

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

Operating Budget Data

(\$ in Thousands)

	FY 02-04				FY 04-05	
	<u>FY 02</u>	<u>FY 03</u>	<u>FY 04</u>	<u>Change</u>	<u>FY 05</u>	<u>Change</u>
Operations	\$81,351	\$87,083	\$85,871	\$4,519	\$90,103	\$4,233
Contractual Services	19,569	23,636	20,684	1,115	23,265	2,581
Grants	1,465	1,550	1,599	134	1,600	1
FY 2004 Deficiencies	0	0	1,306	1,306	0	-1,306
Contingent & Back of Bill Reductions	0	0	0	0	-73	-73
Adjusted Grand Total	\$102,386	\$112,269	\$109,460	\$7,074	\$114,895	\$5,435
General Funds	99,755	109,720	105,465	5,710	112,581	7,116
FY 2004 Deficiencies	0	0	1,306	1,306	0	-1,306
Adjusted General Funds	\$99,755	\$109,720	\$106,771	\$7,016	\$112,508	\$5,737
Special Funds	2,492	2,518	2,539	47	2,347	-192
Federal Funds	140	21	150	10	40	-110
Reimbursable Funds	0	9	0	\$0	0	0
Adjusted Grand Total	\$102,386	\$112,269	\$109,460	\$7,074	\$114,895	\$5,435
Annual % Change		9.7%	-2.5%		5.0%	

- The department has absorbed approximately \$684,000 in cost containment in fiscal 2003 (\$150,000 in fuel and utilities) and 2004 (\$534,000 in position abolitions).
- The fiscal 2004 deficiency totals \$1.3 million, including \$749,805 for enhanced medical care and personnel to address the U.S. Department of Justice concerns regarding the conditions at the Baltimore City Detention Center and \$556,026 to cover funds expended on fuel and utilities.
- The inmate medical care contract increased by \$2.3 million, including normal adjustments and adjustments for enhanced services.

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

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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	1,496.0	1,544.0	1,505.0	9.0	1,515.0	10.0
Contractual FTEs	23.7	17.0	25.2	1.5	25.2	0.0
Total Personnel	1,519.7	1,561.0	1,530.2	10.5	1,540.2	10.0

Vacancy Data: Regular Positions

Turnover Expectancy	91.20	6.06%
Positions Vacant as of 12/31/03	65.00	4.32%

- The cost containment reduction associated with Section 37 of the fiscal 2004 budget bill required the abolition of 12 positions.
- The division is adding 10 positions as part of ongoing corrective actions recommended by the Department of Justice regarding offenders' rights and safety and for treatment of special populations (e.g., drug treatment, and social work).
- The department completed a post evaluation of the Division of Pretrial Detention and Services and found that there is a need for one additional correctional officer I, II, or III position.

Analysis in Brief

Major Trends

Safety and Security: The division's standing population continues to grow. Concurrently, the number of assaults on staff and inmates grows as well. **The department should be prepared to discuss plans to curb the violence among the division's population. The department should also be prepared to discuss factors that cause the population to increase.**

Sick Leave and Overtime: The department has discontinued publishing certain information relating to overtime and sick leave usage and indicates that it misstated the number of sick leave hours used in previous years. **The department should be prepared to discuss the number of overtime hours incurred due to the use of sick leave and how the number is calculated. The department should also be prepared to discuss the understatement of actual number of sick leave hours used.**

Issues

Offender Health and Safety: The department has had to suspend negotiations with the U.S. Department of Justice because the American Civil Liberties Union's National Prison Project has filed a motion to reopen the federal consent decree. **The department should be prepared to discuss the progress of corrective action to address offender health and safety issues.**

Recommended Actions

1. Concur with Governor's allowance.

Updates

Staffing: The department conducted a post evaluation and determined that an additional correctional officer is required to meet appropriate staffing levels.

Q00P0 – DPSCS – Division of Pretrial Detention and Services

Q00P00
Division of Pretrial Detention and Services
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

Exhibit 1 shows that the division's standing population has increased 4.8%, or 168 offenders, between fiscal 1999 and 2003. Although there was a substantial drop (14.1%) in fiscal 2000, the average annual increase is 1.6%. Between fiscal 2001 and 2003, the division's standing population grew by 414 offenders, or 12.6% and the number of arrestees processed by the division increased by 11,406 offenders, or 14.0%.

