

**DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES
FY 2018 BUDGET DIVISION OF CORRECTION**

Population Statistics

Issue: DPSCS should comment on whether the degree to which releases exceeded intakes in fiscal 2016 is sustainable and whether this is built into its population projections.

Response: The Department has seen a decrease in the inmate population over the past several years. The Department believes there will continue to be an increase in the number of releases over the next several years as a result of the Justice Reinvestment Act (JRA). However, the Department is unable to ascertain whether the population trend in FY16 will continue on the same trajectory moving forward.

Certain substantive provisions of the JRA are only applicable to individuals convicted after October 1, 2017, including changes to the calculation of diminution credits. The impact will not be realized for a number of years. Another provision that aims to increase releases is the Administrative Release component of the JRA. However, there are several variables to consider with the Administrative Release process that make it nearly impossible to estimate the number of releases. For example, the inmate must adhere to their case plan and abstain from committing a serious infraction to remain eligible for Administrative Release. The Department has no way of anticipating the number of inmates who will actually adhere to their case plan or meet the other elements as established under statute.

Additionally, other substantive provisions of the JRA actually increase the criminal penalties and length of sentences for certain offenders. Therefore, the Department is unable to determine whether releases will continue to exceed intake figures moving forward.

Maryland Correctional Enterprises

Issue: MCE should discuss how its inmate employee population and subsequent delivery of goods and services will be impacted by the projected population declines and whether any changes to its business plan are necessary.

Response: The current MCE Business Plan (FY17-FY19) dated September 2016 consists of five (5) major goals, as follows:

- To maintain self-supporting status to support existing operations and future expansion;
- To maximize inmate employment;
- To increase customer satisfaction;
- To improve organizational excellence; and
- To provide support and services for successful inmate transition to the community.

MCE anticipates that the projected decline will have minimal impact on employment for inmates and MCE's ability to provide quality goods and timely services to its customers.

Additionally, MCE will not be impacted by the partial depopulation of Maryland Correctional Institution – Hagerstown (MCIH), which houses three of the highest revenue producing business units. Approximately 750-800 inmates will remain housed at MCIH and MCE only needs approximately 275-300 inmates in order to maintain operations at its business units at MCIH.

As indicated in the analysis, DPSCS is the largest consumer of MCE goods and services and accounted for 25.2% of the total FY16 MCE sales. Based on current projections MCE could experience a slight decline in revenues by approximately \$650,000. The current MCE Business Plan (FY17-FY19) was developed in May of 2016 and finalized in September 2016 and incorporates these projections into the business plan. Accordingly, MCE believes no further changes are necessary to its current Business Plan at this time. However, MCE does develop Business Plans on an annual basis and the current Business Plan (FY17-FY19) will be reviewed in May 2017 and updated as necessary based on current information at that time.

Facility Security

Issue: DOC should comment on what caused the dramatic increase in both assault rates in fiscal 2016 and what actions have been taken to mitigate the violence.

Response: The Department takes assaults – no matter how minor – very seriously. The increase in assault rates in FY16 is attributable to a couple of factors. In September of 2015, the Department revamped its policy on how assaults are reported so that even very minor assaults are reported and investigated accordingly. This shift resulted in an increase in the number of minor assaults in FY16.

Additionally, the closure of the Men's Detention Center and the Women's Detention Center necessitated the transfer of a large number of offenders throughout the system. While the transfers were successful, an initial increase of minor assaults ensued as the population was dissatisfied with the change in housing. The housing arrangements have since settled and the Department has seen fewer assaults with this population.

Administrators at the facility level have monthly multi-disciplinary meetings specifically aimed at reducing institutional incidents by reviewing each assault and discussing tactics to address the incident and prevent future occurrences. There is also a multi-disciplinary review team at the executive level, comprised of representatives from Internal Investigations, Operations, and the Office of Grants, Policy and Statistics. This executive level team is chaired by an attorney who has former prosecutorial experience. The team reviews all inmate assaults on staff and identifies the cases that have serious consequences for the agency and the safety of its employees. When appropriate, the Department pursues criminal charges or administrative sanctions.

Intelligence and investigative staff continuously monitors the population to identify security threat groups and potentially problematic inmates. The Department also brought in the National Institution of Corrections who assisted in training correctional staff on de-escalation techniques used to identify and mitigate or deter destructive behaviors.

Workday

Issue: DPSCS should provide an update on the department's transition to Workday and the timeclock pilot in Cumberland. The department should also comment on how quickly the 45 additional FTEs will be filled and when expansion of the timeclock system is anticipated.

