



Department of Public Safety and Correctional Services

Office of the Secretary

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Department of Public Safety and Correctional Services
Division of Pretrial, Detention and Services - Q00T04
Fiscal Year 2023 Operating Budget
Response to Department of Legislative Services Analysis

STATE OF MARYLAND

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Senate Budget and Taxation Committee
Public Safety, Transportation and Environment Subcommittee
Senator Cory McCray, Chair
February 24, 2022

House Appropriations Committee
Public Safety and Administration Subcommittee
Delegate Tony Bridges, Chair
February 28, 2022

Duvall v. Hogan Settlement

Issue: DPSCS should comment on actionable items and major obstacles related to complying with the Duvall v. Hogan settlement agreement.

Response: The *Duvall v. Hogan* litigation is a class action lawsuit filed by a class of inmates housed in certain Baltimore Pretrial facilities. The major complaints asserted were that the physical plant conditions and the provision of medical and mental health care were unconstitutional. The litigation was initiated prior to the State assuming control of the Baltimore pretrial facilities and has been in existence for several decades.

The Department has made significant progress in the past few years. The court monitor found the Department to be in substantial compliance with all of the provisions concerning the physical plant - sanitation, maintenance and dietary facilities - and these portions of the litigation have been dismissed. Only the portions concerning medical and mental health remain; however, the court monitors have found the Department to be in substantial compliance with 19 provisions and partial compliance with 25 provisions of the remaining sections of the agreement. The Department continues to work with the court monitors and its health care providers to come into compliance with those provisions where it has been found to be either only partially

compliant or noncompliant.

There are several actionable items and major obstacles related to compliance with the settlement agreement. The most pressing issue is the acquisition and implementation of a new electronic health records system. Currently the Department utilizes a hybrid electronic and paper medical record system. Both the medical and mental health monitors are of the opinion that the Department cannot be fully compliant with the settlement agreement without a fully automated electronic health record system. The Department is currently engaged in the process of implementing a new electronic medical record system.

Identification of appropriate space to conduct certain medical and mental health screening also remains an issue. The medical monitor is of the opinion that certain clinical space is inadequate to provide appropriate care. The Department continues to work with the monitor and its provider to adjust operations to ensure appropriate care is provided. The Department continues to plan for the new Therapeutic Treatment Center which will have adequate space for treatment of incarcerated individuals.

The Department relies on our medical and mental health providers to keep and track data to show compliance with the provisions of the settlement agreement. The Department does engage in independent monitoring and verification. While not a major obstacle to achieving compliance, this is an item that the Department needs to focus on to ensure compliance with the settlement agreement. Appropriate staffing and IT resources need to remain devoted to ensuring the Department has the independent means to track and verify data that proves substantial compliance.

Recommended Action: In the interest of continued oversight and progress on this issue, DLS recommends adding budget bill language restricting the SUD subprogram funding so that it is used for those programs and not used for unrelated purposes.

Response: The Department concurs with the recommended action.