As the number of offenders entering the division increases, **Exhibit 2** shows that the number of assaults on staff has decreased 46.5% between fiscal 2000 and 2003. However, the number of assaults on inmates has increased 28.9%. **The department should be prepared to discuss plans to curb the violence among the division's population. The department should also be prepared to discuss the factors that cause the population to increase.**

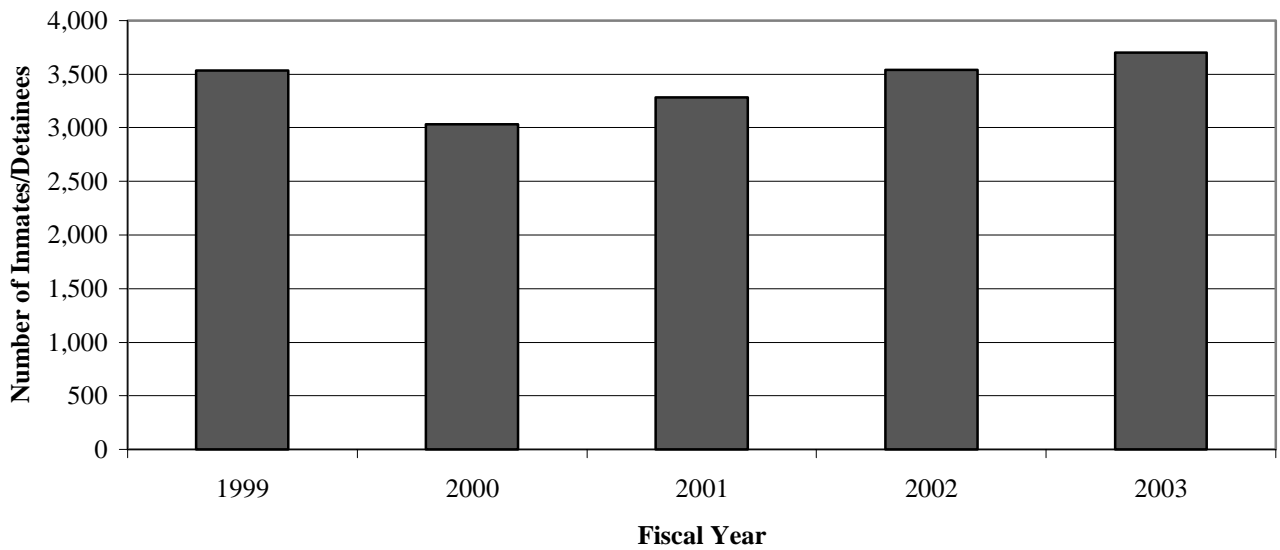
The department no longer publishes the information on the number of overtime hours incurred due to the use of sick leave. Further, the department indicates that during the last legislative session it understated the actual number of sick leave hours used in fiscal 2002 by 90,480 hours. Additionally, the department indicates that between fiscal 2002 and 2003 overtime hours incurred due to sick leave usage increased 7.8%, or 9,650. **The department should be prepared to present information on the number of overtime hours incurred due to the use of sick leave and how the number is calculated. The department should also be prepared to discuss the understatement of actual number of sick leave hours used.**

Fiscal 2004 Actions

Proposed Deficiency

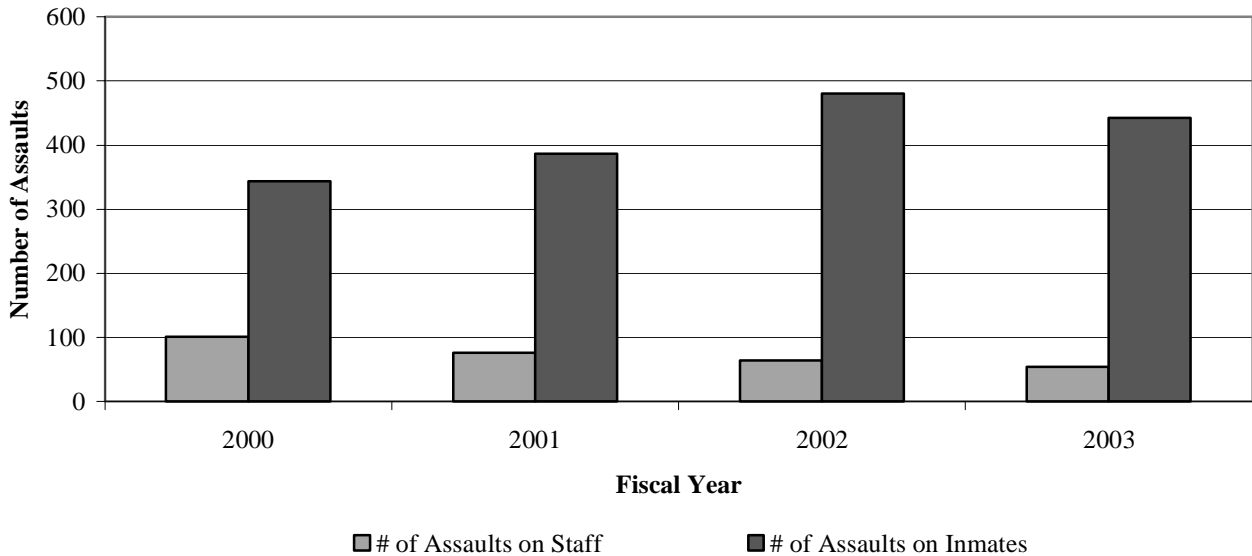
The fiscal 2005 allowance provides for a total of \$1.3 million in deficiency appropriations. **Exhibit 3** shows the detail for the deficiencies provided in the allowance.

