

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

Facility Security

Issue: DPD should comment on the significant increase in the detainee assault rates for fiscal 2016 and provide an indication of how it plans to reduce assaults.

Response: The Division of Pretrial Detention is committed to operating safe and secure facilities for both employees and offenders under the division's custody. The increase in assault rates in FY16 is attributable to a couple of factors. As discussed in the Division of Correction responses, 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. 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 experienced fewer assaults with this population.

To address and reduce assaults the Department is collaboratively working with the National Institution on Corrections (NIC) to provide further training to staff on de-escalation techniques to mitigate or deter aggressive behavior. The Division's Facility Administrators hold monthly multi-disciplinary meetings which specifically address institutional incidents and the review of each assault to analyze responses and tactics to address each incident and prevent future occurrences. Additionally, the Department's intelligence and investigative units continuously monitor the population to identify security threats and potentially problematic inmates.

Lastly, as discussed in previous departmental budget hearings, the Department's Fiscal 2018 budget includes additional funding to purchase new security equipment which will expand the Department's efforts to ensure safe and secure facilities for employees and offenders under the Department's custody.

Facility Operation and Maintenance

Issue: DPD should comment on its decision to move away from the use of managed access systems to prevent cell phone contraband. Given the annual costs to maintain the systems, the Department of Legislative Services (DLS) recommends the adoption of committee

narrative requesting a performance evaluation of the technology, including a cost-benefit analysis, to determine whether use of the system should occur, despite the availability of less costly technology.

Response: As noted before, the FY 2018 budget allows the Department to purchase a wide variety of security equipment and enhancements aimed at detecting and preventing contraband across all the Department's facilities. The total cost of this equipment is \$7 million which will be lease-financed through the State Treasurer's Office (STO) and payments made over the next three-years.

In conjunction with the additional security purchases the Department will continue to utilize the cell phone managed access system currently installed in both the Baltimore Pretrial Complex (BPC) and Metropolitan Transition Center (MTC). The utilization of managed access technology continues to be a viable tool to ensuring staff and public safety. Given the fact that cell phone technology changes so rapidly the Department will continue to explore and use all options that are available to ensure our facilities are safe and secure.

Long-term Facility Plan

Issue: DPSCS should comment on its long-term plan for the facilities and offenders in Baltimore City, discussing the department's plan to keep high security level pretrial offenders in dormitory style housing and in correctional facilities throughout the State. In addition, DPSCS should identify the actual number of positions needed to operate the current facility complement and provide a breakdown for how the 448 vacant positions should be reallocated, if at all.

Response: The Fiscal 2018 Capital Budget includes \$2.2 million for design funding associated with the deconstruction of the jail in Baltimore City. The Capital Improvement Plan (CIP) also includes \$16.3 million in Fiscal 2019 and \$15.8 million in Fiscal 2020 for actual deconstruction funding.

Until such time that a new detention center is constructed the Department will continue to operate and utilize current and available resources to manage this population.

In terms of the reallocation of the vacant positions, 90 positions are being reclassified for dietary and food services operations; approximately 40 positions will be transferred to the youth detention center; and, 52 positions will be utilized for the new cadet program. The Department will continue to work with the

National Institution of Corrections to determine the proper allocation of the remaining vacant positions based on staffing needs.

Settlement Agreement

Issue: DPSCS should comment on how it intends to meet the terms of the settlement agreement without increasing inmate medical or facility maintenance resources. Additionally, the department should comment on whether the terms of the agreement can be met by continuing to house offenders within existing facilities or if capital improvements will be required. Finally, the department should comment on whether the current RFP for a new inmate medical contract addresses the deficiencies highlighted by the Duvall litigation and whether addressing the terms of the agreement have been factored into the fiscal 2018 estimated cost for the contract.

Response: As discussed in previous budget hearings the Department currently has excess salary savings associated with vacancies which will be utilized to cover certain operational costs, including costs associated with meeting terms of the settlement agreement.

Under the General Provisions of the settlement agreement, the agreement will terminate upon the earlier of: (1) the Commissioner's achievement of substantial compliance with all substantive provisions; or (2) four years from the effective date unless plaintiffs' counsel requests an extension due to an ongoing constitutional violation.

Therefore, the Department strives to reach and maintain compliance over the next four years to prevent the possibility of an extension, but doing so will be extraordinarily difficult without a modern jail with ample treatment space in one centralized building.

The RFP for the medical services contract was drafted in a manner specifically geared toward compliance with the settlement agreement. Pursuant to the RFP, the contractor will be required to comply with all substantive provisions of the Duvall settlement agreement and potentially any other settlement agreements the Department enters into during the remainder of the contract.

The conversion to a new Electronic Medical Record (EMR) system is an important component of reaching and maintaining compliance with the settlement agreement. The Department will procure a new EMR through an RFP separate

from the inmate medical services contract. The Department has already hired a business analyst, who is researching the specific technical requirements that need to be incorporated into the scope of the RFP. Taking into consideration the substantive provisions of the settlement agreement, the business analyst is working with DPSCS users and medical staff to ensure that EMR related deficiencies are addressed and corrected in a new system. The Department is also working with the Department of Information Technology (DoIT) and Department of Health and Mental Hygiene (DHMH) to determine whether the nature of this procurement lends itself to a State-wide Enterprise system procurement.

Recommended Actions

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

,provided that \$100,000 of this appropriation shall be restricted until the Department of Public Safety and Correctional Services (DPSCS) conducts a new post-by-post security staffing analysis for each of its custodial facilities in order to identify the actual number of regular positions needed to safely and securely staff the State's correctional institutions. DPSCS shall provide a written report to the budget committees no later than December 1, 2017, with bi-annual submissions thereafter, summarizing the results of the analysis and explaining the need for any staffing changes resulting from the staffing analysis or changes in policy that require the use of additional positions. To the extent possible, the analysis should discuss ways the department is generating operating efficiencies in lieu of the need for additional positions. The budget committees shall have 45 days to review and comment following receipt of the report. Funds restricted pending receipt of a report may not be transferred by budget amendment or otherwise shall revert to the General Fund if the report is not submitted to the budget committees.

Response: The Department concurs with the recommended action.

2. Adopt the following narrative:

Evaluation of the Cell Phone Managed Access System: A managed access system was implemented at the Metropolitan Transition Center in April of 2013 to alleviate the considerable staff resources dedicated to cell phone confiscations. The system was expanded to include the Baltimore

City Detention Center the following year. In fiscal 2018, The Department of Public Safety and Correctional Services (DPSCS) made a decision to move away from expanding its cell phone managed access system, primarily because of cost. Maintenance for the system averages \$300,000 annually. DPSCS has indicated the availability of less costly, more portable technology to assist with cell phone interdiction. Given the annual expense of operating the existing managed access system, the budget committee requests that DPSCS conduct a performance evaluation of the technology, including a cost-benefit analysis to determine whether use of the system should continue, despite the availability of less costly technology. The report should be submitted to the budget committees by October 30, 2017.

Response: The Department concurs with the recommended action.