



Department of Public Safety and Correctional Services

Office of the Secretary

6852 4th Street, Sykesville, Maryland 21784
(410) 339-5000 – TOLL FREE 877-379-8636 • www.dpscs.maryland.gov

STATE OF MARYLAND

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Department of Public Safety and Correctional Services
Administration and Offices - Q00A
Fiscal Year 2023 Operating Budget
Response to Department of Legislative Services Analysis

Senate Budget and Taxation Committee
Public Safety, Transportation and Environment Subcommittee
Senator Cory McCray, Chair
March 3, 2022

Appropriations Committee
Public Safety and Administration Subcommittee
Delegate Tony Bridges, Chair
March 7, 2022

CHDU Walk-offs

Issue: DPSCS should address the increased number of walk-offs within CHDU, including any issues maintaining proper caseload ratios and corrective action to prevent this trend from worsening.

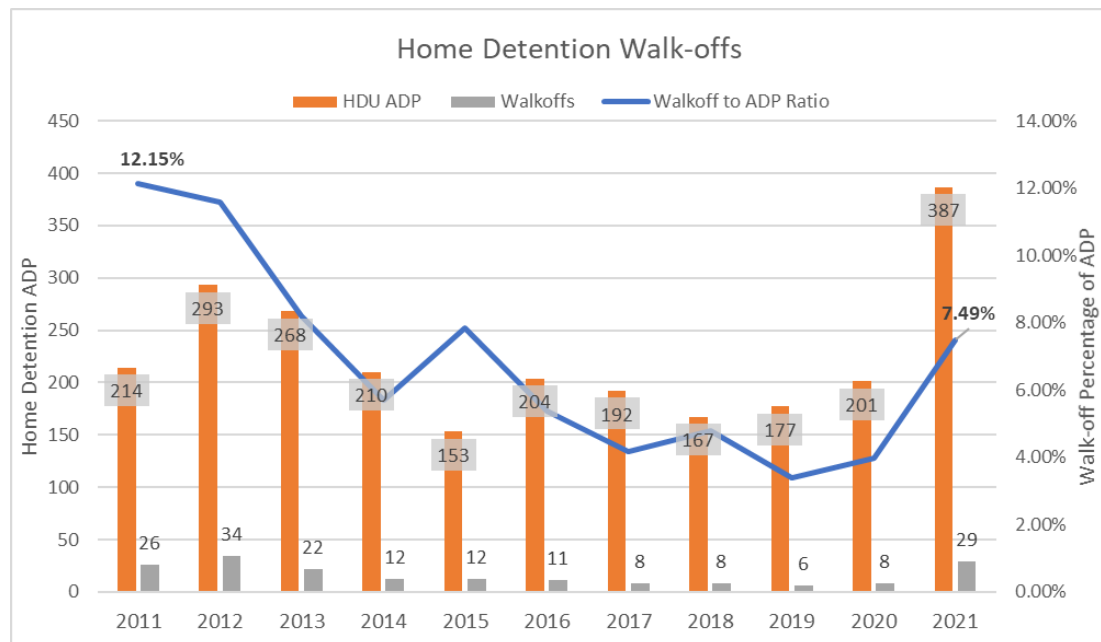
Response: The Department's Central Home Detention Unit (CHDU) has played an integral role in its response to COVID-19 as well as its ongoing reentry efforts. There are a few things that are important to keep in mind when considering the overall performance of CHDU, including its strategic goals tracked by the managing for results process, CHDU's recent expansion, and the overall percentage of walk-offs in comparison to trends in average daily population (ADP).

The Department's managing for results goal for the CHDU states that the total number of offenders who walk off while supervised by the CHDU will not exceed 27. In fiscal year (FY) 2021 the Department's CHDU reported 29 walk-offs - just two outside of its managing for results goal.

In March 2020, the Department expanded the CHDU catchment area from six counties to the entire State. This expansion was timely as CHDU proved to be an important element of the Department's response to COVID-19. As a result of the Governor's Executive Order No. 20-04-18-01 and No.

20-11-17-03 Implementing Alternative Correctional Detention and Supervision, the number of those eligible for the CHDU increased during FY 2021 resulting in an increase in both the ADP and the overall number of individuals placed on home detention over the fiscal year. Specifically, 645 individuals were placed on home detention in FY 2021, with the average number under supervision at one time at 387.