Exhibit 1
DPDS Standing Population
Fiscal 1999 – 2003



Source: Department of Public Safety and Correctional Services

**Exhibit 2
Assaults in DPDS
Fiscal 2000 – 2003**



Source: Department of Public Safety and Correctional Services

**Exhibit 3
Deficiencies for DPDS in the Fiscal 2005 Allowance**

<u>Rationale</u>	<u>Amount</u>
This deficiency appropriation is necessary to supplement the appropriation for fiscal 2004 to provide funds to address issues raised by the Department of Justice concerning inmate care in the Baltimore City Detention Center.	\$749,805
This deficiency appropriation is necessary to supplement the appropriation for fiscal 2004 to provide funds to cover expenditures for fuel and utilities.	556,026
Total	\$1,305,831

Source: Department of Public Safety and Correctional Services

Impact of Cost Containment

The cost containment reduction associated with Section 37 of the fiscal 2004 budget bill required the abolition of 12 positions and \$534,283.

Governor's Proposed Budget

As shown in **Exhibit 4**, the fiscal 2005 allowance provides an increase of 5.0%, or \$5.4 million above the fiscal 2004 working appropriation, which includes a proposed deficiency of \$1.3 million for fuel and utilities costs and service enhancements as part of ongoing negotiations with the U.S. Department of Justice. Approximately \$4.1 million of the increase is attributable to lower turnover expectancy, restoration of cost containment, new positions, and other salary related benefits. The allowance also provides for adjustments of \$2.3 million for the inmate medical care contract and \$262,000 for inmate food service, which are partially offset by reductions in other categories.

The fiscal 2005 allowance lacks sufficient funding in two areas: equipment and utilities. Equipment acquisitions that are deferred under the allowance are not discretionary, rather are critical to the continued operation of the facilities and to maintaining the safety of staff, residents, and the public. Most of the DPDS facilities require continuous maintenance. DPDS postpones many transactions in order to provide for critical items, especially in the maintenance of resident housing areas (e.g., toilets, showers, sprinkler systems, and air circulation) and security equipment (e.g., cameras, grates and gates, sally ports, and scanners). Lack of funding in these areas will lower the facilities' useful lives and jeopardize offender and the public's safety.

The fiscal 2005 allowance maintains the fiscal 2004 working appropriation level of funding for utilities costs. The division has made several modifications to provide for offender health and safety and to comply with court orders. The largest utility drain is the modifications made in the area of air treatment. The window and freestanding air-treatment units that were installed in the Women's Detention Center (WDC) resulted in an increase of 649 amps to the existing power system. All of the units operated 24 hours per day, seven days per week. Based on the assessment done by the engineers who made recommendations concerning the heating, ventilation, and air conditioning (HVAC) systems, the current system has the capacity to maintain this additional service. Further demands on the existing system may not be possible. Given the general increases in the costs of utilities, level funding may lead to a deficiency appropriation in fiscal 2005, similar to the current deficiency request.

Impact of Cost Containment

The fiscal 2005 allowance reflects the elimination of \$72,980, the appropriation for matching employee deferred compensation contributions up to \$600, contingent upon enactment of a provision in the budget reconciliation legislation.

