



# Department of Public Safety and Correctional Services

## Office of the Secretary

300 E. JOPPA ROAD • SUITE 1000 • TOWSON, MARYLAND 21286-3020  
(410) 339-5000 • FAX (410) 339-4240 • TOLL FREE (877) 379-8636 • V/TTY (800) 735-2258 • [www.dpscs.maryland.gov](http://www.dpscs.maryland.gov)

STATE OF MARYLAND

LARRY HOGAN  
GOVERNOR

BOYD K. RUTHERFORD  
LT. GOVERNOR

ROBERT L. GREEN  
SECRETARY

RACHEL SESSA  
CHIEF OF STAFF

CHRISTOPHER McCULLY  
DEPUTY SECRETARY  
ADMINISTRATION

J. MICHAEL ZEIGLER  
DEPUTY SECRETARY  
OPERATIONS

CAROLYN J. SCRUGGS  
ASSISTANT SECRETARY

GARY W. McLHINNEY  
ASSISTANT SECRETARY

## DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES ADMINISTRATION FY 2021 OPERATING BUDGET

### Response to Department of Legislative Services Budget Analysis

February 12 - 13, 2019

#### Contraband Finds:

**Issue:** Considering the high level of controlled dangerous substances found in DPSCS facilities, the department should discuss trends in contraband finds and any plans to modify visitation space and procedures during this budget cycle. DPSCS should also comment on the 17 vacant out of 32 authorized Correctional Officer (CO) sergeant positions within the Canine Unit and the effect of these vacancies on carrying out contraband searches.

**Response:** The Department makes every effort to thwart the introduction of contraband into its facilities and to root out any contraband that is successfully smuggled in or manufactured by the incarcerated population. Over the past several years, the Department has significantly improved its contraband interdiction efforts by closely monitoring trends in data, improving intelligence gathering and leverage, and deploying state-of-the art technology. This has resulted in an overall increase in amount of contraband recovered through a more efficient interdiction process.

The Department is seeing an increase in the amount of controlled dangerous substances (CDS) and the number of homemade weapons recovered, while experiencing a decrease in seizures of tobacco, stolen property, escape tools and other weapons. CDS contraband finds increased by 29% between FY 2018 and FY 2019, more than any other category. While CDS constitutes 52% of all contraband seized in FY 2019, Suboxone represents 36.6% of all contraband found in FY 2019, more than any other CDS type or other contraband category. Nearly 70% of all contraband seized was Suboxone, compared to the 2% of seized CDS that was the result of hoarded or stolen medication. This suggests an issue not with diversion of legitimate medication but of the smuggling into facilities of illicitly distributed Suboxone for the purpose of misuse. The Department saw a 14% increase in the number of successful searches resulting in knife seizures, and a correlative 15% in the

number of knife weapons seized. Almost all (98%) of knife weapons found in facilities are inmate made, which is a strong indication that there are not significant weapons trafficking into state facilities.

The increase in CDS and homemade weapon recoveries is a result of the Department's concerted contraband interdiction efforts that continuously improve based on utilization of intelligence and technology. The Department deployed contraband interdiction teams in a strategic and targeted fashion, which resulted in an increase in efficiency. Two thirds of contraband recovered by the Department in fiscal year 2019 was the result of routine and targeted searches. 44% of Suboxone seizures were due to targeted searches and targeted intelligence. The majority of knives recovered were found during random searches and facility shake down events, and using cell sense technology.

While data, intelligence, and technology have increased efficiencies in contraband recovery, they have also assisted the Department in identifying areas where additional improvements can be made. In fiscal year 2019, the Department recovered 1,192 strips of Suboxone in the visitation areas of the State's correctional facilities. To assist in combatting the introduction of CDS through inmate visitations, the Department is in the process of implementing the following improvements to the visitation areas of its correctional facilities.

