

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

Operating Budget Data

(\$ in Thousands)

	FY 04 <u>Actual</u>	FY 05 <u>Working</u>	FY 06 <u>Allowance</u>	FY 05-06 <u>Change</u>	% Change <u>Prior Year</u>
General Fund	\$110,606	\$113,328	\$122,588	\$9,261	8.2%
Special Fund	2,382	2,343	2,476	133	5.7%
Federal Fund	<u>8</u>	<u>40</u>	<u>10</u>	<u>-30</u>	<u>-75.1%</u>
Total Funds	\$112,996	\$115,711	\$125,074	\$9,363	8.1%
Contingent & Back of Bill Reductions			-79	-79	
Adjusted Total	\$112,996	\$115,711	\$124,995	\$9,284	8.0%

- Approximately \$6.9 million of the division's increase is for the inmate medical contract, including funds needed to address the U.S. Department of Justice issues.
- The remaining increase is largely accounted for by increases in contractual food services, utilities, and dietary maintenance and equipment.

Personnel Data

	FY 04 <u>Actual</u>	FY 05 <u>Working</u>	FY 06 <u>Allowance</u>	FY 05-06 <u>Change</u>
Regular Positions	1,503.00	1,512.00	1,512.00	0.00
Contractual FTEs	<u>10.75</u>	<u>25.20</u>	<u>25.20</u>	<u>0.00</u>
Total Personnel	1,513.75	1,537.20	1,537.20	0.00

Vacancy Data: Regular Positions

Turnover, Excluding New Positions	96.01	6.35%
Positions Vacant as of 12/31/04	86.00	5.90%

- The budgeted turnover expectancy exceeds historical vacancy rates.

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

For further information contact: Keri Beth Cain

Phone: (410) 946-5530

Analysis in Brief

Issues

Offender Health and Safety: The conditions of confinement within the Division of Pretrial Detention and Services has been the subject of litigation for over 20 years, and more recently – in 2002 – came under scrutiny from the U.S. Department of Justice. **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.

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 standing population at DPDS continues to rise, growing approximately 17.6% between fiscal 2003 and 2004 to 4,351 detainees. While the estimate for fiscal 2005 average daily population (ADP) is 3,655, the department advises that they expect the ADP to be approximately 4,365, based on actual year-to-date figures. **The department should be prepared to comment on the reasons for the 17.6% growth in ADP between fiscal 2003 and 2004, and should also be prepared to comment on why they expect ADP to level off in fiscal 2005 and 2006.**