Exhibit 4
Governor's Proposed Budget
Division of Pretrial Detention and Services
(\$ in Thousands)

	<u>FY 03</u> <u>Actual</u>	<u>FY 04</u> <u>Approp.</u>	<u>FY 05</u> <u>Allowance</u>	<u>FY 04-05</u> <u>Change</u>	<u>FY 04-05</u> <u>% Change</u>
General Funds	\$109,720	\$105,465	\$112,581	\$7,116	6.7%
FY 2004 Deficiencies	0	1,306	0	-1,306	
Contingent & Back of Bill Reductions	0	0	-73	-73	
Adjusted General Funds	\$109,720	\$106,771	\$112,508	\$5,737	5.4%
Special Funds	\$2,158	\$2,539	\$2,347	-\$192	-7.6%
Federal Funds	\$21	\$150	\$40	-\$110	-73.3%
Reimbursable Funds	\$9	\$0	\$0	\$0	n/a
Adjusted Grand Total	\$112,269	\$109,460	\$114,895	\$5,435	5.0%

Where It Goes:

Personnel Expenses

New positions	\$350
Increments and other compensation*	643
Employee and retiree health insurance	-1,035
Turnover adjustments and restoration of cost containment	2,360
Other fringe benefit adjustments	1,474

Other Changes

Inmate medical contracts*	1,897
Fuel and utilities*	-556
Inmate food service contract	262
Other	39

Total **\$5,435**

*Numbers include fiscal 2004 deficiency.

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

Issues

1. Offender Health and Safety

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

The American Civil Liberties Union's (ACLU) National Prison Project has recently filed a motion in federal court to re-open the consent decree on some of the same issues that were in the DOJ letter. The ACLU motion involves two general areas for the entire Baltimore City Detention Center, medical and environmental issues (e.g., physical plant maintenance, sanitation, ventilation, adequate lighting, and food service). The Office of the Attorney General is preparing a response to the ACLU's motion.

The ACLU continues to monitor the August 2002 consent order for WDC heat-related issues. As required by the fiscal 2004 budget bill, DPDS has filed reports on the efforts to comply with the requirements of the consent order during the summer of 2003. In addition to efforts listed in **Exhibit 5**, the current status of the department's efforts includes:

- preparations to implement heat abatement measures similar to those taken during the summer of 2003;
- developing procedures to try to enhance the medical requirements of the consent order;
- the renovation of the HVAC systems at WDC is now in the design phase. Construction is currently anticipated to begin in November 2004 and be completed in December 2005.

The department should be prepared to discuss the progress of corrective action to address offender health and safety issues.

Exhibit 5
Update on Department of Justice Recommendations
as of January 2004

- A capital improvement program has been implemented to repair the central fire alarm and smoke detection systems in all buildings of the Baltimore City Detention Center (BCDC) by June 2005. This is a \$3.9 million capital program and is currently in the design phase. Renovation is currently scheduled to begin in June 2004.
- Damaged sprinkler heads in all DPDS facilities were replaced prior to August 25, 2002. Additional replacement efforts and new installations in specific areas were completed in September 2003. A process is in place to reduce the number of sprinkler heads damaged and to ensure prompt replacement.
- A system has been developed to maintain security of the sprinkler shutoff and other control valves, including locking devices and daily inspections.
- The State Fire Marshal has approved the current fire protection and suppression plan for DPDS. The Fire Marshal has requested the installation of smoke barriers in the stairwells, which is currently under review by Capital Construction.
- An initial supply of containers has been purchased to store combustible personal property. This is part of a two-year plan to provide a container for every resident. Whenever new beds are purchased integrated storage is included in the purchase.
- DPDS staff has been trained to ensure that all door keys to exit routes are readily available. Training to identify and use door keys without the benefit of sight is currently in progress.
- To ensure that there are sufficient exit route options in the event of smoke or fire, new egress routes have been added. Building diagrams are being enhanced and will be displayed at all critical movement points.
- In the event of a temporary shutoff of the fire and smoke detection systems, DPDS staff has been trained to maintain a 24-hour fire watch. Staff has also been trained to implement emergency evacuations.
- A new policy mandating one arrestee per booking window has been established to provide for a more confidential environment during medical and mental health screenings. Additional options are also being reviewed to improve overall confidentiality during the booking process.