- Create and hang clear/concise signage at all facilities listing the visiting regulations and prohibitions, to include contraband, search potentials and the penalties associated with any violations. The signage will also indicate that any violation will be handled swiftly, severely and with certainty;
- Prior to entering the visiting room, inmates will be provided with attire that is designed to reduce the ability to conceal contraband;
- Additional cameras will be added to the visiting rooms to provide better coverage of the area; and
- Additional trained staff will be assigned to monitor the visiting room.

The Department is also working diligently to fill its vacant positions within the canine unit. Despite the canine unit's vacancies, the unit yielded higher rates of drug and weapon contraband finds in fiscal year 2019 than in fiscal year 2018. When combined with information gleaned from the Department's Intelligence and Investigative Division, targeted operations doubled the amount of contraband found on average in searches conducted with canine units. Improvements in the efficiency and results of contraband interdiction are enabled by a confluence of training and technology, but the cornerstone of contraband reduction within the Departments facilities remains the diligence and routine security protocols of its staff.

### **Inmate Grievance Caseloads:**

**Issue:** Because the inmate grievance process is a vital tool in maintaining correctional standards and identifying deficiencies, IGO should comment on the ongoing decline in inmate grievance hearings and provide data showing the level of administrative dismissals to be appropriate.

**Response:** The decline in the number of grievance hearings is attributable to the combination of three factors: (1) a shift in policy to resolve cases at the administrative level versus referring cases to the Office of Administrative Hearings (OAH); (2) a reduction in the overall inmate population; and, (3) an internal reorganization of the Inmate Grievance Office (IGO).

(1) Shift in policy to resolve cases at the administrative level

In 2017, the IGO adopted a shift in policy to resolve as many grievances as possible at the administrative level. In evaluating the types of cases being referred to OAH it was determined that 90% were property grievances and could have been resolved at the administrative level. In these cases, the grievances filed with the IGO involved property damage to or the loss of property that valued under \$100. By agreeing to credit the inmate's account for the value of the lost or broken property or replacement, the grievance is resolved in a fashion that satisfies the inmate and in a timelier manner.

(2) A reduction in the overall inmate population

As noted in the Department of Legislative Services (DLS) Overview Budget analysis the number of individuals who are incarcerated under State jurisdiction continues to decrease. In fiscal year 2017, the State inmate population decreased to below 20,000 for the first time since the 1990s, and as of 2019, was just over 18,500 inmates. This lower population has contributed to a reduction in the number of grievances received.

(3) IGO reorganization

The IGO office reorganized based on an analysis of the grievances and allegations filed by the inmates and amended policies to promote and exhaust all internal efforts to resolve and mitigate the grievance. The IGO has been working collaboratively with the Commissioner's Office, Wardens and inmates to provide clarification and explanation to the relief and grievance sought by the inmate. The analysis indicated that many of the grievances initiated were due to answers and explanations as to a particular decision/denial regarding a specific decision.

With regard to the appropriateness of the number of dismissals, inmates can appeal the dismissal to the Circuit Court for a review of the propriety of the IGO's decision to dismiss the case. In 2018, 189 cases were appealed to the Circuit Court from the decision of the IGO to dismiss the grievance. Of those 189 cases, the IGO's decision was affirmed in 66 of those cases. 92 cases were dismissed for various reasons, such as the inmate's failure to timely file the required pleadings or by a voluntary agreement of the parties. In 28 of the cases, the Court remanded the matter back to the IGO for further review. In 2019, 147 appeals were filed with the Circuit Court. The Circuit Court affirmed the dismissal by IGO in 28 cases, dismissed 53 cases, and 6 cases were remanded. The IGO is still awaiting a determination on 60 cases.

### **Inmate Account Reconciliations:**

**Issue:** Considering the department has remained out of fiscal compliance for two decades, DPSCS should comment on efforts to slow turnover among fiscal accounts professionals and ensure fidelity to the DPSCS Financial Operations Manual moving forward. DPSCS should also discuss how the new procurement will address these audit findings.

