



## Department of Public Safety and Correctional Services

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Department of Public Safety and Correctional Services  
Administration - Q00T04  
Fiscal Year 2022 Division of Pretrial Detention and Services Budget  
Response to Department of Legislative Services Analysis

Senate Budget and Taxation Committee  
Public Safety, Transportation and Environment Subcommittee  
Senator Cory McCray, Chair  
February 22, 2021

House Appropriations Committee  
Public Safety and Administration Subcommittee  
Delegate Keith Haynes, Chair  
February 22, 2021

### **Recommended Actions**

- 1. Add budget bill language restricting funds in substance use disorder treatment subprograms to only those subprograms.**

**Response:** The Department disagrees with the recommended action.

This action is unnecessary as the funding in this subobject is already dedicated to personnel expenses for Departmental treatment staff, substance abuse testing and supplies. As such, no restricted language is required to meet this objective.

Additionally, the main issue raised in the Department of Legislative Services' (DLS) analysis is the agency's lack of a substance use disorder (SUD) treatment contractual vendor for substance use disorder and medication assisted treatment (MAT) for opioid use disorder. As noted at the top of page seven (7) in the DLS analysis, the total amount of funding budgeted for a is \$4.5 million, which is far less than the proposed \$7+ million restriction.

The Department acknowledges its struggles in procuring a SUD treatment contractual vendor. In June of 2020, the Department was ready to move forward with an award for services; however, the agency had to cancel the solicitation as it failed to incorporate some elements of necessary treatment that were brought to light by the ongoing

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pandemic. The Department is working diligently to restructure the solicitation in a manner that takes into consideration lessons and best practices learned during the course of the pandemic that will continue post-pandemic. Restructuring the SUD treatment solicitation requires significant input and review by Departmental medical treatment professionals, who are overseeing COVID-19 testing, treatment, and vaccine rollout.

The Department agrees that procuring a SUD treatment contract is an absolute priority, but respectfully requests the committees take into consideration the fact that the funding identified for restriction is already dedicated towards SUD treatment programs, funding budgeted for a SUD contract is \$4.5 million and not \$7.1 million, and the Department is restructuring the solicitation for the SUD contract in light of lessons learned by the ongoing pandemic.

### **2. Adopt budget bill language restricting \$500,000 in Chesapeake Detention Facility funds pending renegotiation of agreement.**

**Response:** The Department disagrees.

The Department requests that the committees reject the recommended action which would restrict \$500,000 in general funds pending receipt of a report on the agency's efforts to renegotiate its contract with the federal government regarding Chesapeake Detention Facility (CDF) as the Department previously fulfilled an identical reporting requirement three months ago, the agency should not be penalized for a lack for response from the federal government, and the \$500,000 in general funds primarily covers inmate health care costs for detainees at CDF.

During the 2020 legislative session, the budget committees restricted \$1 million in the agency's fiscal year 2021 budget pending receipt of a report on this very matter. The Department submitted a report on the status of those negotiations and conversations with the U.S. Marshall's Office in December 2020. The Budget Committees subsequently approved the release of those funds in recognition of the report already provided.

The Department made every effort to bring the federal parties to the table in order to discuss renegotiating the contract, including telephone calls, letters, and emails. These efforts were documented in the report submitted to the budget committees three months ago. While the Department absolutely intends on renegotiating the contract,

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and will continue making every effort to do so, the agency should not be penalized for a lack of response from the federal government.

As previously mentioned, the \$500,000 in general funds is predominantly budgeted to cover inmate medical care costs for federal detainees housed at CDF. Restricting these funds would inadvertently negatively impact agency spending.

The Department shares the budget committees' concerns and is willing to update the committees on continued efforts to renegotiate the contract to the satisfaction of all, but a restriction in funding is not the solution to this problem. Therefore, the Department respectfully requests the committees reject this recommended action.

**3. Add budget bill language restricting \$100,000 in funds from substance use disorder (SUD) treatment subprograms pending a report on the new SUD vendor and medication assisted treatment pilot program.**

**Response:** The Department disagrees in part and respectfully requests the committees adopt a modified recommended action.

Recommended action 1. proposes to restrict all SUD spending. To restrict \$7.1 million in funds and then to withhold an additional \$100,000 pending receipt of a report is overly punitive. The Department has no issue with submitting a report on this important matter. The Department respectfully requests the committees reject the withholding of \$100,000.