

Q00P00
Division of Pretrial Detention and Services
Department of Public Safety and Correctional Services

Operating Budget Data

	(\$ in Thousands)				
	FY 2002	FY 2003	FY 2004	FY 03 - 04	FY 03 - 04
	<u>Actual</u>	<u>Approp.</u>	<u>Allowance</u>	<u>Change</u>	<u>% Change</u>
General Funds	\$99,755	\$101,558	\$106,364	\$4,806	4.7%
FY 2003 Cost Containment	0	-150	0	150	
FY 2003 Deficiencies	0	3,350	0	-3,350	
Contingent & Back of Bill Reductions	0	-99	-78	21	-21.5%
Adjusted General Funds	\$99,755	\$104,659	\$106,286	\$1,627	1.6%
Special Funds	2,492	2,278	2,540	262	11.5%
Contingent & Back of Bill Reductions	0	0	-1	-1	
Adjusted Special Funds	\$2,492	\$2,277	\$2,539	\$262	11.5%
Federal Funds	140	100	150	50	50.0%
Adjusted Grand Total	\$102,386	\$107,037	\$108,975	\$1,938	1.8%

- Fiscal 2003 deficiencies total \$3.4 million, including \$552,000 for operations at the Hargrove Courthouse, \$847,000 to mitigate heat issues at the Women's Detention Center, \$171,000 to provide adult special education at the Baltimore City Detention Center, \$254,000 to offset food cost increases, and \$1.5 million in wage and salary increases to ease population pressures at the Central Booking and Intake Facility.
- The medical care and services object increases in the fiscal 2004 allowance by \$1.8 million.
- The food services object increases in the fiscal 2004 allowance by \$0.8 million.

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Personnel Data

	<u>FY 02</u> <u>Actual</u>	<u>FY 03</u> <u>Working</u>	<u>FY 04</u> <u>Allowance</u>	<u>Change</u>
Regular Positions	1,496.00	1,544.00	1,501.00	(43.00)
Contractual FTEs	23.69	36.20	35.20	(1.00)
Total Personnel	1,519.69	1,580.20	1,536.20	(44.00)

Vacancy Data: Regular Positions

Budgeted Turnover: FY 04	119.03	7.93%
Positions Vacant as of 12/31/02	95.00	6.15%

- The division indicates that it will be unable to meet its budgeted turnover because the allowance eliminates 44 vacant positions and provides for a turnover rate of 119 positions.
- Of the 44 positions slated for abolition, 23 are correctional officer positions.

Analysis in Brief

Major Trends

Staffing and Overtime: The data provided by the Division of Pretrial Detention and Services (DPDS) indicates that while sick leave hours used by staff are increasing, the amount of overtime used is decreasing. The operational implications raise concerns about safety, security, and management.

Issues

Hargrove Courthouse: The judiciary is planning to open the Hargrove Courthouse in March 2003. The operation of this courthouse for criminal cases in which a person in the division's custody must appear will increase the operational cost for the division. **The department should be prepared to discuss the impact of the new courthouse on its budget and the ability to absorb the fiscal 2004 costs within existing resources and whether consideration could be given to initially limit the new Hargrove Courthouse to civil and traffic cases.**

Offenders' Rights: The United States Department of Justice, Civil Rights Division issued a letter to then Governor Parris N. Glendening that concluded that certain conditions at the division's facilities violated the civil rights of inmates. The letter indicated deficiencies in virtually every facet of the division's operations, training, and physical plant. **The department should be prepared to discuss the status of the federal actions. The department should also be prepared to discuss its plans to rectify the deficiencies.**

Staffing: The division must constantly reevaluate its staffing plans and engage in operational changes that place inmates and staff members in greater risk of harm. The division is also participating in activities which do not appear to be effective uses of its resources. **The Department of Legislative Services (DLS) recommends that the department and a representative from the Criminal Justice Coordinating Council explain why the Part 40 courtroom is not being used to reduce population pressures at the detention center.**

Recommended Actions

1. Concur with Governor's allowance.

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Department of Public Safety and Correctional Services

Operating Budget Analysis

Program Description

The Division of Pretrial Detention and Services (DPDS) is responsible for processing and managing the care, custody, and control of Baltimore City arrestees and inmates in a safe, humane, and secure environment. DPDS also provides bail recommendations to the courts in Baltimore City and supervises defendants who have been released to the community to await trial.

