



Department of Public Safety and Correctional Services

Office of the Secretary

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January 29, 2015

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The Honorable James E. DeGrange, Sr.
Chair, Senate Public Safety, Transportation, and
Environment Subcommittee
Room 120, James Senate Office Building
Annapolis, Maryland 21401-1991

Re: Department of Public Safety and Correctional Service (DPSCS)
Fiscal 2016 Budget Administration Responses

Dear Chairman DeGrange:

Attached for your reference is the Department's discussion pertaining to issues in the DPSCS Fiscal 2016 Budget Administration analysis.

I hope this information is helpful to you and your Subcommittee members. Please allow me to extend my sincere thanks to you and the Subcommittee for your ongoing interest in, and continued support of, the Department of Public Safety and Correctional Services. I welcome the opportunity to provide additional information and assistance should you have any questions with respect to this issue.

Sincerely,

Stephen T. Moyer
Secretary

cc: Members of the Senate Subcommittee on Public Safety, Transportation
& Environment
Mr. Matthew Bennett, Staff, Senate Budget & Taxation Committee
Ms. Hannah Dier, Policy Analyst, DLS
Mr. Matthew Schmid, Budget Analyst, DBM
Deputy Secretary Patricia M. Donovan, DPSCS
Acting Deputy Wendell M. France, DPSCS
Assistant Secretary/Chief of Staff Rhea Harris, DPSCS
Assistant Secretary David Bezanson, DPSCS
Director Christopher McCully, Financial Services, DPSCS
Director Kevin Loeb, Government, Legislative & Community Affairs,
DPSCS

**DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES
FY 2016 ADMINISTRATION**

Incorrect Releases

Issue: DPSCS should comment on the reason for the increase in incorrectly released offenders, whether all incorrectly released offenders have been returned to custody, the average time the offender spent in the community before being recaptured, and the steps taken to avoid similar mistakes in the future.

Response: In FY 14, five out of six incorrect releases occurred because staff was unaware of detainers for those individuals at the time of release. Although the Department has procedures in place that require staff to check, and double check, for possible detainers, it is not unusual for a detainer to show up at the last minute. One of the incorrect releases occurred as the result of an oversight of a court commitment document.

All of the offenders were back in custody within an average of 9 days. The Department takes these instances very seriously. Each occurrence is thoroughly investigated and appropriate disciplinary action is taken when necessary. The Department also seeks to avoid similar instances by re-educating staff in the Commitment Unit and across the Department to ensure proper release protocols are followed at all times.

Transition Services

Issue: DPSCS should discuss the reason for the low participation and completion rate in fiscal 2014 and how these measures can be improved in the future.

Response: The Department conducted a manual verification of data for inmates who were released from January through October of 2013. Approximately 23.5% of the inmates released during this timeframe declined receipt of a replacement Social Security card. Similarly, approximately 23.5% of inmates released during this timeframe opted not to receive a copy of their birth certificate.

There are a number of additional factors that contribute to a lower completion rate than expected. For instance, the information provided by an inmate who wishes to receive a copy of his/her birth certificate may not be accurate or the information may be incomplete. Additionally, the Department is unable to control the length of time it takes for an inmate to receive these documents and, if information an inmate provides is incorrect or incomplete, the inmate could be released prior to the arrival of the document. It is also important to note that an inmate can be released on short notice (i.e., court release, parole decision, recalculation of sentence resulting in immediate release), allowing insufficient time for the certificate to be obtained.

Likewise, Social Security cards may not be obtained by inmates because of insufficient time prior to release to complete the Department's process. Moreover, the Social Security Administration (SSA) may deny issuing a card using the DPSCS process because the inmate never applied for a card prior to incarceration. SSA may also deny an inmate if the inmate has reached or exceeded the maximum number of requests for replacement cards. Occasionally, an inmate will attempt to obtain a card when U.S. citizenship is in question, which is outside of the agreement between DPSCS and the Social Security Administration; therefore, these requests are also denied.

Given the aforementioned factors, the target of 75% of inmates being released with these documents is not realistic. The Department will modify Objective 1.1 into two items: 1.1(a), which will maintain a target of ensuring at least 75% of inmates have a release plan prior to release; and, 1.1(b), which will provide a target rate at least 60% of the inmates receiving their birth certificate and Social Security card prior to release.

Substance Abuse Treatment Services

Issue: DPSCS should discuss the reason for the low participation and completion rate in fiscal 2014 and how these measures can be improved in the future.

