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**Department of Public Safety  
and Correctional Services  
Fiscal 2004 Budget Overview**

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**Department of Legislative Services  
Office of Policy Analysis  
Annapolis, Maryland**

**January 2003**

## ***Cost Containment***

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The Board of Public Works reduced the Department of Public Safety and Correctional Services' fiscal 2003 working appropriation by approximately \$4.0 million for cost containment. The largest reductions occurred in the Division of Correction and the Office of the Secretary. The working appropriations of the Patuxent Institute, the Police and Correctional Training Commissions, and the Division of Pretrial and Detention Services were also reduced in cost containment. Fiscal 2003 cost containment also 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. Finally, a transfer of \$2.0 million in fund balance from State Use Industries to the general fund has also been proposed as part of the administration's budget balancing plan. **Exhibit 1** describes the approved cost containment reductions by unit.

### **Exhibit 1**

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#### **Cost Containment As of January 8, 2003 By Unit**

<b><u>Unit</u></b>	<b><u>Dollar Reduction</u></b>
Office of the Secretary	\$573,524
Division of Corrections	3,162,000
Patuxent Institution	110,000
Police and Correctional Training Commissions	50,584
Division of Pretrial and Detention Services	150,000
<b>Total</b>	<b>\$4,046,108</b>

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**The department should be prepared to discuss the operational impact of cost containment.**

## ***State Funding***

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The Department of Public Safety and Correctional Services' (DPSCS) fiscal 2004 allowance is about \$919 million, which is a decrease of \$11 million, or nearly 0.1% below the fiscal 2003 working appropriation. **Exhibit 2** shows that approximately 86% of the department's budget is derived from general funds, 12% from special funds, and the remaining 2% is split between federal and reimbursable funds. 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. **Exhibit 3** shows that the greatest budgetary growth dollar-wise occurs in two operational areas: the Office of the Secretary and Division of Pretrial Detention and Services (DPDS).

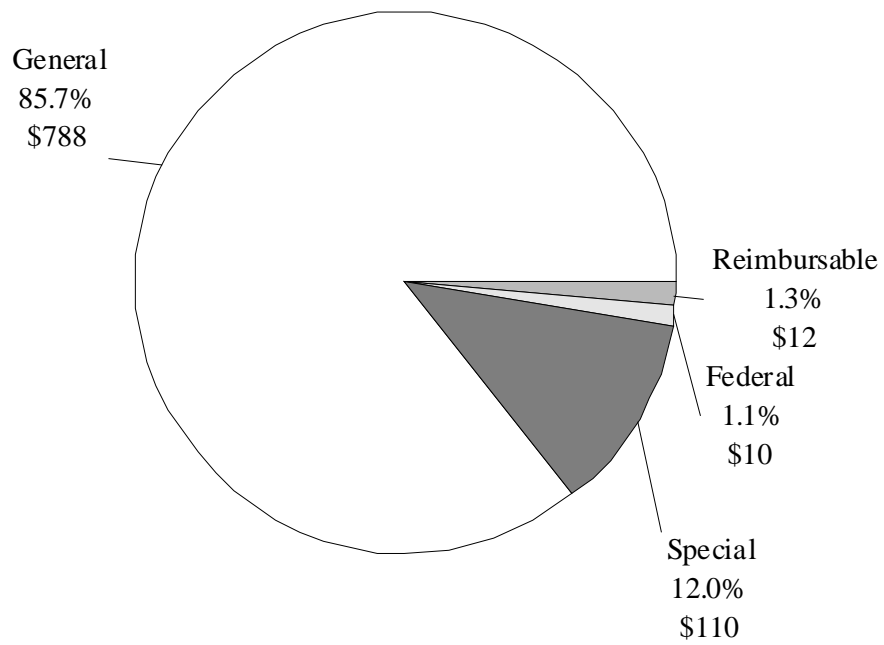
- **Office of the Secretary:** In the Governor's allowance, the Office of the Secretary has received an increase of approximately \$1.8 million over the fiscal 2003 working appropriation. The increase is due to growth in health insurance costs and lower turnover expectancy. The growth is also attributed to a \$3.5 million increase in the 911 Emergency Systems costs.
- **Division of Pretrial Detention and Services:** The division's allowance includes a \$1.9 million increase over the fiscal 2003 working appropriation. The increase is attributed to growth in overtime and health insurance costs combined with a decrease in turnover expectancy, workers' compensation, and miscellaneous adjustments. The allowance also includes increases in medical and food preparation costs. A deficiency of approximately \$3.4 million is also part of the fiscal 2003 working appropriation.

**Exhibit 4** shows that the agency's personnel complement is reduced in the allowance by 330. The number of regular positions decreased by 2.24% to a total of 11,304, while the number of contractual full-time equivalents decreased 14.1% to 491.