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- A one-hour program is being developed to train Arrest Booking Officers on detecting the signs of mental and physical illnesses during the booking interview. Monthly training has also begun for health care and correctional personnel on detecting the signs and symptoms of mental illness.
- Ongoing in-service training is provided for correctional staff to ensure annual certification in cardio pulmonary resuscitation. Correctional Officers are also equipped with pocket masks and rubber gloves.
- The Baltimore Central Booking and Intake Center, BCDC, and WDC have been equipped with automatic electronic defibrillators and the medical staff has been trained on their use.
- In an effort to increase the staffing level of mental health professionals, additional mental health specialists have been acquired as of April 1, 2003. Social workers are also providing assistance.
- Suicide prevention policies, procedures and practices have been developed and implemented. Review of suicide prevention procedures occurs during roll call training.
- Residents who are deemed as suicide risks are provided with suicide smocks rather than paper gowns.
- Internal policies, procedures, and practices are maintained for sanitary food preparation and the proper handling of storage equipment. DPDS food service contractors are consistently monitored, and food service workers are constantly being trained and appropriate supervision maintained.
- Increasing the frequency of pest control treatments, better coordination of treatments between facilities, and enhanced as-needed response by the vendor had significantly improved conditions at BCDC, as evidence by a Baltimore City Health Department inspection on December 24, 2003.
- A plan has been prepared to expand recreation to seven (7) days per week to increase out-of-cell and exercise time. Implementation of this plan is scheduled for spring 2004, pending approval of funding.
- Policies and procedures for classification of residents has been developed and implemented to reduce a mixed custody environment. Policies and re-classification of residents following discipline of an inmate has also been developed and implemented. A project has been initiated to review the division classification instruments to better determine housing security limits.
- Although juveniles are housed in the same buildings as adults, sight and sound separation for males has been significantly improved. Juvenile males are now housed in two sections that are separate from adult housing. Specialized housing for juvenile males is provided in one of these sections. The female juveniles continue to be housed in a separate dorm adjacent to adult dorms.

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Juveniles are additionally provided with separate transportation vehicles and detained in separate holding areas for court appearances, medical appointments, and other outside requirements.

- A consultant has been retained to assist in the development of formal programs for juveniles with the appropriate staffing planned to support those new programs. A case management worker has been hired to work exclusively with the juveniles.
- Juveniles are no longer quarantined pending medical assessments. A medical review of the juvenile population has determined that juveniles are a low risk for communicable diseases and should not be subject to quarantine.
- The Maryland State Department of Education (MSDE) developed a Special Education Program for DPDS detainees between the ages of 18 and 22. The Special Education Program began in October 2003. During the booking process, detainees who have been previously enrolled in a special education program are identified for participation in this program.
- MSDE in conjunction with the Baltimore City Public School System, is collaborating to provide screening and assessment services to determine the special education needs of DPDS students.
- Procedures have been implemented to ensure that juveniles in specialized housing receive daily visits by a mental health professional.
- As a result of an aggressive program to improve sanitation, overall conditions and appearance of the facilities have dramatically improved. These efforts include the retention of a consultant in environmental issues to provide guidance in developing a program of reviews and inspections; establishing a philosophy that everyone is responsible for sanitation; and implementing specific plans in every building for a progressive effort to improve all environmental factors. During recent tours by representatives of the Department of Justice and the Baltimore City Health Department, participants expressed that they saw dramatic improvement in environmental issues. DPDS is prepared to open our doors to allow the media to tour our facilities.
- A plan to install washers and dryers in housing areas has been implemented, with the first unit in process of being installed. The plan should be completed within two years.
- Pregnant women are regularly being diverted to the Tamar's Children program, a program that allows incarcerated mothers to keep their babies.
- The program "Thinking for Change" has been initiated at WDC.
- A violence counselor has been provided for WDC.

Source: Division of Pretrial Detention and Services

Recommended Actions

1. Concur with Governor's allowance.

Updates

1. Staffing

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.

The department completed DPDS' post analysis in early December 2003. The preliminary results indicated that the division had an excess of 27 correctional officers. The department then adjusted the number to include the staff necessary to implement the corrective actions related to offender's health and safety and ongoing negotiations with federal authorities. The final results of the analysis which were implemented beginning January 4, 2002, indicate that the division requires one more correctional officer position to achieve optimal staffing levels. **The department should be prepared to discuss the cost savings attributable to overtime and the use of the savings to support underfunding in other DPDS categories.**

Current and Prior Year Budgets

**Current and Prior Year Budgets
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 2003					
Legislative Appropriation	\$101,702	\$2,278	\$100	\$0	\$104,080
Deficiency Appropriation	3,553	0	0	0	3,553
Budget Amendments	5,633	365	0	9	6,007
Cost Containment	-979	0	0	0	-979
Reversions and Cancellations	-188	-125	-79	0	-392
Actual Expenditures	\$109,720	\$2,518	\$21	\$9	\$112,269
Fiscal 2004					
Legislative Appropriation	\$105,465	\$2,539	\$150	\$0	\$108,154
Cost Containment	0	0	0	0	0
Budget Amendments	0	0	0	0	0
Working Appropriation	\$105,465	\$2,539	\$150	\$0	\$108,154