Performance Analysis: Managing for Results

As shown in **Exhibit 1**, between fiscal 2000 and 2002, the number of sick leave hours used by staff increased by approximately 25,000 hours, or 20.5%. During that same time, the amount of overtime incurred by the use of sick leave decreased by 12,000 hours, or 25.9%. Total expenditures for overtime have decreased by \$1.9 million, or 20.9% between fiscal 2000 and 2002 as well.

While the reduction in overtime costs and hours may suggest efficient resource management, it also raises several areas of concern. The use of 146,000 sick leave hours in fiscal 2002 is equivalent to 70 staff members having the entire year off. DPDS has found that some staff members use sick leave to get time off due to excessive overtime requirements. Additionally, if DPDS is able to meet security needs with significant sick leave vacancies, its staffing plan may overestimate the actual need or it is designed with the sick leave vacancies already incorporated. Another possible concern is that staffing shortages due to sick leave require DPDS to engage in operational changes that put staff and inmates at greater risk of harm. **DLS recommends that the committees instruct the Office of Legislative Audits to audit the staffing plan for DPDS and report to the General Assembly by December 1, 2003.**

Exhibit 1

Use of Sick Leave Hours, Overtime Hours, and Overtime Expenses
(\$ in Thousands)

<u>Year</u>	<u>Sick Leave Hours</u>	<u>% Change</u>	<u>Overtime Hours</u>	<u>% Change</u>	<u>\$ Spent in Overtime</u>	<u>% Change</u>
2000	121,166		45,302		\$9,059	
2001	149,812	23.64%	44,605	-1.54%	\$7,335	-19.03%
2002	146,045	-2.51%	33,582	-24.71%	\$7,162	-2.36%
2003 Est.	143,318	-1.87%	40,772	21.41%	\$7,119	-0.60%
2004 Est.	157,382	9.81%	48,470	18.88%	\$8,664	21.70%

Source: Department of Public Safety and Correctional Services

Fiscal 2003 Actions

Proposed Deficiency

The fiscal 2004 allowance provides a total amount of approximately \$3.4 million in deficiencies. **Exhibit 2** shows the detail for the deficiencies provided in the allowance.

Exhibit 2

Deficiencies for Division of Pretrial Detention and Services

<u>Amount</u>	<u>Rationale</u>
\$552,000	This deficiency appropriation is necessary to supplement the appropriation for fiscal 2003 to provide funds for increased inmate transport and security services between the Baltimore City Detention Center and the Hargrove Courthouse.
847,000	This deficiency appropriation is necessary to supplement the appropriation for fiscal 2003 to provide funds to respond to a federal court order to mitigate heat related issues at the Women's Detention Center in Baltimore.
171,000	This deficiency appropriation is necessary to supplement the appropriation for fiscal 2003 to provide funds for adult special education services at the Baltimore City Detention Center.
254,180	This deficiency appropriation is necessary to supplement the appropriation for fiscal 2003 to provide funds for increased inmate food service costs at various correctional institutions.
1,526,000	This deficiency appropriation is necessary to supplement the appropriation for fiscal 2003 to provide funds for increased security costs related to an increase in inmate population at the Baltimore City Detention Center and the Central Booking and Intake Facility.
\$3,350,180	Total

Source: 2003 Budget Bill

Impact of Cost Containment

On January 8, 2003, the Board of Public Works reduced DPDS's working appropriation by \$150,000. The reduction was based on the assumption of a mild winter and lower utilization of steam for heating the facility.

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 of 2003.