**Exhibit 2**

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**Department of Public Safety and Correctional Services  
Fiscal 2004 Allowance  
(\$ in Millions)**



**Total Funds: \$919 Million**

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

**Exhibit 3**

**Department of Public Safety and Correctional Services Budget Overview  
Total Funds by Program**

<u>Unit</u>	<u>FY 2003 Working Approp.</u>	<u>FY 2004 Allowance</u>	<u>Change FY 03-04</u>	<u>% Change</u>
<b>Operating Programs</b>				
Office of the Secretary	\$86,619,365	\$88,375,236	\$1,755,871	2.03%
Division of Correction	584,887,344	581,629,455	(3,257,889)	-0.56%
Parole Commission	3,960,256	4,244,995	284,739	7.19%
Division of Parole and Probation	85,277,517	84,815,385	(462,132)	-0.54%
Patuxent Institution	35,570,530	35,033,594	(536,936)	-1.51%
Inmate Grievance Office	647,641	595,062	(52,579)	-8.12%
Police/Correctional Training Comms.	6,407,143	6,777,178	370,035	5.78%
Criminal Injuries Compensation Board	5,696,302	5,932,346	236,044	4.14%
Commission on Correctional Standards	468,068	479,783	11,715	2.50%
Div. of Pretrial Detention and Services	107,036,600	108,974,978	1,938,378	1.81%
PAYGO	3,441,000	2,100,000	(1,341,000)	-38.97%
<b>Grand Total</b>	<b>\$920,011,766</b>	<b>\$918,958,012</b>	<b>(\$1,053,754)</b>	<b>-0.11%</b>
<b>By Funds</b>				
General	\$783,400,188	\$787,515,021	\$4,114,833	0.53%
Special	113,581,706	109,968,679	(3,613,027)	-3.18%
Federal	7,968,019	9,558,225	1,590,206	19.96%
Reimbursable	15,061,853	11,916,087	(3,145,766)	-20.89%
<b>Grand Total</b>	<b>\$920,011,766</b>	<b>\$918,958,012</b>	<b>(\$1,053,754)</b>	<b>-0.11%</b>

Source: Department of Public Safety and Correctional Services

**Exhibit 4**

**Department of Public Safety and Correctional Services Budget Overview**

**Regular Positions by Program**

<u>Unit</u>	<u>FY 2003 Working Appropriation</u>	<u>FY 2004 Allowance</u>	<u>Change FY 03-04</u>	<u>% Change</u>
<b>Operating Programs</b>				
Office of the Secretary	474	471	-3	-0.63%
Division of Correction	7,529	7,349	-180	-2.39%
Parole Commission	78	78	0	0.00%
Division of Parole and Probation	1,335	1,317	-18	-1.31%
Patuxent Institution	526	511	-15	-2.85%
Inmate Grievance Office	6	6	0	0.00%
Police/Correctional Training Comms.	59	59	0	0.00%
Criminal Injuries Compensation Board	7	7	0	0.00%
Correctional Standards Commission	6	6	0	0.00%
Div. of Pretrial Detention and Services	1,544	1,501	-43	-2.78%
<b>Total</b>	<b>11,563</b>	<b>11,304</b>	<b>-259</b>	<b>-2.24%</b>

**Contractual Positions by Program**

<u>Unit</u>	<u>FY 2003 Working Appropriation</u>	<u>FY 2004 Allowance</u>	<u>Change FY 02-03</u>	<u>% Change</u>
<b>Operating Programs</b>				
Office of the Secretary	161	148	-13	-8.35%
Division of Correction	99	77	-22	-22.10%
Parole Commission	2	2	0	0.00%
Division of Parole and Probation	180	141	-39	-21.72%
Patuxent Institution	54	49	-5	-9.21%
Inmate Grievance Office	1	1	0	0.00%
Police/Correctional Training Comms.	32	32	0	0.00%
Criminal Injuries Compensation Board	4	4	0	0.00%
Correctional Standards Commission	2	2	0	0.00%
Div. of Pretrial Detention and Services	36	35	-1	-2.76%
<b>Total</b>	<b>571</b>	<b>491</b>	<b>-80</b>	<b>-14.06%</b>

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

Source: Department of Public Safety and Correctional Services

## ***Criminal Justice Trends***

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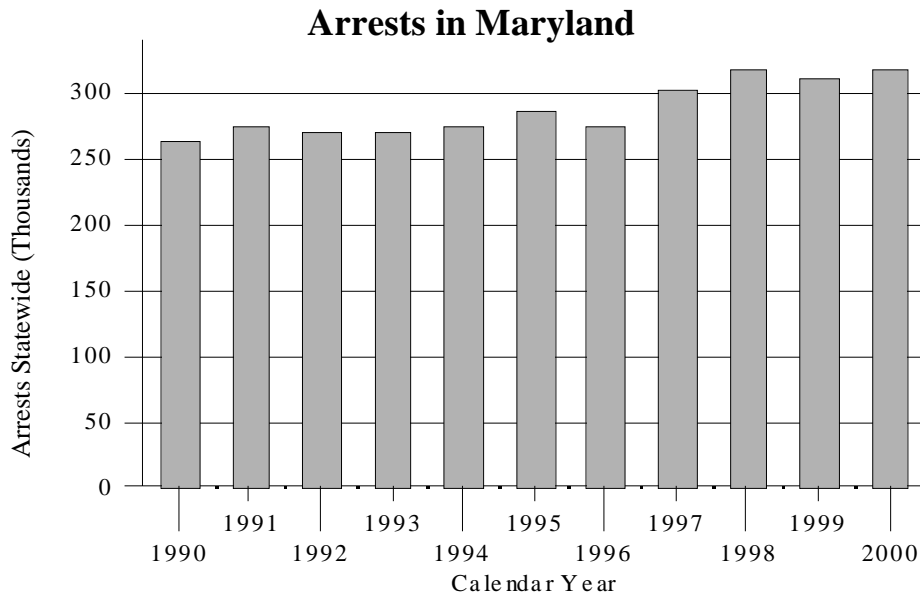
This portion of the overview will discuss some key criminal justice statistics. The statistics reveal trends that highlight the potential areas where significant strain may be placed on correctional services both in terms of the facilities and personnel.