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

Fiscal 2003

- Cost containment reductions were the result of statewide personnel reductions as per Section 37 of the fiscal 2004 budget bill.
- The increase of approximately \$5.6 million in general funds through budget amendments is primarily attributable to transfers from other departmental units as part of closing the fiscal year.
- The increase in special funds through budget amendment is attributable to overattainment of inmate work crew revenue and inmate welfare funds.

Deficiency Appropriation

<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

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

<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	1544.00	1505.00	1515.00	10.00	0.7%
02 Contractual	16.95	25.20	25.20	0	0%
Total Positions	1560.95	1530.20	1540.20	10.00	0.7%
Objects					
01 Salaries and Wages	\$ 80,018,836	\$ 80,227,514	\$ 84,398,187	\$ 4,170,673	5.2%
02 Technical & Spec Fees	502,914	559,272	567,895	8,623	1.5%
03 Communication	642,076	349,593	379,987	30,394	8.7%
04 Travel	12,445	1,300	27,032	25,732	1979.4%
06 Fuel & Utilities	2,944,287	2,737,070	2,737,070	0	0%
07 Motor Vehicles	309,032	185,819	248,275	62,456	33.6%
08 Contractual Services	23,636,087	20,684,469	23,265,094	2,580,625	12.5%
09 Supplies & Materials	1,939,020	1,587,503	1,477,141	-110,362	-7.0%
10 Equip - Replacement	440,354	42,491	42,491	0	0%
11 Equip - Additional	125,356	14,750	42,000	27,250	184.7%
12 Grants, Subsidies, Contracts	1,549,567	1,598,927	1,599,650	723	0%
13 Fixed Charges	145,265	165,210	182,969	17,759	10.7%
14 Land & Structures	3,755	0	0	0	0.0%
Total Objects	\$ 112,268,994	\$ 108,153,918	\$ 114,967,791	\$ 6,813,873	6.3%
Funds					
01 General Fund	\$ 109,720,460	\$ 105,465,093	\$ 112,580,888	\$ 7,115,795	6.7%
03 Special Fund	2,518,263	2,538,825	2,346,822	-192,003	-7.6%
05 Federal Fund	21,000	150,000	40,081	-109,919	-73.3%
09 Reimbursable Fund	9,271	0	0	0	0.0%
Total Funds	\$ 112,268,994	\$ 108,153,918	\$ 114,967,791	\$ 6,813,873	6.3%

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

Fiscal Summary
DPSCS – Division of Pretrial Detention and Services

<u>Unit/Program</u>	<u>FY03 Actual</u>	<u>FY04 Legislative Appropriation</u>	<u>FY04 Working Appropriation</u>	<u>FY03 - FY04 % Change</u>	<u>FY05 Allowance</u>	<u>FY04 - FY05 % Change</u>
01 General Administration	\$ 7,769,015	\$ 5,935,308	\$ 5,935,308	-23.6%	\$ 6,410,511	8.0%
02 Pretrial Release Services	4,753,486	4,787,582	4,787,582	0.7%	4,966,428	3.7%
03 Baltimore City Detention Center	64,178,157	64,051,746	64,051,746	-0.2%	69,677,326	8.8%
04 Central Booking and Intake Facility	35,568,336	33,379,282	33,379,282	-6.2%	33,913,526	1.6%
Total Expenditures	\$ 112,268,994	\$ 108,153,918	\$ 108,153,918	-3.7%	\$ 114,967,791	6.3%
General Fund	\$ 109,720,460	\$ 105,465,092	\$ 105,465,093	-3.9%	\$ 112,580,888	6.7%
Special Fund	2,518,263	2,538,824	2,538,825	0.8%	2,346,822	-7.6%
Federal Fund	21,000	149,999	150,000	614.3%	40,081	-73.3%
Total Appropriations	\$ 112,259,723	\$ 108,153,918	\$ 108,153,918	-3.7%	\$ 114,967,791	6.3%
Reimbursable Fund	\$ 9,271	\$ 0	\$ 0	-100.0%	\$ 0	0.0%
Total Funds	\$ 112,268,994	\$ 108,153,918	\$ 108,153,918	-3.7%	\$ 114,967,791	6.3%

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