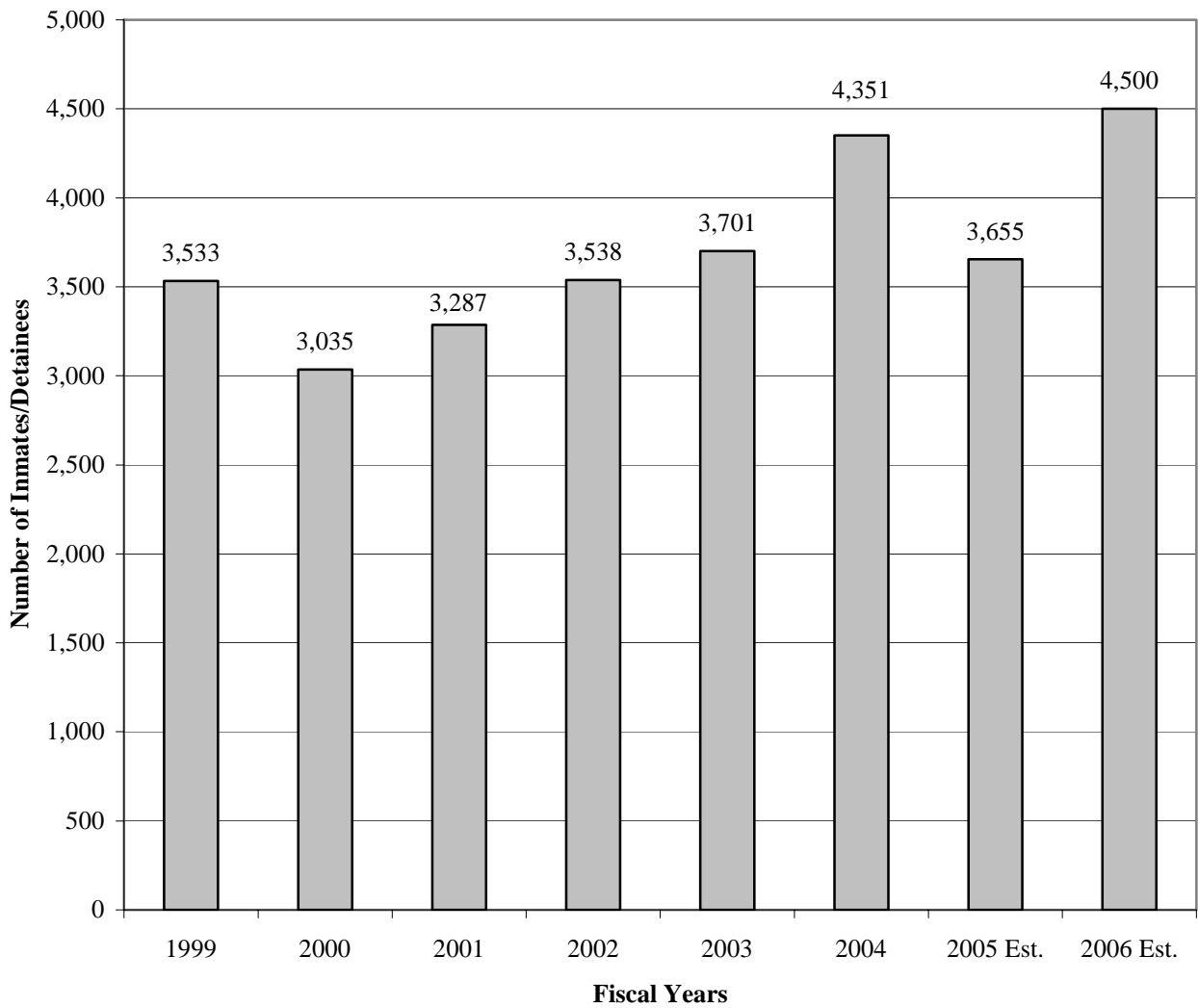
As the standing population has grown, so have the number of detainee-on-detainee assaults. In fiscal 2004 the department reported 609 such incidents, which reflects a growth of approximately 77.6% since fiscal 2000. Over the same period, assaults on employees have declined by approximately 38.6%, though there was an increase of 14.8% between fiscal 2003 and 2004. **Exhibit 2** shows the number of incidents of assaults by detainees on employees and other detainees.

Governor's Proposed Budget

As shown in **Exhibit 3**, the fiscal 2006 allowance for DPDS increases by approximately \$9.3 million, or 8.0%. Overall, the division has increased funds for the inmate medical contract by \$6.9 million. Excluding the increase for a new medical contract, the allowance is up 2% from fiscal 2005.