Response: The Department takes the concerns and issues regarding Workday very seriously. Prior to the roll out of Workday, the Department hired 36 contractual timekeepers tasked with manually entering correctional staff's time into the system. Recognizing the human-error element of this process, the Department has been working with DBM, DoIT and SPS to implement a timeclock system that integrates into Workday.

The Department discovered that the timeclock system currently used in the Cumberland facilities is compatible with Workday timekeeping system so that time captured by the timeclock system can automatically populate into Workday. The Department will use the Cumberland timeclock system as a pilot program

while procuring a statewide timeclock system. The Cumberland pilot is slated to commence mid-February.

In terms of the procurement for the statewide timeclock system, responses to a Request for Proposals are due by February 15th. Based on the procurement timeline, the Department anticipates the statewide timeclocks will be installed prior to the end of the fiscal year.

In the meantime, the Department plans on hiring an additional nine (9) contractual timekeepers. Two of these positions have already been filled and the Department is actively recruiting for the other seven positions.

Inmate Variable Costs

Issue: DPSCS should provide an update on the progress made in the procurement of pharmacy and inmate medical services. In addition the department should discuss how it intends to successfully complete the procurement process, given the significant understaffing within the procurement function.

Response: The process for procuring a new contract for inmate medical services is well underway. The Department issued the Request for Proposal (RFP) on December 29, 2016 and proposals are due by March 1, 2017. A pre-proposal conference was held on January 12, 2017 to go over any technical questions and/or provide clarification of the provisions as identified in the RFP. Based on the timeline the Department will review the proposals and make a recommendation as to an award by July 1, 2017.

With respect to the procurement of a new pharmacy contract, a contract term was approved by the Board of Public Works (BPW) on June 8, 2016 which extends the contract with the current vendor through June 30, 2017. The Department is currently in the process of working on the issuance of a RFP which is highly technical and is pending legal and DBM approval.

The Department has hired a new Director and Deputy Director of Procurement which will start on March 1st. Filling these management level positions brings sustainability to the procurement process moving forward. Additionally, the remaining open vacancies are being actively recruited for and we hope to have additional hires within the next few months.

Facility Security and Maintenance

Issue: DPSCS should provide an update on the status of procuring the new technology and its implementation at ECI and WCI. Additionally, the department should comment on the extent to which drones have posed a threat to facility security since the August 2015 incident.

Response: The Department has been working in collaboration with the Department of Information Technology (DoIT) on the procurement of drone detection technology at the two facilities.

Since this technology could benefit other State and county agencies, this procurement qualifies as a statewide enterprise solution system. Furthermore, given the importance and benefit of this technology, DPSCS and DoIT agreed that a Subject Matter Expert (SME) should be hired to assist with writing, preparing, and reviewing the Request for Proposals before its publication. The finalization for the statement of work to procure an SME is almost completed.

The use of drone technology continues to pose a significant threat to the safety and security of correctional facilities, especially as drone technology advances and becomes more affordable and available to the general public.

Inmate Banking Accounts

Issue: DPSCS should provide an update on the status of the monthly reconciliations and any plans for filling administrative vacancies or conducting necessary training to ensure that regular reconciliations occur in all regions.

Response: The Department has made considerable strides in resolving this issue, which evolved over several decades of issues in the reporting of financial information stated between the State accounting system FMIS and the Maryland Offender Banking System (MOBS). In May of 2013, the unreconciled difference was identified as \$382,000, whereas the current unreconciled difference is a \$36,695.

The Department is required and has submitted monthly reconciliation reports to the Department of Legislative Services. Of the five (5) regional fiscal offices, four (4) are current with their reconciliation, and have maintained a consistent reconciled difference for several months. These four offices represent 94% of the overall remaining identified difference. The Baltimore Office is currently, three months behind and is working to catch up due to an employee being out with an unexpected and long-term medical illness. The Department has worked with the fiscal officer for the Baltimore region and another accountant to attend

training with fiscal staff in Jessup. Based on these efforts the reconciliation for August has since been completed and it is anticipated that the Baltimore Office will be caught up by April 1, 2017. It's important to note that the reconciled difference for the Baltimore fiscal office is \$2,236 representing a total of 6% of the remaining difference.

In April the Department will begin working with the General Accounting Division (GAD) to address the remaining reconciled balance of \$36,695 as part of the FY 2017 close out process in June. To ensure long-term success the Department is actively recruiting for an Accountant II position that will oversee all reconciliations and is working collaboratively with the Department of Information Technology (DoIT) to interface the Offender Banking System with FMIS.

