastly, as the Department is now almost eight-months into the fiscal year, the Department will utilize salary savings associated with vacancies to cover operational deficiencies and at the same time continue recruitment efforts to fill vacancies moving forward.