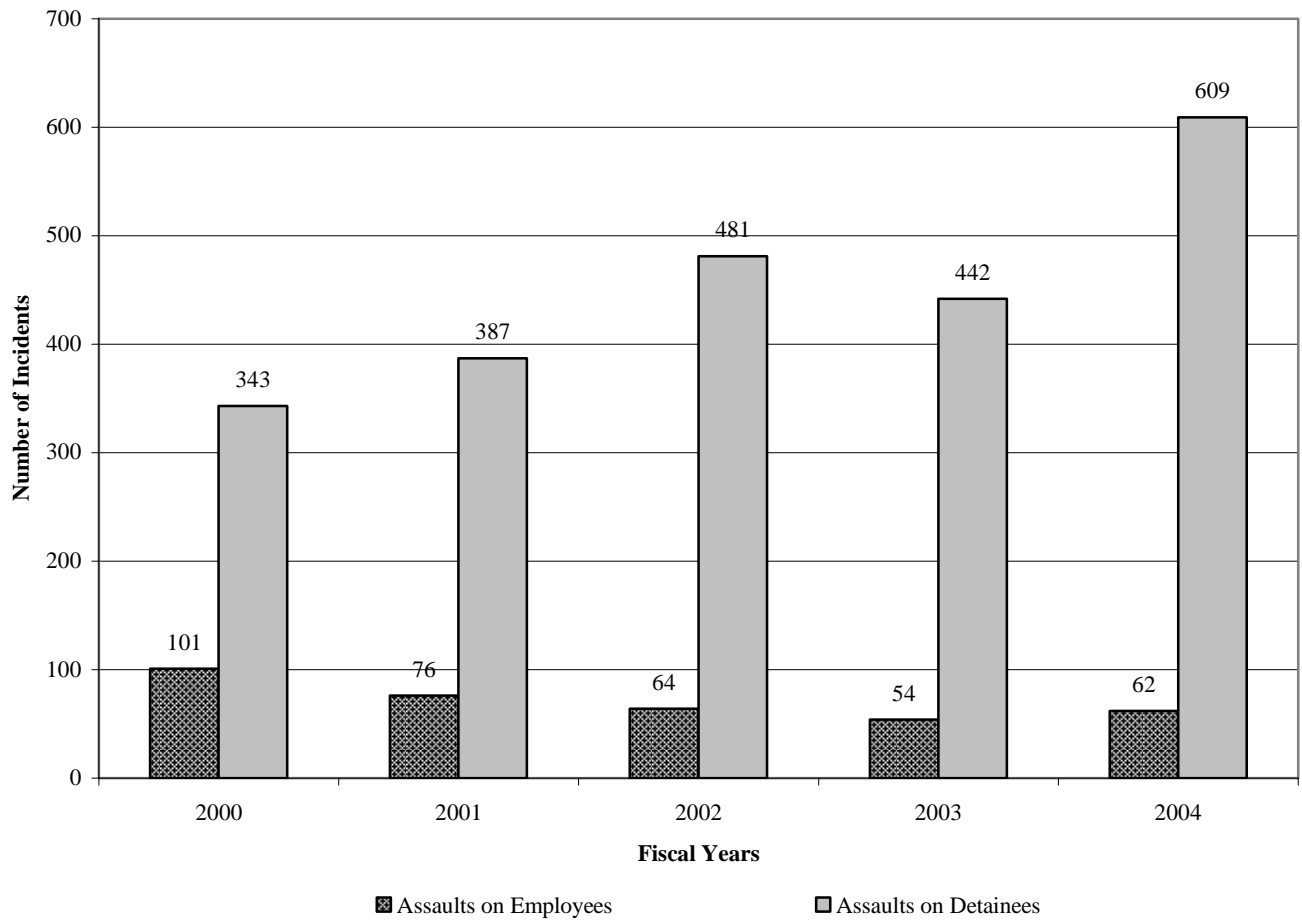
The General Administration function grows by \$698,000 in the fiscal 2006 allowance. Approximately \$532,000 of the increase is attributable to growth in personnel expenditures. The remaining increase is largely attributable to increased insurance costs (\$107,000), contractual services (\$32,000), and supplies and materials (\$32,000). There is also a slight decrease in communication expenditures.

Exhibit 1
DPDS Average Daily Population
Fiscal 1999 – 2006



Source: Department of Public Safety and Correctional Services

Exhibit 2
Incidents of Assaults by Detainees
Fiscal 2000 – 2004



Source: Department of Public Safety and Correctional Services

**Exhibit 3
Governor's Proposed Budget
Division of Pretrial and Detention Services
(\$ in Thousands)**

How Much It Grows:	<u>General Fund</u>	<u>Special Fund</u>	<u>Federal Fund</u>	<u>Total</u>
2005 Working Appropriation	\$113,328	\$2,343	\$40	\$115,711
2006 Governor's Allowance	122,588	2,476	10	125,074
Contingent & Back of Bill Reductions	<u>-79</u>	<u>0</u>	<u>0</u>	<u>-79</u>
Adjusted Allowance	\$122,509	\$2,476	\$10	\$124,995
Amount Change	\$9,181	\$133	-\$30	\$9,284
Percent Change	8.1%	5.7%	-75.1%	8.0%

Where It Goes:

Personnel Expenses

Increments and other compensation	\$1,434
Employee and retiree health insurance	-881
Workers' compensation premium assessment	842
Turnover adjustments	-678
Retirement contribution cost increase	562
Overtime earnings.....	-1,705
Shift differential.....	52
Other fringe benefit adjustments	291

Other Changes

Medical contract	6,898
Contractual services (food, building repairs and maintenance, equipment rental).....	1,387
Fuel and utilities	603
Supplies and materials (office, building and household, uniforms)	216
Grants, inmate payments	130
Insurance.....	107
Other	26

Total **\$9,284**

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

Q00P00 – DPSCS – Division of Pretrial Detention and Services

The allowance for the Pretrial Release Services area decreases by approximately \$91,000. This is the net result of decreases in personnel expenditures (\$203,000) and increases in communications (\$33,000), office and laboratory supplies (\$70,000), and contractual services (\$9,000).