### **Rising Arrest Rate Creates Larger Population to Manage**

The crime rate in the State has continued to decline. The most recent report available indicates a decline of 0.3% in the first six months of 2001. Moreover, the incidence of all crimes – property and violent included – declined in 2000 (the most recent year for which complete data is available). The police and criminologists attribute the downward trend to a crackdown on repeat offenders, enhanced community policing, and moderate economic stability.

Despite the drop in the crime rate, **Exhibit 5** shows that the number of arrests is continuing to rise. Since 1995, the number of arrests climbed 10.95%. Between 1996 and 1998, arrests climbed on average about 7.2% per year. During 1998, nearly 15,200 more arrests were made, a 5% increase over 1997, bringing the total arrests to 316,599. The number of arrests in 1999 dropped to 311,513 or 1.61%. In 2000, arrests climbed once again to 318,249, or an increase of 2.16%. A comparison of total arrests between 1997 and 1998 shows that a growing proportion are adults (83%) arrested for drug abuse violations (13%). Also, the number of arrests for driving while intoxicated rose nearly 2%. Once arrested, an offender's case is disposed in one of three ways: release, sentence to community supervision, or sentence to prison.

Exhibit 5



Source: Department of State Police, *Uniform Crime Report*

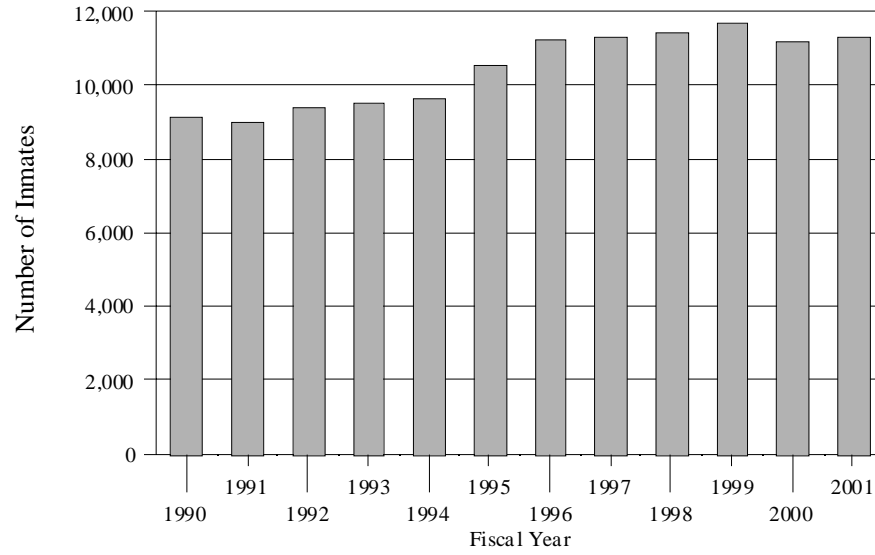
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Approximately two-thirds of offenders await trial in local jails. **Exhibit 6** shows that in the last decade the local jail average daily population has grown 30.22%, from 9,007 to 11,729, although most of this growth occurred before 1999. Most recently, there was an increase of 180 detainees between 2001 and 2002. **Exhibit 7** provides the average daily population by jurisdiction.

**Exhibit 6**

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**Local Jails  
Average Daily Population**



Source: Local jurisdictional data submitted to the Department of Public Safety and Correctional Services

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**Exhibit 7**

**Average Daily Jail Population by Jurisdiction for Fiscal 2001 and 2002**

	<u>FY 2001</u>	<u>FY 2002</u>	<u>FY 01-02 Change</u>	<u>% Increase</u>
Allegany	119	136	17	14.29%
Anne Arundel	956	1,010	54	5.65%
Baltimore City*	3,140	3,536	396	12.61%
Baltimore County	1,166	1,119	-47	-4.03%
Calvert	144	158	14	9.72%
Caroline	103	95	-8	-7.77%
Carroll	240	283	43	17.92%
Cecil	188	154	-34	-18.09%
Charles	377	384	7	1.86%
Dorchester	163	155	-8	-4.91%
Frederick	378	429	51	13.49%
Garrett	61	56	-5	-8.20%
Harford	368	398	30	8.15%
Howard	247	233	-14	-5.67%
Kent	78	83	5	6.41%
Montgomery	986	923	-63	-6.39%
Prince George's	1,109	1,023	-86	-7.75%
Queen Anne's	89	77	-12	-13.48%
St. Mary's	165	195	30	18.18%
Somerset	79	83	4	5.06%
Talbot	109	99	-10	-9.17%
Washington	314	349	35	11.15%
Wicomico	535	532	-3	-0.56%
Worcester	216	219	3	1.39%
<b>Total</b>	<b>11,330</b>	<b>11,729</b>	<b>399</b>	<b>3.52%</b>