Governor's Proposed Budget

Exhibit 3 shows that including deficiencies, the Governor's fiscal 2004 allowance provides an increase of \$1.9 million, or 1.8%. The majority of the increase can be attributed to increases in overtime (\$1.5 million), health insurance (\$3.0 million), inmate medical care (\$1.8 million), and food services (\$0.8 million). This growth is offset by a decrease for workers' compensation payments, primarily due to the absence of the additional payment to address the State's unfunded liability. DPDS indicates that the growth in the overtime category is attributable to its staffing shortages. The staffing shortages increase work pressures on the existing correctional staff resulting in greater utilization of sick leave. Since certain custody posts on each shift must be staffed, other staff are required to accept overtime to compensate for the sick leave used by burned out staff members.

Exhibit 3

**Governor's Proposed Budget
Division of Pretrial Detention and Services
(\$ in Thousands)**

	<u>FY 2002</u> <u>Actual</u>	<u>FY 2003</u> <u>Approp.</u>	<u>FY 2004</u> <u>Allowance</u>	<u>FY 03 - 04</u> <u>Change</u>	<u>FY 03 - 04</u> <u>% Change</u>
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Special Funds	2,492	2,278	2,540	262	11.5%
Contingent & Back of Bill Reductions	0	0	-1	-1	233.3%
Adjusted Special Funds	\$2,492	\$2,277	\$2,539	\$262	11.5%
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Adjusted Grand Total	\$102,386	\$107,037	\$108,975	\$1,938	1.8%

Where It Goes:

Personnel Expenses

Abolished/transferred positions	-\$1,696
Employee and retiree health insurance	3,051
Retiree contribution cost increase	256

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Where It Goes:

Cost containment and turnover adjustments	765
Workers' compensation.....	-1,698
Overtime	19
Other fringe benefit adjustments	365

Other Changes

Fiscal 2003 deficiencies not funded in fiscal 2004	-1,570
Medical services	1,828
Food services	588
Miscellaneous adjustments.....	30

Total **\$1,938**

Note: Personnel increases do not reflect fiscal 2003 deficiency.

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

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 Budget Reconciliation and Financing Act of 2003.

Issues

1. Hargrove Courthouse

The judiciary is planning to open the Hargrove District Courthouse in March 2003. Staffing the courthouse will require greater expenses for DPDS and the Office of the Public Defender (OPD). The increase in expenses will result in deficiencies in the current fiscal year and perpetuation in the out-years. The fiscal 2003 total deficiency for DPDS and OPD is approximately \$797,000. The annualization for DPDS and OPD for fiscal 2004 is approximately \$1.2 million. DPDS has indicated that it will attempt to absorb the annualization in existing resources. The increase in costs for DPDS is attributed to transporting detainees and providing security in the courts.

The District Court has jurisdiction over criminal cases, including motor vehicle and boating violations and civil cases. The exclusive original jurisdiction of the District Court generally includes, as to civil cases, landlord and tenant cases, replevin actions, and other cases involving amounts not exceeding \$2,500 and, as to criminal cases, motor vehicle and boating violations by individuals at least 16 years old and other misdemeanors for which the penalty is less than three years' imprisonment and less than a fine of \$2,500. The District Court shares concurrent jurisdiction with the circuit courts in domestic violence cases, in other civil matters that involve a claim for an amount between \$2,500 and \$25,000, in some criminal misdemeanor cases in which the penalty is three years' imprisonment or more or a fine of \$2,500 or more, and in several enumerated felony cases. In fiscal 2001, the caseload of the District Court was over 2 million. Roughly half were motor vehicle cases, and a quarter involved landlord/tenant issues.

The department should be prepared to discuss the impact of the new courthouse on its budget and the ability to absorb the fiscal 2004 costs within existing resources and whether consideration could be given to initially limit the new Hargrove Courthouse to civil and traffic cases.