The Baltimore City Detention Center (BCDC) allowance grows by approximately \$1.4 million. Personnel expenditures decrease by approximately \$4 million. The increases for the inmate medical contract is at approximately \$4.1 million. The remaining increases can be largely accounted for by contractual services for food and maintenance (\$1.2 million) and higher expenditures for fuel and utilities (\$112,000).

The Baltimore Central Booking and Intake Facility (BCBIF) has the most significant growth in the division, with an increase of \$7.3 million. Of that amount, approximately \$3.7 million is for personnel expenditures. Another \$2.8 million is for increases in the inmate medical contract. The remaining growth is attributable to increases in fuel and utilities (\$491,000), contractual services for food and maintenance (\$156,000), supplies and materials (\$68,000), and grants and inmate payments (\$105,000).

The allowance for overtime expenditures in DPDS has decreased by approximately \$1.7 million from the fiscal 2005 working appropriation. While overtime expenditures have been on the decline in DPDS, a \$1.7 million decrease may be an optimistic projection. At the same time, the department is also increasing the turnover expectancy by approximately \$678,000, which further reduces the money available for personnel expenditures. To meet the projected turnover, DPDS will actually have to hold more positions open than were vacant on December 31, 2004. Typically, you would expect to see a decline in turnover expectancy when overtime expenditures decrease. Additionally, there are fewer authorized positions for DPDS in fiscal 2005 and 2006 than in fiscal 2003 when ADP population was 799 less than estimated for fiscal 2006. **The department should be prepared to explain how it plans to provide an adequate level of supervision over more detainees with less personnel and lower overtime expenses. The fiscal 2004 budget for DPDS was covered by moving \$5.3 million in funds to DPDS from other units in the department by budget amendment. Does the department anticipate the need for a similar shifting of funds in fiscal 2005?**

Contingent Actions

The fiscal 2006 allowance reflects the elimination of \$79,126 (subobject 0172), the appropriation for matching employee deferred compensation contributions up to \$600, contingent upon enactment of a provision in budget reconciliation legislation.

Issues

1. Offender Health and Safety

The conditions of confinement within DPDS have been the subject of litigation for over 20 years and more recently – in 2002 – came under scrutiny from the U.S. Department of Justice (DOJ). The heightened scrutiny stems from conditions in DPDS that may violate the constitutional rights of detainees.

In December 2003 the American Civil Liberties Union National Prison Project and the Public Justice Center filed a motion in federal court to re-open the consent decree on the limited issues of medical care and environmental issues (including physical plant maintenance, sanitation, ventilation, lighting, and food service). Some of these same issues were in the DOJ letter.

In August 2004 a hearing was held before a U.S. District Court judge in which the State asked to have the existing consent decree terminated. The judge ruled that the plaintiffs were entitled to conduct discovery in order to aid them in demonstrating deficiencies at BCDC. The judge decided to wait until discovery has been completed before ruling on the State's motion to terminate the consent decree. The State has appealed the decision to the fourth circuit U.S. Court of Appeals. Discovery is proceeding.

Meanwhile, DPSCS continues to work on addressing the issues raised in the consent decree and the DOJ recommendations. **Exhibit 4** lists the progress made on the DOJ recommendations since the 2004 legislative session.

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

Exhibit 4 Update on Department of Justice Recommendations January 2004 – January 2005

- The Fire Alarm and Smoke Detection design phase is complete. The bidding and contract award will occur from March through June 2005. Construction should begin in June 2005, with completion planned for September 2006.
- Procedures are in place to ensure the prompt replacement of damaged sprinkler heads. DPDS is using a new replacement head that reduces residents' ability to attach clotheslines or to paint over the heads.
- A system to maintain the security of the sprinkler shutoff and control valves was implemented prior to January 2004 and has proven to be effective. All shutoffs and control valves are secured with locks and chains that are inspected on each shift. The inspections are documented in the Duty Captain's log upon completion, and any damage is reported to the facility fire marshal.

