

**DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES
FY 2019 BUDGET OVERVIEW**

Staffing

Issue: The Fiscal 2019 allowance eliminates 100 vacant positions. Regarding these positions, DPSCS should comment on which positions will be lost.

Response: The Department is in the process of reviewing all vacancies and will submit a finalized list of positions once a determination has been made.

Justice Reinvestment Act

Issue: The fiscal note estimated that the Department needed an additional 109 positions to fully implement the JRA. Since there is no additional support provided in the allowance and given its high number of vacancies, DPSCS should comment on its ability to implement the JRA with its current personnel complement.

Response: The Department continues to move forward with implementing the various components of the JRA. However, it is important to understand that the JRA is meant to be a slow process changing the entire justice system and culture of confinement over a period of 10-years or more. Additionally, the fiscal note was originally drafted in 2016 and significant changes have occurred over the past two years, impacting the original assumptions on staffing needs.

Based on information provided by the Department, the Department of Legislative Services stated in the fiscal note for the JRA that the Division of Parole and Probation may need an additional 14 positions, but that staffing requirements will likely decrease over time as caseloads decrease. Surprisingly, the Department has experienced a continuous decline in the number of caseloads which has negated the need for additional positions. Specifically, the average caseload to agent ratio for criminal cases has declined from 83:1 in January 2016 down to 75:1 in January 2018. The Department will continue to carefully monitor caseload ratios.

The fiscal note also stated that, based on the JRA's provisions related to administrative release, the Maryland Parole Commission (MPC) would need an additional 11 positions. To date, the MPC has been able to handle implementation of the JRA with existing resources since the majority of inmates initially screened as potentially eligible for administrative release were later disqualified. As of January 24, 2018, a total of 177 inmates have been screened for administrative release, but only 23 of which have been identified as eligible. Of the 23 inmates who are eligible for administrative release, 12 are housed within the Division of Correction while the remaining 11 are housed at local detention centers. The Department will continue to monitor and track data and will adjust staffing resources as necessary.

The other additional positions discussed in the fiscal note were attributed to the process established under the JRA for the risk and needs assessment that must occur upon intake and the increasing programming. The Department is currently in the process of drafting a scope of work to expand and enhance substance abuse within correctional facilities. This new contract will incorporate the requirements of conducting the risk and needs assessment upon intake as well as the increased treatment and programming. The Department estimates that a formal solicitation will be issued in late April 2018.

Consistent with goals of JRA, an additional \$1.2 million is included in the fiscal year 2019 budget to procure reentry related services. Specifically, the Department plans on soliciting the services of a Community Adult Rehabilitation Center that will serve the pre-release population in Baltimore City by expanding community assistance, substance abuse programs, rehabilitative services, and job readiness training. Lastly, 15 positions are included in the Department of Health's budget to assist in enrolling inmates in full Medicaid coverage or presumptive Medicaid coverage, depending on the inmate's eligibility, prior to release.

Recommendations:

1. Adopt the following narrative:

Vacancy Spending Report: The budget committees request that the Department submit a report by November 1, 2018, on projected vacancy savings for fiscal 2018, the nonbudgeted items that vacancy spending will likely be used to pay for, and whether the practice of using excess vacancy savings will be enough to offset upcoming additional expenditures in the current fiscal year. In addition, the Department should provide data on vacancy savings expenditures for the last three fiscal years. Lastly, the Department should report on how it prioritizes which areas to use vacancy spending and if improvements in hiring can be accomplished at current levels, or if additional funding is needed.

Due Date: November 1, 2018

Response: The Department concurs; however, it should be noted that this information has been provided to the Department of Legislative Services for the prior fiscal years in question as this information was used to prepare for the annual Spending Affordability Committee (SAC) meetings that occur in the fall. Vacancy savings have been primarily utilized to cover shortfalls in overtime costs and to cover emergency maintenance and repair projects at various facilities.

2. Adopt the following narrative:

Justice Reinvestment Act Initial Data Report: The budget committees request that the Department submit a report by December 1, 2018 that includes annual updates on the number of offenders petitioning and approved for new Justice Reinvestment Act (JRA) provisions including, but not limited to, administrative release, medical/geriatric parole, certificates of rehabilitation; the number of offenders affected by new diminution and earned compliance credit rules; an update regarding the graduated sanctions matrix that has been shared with the Judiciary and the number of offenders who have been given graduated sanctions; updates on any sentencing changes adopted by the Judiciary, as well as information on the number of offenders affected by those changes in sentencing rules; and information regarding case planning issues and challenges, all efforts to notify inmates about the new JRA provisions that they may petition for, an estimated cost savings related to the previous three items.

