

Q00N00
Maryland Commission on Correctional Standards
Department of Public Safety and Correctional Services

Operating Budget Data

(\$ in Thousands)

	FY 02	FY 03	FY 04	FY 03 - 04	FY 03 - 04
	<u>Actual</u>	<u>Working</u>	<u>Allowance</u>	<u>Change</u>	<u>% Change</u>
General Funds	\$409	\$468	\$482	\$14	3.0%
Contingent & Back of Bill Reductions	0	0	-3	-2	
Adjusted General Funds	\$409	\$468	\$480	\$12	2.5%
Adjusted Grand Total	\$409	\$468	\$480	\$12	2.5%

- The majority of the \$12,000 increase is due to health insurance, offset by minor operating reductions.

Personnel Data

	FY 02	FY 03	FY 04	Change
	<u>Actual</u>	<u>Working</u>	<u>Allowance</u>	
Regular Positions	6.00	6.00	6.00	0.00
Contractual FTEs	1.11	2.00	2.00	0.00
Total Personnel	7.11	8.00	8.00	0.00

Vacancy Data: Regular Positions

Budgeted Turnover: FY 04	0.18	3.00%
Positions Vacant as of 12/31/02	0.00	0.00%

Note: Numbers may not sum to total due to rounding.

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Analysis in Brief

Major Trends

Managing for Results (MFR) Indicators: The Maryland Commission on Correctional Standards (MCCS) MFR objectives do not clearly measure the outcomes of its activities.

Issues

The Commission's Effectiveness: MCCS does not appear to effectively manage its regulatory role. **The Department of Legislative Services (DLS) recommends that the department address the apparent failure of the commission to adequately perform its prison oversight function. The department should provide options for remedying this problem including possible modification of the commission's membership and transfer of the commission's responsibilities to another agency such as the Office of the Attorney General.**

Recommended Actions

1. Concur with Governor's allowance.

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Operating Budget Analysis

Program Description

The Maryland Commission on Correctional Standards (MCCS) develops standards and enforces regulations addressing life, health, safety, and constitutional issues for the operation of Maryland's prisons, detention centers, and community correctional centers. Legislation enacted in 1998 requires the commission to serve as a regulatory and licensing authority for private home detention monitoring agencies.

Performance Analysis: Managing for Results (MFR)

MCCS' MFR objectives relate to its goal of good management. Most of the objectives measure activities, not outcomes. Additionally, the objectives do not speak to MCCS' regulatory role. The fact that it inspects adult institutions within two years is of no consequence if the facility is successfully sued within the next six months for qualities for which MCCS gave it a passing grade.

Fiscal 2003 Actions

Impact of Cost Containment

The fiscal 2003 cost containment reflects the reversion of appropriations to support free transit ridership for State employees, contingent upon enactment of a provision in the Budget Reconciliation and Financing Act (BRFA) of 2003.

Governor's Proposed Budget

The Governor's allowance provides an increase of 2.5%, or approximately \$12,000 over the fiscal 2003 working appropriation. The majority of the increase is attributed to personnel and contractual services categories offset by reductions in the technical and special fee category. The total operating allowance is \$480,000.

Impact of Cost Containment

The fiscal 2004 allowance reflects the elimination of the appropriation for matching employee deferred compensation contributions up to \$600, contingent upon enactment of a provision in the BRFA of 2003.

Exhibit 1

**Governor’s Proposed Budget
Maryland Commission on Correctional Standards
(\$ in Thousands)**

	<u>FY 02</u> <u>Actual</u>	<u>FY 03</u> <u>Working</u>	<u>FY 04</u> <u>Allowance</u>	<u>FY 03 - 04</u> <u>Change</u>	<u>FY 03 - 04</u> <u>% Change</u>
General Funds	\$409	\$468	\$482	\$14	3.0%
Contingent & Back of Bill Reductions	0	0	-3	-2	
Adjusted General Funds	\$409	\$468	\$480	\$12	2.5%
Adjusted Grand Total	\$409	\$468	\$480	\$12	2.5%

Where It Goes:

Personnel Expenses

Retirement contribution cost increase	\$1
Employee and retiree health insurance	19
Workers’ compensation premium assessment	1
Turnover adjustments	1
Other fringe benefit adjustments	-5

Other Changes

Technical and special fees	-6
Contractual services	1

Total **\$12**

Note: Numbers may not sum to total due to rounding.

Issues

1. The Commission's Effectiveness

MCCS' role is primarily regulatory. The commission is charged with insuring compliance with applicable standards to better protect the health, safety, and welfare of the public by reducing incidents of crime. In fulfilling this charge, MCCS protects not only inmates and the public's safety, but the State and counties as well by unearthing the bases for inmate lawsuits and violations of inmates' constitutional rights. There are two recent instances, however, where a subsequent Department of Justice review of facilities audited by MCCS found significant operational deficiencies.