The Department's home detention population had remained historically low before its capacity and area expansion during COVID-19. Amidst this nearly 200% expansion, the Department's walk-offs did increase above its FY 2011 performance, but the rate of walk-offs compared to the average daily population in FY 2021 is still lower than FY 2011 levels as indicated by the graph below.



Any time there is a walk-off from CHDU the Department's Warrant Apprehension Unit (WAU) is notified and WAU initiates the response and apprehension process. All 29 of the walk offs reported in FY 2021 have been returned to custody.

Both CHDU's ADP and the number of walk-offs have decreased as there have only been three (3) walk-offs so far in FY 2022. All three (3) have been returned to custody. As community service providers slowly begin to increase capacity based on the declining COVID-19 positivity rate, more referrals to programming will assist CHDU participants with maintaining compliance with the terms of their home detention.

Finally, caseload ratios are directly associated with the number of staff to the number of program participants. As previously stated, the ADP has declined in FY 2022 from FY 2021 levels. The CHDU consists of a total of 59 total positions consisting of:

- 14 Correctional Case Management Positions (10 filled);
- 28 Correctional Officers (18 filled);
- 10 Police Communications (8 filled); and,
- 7 Administrative positions (4 filled).

The Department's Human Resources Services Division (HRSD) is working with CHDU to fill its vacant positions. There is currently an active Correctional Case Management Recruitment underway with one candidate already in the background process. There are currently two candidates in the final stages of job acceptance for Correctional Officer positions and an active promotional process for the other vacant Correctional Officer positions. The Department will continue its efforts to fill all of the vacant CHDU positions and assess caseload ratios.

Contraband Finds

Issue: DPSCS should comment on the 763% increase in drug contraband finds since fiscal 2019 and provide information on contraband interdiction initiatives, specifically the Drone Detection program.

Response: The Department saw a significant increase in Controlled Dangerous Substances (CDS) contraband finds in FY20 and in particular, FY21 versus FY19. The most common form of CDS recovered was buprenorphine (brand name Suboxone), which is a sublingual film that can be easily concealed and difficult to detect. Additionally, due to the thin nature of these sublingual films, a large quantity of buprenorphine strips can be introduced into a correctional facility at one time.

Due to the COVID-19 pandemic, several temporary changes in facility procedures were implemented in March 2020, which had a substantial impact on the recovery of CDS contraband in the institutions. Physical (in-person) visitation was suspended and changed to video visitation (Skype and Microsoft Teams), and inmates were restricted from working on outside details (i.e. road crews, work release, etc.). Because of these changes, the Department was able to reallocate personnel, specifically, K9 and Intelligence officers, who were instead able to focus their efforts on mailroom and facility warehouses. These efforts led to a significant increase in CDS

contraband recoveries of both regular and legal mail, as well as in packages received in the warehouses.

In addition to the increased personnel assisting in the mailrooms, correctional facilities employed the use of machines utilizing ultraviolet light, which improve the detection of buprenorphine strips concealed within paper documents (e.g between the pages of letters, documents, books, etc). Contraband interdiction teams use specialized training on recognizing concealment practices, as well as the physical changes in documents that have been saturated in liquid buprenorphine. Furthermore, the K9 Unit added additional contraband dogs to their unit in FY21, as well as the addition of specialized K9 training to recognize the various odors of buprenorphine as well as other forms of contraband, such as synthetic cannabinoids (K2).

During FY 2021, the Department's Contraband Interdiction Team (CIT), which is a team of correctional staff, highly trained in the area of contraband concealment and recovery, refocused their efforts on targeted and intelligence based searches throughout all correctional facilities. These searches increased from a weekly to a daily basis. With the assistance of the Intelligence Unit, the K9 Unit, and the Special Operations Group (SOG), the CIT has had tremendous success in reducing the contraband within correctional facilities.

The Department is currently conducting a procurement for a Drone/Unmanned Aerial Vehicle Detection System. The Department advertised a Request for Proposals (RFP) on April 17, 2020. The proposed award is currently under review and scheduled for the March 9, 2022 Board of Public Works meeting.

Medical Audit

Issue: DPSCS should comment on steps taken to recover the overpayments or otherwise correct the discrepancies identified by OIG.

