



Department of Public Safety and Correctional Services

Office of the Secretary

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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: Operating Budget Analysis Response

Dear Chairman DeGrange:

Attached for your reference is the Agency's discussion pertaining to issues and recommendations contained in the analysis of the proposed Fiscal Year 2016 Operating Budget.

I trust this information is responsive to the issues and concerns that were raised by the analyst. Let me extend my sincere thanks to you and the Subcommittee for your ongoing interest in and continuing support for the Department. 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

Acting Deputy Secretary William G. Stewart, DPSCS

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DPSCS

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

Facility Security

Issue: The agency should identify how many inmates who have escaped or walked off in fiscal 2014 are still at large. The department should also provide fiscal 2015 year-to-date data for escapes and walk offs, including the status of those offenders. Furthermore, the agency should discuss what additional actions may have been taken or will be taken to avoid similar escapes and walk offs in the future.

Response: The Department is tasked with the responsibility of protecting the public, our staff, the incarcerated population. A key component of this task is to prepare the incarcerated population for reentry into society, in order to increase their chances of success and lessen the risk of reoffending. The Department maintains six facilities where approximately 600 inmates are assigned to work detail outside of the institution, hold jobs through the Work Release Program, or are assigned to highway clean-up crews and public works projects. These inmates must be classified as minimum security, must demonstrate good behavior and possess positive work ethics. Although these inmates typically pose little threat to the community, the Department takes all walk offs and escapes very seriously and believes these instances warrant swift response.

For FY2014, the Department had a total of 6 walk-offs and 1 escape. All of these inmates were taken into custody and returned.

<i>July 1, 2013 – June 30, 2014</i>	Escape	Walk-Off	Returned
North	0	1	1
Central	0	3	3
South	1	2	3
Total:	1	6	7

In FY2015, the Department has had a total of 5 walk-offs and zero escapes. Three of the walk-offs have been returned to the Department but two offenders remain at large. The Department has issued retake warrants for these individuals and we are actively working with State Police and local law enforcement personnel to apprehend these individuals.

<i>July 1, 2014 – Feb 23, 2015</i>	Escape	Walk-Off	Returned
North	0	0	NA
Central	0	4	2
South	0	1	1
Total:	0	5	3

As indicated in the analysis, the number of walk offs has decreased dramatically over the past ten years, from over 160 walk offs in FY2005 to 6 in FY2014. However, while this is considered a major success, the Department will continue to take action to ensure this downward trend continues. Specifically, the Department is coordinating with Case Management staff to increase communication with employers of individuals participating in the Work Release Program. This will provide additional monitoring and oversight and increase timeliness of all facility notifications when an inmate in the program is unaccounted for. Additionally, the Department is working to ensure that staff understands proper response and protocol for these instances. This will allow for immediate response so that the appropriate offices, including Security Operations, arrive at the scene as soon as possible.

Contraband

Issue: The Department should comment on the anticipated timeframe for the new dog handlers to begin facility scans and the expected change in contraband finds in future years.

Response:

In order to better detect contraband, the Department is expanding its K9 program. There are currently 9 K9s and detector handlers enrolled in a training course, who are scheduled to graduate on April 8, 2015. Six of these K9s will be assigned to the Jessup/Baltimore region and the remaining three K9s will be assigned to the Cumberland/Hagerstown region.

Including these additional nine K9s, the Department has a total of 39 K9 handlers, and 53 K9s. Out of the 53 K9s, 33 are trained to detect controlled dangerous substances, 14 are dedicated patrol K9s, four are contraband detection dogs, and two are bloodhounds.

Bolstering our K9 unit will improve several areas of contraband detection. Specifically, it will allow for an increase in detection and contraband scanning at all facilities, including facility entry points, perimeter lines, parking lots, visiting areas, mailrooms and cells. Additionally, more K9s will enable the Department to conduct Operational Readiness Exercises, which are analogous to mini-missions where Intel, K9s, and specialized units within the Internal Investigative Division all work together

to in a coordinated effort. These Operational Readiness Exercises often show hot spots, or areas where facilities are especially susceptible to contraband. Therefore, with a more robust K9 program, the Department expects an initial increase in contraband finds.

Supervision Performance

Issue: The Department should comment on whether there are certain characteristics of each region that affect supervision case closure outcomes and revocations for new offenses.