The first involves the Baltimore City Detention Center (BCDC). The U.S. Department of Justice issued a letter to former Governor Parris Glendening describing its findings at BCDC. The letter indicated that there were deficiencies in virtually every aspect of BCDC's operations, procedures, staffing, and physical plant. The letter concluded with 107 remedial measures that BCDC needed to correct to meet constitutional muster, including the areas of fire safety, medical care, mental health, sanitation, juvenile care, and education. MCCS audited BCDC less than 12 months prior to the Department of Justice's inspection and concluded that a three-point compliance plan, which included enhanced master key control, fire safety, and medical screening was sufficient. It is also notable that during the time of the MCCS audit, BCDC was not in compliance with a federal court decree regarding inmate living conditions.

The next example involves the Wicomico County Detention Center (WCDC). The U.S. Department of Justice issued a letter to the Wicomico County Council describing its findings at WCDC from its inspection in January 2001. The letter indicated that deficiencies in mental health services, medical care, security and inmate protection, and environmental health and safety existed at WCDC. MCCS has indicated that the last audit it conducted of WCDC before the Department of Justice inspection occurred in September 1998. At that time, MCCS noted five deficiencies: supervision of inmates; control of medications; physical examinations; release medical screenings; and weekly dietary sanitation inspections. MCCS indicated that WCDC fully complied with all applicable standards by granting WCDC's director the Recognition of Achievement Award in June 2000, approximately six months before the Department of Justice found significant deficiencies.

DLS recommends that the department address the apparent failure of the commission to adequately perform its prison oversight function. The department should provide options for remedying this problem including possible modification of the commission's membership and transfer of the commission's responsibilities to another agency such as the Office of the Attorney General.

Recommended Actions

1. Concur with Governor's allowance.

Current and Prior Year Budgets

**Current and Prior Year Budgets
Maryland Commission on Correctional Standards
(\$ in Thousands)**

	<u>General Fund</u>	<u>Special Fund</u>	<u>Federal Fund</u>	<u>Reimb. Fund</u>	<u>Total</u>
Fiscal 2002					
Legislative Appropriation	\$456	\$0	\$0	\$0	\$ 456
Deficiency Appropriation	0	0	0	0	0
Budget Amendments	-47	0	0	0	-47
Reversions and Cancellations	0	0	0	0	0
Actual Expenditures	\$409	\$0	\$0	\$0	\$409
Fiscal 2003					
Legislative Appropriation	\$467	\$0	\$0	\$0	\$467
Budget Amendments	1	0	0	0	1
Working Appropriation	\$468	\$0	\$0	\$0	\$468

Note: Numbers may not sum to total due to rounding.

Q00N00 - DPSCS - Maryland Commission on Correctional Standards

Appendix 2

**Object/Fund Difference Report
DPSCS - Maryland Commission on Correctional Standards**

<u>Object/Fund</u>	<u>FY 02 Actual</u>	<u>FY 03 Working Appropriation</u>	<u>FY 04 Allowance</u>	<u>FY 03 - FY 04 Amount Change</u>	<u>Percent Change</u>
Positions					
01 Regular	6.00	6.00	6.00	0	0%
02 Contractual	1.11	2.00	2.00	0	0%
Total Positions	7.11	8.00	8.00	0	0%
Objects					
01 Salaries and Wages	\$ 328,867	\$ 350,911	\$ 369,643	\$ 18,732	5.3%
02 Technical & Spec Fees	35,100	61,060	54,916	-6,144	-10.1%
03 Communication	2,404	2,440	2,991	551	22.6%
04 Travel	8,072	16,970	16,760	-210	-1.2%
06 Fuel & Utilities	2,201	2,600	2,600	0	0%
07 Motor Vehicles	104	250	150	-100	-40.0%
08 Contractual Services	7,307	6,896	7,620	724	10.5%
09 Supplies & Materials	1,898	3,700	3,700	0	0%
11 Equip - Additional	0	0	400	400	N/A
13 Fixed Charges	22,899	23,637	23,511	-126	-0.5%
Total Objects	\$ 408,852	\$ 468,464	\$ 482,291	\$ 13,827	3.0%
Funds					
01 General Fund	\$ 408,852	\$ 468,464	\$ 482,291	\$ 13,827	3.0%
Total Funds	\$ 408,852	\$ 468,464	\$ 482,291	\$ 13,827	3.0%

Note: Fiscal 2003 appropriations and fiscal 2004 allowance do not include cost containment and contingent reductions.