Response: The Department provided the results of an Office of Inspector General (OIG) audit in a Joint Chairmen's Report January 14, 2022. As a part of the customary audit process, the Department's medical treatment contractor had 30 days after receipt of the report to dispute the OIG's findings. On February 11, 2022, the Department received additional documentation from its medical treatment contractor in dispute of \$446,845.88 out of the total \$944,686 deficiency identified by the OIG. The OIG is in the process of reviewing the additional documentation to determine whether any of the disputed amount is valid. While the Department's OIG finalizes the analysis of the disputed amount, the Department will intercept

\$497,840.54 from the next scheduled payment to Corizon which is slated to occur in the next two weeks.

Recommended Actions

- 1. Recommended Action: The Department of Legislative Services (DLS) recommends adding budget bill language to restrict \$1.5 million in personnel general funds so that they may only be used to increase ITCD and DCCFM employment.**

Response: The Department disagrees with this recommended action. This recommended action proposes restricting funding based on delays in bringing on additional personnel. However, this action will have an overall chilling effect on the Department's ability to recruit and hire across the board. The recommended action will result in an increased turnover in other budgets (restricting their hiring abilities), while decreasing turnover in the Department's Information, Technology, and Communications Division (ITCD) and the Department's Division of Capital Construction & Facilities Maintenance (DCCFM). There would be no net gains with this action.

Lack of competitive starting salaries, candidates lacking the technical skills needed to support the various units, the time it takes from interview to on-boarding and lack of permanent teleworking opportunities are some of the main contributors to the high number of vacancies. Restricting funding will not guarantee the vacancies will be filled.

House Bill 1021, which passed in 2019, shifted the responsibility of capital improvement projects in excess of \$200,000 from the Department to the Department of General Services. This resulted in the transfer of six (6) positions from DCCFM to DGS. Just this fiscal year, the Department was given two positions (back) to DCCFM. While the Department is working to diligently fill all of its vacant positions, it is important that the budget committees keep in mind the role DGS also plays in the completion of capital projects.

- 2. Recommended Action: 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, 2022, on the following items:

- annual updates on the number of offenders petitioning and approved for the JRA provisions including, but not limited to,**

administrative release, medical/geriatric parole, certificates of rehabilitation, and graduated sanctions;

- **the number of offenders affected by the JRA diminution and earned compliance credit rules; and**
- **annual JRA cost savings updates along with any efforts/initiatives to increase savings.**

Response: The Department concurs with the recommended action.

3. Recommended Action: Adopt the following narrative:

Report on Recidivism: The budget committees are interested in the impact of incarceration on the future outcomes of returning offenders. The budget committees request that the Department of Public Safety and Correctional Services (DPSCS) submit a report by November 15, 2022, on the following:

- **single-, two-, and three-year recidivism numbers for the fiscal 2016 through 2019 release cohorts;**
- **single- and two-year recidivism numbers for the fiscal 2020 release cohort; and**
- **an analysis of recent recidivism trends, including a comparison to past years and a comparison to other states.**

Response: The Department concurs in part with the annual reporting of recidivism rates, and disagrees in part on the scope of the report. The Department agrees with the importance of continued recidivism reporting, and will resume its previous pre-2013 annual recidivism publication regardless of a requirement for legislative reporting. The Department disagrees in part with the requirements as stated, as much of the above criteria is already published in the prior year's recidivism report, and was provided to bring the Department's historical reporting up to date. With its restored technical ability to calculate recidivism, the Department is capable of fulfilling the above criteria as written. However, the Department has already reported significant short term variation due to the COVID period and court closures that were reflected in FY 2019 recidivism figures. In the interest of providing reliable and meaningful evaluation measures, the Department recommends narrowing the scope of the report to the overall three-year recidivism rate for the follow-up period that is completed at the close of the prior fiscal year (i.e. FY 2019 cohort). With court closures extending into FY

2022, recidivism measurement of the FY 2020 cohort is definitively impacted by extended adjudication timelines. A focused three-year recidivism report would allow enough time to pass for the data to be reliable and provide the added benefit of allowing the Department to include additional data points for reporting that go beyond what was requested in the prior report. This will limit the need to publish corrected figures for cohorts hastily calculated before their three year measurement period has been completed. As such, the Department would recommend the committee adopt narrative requiring the Department submit a report by November 15, 2022, on the following instead:

- total three-year recidivism numbers for the fiscal 2019 release cohort; and,
- an analysis of recent recidivism trends, including a comparison to past years and a comparison to other states.

4. Recommended Action: 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, 2022, 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 COVID-19; 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 with the recommended action.