2. Offenders' Rights

DPDS has been the subject of federal judicial action and a U.S. Department of Justice letter during the 2002 interim. The federal agencies' criticism stems from conditions in DPDS that may violate the constitutional rights of detainees.

According to the U.S. Department of Justice, the deficiencies identified in DPDS have contributed to hazardous conditions and detainee deaths. Additionally, it suggests that the conditions in DPDS not only fail to meet the medical and mental health needs of detainees, but subject the staff and detainees to potentially fatal harm as well.

Identified deficiencies include:

- fire safety;

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- medical care;
- mental health
- sanitation;
- exercise and out-of-cell time;
- juvenile detention;
- education; and
- dilapidated facilities.

On August 20, 2002, a U.S. District Court judge heard arguments on behalf of women detained in the Women's Detention Center (WDC). The suit alleged that the lack of ventilation and excessive heat jeopardized the health and welfare of the detainees. DPDS agreed to provide emergency cooling for WDC and to take appropriate steps to ensure long-term relief.

Although many of the remedial measures suggested by the Department of Justice and the District Court would require significant capital commitments, others pertain to effective staff training and developing and implementing various policies and procedures. Additionally, it has been suggested that the problems that occur due to overcrowding can be alleviated by expanding the types of cases that are heard in the courtroom on DPDS's campus. Failure to modify DPDS's current conditions could expose the State to significant legal and financial liability.

The department should be prepared to discuss the status of the federal actions. The department should also be prepared to discuss its plans and projected operating and capital costs to rectify the deficiencies.

3. Staffing

Custody staffing levels at DPDS continue to be an issue. Custody staff refers to positions that are directly responsible for the custody, security, and care of inmates, including Correctional Officers I and II, Sergeants, Lieutenants, Captains, and Majors. Although all custody staff members are ranked officers, not all ranked officers are assigned to custody duties. The chronic problems in maintaining staffing levels lead to utilization of sick-leave and, as a result, overtime.

Given population and operational pressures, DPDS must frequently reevaluate its staffing and resource allocation plans. As the population continues to grow and the division's ability to recruit, hire, and retain staff, particularly custody staff, remains limited, the division has undertaken operational changes which increase the risks to inmates and staff and increases cost through the use of overtime. These operational changes include collapsing posts, increasing inmate idleness, and increasing the inmate-to-staff ratio.

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The staffing and budgetary dilemma is further exacerbated by DPDS's participation in programs designed to reduce population pressures. An example of such a program is the Part 40 courtroom activities. In a report dated November 1, 2002, from the Criminal Justice Coordinating Council, the department indicates that the Part 40 courtroom is only being used for Quality Case Review, Bail Review, and Habeas Corpus dockets. While these activities have a limited impact on population pressures at DPDS, the General Assembly foresaw an expanded use of the courtroom which included fast tracking felony narcotics pleas and early trials at bail review. Even though the current Part 40 courtroom activities provide limited assistance to population pressures, DPDS spent \$805,000 in fiscal 2002 for salary and wages for courtroom activities. Of the total spent on salaries and wages, \$343,000 was spent for custody staff. This does not appear to be an effective use of the State's limited resources.

DLS recommends that the department and a representative from the Criminal Justice Coordinating Council explain why the Part 40 courtroom is not being used to reduce population pressures at the detention center.

Recommended Actions

1. Concur with Governor's allowance.

Current and Prior Year Budgets

**Current and Prior Year Budgets
DPSCS Division of Pretrial Detention and Services
(\$ 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	\$97,078	\$2,225	\$100	\$0	\$99,403
Deficiency Appropriation	340	0	0	0	340
Budget Amendments	2,337	460	40	0	2,837
Reversions and Cancellations	0	-194	0	0	- 194
Actual Expenditures	\$99,755	\$2,491	\$140	\$0	\$102,386
Fiscal 2003					
Legislative Appropriation	\$101,702	\$2,278	\$100	\$0	\$104,080
Budget Amendments	2,957	0	0	0	2,957
Working Appropriation	\$104,659	\$2,278	\$100	\$0	\$107,037

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

In fiscal 2002, \$2.3 million was amended to the division to close accounts, and the fiscal 2003 working appropriation includes a deficiency request of \$3.4 million and contingent reductions of \$0.3 million.