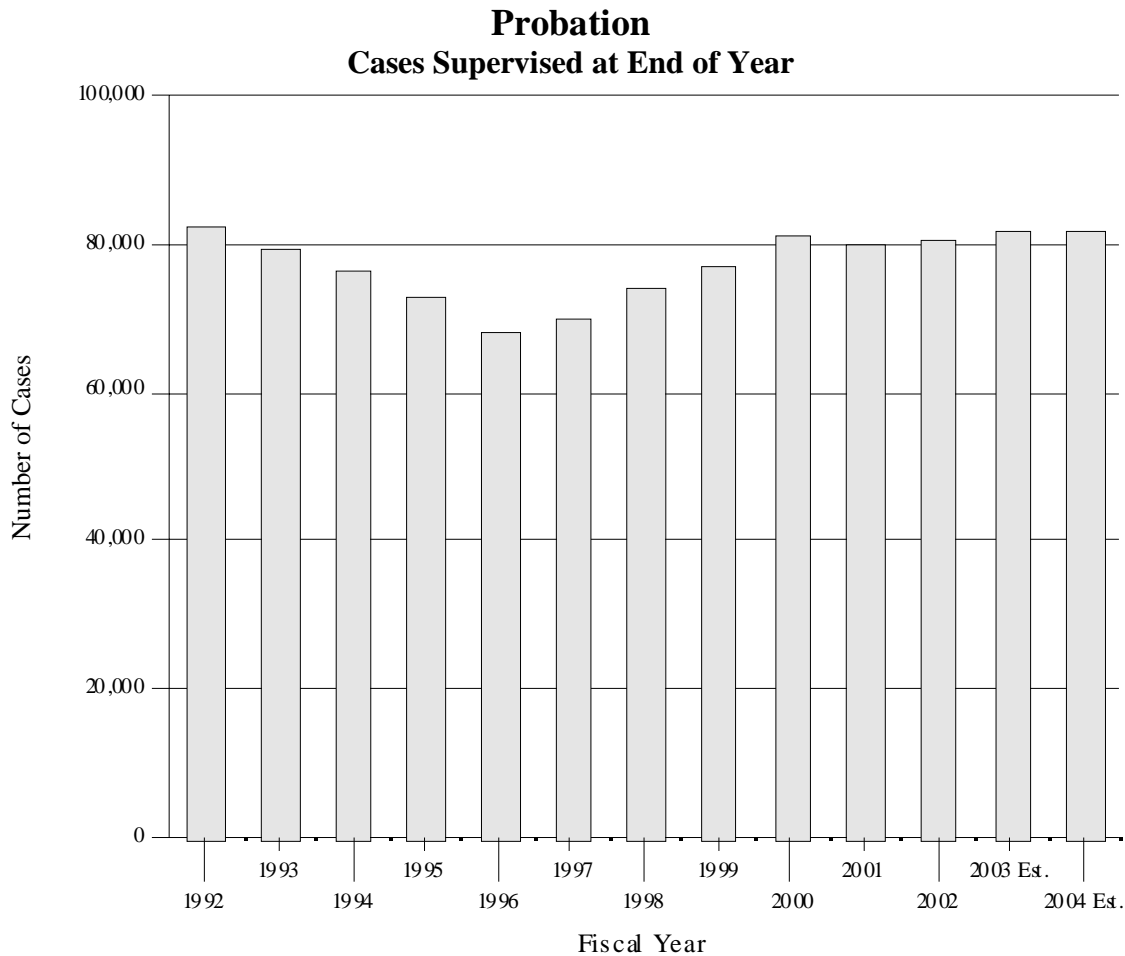
\* The State assumed operations of the Baltimore City jail on July 1, 1991.

Source: Local jurisdictions furnished figures to the Department of Public Safety and Correctional Services

## Community Supervision

The Division of Parole and Probation supervises offenders through traditional probation, specialized probation services, home detention, and the correctional options program. **Exhibit 8** shows that judges have increasingly made greater use of probation supervision as a sentence. Since 1996, the total number of cases under supervision has grown by 13.26% to 96,482 in 2002. The projected caseloads during fiscal 2003 and 2004 anticipate marginal changes in usage levels.

### Exhibit 8



Source: Department of Public Safety and Correctional Services

A court can also sentence an offender to community supervision as an alternative to incarceration. Alternatives to incarceration are a potential solution to prison overcrowding, but are not a panacea. As the population requiring supervision grows, so too grow the demands on finite resources to operate effective supervision programs to accommodate the new population. Additionally, the division's data collection methods are not designed to capture meaningful

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information to determine the success of the alternatives to incarceration program. Therefore, the success of the program is measured anecdotally.