Response: In FY 2014, there were 177 fewer admissions and 327 fewer successful completions than in FY 2013. The major drop in admissions is primarily attributable to the expiration of the contract for the therapeutic community (TC) program at MCIW, which expired on September 30, 2014. There were no renewal options on this contract. The Department made the decision not to extend the contract due to performance issues. In an effort to ensure that substance abuse treatment services were still available to the female offenders at MCIW, participants remaining in the program were provided services through our Substance Abuse Intervention (SAI) program at MCIW. Additional TC referrals were referred to SAI as well. The remaining 150 (after taking out the 177 less admissions due to MCIW TC closure and counseling staff vacancies during the year) unsuccessful completions were primarily due to increased infractions for positive urinalysis and drug related contraband. The Department began substance testing in 2013 and urinalysis testing in 2014 for opioids.

An Invitation for Bid (IFB) was issued for all of the Department's therapeutic community programs in November 2014 and a new contract was approved by the Board of Public Works on Wednesday, January 28, 2015. Services will begin on April 1, 2015. The Department believes that the new contract will be more efficient through the consolidation of all the Department's TC programs. Furthermore, the Department added additional staffing and performance criteria in which to improve outcomes. The Department also updated the eligibility criteria for offenders with the new contract. Specifically, changes include the detainer criteria which will allow

more offenders to participate and the Department will have sole discretion on which participants are allowed back in the program after infractions or other instances of suspension from the treatment program.

Community Mediation Reentry

Issue: The department should comment on the reason for the infrequency of repeat mediation sessions for participants, as well as any challenges to increasing the number of mediation sessions participants attend.

Response: Community Mediation Maryland provides the number of mediation sessions to each participant that is appropriate in his/her situation. The number of sessions per inmate ranges, and is dependent upon the participants needs as determined by both CMM and the inmates' willingness to participate, as the program is voluntary. An additional factor in the number of sessions conducted is the inmates release date. The Department works closely with CMM to ensure that inmates are afforded the opportunity to participate in the number of sessions required.

Public Safety Compact

Issue: The department should comment on where the program savings are realized, and whether savings are expected to grow in future years with the reinvestments made by BSSC.

Response: Total PSC "program savings" are determined by calculating eligible participant days times the approved per diem rate. Savings to the State occur when the PSC "program savings" exceed the program's operating expenditures (i.e., salaries, contractual treatment services, rent, utilities, etc.). When that happens, the State is entitled to its 40% share of the excess savings, and Safe and Sound is entitled to their 60% share, which is re-invested back into the program. Some of the specific areas where the state realizes savings include variable costs such as inmate wages, water, sewage, laundry services, trash removal, materials and supplies, food, pharmaceuticals, and secondary medical care. As referenced in the analysis, the State's share of the excess savings thru FY 14 is \$497,427.88. Please note that these State savings do not include any savings that may be related to a decrease in the recidivism rate, nor did they consider any PSC related costs of State employee staff time expended within the Department.

Assuming that the per diem rate, program participant days, and program operating expenses remain relatively stable, it is reasonable to expect excess savings to remain for FY 15 and FY 16. However, our ability to project over the long-term is very limited, as we cannot accurately predict the variables that affect the outcome, such as the per diem rate, participant days, and operating expenses.

Cost Containment

Issue: The department should comment on how the 2% general fund reduction will affect the fiscal 2015 budget for DPSCS Administration.

Response: Similar to the rest of the Department, the 2% reduction poses a significant challenge to the components that comprise the DPSCS Administration Budget. The Department is, however, committed to and will strive to meet this challenge. Since salaries comprise a significant proportion of these budgets, the Department has implemented a hard-freeze on all non-custodial and non-parole and probation agent hiring. Only mission critical vacancies are being approved for hire and the Department will work to ensure that this is done in a manner that protects the public, the Department's employees and offenders committed to the Department's care.

The Department has implemented a freeze on all non-food supplies and materials including equipment purchases. Only purchases that are related to critical health and safety issues will be approved. The information technology division is conducting an analysis on all information technology contracts to see what cost savings can be achieved by deferring or cancelling non-critical projects.

Lastly, as with the rest of the Department, all the various administrative components are assessing current business practices and are evaluating policies and procedures that if implemented will streamline operations and achieve savings. The Department will update the Budget Committees with any recommendations that result from these analyses.

Recommended Actions

1. Concur with Governor's Allowance

Response: The Department concurs with the recommendation.