Response: The Central Region supervises the highest number of offenders in the community (19,221) compared to the South Region (17,262) and the North Region (10,773) and has the highest proportion of technical violators. The Central Region has the highest number of offenders in the state deemed most violent, who are supervised in a containment model caseload known as the Violent Prevention Unit (VPU). The population is supervised very closely and revocations are immediately requested upon any new arrest and at the first technical violation, which includes: failing to report; registering positive on a drug test; or, missing a treatment appointment. The Central Region supervises approximately 1,268 violent offenders whereas the North Region supervises approximately 306 violent offenders. Therefore, this proportion affects supervision case closure outcomes and revocations for new offenses.

It is important to note that the strict revocation procedures for the VPU were put in place because this offender population has been deemed to be the most likely associated with gun violence and other violent crimes. However, the Department is currently reexamining the VPU model to assess the effectiveness of this process and to determine whether any improvements can be made.

Correctional Facility Security Issues and Upgrades

Issue: The department should comment on the prioritization and financial feasibility of security and staffing enhancements planned to take place in fiscal 2015 and 2016. The department should also comment on the estimated cost of increasing in-service training at BCBIC and BCDC and whether, absent in-service training increases at other State facilities, this could be achieved with current resources.

Response: As indicated in the analyst's commentary, the Department developed a significant correctional security enhancement package following the April 2013 indictments of BCDC officers. Since that time, the Department has procured and installed a Cell Phone Managed Access System at BCDC and RFPs have been

released to expand managed access to both BCBIC and MRDCC per the Department's plans. Additional technological security enhancements include the development of an ongoing camera replacement fund that has helped to install new, digital, 45-day recording cameras to BCDC, BCBIC, and additional facilities across the state. Currently, projects are underway to improve the camera systems at Western Correctional Institution, North Branch Correctional Institution, Maryland Reception, Diagnostic, and Classification Center, Eastern Correctional, and Maryland Correctional Institution in Hagerstown.

The Department also expanded the Intelligence and Investigative Division significantly, and has begun the expansion of the K9 unit. Additionally, the Department has purchased polygraph equipment and is in the process of hiring polygraph examiners for a polygraph unit.

With respect to training, the Department has developed plans to increase training across the Department. In CY2014, the Eastern Correctional Institution, Western Correctional Institution, North Branch Correctional Institution, Maryland Correctional Institution in Hagerstown, Roxbury Correctional Institution, Chesapeake Detention Facility, all completed 40 hours of training. The Department plans to expand this 40-hour training requirement to additional institutions over the next two years. It is also of note that, specifically at BCDC, the Department has developed a more robust Field Training Officer program (added approximately 35 FTOs), focused on training new recruits.

Correctional Facility Audits

Issue: The department should comment on actions taken to correct audit noncompliance issues at BCDC.

Response: In 2014, the Maryland Commission on Correctional Standards (MCCS) audited the Baltimore City Detention Center (BCDC). The audit found that BCDC was deficient in several areas, but the deficiencies were primarily attributable to BCDC's inability to provide 3-years of documentation, which is mandatory in order to illustrate that BCDC was operating within the MCCS Standards. BCDC was unable to provide the required documentation because several sewer pipes ruptured, resulting in severe flooding in the records area where BCDC physically stored these documents. Although the facility was able to provide proof of the flood, the MCCS standards requirements could not be met and the auditors had no other choice but to find the facility deficient.

Whenever a facility is not 100 percent compliant with MCCS standards, MCCS schedules a monitoring visit, which is typically held six months after the initial audit.

This gives the non-compliant facilities the opportunity to render any issue and reach compliancy.

In this case, BCDC was scheduled for a monitoring visit in February 2015. This provided BCDC with a six month window to demonstrate that all of the MCCS standards were being practiced and that the documents were being retained in a safe environment.

On February 12, 2015, the MCCS Auditors completed their 6-month monitoring visit at which time BCDC was found to be 100% compliant with the MCCS Standards. BCDC will receive their Certificate of Compliance on March 26, 2015.

New Hepatitis C Prescription Treatments

Issue: DPSCS should comment on how many inmates it expects will receive the new treatments and the associated increase for inmate pharmaceutical costs. The department should also comment on the status of rebidding the inmate pharmacy contract, and the opportunity for discounts for Hepatitis C treatments.

Response: The Department is currently in the process of finalizing the Pharmacy RFP and it is anticipated that this will be released next month. The Department anticipates that an award will be made prior to June 30, 2015.

