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Department of Public Safety and Correctional Services
DOC - Q00B

Fiscal Year 2026 Operating Budget
Response to Department of Legislative Services Analysis

Senate Budget and Taxation Committee
Public Safety, Transportation and Environment Subcommittee
Senator Michael Jackson Chair
January 30, 2024

Appropriations Committee
Public Safety and Administration Subcommittee
Delegate Jazz Lewis, Chair
January, 29th, 2024

Assaults in Correctional Facilities

ISSUE: DPSCS should discuss the reasons for the upward trending assault rates and efforts that it is taking to reduce assaults on incarcerated individuals and staff in correctional facilities.

The Department's Intelligence & Investigative Division investigates all reported serious incidents that occur within facilities, which includes assaults among the incarcerated population and assaults upon officers, even those that do not involve physical force. Based upon these investigations, the upward trend can be attributed to the trafficking of contraband, increased incarcerated individual restlessness, and a sharp increase in the proportion of the population entering with a history of violent offenses.

Trafficking of contraband, specifically controlled dangerous substances, into correctional facilities by way of mail, compromised staff, and visitors is a significant threat to the safety and security of both incarcerated individuals and staff, as it facilitates illegal activities, undermines the safety of the facility, and often leads to violent incidents. Of particular threat to facility safety is the volume of CDS contraband entering through the mail, including mail received that has been laced with CDS, which is undetectable via current inspection practices. Recent interdiction and health data identify the increase in attempts to smuggle synthetic cannabinoids into facilities, which are specifically associated with violent assaults. Due to ongoing staffing

challenges, the reduction in out-of-cell activities has also contributed to heightened restlessness among incarcerated individuals, resulting in increased violence towards both fellow incarcerated individuals and staff.

Over the past 10 years, the Department's sentenced population has increasingly trended towards a higher proportion of individuals serving a sentence for person-based crimes, as the number of individuals serving shorter sentences for nonviolent offenses has decreased. This has resulted in an overall change in the composition of the incarcerated population, which was exacerbated over the past year as the number of individuals coming into sentenced custody for death of a person (example: murder, manslaughter) sharply increased by 55% compared to the pre-COVID period, as the number of individuals entering the Department's custody for a weapons-related offense also increased by 27%.

In response to these trends, the Department has undertaken a number of corrective actions to address the safety needs of staff, the needs of the incarcerated population, and the challenges to facility safety.

Beginning in FY 2025, the Department developed a new monthly assault analysis reporting tool, allowing facility leadership and health and safety committee staff to collaboratively review and address assault issues on a facility basis. Since the beginning of the current fiscal year, overall assaults have decreased by 23.5% and assaults decreased 10% year over year in December of 2024, with assaults on staff decreasing more than assaults among the incarcerated population.

To address idleness among the incarcerated population, the Department has added additional training, educational, entertainment and cognitive program applications to the tablets, which individuals have continued access to. The Department has also continued to make correctional officer hiring one of the top priorities to reduce overtime and support services for the incarcerated population. A reduction in vacancies is expected to impact a reduction in both II and staff assaults due to the increase in available resources to provide the staffing levels necessary for the safety and security of IIs and COs. Based on investigations into assaults on staff, entrance level training and annual in-service training includes cultural diversity training in lesson plan modules to aid staff in better mediating and de-escalating conflicts between staff and the incarcerated population.

The Department has also taken steps to improve the security technology in use within facilities, based on findings of prior incidents. The Department prioritized updating existing camera systems throughout all DPSCS facilities under Phase I of its surveillance enhancement. Phase II will include additional cameras to enhance coverage to those areas that are not

currently monitored under the existing camera system and or where custody staff are not posted.

To respond to the safety needs of staff who are mobile within the facility, the Department developed a pilot body-worn camera program that is expected to have a positive impact on violence based on outcomes seen in other states that enhanced staff safety equipment. This technology has been shown to have a deterrent and de-escalatory effect even in early demonstrations within the Department. This enhancement will also provide evidence in assault cases, supporting the Department's ability to limit liability in potential settlement agreements and pursue charges for assaults among the incarcerated population. Over the next two months, this pilot will be rolled out to 5 initial facilities allowing the Department to evaluate initial impacts and staff implementation needs.

RECOMMENDED ACTIONS:

DLS recommends restricting \$100,000 in general funds pending a report from DPSCS that provides data on the transgender individuals in correctional facilities and the amount the State has spent on settlements related to mistreatment from fiscal 2021 to fiscal 2025.

Response: The Department concurs with this recommended action.

DLS recommends adopting committee narrative requesting a report from DPSCS including the number of delinquent payments that have been resolved, broken out by State and non-State customers, as well as an update on any delinquent accounts that have accrued since the June 2024 audit

Response: The Department concurs with this recommendation.

DLS recommends adopting committee narrative requesting a report from DPSCS on the Reentry Passport Program rollout. The report should document the progress of expanding the existing pilot and future plans to implement the program.

Response: The Department concurs with this recommended action.

DLS recommends adopting a committee narrative requesting a report from DPSCS about Project FRESH participation rates and programming with particular emphasis on work release opportunities. The report should compare participation and prerelease programming opportunities to men's prerelease centers.

Response: The Department concurs with this recommended action.