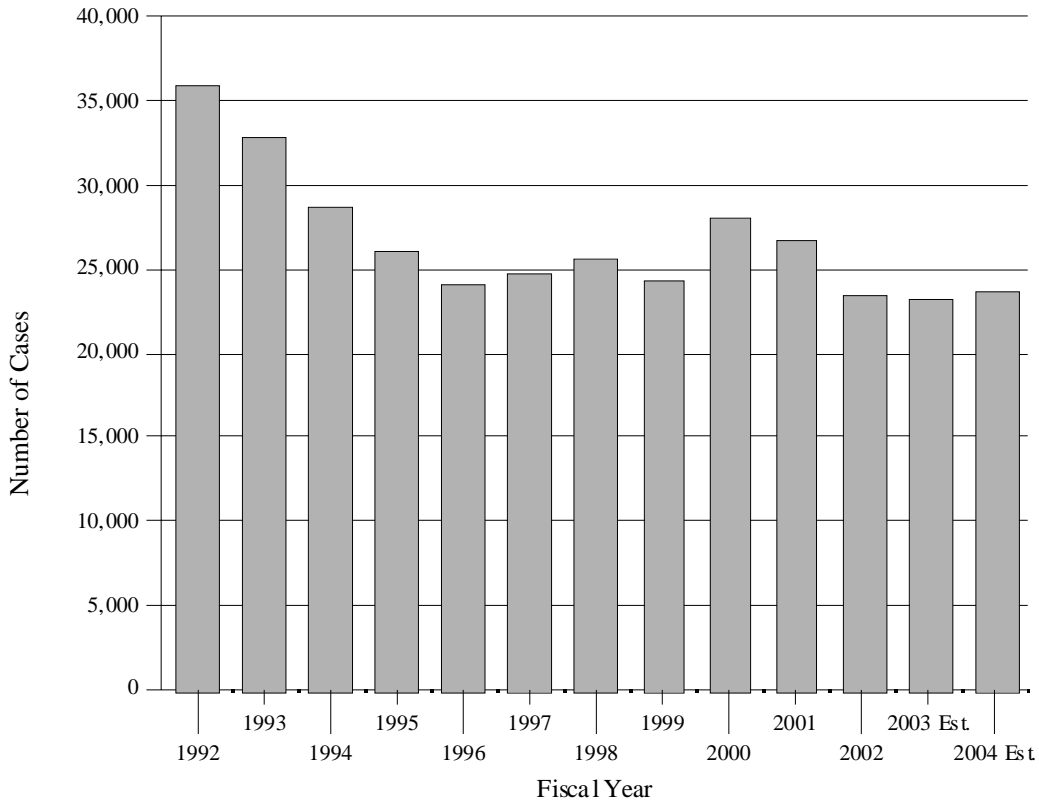
The division also administers the Drinking Driver Monitor Program (DDMP) which provides specialized supervisory services to offenders who drive while intoxicated or under the influence. Offenders are ordered to the DDMP by the courts for having been found guilty of either driving under the influence (DUI) or driving while intoxicated (DWI). A judge determines the length of sentence up to three to five years. The Motor Vehicle Administration can also refer offenders to DDMP through its Medical Advisory Board.

DDMP staff consists of monitors who supervise the offender's compliance with the court order. **Exhibit 9** provides the number of cases under supervision. Recent changes in the law regarding what constitutes drunk driving have contributed to a modest upward caseload estimation.

**Exhibit 9**

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**Drinking Driver Monitor Program  
Cases Under Supervision at End of Year**



Source: Department of Public Safety and Correctional Services

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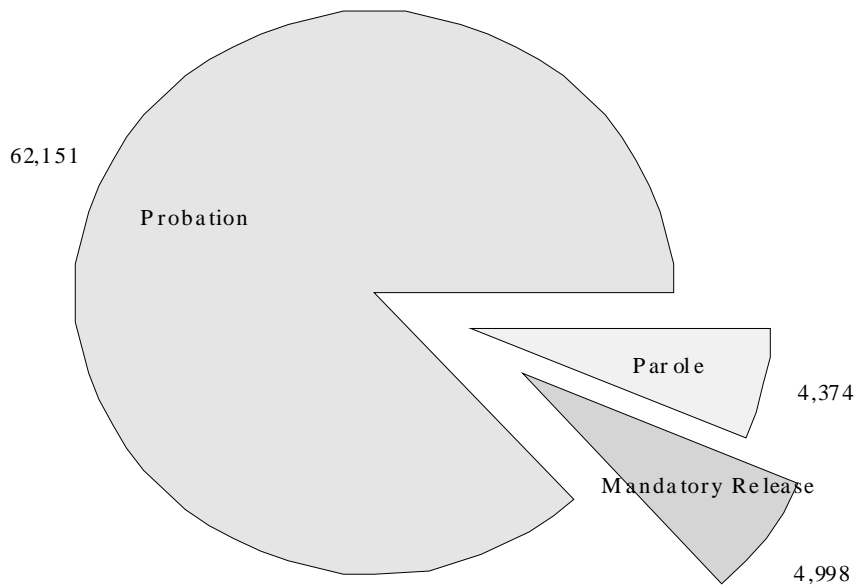
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**Exhibit 10** shows the distribution of active cases under supervision by the Division Parole and Probation. Approximately 87% of the division's active caseload consists of offenders sentenced to probation by the courts. The remaining 13% consist of supervisees under mandatory release or released on parole. In total, the division currently supervises approximately 1.4% of the State's population.

**Exhibit 10**

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**Division of Parole and Probation  
Distribution of Active Cases**