Due Date: December 1, 2018

Response: The Department concurs in part. The Department requests that updates to changes in sentencing be addressed directly from the Judiciary.

3. Adopt the following narrative:

Inmate Pharmacy Treatment Costs Report: The budget committees request that the Department submit a report by December 1, 2018 that includes the following items:

- A full report on the number of inmates screened and treated for Hepatitis-C, the number infected and cured, requirements for treatment, and the overall cost of treatment per inmate;
- A general overview of the continuous quality improvement process and what metrics are collected in that process, and any information about data sharing with the Maryland Department of Health regarding Hepatitis-C;
- Any information on inmate relapse/reinfection tracking, post release treatment options for offenders, the upcoming inmate medical and pharmacy contractors, and related performance measures and data; and,

- DPSCS should report on the policies regarding the requirements for treatment and its intersection with substance abuse treatment, in particular with opioids. As such, any policies aimed at preventing further infections should be reported to the budget committees.

Due Date: December 1, 2018

Response: The Department concurs.

**DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES
FY 2019 ADMINISTRATION**

Contraband:

Issue: DPSCS should comment on the substantial increase in cell phone and other recoveries.

Response: The Department has deployed a number of efforts specifically designed to find and recover contraband in its correctional facilities, including increasing coordination between its K9 Unit and its Internal Investigative Division (IID); increasing the number of contraband K9s within the K9 Unit; and, by deploying the Cellsense® units the Department purchased.

Over the past year, the Department's award-winning K9 Unit has been working more missions directly with IID, in addition to its regular random searches and perimeter sweeps. During these coordinated missions, IID and the K9 Units target specific facilities and tiers based on intelligence gathered by IID. They have also worked diligently to increase communication and collaboration with external law enforcement partners to prevent contraband from entering the facilities.

The K9 Unit was also able to conduct a greater number of scans as a result of increasing the number of contraband detection dogs to four (4) from three (3) over the prior year. The Department is acquiring two (2) additional contraband detection K9s in February, which may further increase the amount of contraband recoveries this year.

In June of 2017, the Department purchased and deployed over 160 Cellsense® units, which are units that can be designed to sense cellphones and metal contraband. Since their deployment, the Department has recovered approximately 180 pieces of contraband.

Inmate Banking System

Issue: DPSCS should comment on the Baltimore inmate banking reconciliations.

Response: The Department continues to work on resolving this long-standing issue. The Baltimore Finance Office is working to catch up with the other finance offices. As stated in the write-up the Department has hired back a retired employee that has extensive knowledge in this area and is working to provide additional training and assistance to all inmate account staff.

Additionally, automated interface was implemented during the week of January 22, 2018 which will assist with conducting monthly reconciliations between the inmate banking system and the State Accounting System.

Recommended Actions

1. Adopt the following narrative:

Administrative Vacancies Staffing Report: It is requested that the Department submit a report to the budget committees by December 1, 2018, on the following items:

- (1) The Department of Public Safety and Correctional Services (DPSCS) Human Resources Services Division efforts to improve hiring and transfer practices within the department and efforts to address high turnover (including retirements, transfers, etc.);
- (2) updates on vacancy rates in support positions at DPSCS facilities and in Security Operations along with data/information on the effect these vacancies have on service delivery, particularly in regards to Security Operations' ability to conduct inmate/offender transportation between facilities;
- (3) administrative positions' share of overtime and mandatory overtime costs; and,
- (4) overall efforts to address administrative vacancies across the entire department.

Response: The Department concurs.

2. Adopt the following narrative:

Technology and Data Initiatives Report: It is requested that the Department submit a report to the budget committees by December 1, 2018, on various data issues; specifically the lack of the Drunk Driving Monitor Program revocation information, recidivism reporting, and sick leave/mandatory overtime hours worked. In addition, updates should be included on the Electronic Patient Health Records Project and its status, as this initiative was previously slated to be shared with the Maryland Department of Health.

Response: The Department concurs.

3. Adopt the following narrative:

Combined Contraband Reporting: The budget committees are concerned that the Department only reports contraband finds from its K9 units. The committees are interested in having the agency report contraband finds from all sources, including the K9 Unit, detectors, and other inmate searches. It is therefore the intent of the budget committees that the Department submits contraband finds from all sources, separated by facility, in the fiscal 2020 Managing for Results (MFR) submission.

Response: The Department concurs with the recommended action and will work with the Department of Budget and Management (DBM) to include this information as part of the Fiscal Year 2020 budget submission.