Recommended Actions

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

,provided that \$100,000 of this appropriation may not be expended until the Department of Public Safety and Correctional Services (DPSCS), in consultation with the Department of Budget and Management, submits a report to the budget committees providing the following information:

- (1) Fiscal 2015, 2016, and 2017 data on the number of employees, delineated by category (correctional officer, parole and probation agent, or administrative), leaving DPSCS employment within 6, 12, and 24 months of hire;
- (2) Fiscal 2015, 2016, and 2017 data on the number of employees, delineated by category (correctional officer, parole and probation agent, or administrative), leaving DPSCS employment by reason for the separation;
- (3) The amount of nonvoluntary overtime hours worked by DPSCS employees between May 2017 and October 2017;
- (4) The distribution of overtime hours worked and amount earned among DPSCS correctional employees in fiscal 2015, 2016, and 2017; and
- (5) A detailed plan for reducing the number of vacancies throughout the department, particularly among correctional officer and administrative staff. The plan should include an evaluation and fiscal estimate of solutions addressing compensation, improvements in employee

wellness, the potential for utilizing part-time or retired staff, potential operating efficiencies designed to lessen staffing needs, using civilian positions in lieu of uniformed personnel, and relaxation of hiring standards.

The report shall be submitted by November 1, 2017 and the budget committees shall have 45 days to review and comment. Funds restricted pending 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.

Response: The Department concurs with the recommend action but would respectfully request that the submission date be amended to January 1, 2018. Additional time is required to gather and collect this data and will require the assistance from other State agencies to see what information may or may not be available. Additionally, the Department will need to establish a new tracking process to differentiate voluntary and non-voluntary overtime for the period in question. Since the non-voluntary information is requested through October 2017, the Department would not be able to provide this information by November 1st 2017.

Furthermore, the Department will only be able to provide employee separation data based on: (1) Retirement; (2) Termination; (3) Resignation; and, (4) Resignation in lieu of termination. The Department is working on developing a query moving forward to try and capture additional detail related to separations, but this information is not currently available.

As the Department has previously testified to, we are committed and are working tirelessly to accomplish this task. It's also important to note that the Department is not unique with experiencing challenges in hiring as this issue is a national trend impacting all law enforcement agencies. The current economic climate also impacts hiring. This was highlighted in the DLS Overview analysis in Exhibit 16, which illustrated that correctional officer recruitment lags as the statewide unemployment rate has improved.

Once again the Department takes the issue of the Department's vacancy rates seriously and is tirelessly working to address these issues. To recap the Department has implemented the following actions:

- Created a Recruitment Unit which is staffed by three professional recruiters;
- Dedicated a van for Recruitment events with specialized painting and advertising to provide information pertinent information to be used at all job fairs and hiring events;
- Have held recruitment fairs across all regions of this State and reached to the media, local and state officials to get the word out. Many of these events have taken place at the local community colleges;
- Contracted for a billboard display on MD Route 220 just south of the Cumberland facilities;
- Developed a professional recruitment video designed to generate interests in careers at the Department, which has been broadcasted on local and regional television stations;
- Working with numerous organizations and outreach associated with Veteran Affairs groups, The Maryland Workforce Exchange for “One Stop Job Centers”; attended military career events; and posting all job opportunities with regional offices for National Coast Guard, Army, Navy, etc. Many of the job postings send the Department’s job opportunities both nationally and internationally;
- Coordinates job opportunities for all civilian positions as well and has attended 70 civilian career events since January 2016, which include several colleges and universities both regional and along the east coast, etc;
- The Department worked collaboratively with DBM to implement a \$500 “Finder’s Fee” program as an incentive for employees to recruit qualified candidates;
- The Department is in the process of implementing a Correctional Officer Cadet Program comprising of 52 cadets who will work in non-custodial roles to transition into Correctional Officer positions once eligible; and
- The Department has reviewed the hiring standards for correctional officers and just recently made the change baring applicants with any drug history over a lifetime to reviewing what the drug history is over the past three-years.

2. Adopt the following narrative:

Downsizing the Maryland Correctional Institution – Hagerstown: Due to reductions in the inmate population, the Department of Public Safety and Correctional Services (DPSCS) is able to implement a partial closure of the Maryland Correctional Institution-Hagerstown (MCI-H). In association with the planned downsizing, the fiscal 2018 budget is reduced by 400 vacant positions and \$16.9 million. The budget committees are interested in receiving detail regarding the exact positions being abolished, the redistribution of the inmate population, and the impact on the remaining bed capacity. DPSCS should submit the report to the budget committees no later than October 1, 2017.

Response: The Department concurs with the recommended action.