Source: Department of Public Safety and Correctional Services as of March 2002

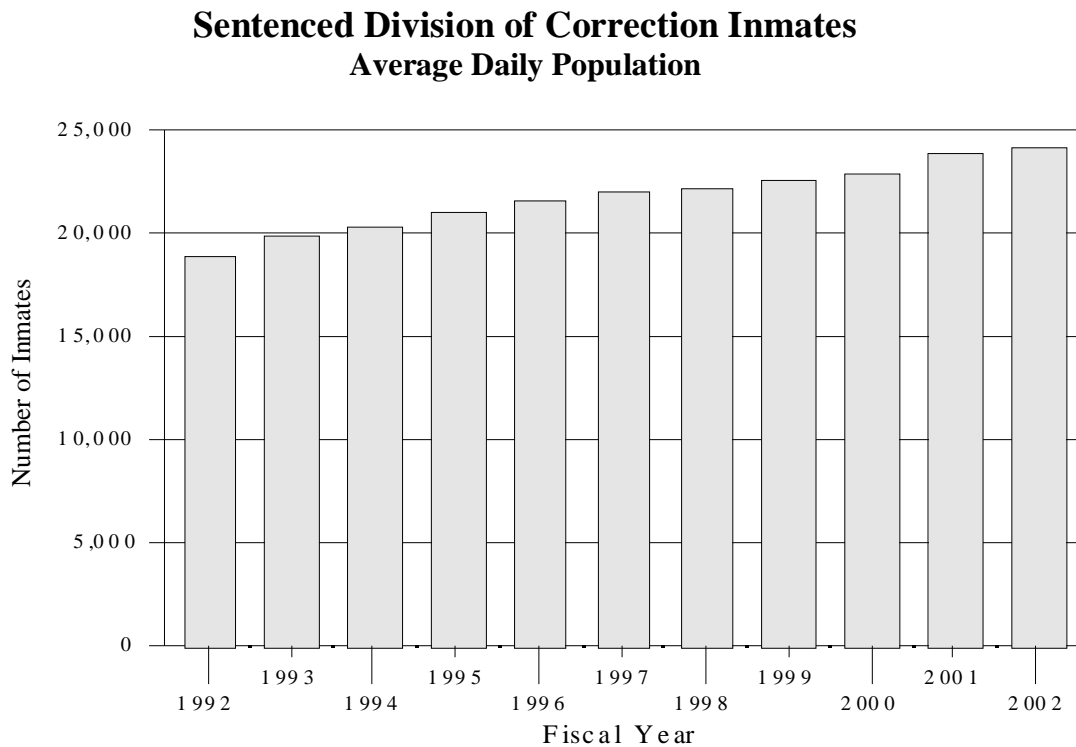
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## State Incarceration

Current law requires that an inmate with a sentence of 12 months or less be placed in the custody of a local detention center. Judges may commit offenders to local detention centers or to the custody of the Division of Correction (DOC) for incarceration in a State correctional facility for sentences greater than one year and up to 18 months. Inmates with sentences greater than 18 months must be incarcerated in a State correctional facility. Over 96% of sentenced offenders serve their time in a DOC-operated facility.

DOC is responsible for operating State correctional facilities which include 15 major State prisons; the Reception, Diagnostic, and Classification Center; 10 correctional pre-release facilities; and the Herman L. Toulson Correctional Boot Camp. In addition, it operates the Central Home Detention Unit and State Use Industries. **Exhibit 11** shows the average daily population of sentenced inmates under the jurisdiction of DOC. From fiscal 1992 to 2002, the average daily population rose each year by approximately 529 detainees.

### Exhibit 11

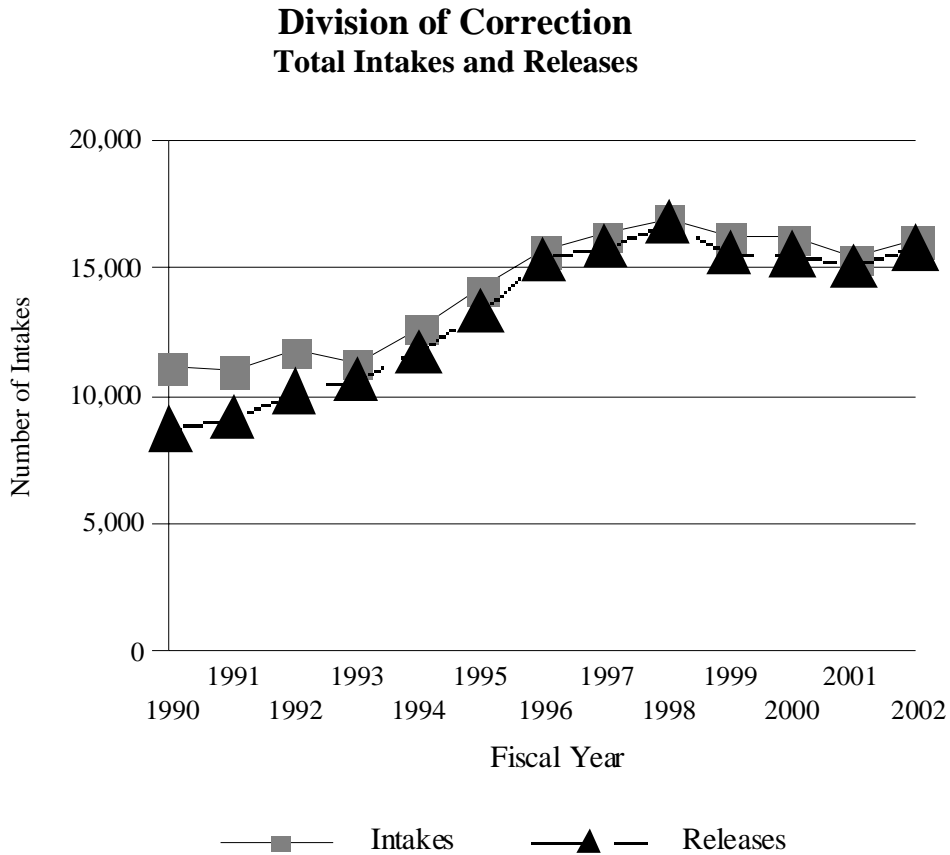


Source: Department of Public Safety and Correctional Services

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Intakes have consistently exceeded releases for the past decade, thus causing increases in the population. Both intakes and releases steadily trended upward before leveling off in recent years as shown in **Exhibit 12**.