Q00P00 – DPSCS – Division of Pretrial Detention and Services

- Smoke barriers are included in the design of the Fire Alarm Capital project, which is scheduled for completion in September 2006. Security cameras will be installed in all stairwells with smoke barriers to eliminate blind spots.
- The purchase of beds with storage capability for BCDC was completed in fall 2004. DPDS is continuing to purchase containers to store combustible personal property this year as funding allows. This project is anticipated to be completed by the end of fiscal 2005.
- Using door keys without the benefit of sight is reinforced in annual in-service training for all correctional officers. Officers are required to demonstrate this ability during inspections.
- New building diagrams that include new or revised egress routes have been installed at all DPDS facilities.
- DPDS staff was trained in 2003 in the procedures for a 24-hour fire watch in the event of a temporary shutoff of the fire and smoke detection systems and in procedures for emergency evacuations. The staff demonstrated the effectiveness of the training in its quarterly fire drills and in three recent emergency situations that required evacuations.
- To ensure confidentiality, DPDS limits one arrestee to a booking window. In the women's booking area at the BCBIF, there are separate rooms for medical and mental health screenings. The new medical contract has provisions for additional medical staff to improve compliance with the confidentiality requirement for men.
- A one-hour program on detecting signs of mental and physical illness was conducted for all staff performing BCBIF intake functions. Additional training sessions on suicide prevention are provided for the staff of BCBIF and the medical and mental health staff of BCDC. Similar training has been made a part of officer in-service training or is planned for later in 2005.
- Training for correctional staff to maintain certifications in cardiopulmonary resuscitation is completed annually and is documented. This training is required for staff to remain certified as correctional officers. Supplies of replacement pocket masks and rubber gloves are maintained.
- Electronic defibrillators are installed in BCBIF, the Men's Detention Center, the Women's Detention Center, and the Jail Industries Building. Medical staff is trained in the use of this equipment and is required to be recertified on a bi-yearly basis. Additional units will be installed in February 2005 in these buildings to help reduce the response time.
- The medical services contract includes funding for additional mental health services at BCBIF. It will provide more psychiatry time and clinical social work staff to identify those with mental illness. The new contract will provide adequate staffing for the health needs of the population.
- The department has developed a new suicide prevention plan that is in the final stages of review prior to issuance. The policy includes screening, assessment, determination of appropriate housing, and staff training. Suicide prevention training is provided to each class of correctional officer. Suicide prevention awareness is done during roll calls so every officer receives it at least once a year. Suicide prevention training is included in correctional officer in-service training.

Q00P00 – DPSCS – Division of Pretrial Detention and Services

- The revised departmental policy on suicide prevention requires the use of suicide smocks only. Additional smocks were purchased to ensure an adequate supply.
- Procedures implemented as of January 2004 regarding food preparation and service, continue to be practiced and monitored. DPSCS has retained a consultant on food safety and sanitation to inspect and report on conditions in the dietary service. The reports show improvement.
- Increased oversight of the pest control vendor and coordination of treatment between facilities has resulted in improvements in conditions. No inspection in the past year cited pest control issues.
- Out-of-cell and exercise time has been increased to seven days per week. The facilities have developed strategies to provide as much exercise time as possible for residents, which has been difficult due to overcrowding. New lighting will be installed to allow after-dark use of the yard.
- DPDS has worked with a consultant from the National Institute of Corrections to develop an assessment tool for classification and a process for managing the DPDS population. This is a coordinated effort with the Division of Correction (DOC) to improve the exchange of information as residents move from DPDS to DOC custody. The consultant's final report is due to DPDS shortly, and implementation of the assessment process is to begin in May 2005.
- Steps have been taken to provide for sight separation between juveniles and adults. Facility limitations continue to restrict DPDS's ability to improve housing for female juveniles, but this situation will be corrected with the construction of the new Juvenile Detention Center, currently in the design phase. New vans are being bought exclusively for transporting juveniles at BCDC.
- A program for juveniles has been developed that will be implemented in March 2005. The staff will include a case worker, a social worker, a psychologist, and a recreation supervisor.
- The implementation of the policy regarding juvenile quarantine has proven to be workable and beneficial to the juveniles. They are quarantined only when medically necessary, and a risk of communicable disease has been identified. This allows juveniles to enter the program and school immediately upon their arrival at BCDC.
- Upon intake, DPDS continues to identify individuals between ages 18 and 22 who may be eligible for special education services. The Maryland State Department of Education (MSDE) retrieves the education records of these individuals and provides them with the required services.
- The staff of the Eager Street Academy, a public school operated by the Baltimore City Public Schools inside the Detention Center, provides screening and assessment services for every new student. MSDE maintains oversight over the special education services of the school.
- A mental health professional makes daily rounds in the juvenile specialized housing areas. This procedure, implemented in 2004, will still be required under the new medical services contract.