Object/Fund Difference Report
 DPSCS Division of Pretrial and Detention Services

Object/Fund	FY02	FY03	FY04	FY03 - FY04	Percent Change
	Actual	Working Appropriation	Allowance	Amount Change	
Positions					
01 Regular	1496.00	1544.00	1501.00	-43.00	-2.8%
02 Contractual	23.69	36.20	35.20	-1.00	-2.8%
Total Positions	1519.69	1580.20	1536.20	-44.00	-2.8%
Objects					
01 Salaries and Wages	\$ 75,132,109	\$ 78,373,955	\$ 80,942,128	\$ 2,568,173	3.3%
02 Technical & Spec Fees	608,205	834,472	770,350	-64,122	-7.7%
03 Communication	511,718	543,339	492,490	-50,849	-9.4%
04 Travel	67,739	31,877	1,300	-30,577	-95.9%
06 Fuel & Utilities	2,789,567	2,962,188	2,737,070	-225,118	-7.6%
07 Motor Vehicles	254,224	177,835	185,819	7,984	4.5%
08 Contractual Services	19,569,423	17,736,786	20,567,668	2,830,882	16.0%
09 Supplies & Materials	1,610,052	1,720,245	1,587,503	-132,742	-7.7%
10 Equip - Replacement	195,524	47,459	42,491	-4,968	-10.5%
11 Equip - Additional	60,963	528	14,750	14,222	2693.6%
12 Grants,Subsidies,Contr	1,465,425	1,370,000	1,504,650	134,650	9.8%
13 Fixed Charges	98,479	137,287	207,713	70,426	51.3%
14 Land & Structures	22,578	0	0	0	0.0%
Total Objects	\$ 102,386,006	\$ 103,935,971	\$ 109,053,932	\$ 5,117,961	4.9%
Funds					
01 General Fund	\$ 99,754,796	\$ 101,558,162	\$ 106,363,677	\$ 4,805,515	4.7%
03 Special Fund	2,491,510	2,277,809	2,540,255	262,446	11.5%
05 Federal Fund	139,700	100,000	150,000	50,000	50.0%
Total Funds	\$ 102,386,006	\$ 103,935,971	\$ 109,053,932	\$ 5,117,961	4.9%

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

Fiscal Summary
DPSCS Division of Pretrial and Detention Services

<u>Unit/Program</u>	<u>FY02 Actual</u>	<u>FY03 Legislative Appropriation</u>	<u>FY03 Working Appropriation</u>	<u>FY02 - FY03 % Change</u>	<u>FY04 Allowance</u>	<u>FY03 - FY04 % Change</u>
01 General Administration	\$ 7,559,372	\$ 7,471,726	\$ 7,486,706	-1.0%	\$ 6,034,384	-19.4%
02 Pretrial Release Services	4,340,487	4,741,223	4,761,973	9.7%	4,879,292	2.5%
03 Baltimore City Detention Center	56,964,519	56,519,126	56,998,617	0.1%	64,458,325	13.1%
04 Central Booking and Intake Facility	33,521,628	35,347,822	34,688,675	3.5%	33,681,931	-2.9%
Total Expenditures	\$ 102,386,006	\$ 104,079,897	\$ 103,935,971	1.5%	\$ 109,053,932	4.9%
General Fund	\$ 99,754,796	\$ 101,702,088	\$ 101,558,162	1.8%	\$ 106,363,677	4.7%
Special Fund	2,491,510	2,277,809	2,277,809	-8.6%	2,540,255	11.5%
Federal Fund	139,700	100,000	100,000	-28.4%	150,000	50.0%
Total Appropriations	\$ 102,386,006	\$ 104,079,897	\$ 103,935,971	1.5%	\$ 109,053,932	4.9%

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