**Response:** This issue is related to accounting reconciliation issues between balances in two systems, with thousands of transactions that occur daily, and require verification. The Maryland Offender Banking System (MOBS), which reports cumulative balances of transactions, automatically tracks daily financial transactions that are routine and customary in the correctional facility setting, to include incoming commissary revenue, inmate payroll, catalog orders and deductions. These represents millions of transactions over the course of the year. These activities – all of the debits and credits – must be accounted for in the State Financial and Management Information System (FMIS). The Department's accounting staff must run reports looking at the transactions reflected in MOBS and compare the records to the transactions reflected in FMIS. This reconciliation process is arduous, monotonous, and impacted by staff turnover. Currently, the Department has identified an unreconciled balance of \$32,500.

The Department continues to make progress in filling accountant positions across the Department. In June of 2019 there were a total of 13 vacancies which has been reduced to 8 vacancies currently. The Department has also taken action to update and increase the automation of MOBS. As the reconciliation process continues the vendor is working collaboratively with the Department to provide enhanced reporting capabilities. Additionally, staff responsible for this work participate in weekly conference calls to discuss common issues with the vendor, and the vendor has been able to provide additional training in the utilization of the system and the enhancement of

reports to ensure a smoother process. The Department is confident that these efforts are leading to a sustainable solution and progress is being made to become and remain current for completing the required reconciliations.

### **Maryland Automated Fingerprint Identification System (MAFIS):**

**Issue:** DPSCS should update the committees on current MAFIS operations, the timeline for completing the replacement, and options that can be taken if the contractor misses additional milestones or otherwise fails to cure deficiencies.

**Response:** Development of the MAFIS II system continues. The vendor missed the original go live date of October 1, 2019, but agreed to a performance improvement plan to ensure completion and successful system deployment no later than September 2020. As such the Department entered into a contract for a period of 18-months to provide continued support and maintenance on the current MAFIS I system, which ends in April 2021.

Under the performance improvement plan for MAFIS II, the first set of deliverables are due by the end of February. Should, additional deliverables and milestones not be met, the Department will have little choice but move forward with a new rapid procurement to replace the current system prior to the end of the maintenance and support contract on the current MAFIS I system prior to April 2021.

### **Recommended Actions:**

1. Adopt the following narrative:

**Justice Reinvestment Act (JRA) Report:** The budget committees request that the Department of Public Safety and Correctional Services (DPSCS) submit a report by December 1, 2020, on the following items:

- annual updates on the number of offenders petitioning and approved for new JRA provisions including, but not limited to, administrative release, medical/geriatric parole, certificates of rehabilitation, and graduated sanctions;
- the number of offenders affected by new diminution and earned compliance credit rules; and
- annual JRA cost savings updates along with any efforts/initiatives to increase savings.

**Response:** The Department concurs.

2. Adopt the following narrative:

**Position Abolishments and Reclassifications Report:** The budget committees request that the Department of Public Safety and Correctional Services (DPSCS) submit a report by September 1, 2020, on the following items:

- all fiscal 2020 and 2021 abolishments, reclassifications, and transfers including the position titles, what facility or division they came from, and what agency or division they are being transferred or reclassified into, along with the effect these position changes are having on operations; and
- a briefing on the impact of the fiscal 2019 and 2020 changes in correctional officers (CO) compensation and the department's expectations regarding those changes on CO retention and recruitment.

**Response:** The Department concurs.

3. Adopt the following narrative:

**Report on Contraband:** The budget committees request that the Department of Public Safety and Correctional Services (DPSCS) submit a report by October 15, 2020, on overall trends in contraband finds, including:

- an analysis of trends in contraband finds using data from at least three fiscal years;
- a review of departmental rules and procedures regarding contraband detection;
- a review of recent changes to contraband detection, including a discussion of Suboxone film as both contraband and as medication used in the department's Medication Assisted Treatment pilot program; and
- an analysis of personnel in the Canine Unit, including the impact of high vacancies on the ability to carry out tactical contraband searches.

**Response:** The Department concurs.