Q00P00 – DPSCS – Division of Pretrial Detention and Services

- An aggressive program to improve sanitation continues to show improvement in the overall conditions and appearance of the facilities. Reports from the consultant continue to substantiate improvement in environmental issues with no indication of systemic deficiencies.
- Four of the DPDS buildings will have washers and dryers operational for residents by the end of fiscal 2005. The Men’s Detention Center will install washers and dryers by December 2005.
- Pregnant residents may be referred to Tamar’s Children. If accepted into the program, the women receive extensive treatment and services and can keep their babies with them after birth.
- The Women’s Detention Center is collaborating with the Office of Treatment Services to provide a cognitive restructuring curriculum to the residents. This collaboration will ensure consistency with other programming being delivered by Treatment Services at DPSCS institutions.
- The Tamar’s Children program has provided a trauma therapist and a case management worker to bring trauma counseling to the residents of the Women’s Detention Center. The program was initiated in November 2004.

Source: Division of Pretrial Detention and Services

Recommended Actions

1. Concur with Governor's allowance.

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 2004					
Legislative Appropriation	\$105,465	\$2,539	\$150	\$0	\$108,154
Deficiency Appropriation	1,306	0	0	0	1,306
Budget Amendments	5,269	0	0	0	5,269
Cost Containment	0	0	0	0	0
Reversions and Cancellations	-1,433	-157	-142	0	-1,732
Actual Expenditures	\$110,606	\$2,382	\$8	\$0	\$112,996
Fiscal 2005					
Legislative Appropriation	\$112,112	\$2,343	\$40	\$0	\$114,495
Budget Amendments	1,216	0	0	0	1,216
Working Appropriation	\$113,328	\$2,343	\$40	\$0	\$115,711

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

Q00P00 – DPSCS – Division of Pretrial Detention and Services

Fiscal 2004

- The reversion of approximately \$1.4 million of general funds is attributable to mandatory reversions for unspent employee and retiree health insurance that was overbudgeted.
- The department received a general fund deficiency appropriation of approximately \$1.3 million. Of that, approximately \$750,000 was provided to address issues raised by the Department of Justice concerning inmate care in BCDC. The remaining approximately \$556,000 was to provide funds to cover expenditures for fuel and utilities.
- The department used an amendment to increase the general fund appropriation by approximately \$5.3 million. The funds were redistributed to the Division of Pretrial and Detention Services from other agencies within the Department of Public Safety and Correctional Services, including DOC and the Division of Parole and Probation, in order to align the general fund appropriation with actual expenditures.
- The department cancelled approximately \$142,000 of federal funds because the federal prisoners they were expected to house were actually housed in a DOC facility.

Fiscal 2005

- The general fund spending was increased by approximately \$1.2 million through the cost-of-living adjustment amendment. Funds had been budgeted for all agencies in the Department of Budget and Management and were subsequently reallocated.

