



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: Department of Public Safety and Correctional Service (DPSCS)
Fiscal 2017 Budget Overview Responses

Dear Chairman DeGrange:

Attached for your reference is the Department's discussion pertaining to issues in the DPSCS Fiscal 2017 Budget Overview 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. Kyle Mansfield, Budget Analyst, DBM
Deputy Secretary William Stewart, DPSCS
Deputy Secretary J. Michael Zeigler, DPSCS
Assistant Secretary Rhea Harris, DPSCS
Assistant Secretary David Bezanson, DPSCS
Director Christopher McCully, Financial Services, DPSCS
Director Rachel Sessa, Government, Legislative & Community Affairs,
DPSCS

DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES FY 2017 BUDGET OVERVIEW

Fiscal Year 2016 Cost Containment

Issue: The department should comment on whether it still plans to pursue negotiations related to eliminating roll call and implementing an extended shift in facilities.

Response: The Department plans on continuing our efforts to reduce overtime and improve safety by pursuing negotiations related to a new correctional officer work schedule. Implementing an extended work day – ten (10) hour shifts - cannot be completed absent legislation. Unless the union is willing to work with the Department, this change will not occur until full contract negotiations begin in 2017. The Department introduced contract proposals that sought to modify the work schedule and roll call during recent contract negotiations; however, these proposals were ultimately rejected by the union.

Justice Reinvestment Coordinating Council

Issue: DPSCS should comment on whether it has begun, or has plans to begin, implementing any JRCC recommendations.

Response: The Department, including the Division of Parole and Probation (DPP) and the Maryland Parole Commission (MPC) is currently reviewing all recommendations made by the Justice Reinvestment Coordinating Council (JRCC). Almost all of the JRCC recommendations involving the Department require significant statutory changes subject to the legislative process. Therefore, implementation of a majority of these recommendations cannot be initiated prior to the passage and enactment of legislation.

However, there are a few recommendations, involving the Division of Parole and Probation (DPP), that could be implemented absent legislation, including:

- Recommendation 9: Use a validated risk and needs assessment tool to determine supervision levels;
 - DPP has committed to utilizing the Level of Service Inventory – Revised (LSI-R), which is a validated risk and needs assessment tool. DPP plans on implementing this tool by summer 2016.
- Recommendation 10: Use swift, certain, and proportional sanctions for violations of probation and parole;
 - The implementation of verbal warning, increased reporting, verbal recognition and reduced reporting does not require legislative changes. DPP plans on adopting new policy and procedure to implement a graduated sanctions matrix that incorporates sanction and rewards options that do not involve denial of an offender's liberty. It is important to note that an increase or reduction of alcohol and drug testing can only be required of an offender whose court order contains a drug or alcohol testing condition or blanket order to follow instructions of their agent.

- Recommendation 11: Establish evidence-based standards for supervision practices;
 - DPP began the process of implementing evidence-based based practices for community supervision. DPP started this process in July 2015 and will have the training completed by the end of June 2016.
- Recommendation 16: Establish a certificate of completion for offenders who successfully complete supervision.
 - DPP already provides offenders with a letter of completion upon request; however, this effort can be expanded to standard procedure upon case closure.

Issue: DPSCS should comment on the additional resources it would need in order to comply with JRCC recommendations.

Response: As previously mentioned, a majority of the Justice Reinvestment Coordinating Council (JRCC) recommendations require significant statutory changes that are subject to the legislative process. Therefore, the Department is unable to accurately predict the number of recommendations that will be enacted and the form in which they be incorporated into statute. Based on the form in which they were included in the Report, the Department believes the following areas will need to be addressed in order to fully implement the recommendations:

- Technical assistance for program development, research and evaluation;
- Technical adjustments for system changes to the Department's Offender Case Management System (OCMS);
- Reforming reentry services with evidence-based programming to improve inmate outcomes and facilitate inmate readiness for parole and probation programming;
- Technical assistance for staffing and development training for MPC staff on administrative parole processes;
- Technical assistance for the development of an administrative parole process in OCMS; and,
- Technical assistance for the expansion of programming and substance abuse treatment in the Division of Corrections.

Dorsey Run Correctional Facility – Phase II

Issue: The budget committees are in receipt of the facility plan, and DLS recommends releasing the associated restricted funds for operation of DRCF Phase II.

Response: The Department concurs with the recommendation and appreciates the budget committees' continued support.

Recommended Actions

1. Add the following language:

Provided that no more than 80 correctional officer positions may be reclassified in this appropriation.

Explanation: This action is intended to limit the number of correctional officer positions that can be reclassified, primarily for dietary service in Baltimore City facilities.

Response: The Department disagrees with the recommended action.

The Department currently has 89.75 full time equivalent (FTE) positions that were added as part of assuming responsibility for the Dietary operations. Not only do these positions include dietary officers but they also maintenance staff. Secondly, the Department does not budget a contractual at 1.00 FTE; conversely, a full time contractual position is budgeted at .84 FTE since contractual employees do not get paid holidays or time off. In order to get a total number of full-time positions necessary to convert FTE positions, the total number of FTE positions would need to be divided by .84 (89.75 divided by .84). The Department would need 107 full-time positions to properly convert the 89.75 FTE into full-time positions. Therefore, capping the number of Correctional Officers that can be reclassified would bar the Department from converting these FTE positions into merit positions for performing the same work duties.

Additionally, the Department is currently reviewing staffing plans in light of the opening of the Youth Detention Center in Fiscal Year 2017 and given the proposed changes to the Department's Capital Improvement plan.

For the aforementioned reasons, the Department believes operational flexibility is required and respectfully requests the rejection of this recommended action.