The Department treats, at any given time during the year, about 250 inmates for HCV. However, approximately 100 of those complete treatment. This happens due to positive and negative side effects, as well as the efficacy of the drugs for each individual. Additionally, it is important to note, that HCV is found in 3 genotypes, each requiring different types and lengths of treatment. As the analyst notes, the Department uses a combination of Pagasys and Ribavirin to combat HCV. This drug combination has approximately a 70 percent cure rate, but also has significant side effects, and requires additional care/treatment at a cost of \$10,000 or more per inmate for a full cycle of treatment.

New drugs, such as Solvadi and Harvoni, are expensive but have fewer side effects, a significantly higher cure rate (approximately 93 percent), and in many cases can be taken for a shorter period of time. At this point, it is very difficult to predict a change in pharmaceutical costs because cure rates, long-term care, additional side effects, etc. cannot be easily factored into the Department's costs until these drugs are available.

The Department is also looking into discount options for the new drugs. For example, Gilead, the owner of Solvadi and Harvoni, can potentially provide a 20% discount on these drugs. However, the Department is also considering using what is known as the Federal 340B program to achieve higher discounts (savings up to 40%). Participation in this program all depends on the ability to partner with community hospitals and pharmacies with respect to drug purchases.

Recommended Actions

1. Add the following language to the general fund appropriation:

Provided that 50 General Fund positions shall be abolished as of July 1, 2015.

Response: The Department strongly disagrees with this recommendation. Since Fiscal Year 2008, the Department's authorized positions have been reduced by 518 or by 4.5%, to current staffing levels. Any further reduction in positions will have a negative impact on the Department's operations. Data used for this analysis indicates that the Department currently has 726 vacant positions; however, it is important to note that 529 of the Department's current vacancies consist of correctional officers and staff, parole and probation agents, and drinking driver monitors. See breakdown below:

- 484 Correctional Officer series vacancies
 - 334 Correctional Officer's (I, II's & LT's – Including the 100 new CO's)
 - 150 vacancies comprise of correctional officer sergeants, captains, maintenance staff, diet officers, and case managers.
- 32 Parole & Probation Agent vacancies
- 13 Drinking Driver Monitor Program (DDMP) vacancies

The Department is committed to filling these critical vacancies. Furthermore, it should be noted that the Department's vacancies are also overstated due to the 100 new correctional officers that the Department could not begin to hire until this past January.

Additionally, the Department's actual budgeted turnover value increases from -\$27.9 million in general funds in Fiscal Year 2015 to -\$28.5 million in Fiscal Year 2016. The average general fund salary, including fringe benefits, per employee equals \$63,052 which requires the Department to on average, maintain 452 vacancies. However, the positions that are currently vacant are at lower pay grades than the average salary. For example, a correctional officer I position totals \$47,509 with fringe benefits. (This includes the 100 new CO's). If the Department were to use the lower average salary number, which is more consistent with our actual vacancies, the Department would be required to maintain 600 vacant positions in which to meet budgeted turnover.

Lastly, the State is currently implementing the Voluntary Separation Program (VSP) which will inevitably require the Department to abolish additional positions. Back when the VSP was offered in 2011, the Department had to abolish 54 positions. Excluding correctional officers, the Department currently has 559 employees that meet normal service requirements for retirement. While it is unclear how many of these employees will apply for the VSP program, the Department estimates that at least 55 employees will be approved for the program, requiring these positions be abolished.

Based on the factors identified above the Department cannot afford to abolish additional positions and we respectfully ask the budget committee to reject this recommendation.

2. Add the following language to the general fund appropriation:

Provided that the Department of Public Safety and Correctional Services (DPSCS) shall regularly conduct a new post-by-post security staffing analysis for each of its custodial agents in order to identify the actual number of regular positions needed to safely and securely staff the State's correctional institutions. DPSCS shall provide a written report to the budget committees no later than December 1, 2015, with bi-annual submissions thereafter, summarizing the results of the analysis and explaining the need for any staffing changes resulting from the staffing analysis or changes in polity that require the use of additional positions. The budget committees shall have 45 days to review and comment following receipt of the report.

Due Date: December 1, 2015

Response: The Department concurs with the recommendation.

3. Add the following language:

Provided that no funds within this budget may be expended for operations at Dorsey Run Correctional Facility (DRCF) Phase II until a report outlining a department facility plan is submitted to the budget committees. The report shall contain future uses, including plans for renovation, demolition, or upgrade, as well as anticipated changed in the future operating cost, of DRCF, Brockbridge Correctional Facility, the Jail Industries building, and any other facilities affected by the opening of DRCF Phase II. Upon receipt, the budget committees shall have 45 days to review and comment.

Due Date: 45 days prior to release of funds.

Response: The Department concurs with the DLS recommendation.