**Exhibit 12**



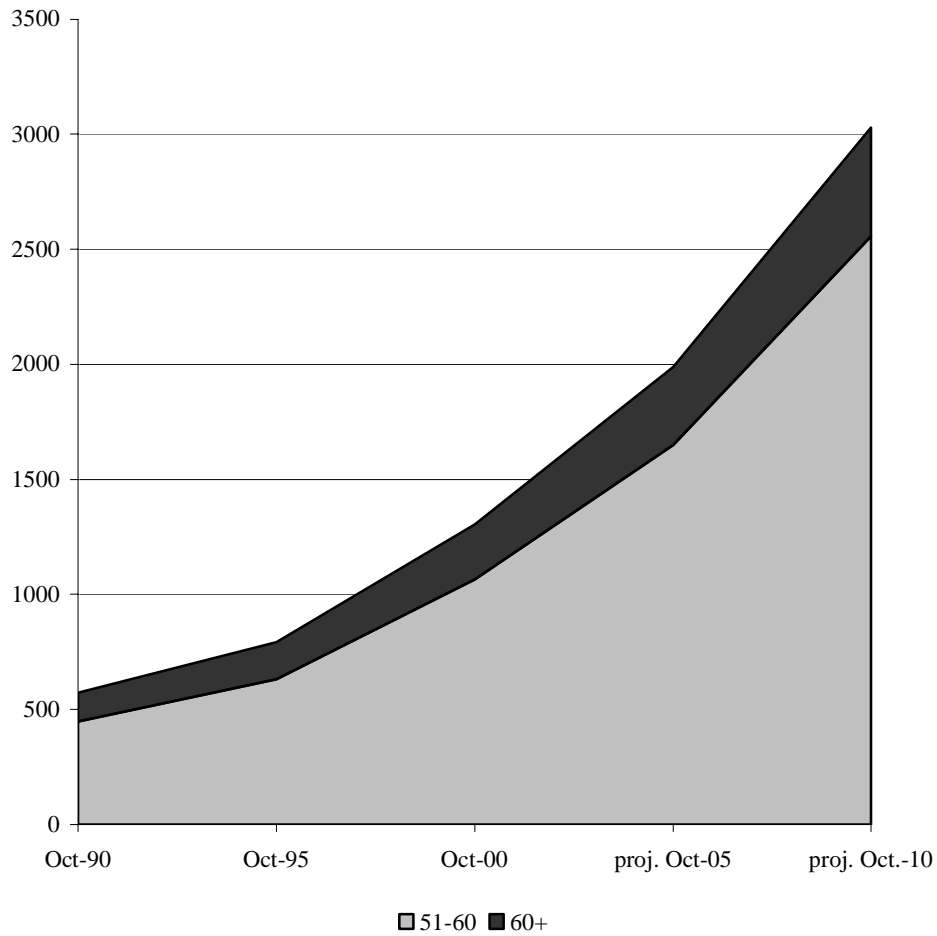
Source: Department of Public Safety and Correctional Services

Despite the fact that the rate of population increase has decelerated, the composition of the prison population has changed in such a way as to require review of population management and programs. Two issues have led to the necessity to review programs. First, the standing population's average length of stay is increasing. This leads to an increase in the average age of the inmate and directly affects the amount of bedspace and medical care required. Geriatric inmates (those defined as 50 years old and above) have increased as a portion of the inmate population from 3.7% in 1995 to 6.1% in 2002, and the trend is expected to accelerate as

indicated in **Exhibit 13**. The average age of the inmates in DOC is now 34.4, up from 32.1 in 1995.

