

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

Operating Budget Data

(\$ in Thousands)

	<u>FY 02</u>	<u>FY 03</u>	<u>FY 04</u>	<u>FY 02-04</u> <u>Change</u>	<u>FY 05</u>	<u>FY 04-05</u> <u>Change</u>
Operations	\$402	\$413	\$468	\$67	\$474	\$6
Contractual Services	7	5	8	0	7	0
Grants	0	0	0	0	0	0
Contingent & Back of Bill Reductions	0	0	0	0	-3	-3
Adjusted Grand Total	\$409	\$418	\$476	\$67	\$479	\$3
General Funds	409	418	476	67	482	6
Contingent & Back of Bill Reductions	0	0	0	0	-3	-3
Adjusted General Funds	\$409	\$418	\$476	67	\$479	\$3
Annual % Change		2.3%	13.8%		0.7%	

- The fiscal 2004 increase of approximately \$55,000 is primarily attributable to increases in the contractual payroll.

Personnel Data

	<u>FY 02</u>	<u>FY 03</u>	<u>FY 04</u>	<u>FY 02-04</u> <u>Change</u>	<u>FY 05</u>	<u>FY 04-05</u> <u>Change</u>
Regular Positions	6.0	6.0	6.0	0.0	6.0	0.0
Contractual FTEs	1.1	0.6	2.0	0.9	2.0	0.0
Total Personnel	7.1	6.6	8.0	0.9	8.0	0.0

Vacancy Data: Regular Positions

Turnover Expectancy	0.00	0.00%
Positions Vacant as of 12/31/03	1.00	16.67%

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

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Analysis in Brief

Issues

The Commission's Effectiveness: The commission met several times during the 2003 interim to address issues articulated by the legislature. **DLS recommends that the General Assembly make statutory changes that provide the commission with the ability to impose intermediate sanctions on noncompliant correctional facilities.**

Recommended Actions

1. Concur with Governor's allowance.

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Maryland Commission on Correctional Standards
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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 also serve as a regulatory and licensing authority for private home detention monitoring agencies.

Performance Analysis: Managing for Results

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

Governor's Proposed Budget

As shown in **Exhibit 1**, the fiscal 2005 allowance provides an approximately \$3,000, or 0.7% increase primarily attributable to increases in increments and health insurance for retirees and employees, offset by turnover adjustments and restoration or cost containments.

Impact of Cost Containment

The fiscal 2005 allowance reflects the elimination of \$2,500, the appropriation for matching employee deferred compensation contributions up to \$600, contingent upon enactment of a provision in the budget reconciliation legislation.

Exhibit 3
Governor's Proposed Budget
Maryland Commission on Correctional Standards
(\$ in Thousands)

	FY 03	FY 04	FY 05	FY 04-05	FY 04-05
	<u>Actual</u>	<u>Approp.</u>	<u>Allowance</u>	<u>Change</u>	<u>% Change</u>
General Funds	\$418	\$476	\$482	\$6	1.2%
Contingent & Back of Bill Reductions	0	0	-3	-3	
Adjusted General Funds	\$418	\$476	\$479	\$3	0.7%
Adjusted Grand Total	\$418	\$476	\$479	\$3	0.7%

Where It Goes:

Personnel Expenses

Increments and other compensation	\$5
Employee and retiree health insurance	4
Turnover adjustments and restoration of cost containment	-8
Other fringe benefit adjustments	3

Other Changes

Supplies and materials	-1
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Total **\$3**

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

Issues

1. The Commission's Effectiveness

MCCS indicates that it met several times during the 2003 interim. During the meetings, the commission determined that its standards should be reviewed and modified during calendar 2004. A tentative work plan has been developed and approved. The work plan proposes to have by October 1, 2004, recommendations involving revisions of the standards prepared for the Secretary.

The commission also reconstituted the Advisory Boards for Adult Correctional Institutions, Adult Detention Centers, and Adult Community Correctional Facilities. MCCS indicates that the advisory boards assist the commission in carrying out its powers and duties.

MCCS has also determined that there is a need for a person with a correctional medical background. The commission plans to fill a currently vacant citizen member position with a person with a medical background to ensure that the commission is focused on the growing inmate medical health needs.

The commission considered imposing intermediate sanctions against noncompliant facilities. The Office of the Attorney General has indicated that neither MCCS nor the Secretary have the statutory authority to impose such sanctions. The commission has adopted a policy of requiring the administrator of a noncompliant facility to come before the commission and explain the reasons for noncompliance.

Legislation has been introduced (House Bill 971) that will require MCCS to send a letter of reprimand if the commission determines that a correctional facility is in violation of specified minimum mandatory standards. The legislation further requires the commission to assess a monetary fine against a correctional facility that is noncompliant. The bill also requires the commission to seek a court order against noncompliant facilities. Currently, the only sanction that MCCS can impose is to issue a cease and desist order, closing the noncompliant facility. **The Department of Legislative Services recommends that the General Assembly make statutory changes that provide the commission with the ability to impose intermediate sanctions on noncompliant correctional facilities.**

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 2003					
Legislative Appropriation	\$467	\$0	\$0	\$0	\$467
Deficiency Appropriation	0	0	0	0	0
Budget Amendments	-40	0	0	0	-40
Cost Containment	-4	0	0	0	-4
Reversions and Cancellations	-5	0	0	0	-5
Actual Expenditures	\$418	\$0	\$0	\$0	\$418
Fiscal 2004					
Legislative Appropriation	\$476	\$0	\$0	\$0	\$476
Cost Containment	0	0	0	0	0
Budget Amendments	0	0	0	0	0
Working Appropriation	\$476	\$0	\$0	\$0	\$476

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

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

<u>Object/Fund</u>	<u>FY03 Actual</u>	<u>FY04 Working Appropriation</u>	<u>FY05 Allowance</u>	<u>FY04 - FY05 Amount Change</u>	<u>Percent Change</u>
Positions					
01 Regular	6.00	6.00	6.00	0	0%
02 Contractual	0.60	2.00	2.00	0	0%
Total Positions	6.60	8.00	8.00	0	0%
Objects					
01 Salaries and Wages	\$ 351,955	\$ 361,565	\$ 368,352	\$ 6,787	1.9%
02 Technical & Spec Fees	19,022	57,130	57,220	90	0.2%
03 Communication	1,855	2,526	2,303	-223	-8.8%
04 Travel	11,308	16,760	16,760	0	0%
06 Fuel & Utilities	2,354	2,600	2,400	-200	-7.7%
07 Motor Vehicles	133	150	150	0	0%
08 Contractual Services	5,190	7,620	7,357	-263	-3.5%
09 Supplies & Materials	2,907	3,700	2,900	-800	-21.6%
11 Equip - Additional	248	400	400	0	0%
13 Fixed Charges	23,094	23,429	23,910	481	2.1%
Total Objects	\$ 418,066	\$ 475,880	\$ 481,752	\$ 5,872	1.2%
Funds					
01 General Fund	\$ 418,066	\$ 475,880	\$ 481,752	\$ 5,872	1.2%
Total Funds	\$ 418,066	\$ 475,880	\$ 481,752	\$ 5,872	1.2%

Note: The fiscal 2004 appropriation does not include deficiencies, and the fiscal 2005 allowance does not reflect contingent reductions.