### Exhibit 13

#### Active Inmate Population over Age 50



Source: Department of Public Safety and Correctional Services

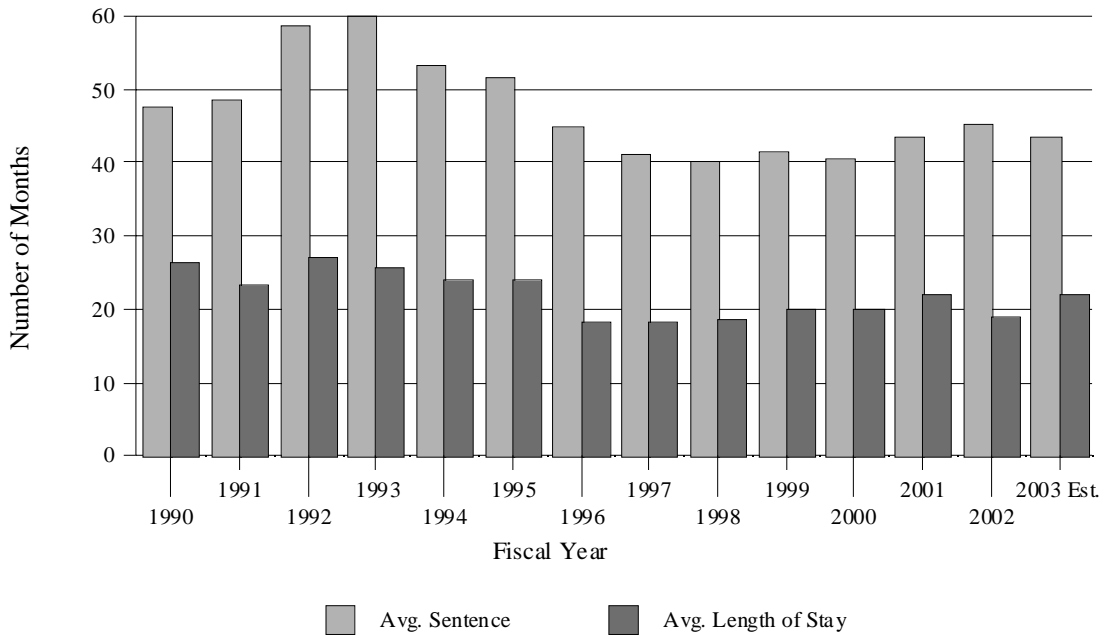
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Other factors will have a direct bearing in prison populations and management. They include the length of sentence and the length of stay or time served. **Exhibit 14** shows the average lengths of sentences and stays. From 1990 to 2000, the average length of sentence was 47.98 months, with an average length of stay of 21.72 months. During the period 1996 through 2001, the length of sentence was 45.3 months, while time served rose slightly from 18.48 months to 19.92 months. In fiscal 2002, the average length of sentence was 45.3 months, while average length of stay increased to 23.4 months.

**Exhibit 14**

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**Division of Correction  
Average Lengths of Sentences and Stays**



Note: Average sentences do not include life sentences. Average stays reflect formal releases (i.e., parole, commutation, mandatory, and court-ordered release).

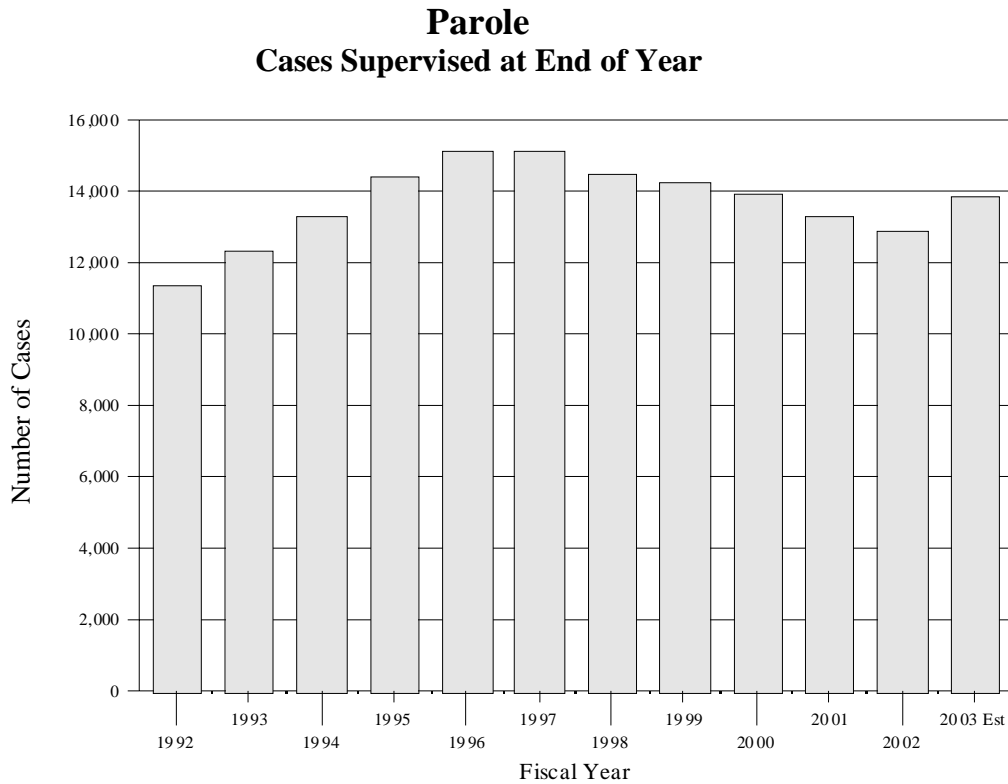
Source: Department of Public Safety and Correctional Services

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Upon completion of a served sentence, an inmate becomes a parolee who is supervised in the community for a specified time. Parole is the discretionary and conditional release of an offender into the community to continue serving the sentence under supervision by an agent of the Division of Parole and Probation, until the offender's obligation to the State for the offense reaches maximum expiration. If the parolee violates any of the conditions of parole, the offender is subject to revocation and reincarceration. **Exhibit 15** shows that the number of parole cases for supervision has declined since a high of 15,129 in fiscal 1997 but is anticipated to increase through fiscal 2003.

**Exhibit 15**



Source: Department of Public Safety and Correctional Services

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**The department should be prepared to discuss the following:**

- **the impact of criminal justice trends on the department's infrastructure;**
- **the application and status of alternatives to incarceration;**

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- **the adequacy of DPSCS facilities in regard to population management and offender rights; and**
- **the number of positions necessary for safe and secure operations.**

**The discussion should focus on how the department will meet future needs, specifically ensuring security, providing for offender's safety and rights, budgetary implications, and current prison capacity relative to projected needs.**