Audit Findings

Audit Period for Last Audit:	April 26, 2001 – June 2, 2004
Issue Date:	February 2005
Number of Findings:	10
Number of Repeat Findings:	2
% of Repeat Findings:	80%

- Finding 1:** Numerous questionable payments were made which DPDS management personnel advised were initiated at the direction of the former Commissioner.
- Finding 2:** Certain payments were made to vendors through the working fund to circumvent the Comptroller of the Treasury’s payment intercept program.
- Finding 3:** Questionable payments were not referred to appropriate authorities timely and were permitted to continue after they were initially identified in July 1998.
- Finding 4:** DPDS’ annual budget requests submitted to the General Assembly did not adequately disclose general fund entertainment-related expenditures which totaled approximately \$145,000 during fiscal 2002 through 2004.
- Finding 5:** DPDS did not always purchase goods in accordance with State Procurement Regulations and, for certain disbursements, there was a lack of verification that the payments should have been made.
- Finding 6:** DPDS split corporate purchase card transactions totaling approximately \$53,000 into smaller purchases to avoid per transaction spending limits.
- Finding 7:** **Proper internal control was not established over the processing of certain disbursement transactions.**
- Finding 8:** DPDS had not established adequate internal control over certain collections.
- Finding 9:** Supervisory review of payroll adjustments was not documented..
- Finding 10:** **Property records were not adequately maintained, and DPDS lacked documentation to substantiate that the results of physical inventories were reconciled to the detail records.**

*Bold denotes item repeated in full or part from preceding audit report.

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

<u>Object/Fund</u>	<u>FY04 Actual</u>	<u>FY05 Working Appropriation</u>	<u>FY06 Allowance</u>	<u>FY05 - FY06 Amount Change</u>	<u>Percent Change</u>
Positions					
01 Regular	1503.00	1512.00	1512.00	0	0%
02 Contractual	10.75	25.20	25.20	0	0%
Total Positions	1513.75	1537.20	1537.20	0	0%
Objects					
01 Salaries and Wages	\$ 81,584,561	\$ 85,150,240	\$ 85,146,010	-\$ 4,230	0%
02 Technical & Spec Fees	339,497	567,895	486,535	-81,360	-14.3%
03 Communication	514,161	370,760	512,670	141,910	38.3%
04 Travel	16,914	27,032	13,432	-13,600	-50.3%
06 Fuel & Utilities	3,338,901	2,737,070	3,339,750	602,680	22.0%
07 Motor Vehicles	246,061	248,275	269,815	21,540	8.7%
08 Contractual Services	23,072,069	23,265,094	31,550,339	8,285,245	35.6%
09 Supplies & Materials	1,988,031	1,478,492	1,694,800	216,308	14.6%
10 Equip - Replacement	38,353	41,140	42,491	1,351	3.3%
11 Equip - Additional	6,247	42,000	0	-42,000	-100.0%
12 Grants, Subsidies, and Contributions	1,653,015	1,599,650	1,730,000	130,350	8.1%
13 Fixed Charges	198,068	182,969	288,228	105,259	57.5%
Total Objects	\$ 112,995,878	\$ 115,710,617	\$ 125,074,070	\$ 9,363,453	8.1%
Funds					
01 General Fund	\$ 110,606,205	\$ 113,327,725	\$ 122,588,267	\$ 9,260,542	8.2%
03 Special Fund	2,382,023	2,342,811	2,475,803	132,992	5.7%
05 Federal Fund	7,650	40,081	10,000	-30,081	-75.1%
Total Funds	\$ 112,995,878	\$ 115,710,617	\$ 125,074,070	\$ 9,363,453	8.1%

Note: The fiscal 2005 appropriation does not include deficiencies, and the fiscal 2006 allowance does not reflect contingent reductions.

Fiscal Summary
DPSCS – Division of Pretrial Detention and Services

<u>Program/Unit</u>	<u>FY04 Actual</u>	<u>FY05 Wrk Approp</u>	<u>FY06 Allowance</u>	<u>Change</u>	<u>FY05 - FY06 % Change</u>
01 General Administration	\$ 5,454,906	\$ 6,428,526	\$ 7,126,734	\$ 698,208	10.9%
02 Pretrial Release Services	4,879,410	5,006,024	4,915,199	-90,825	-1.8%
03 Baltimore City Detention Center	66,443,058	70,107,744	71,515,313	1,407,569	2.0%
04 Central Booking and Intake Facility	36,218,504	34,168,323	41,516,824	7,348,501	21.5%
Total Expenditures	\$ 112,995,878	\$ 115,710,617	\$ 125,074,070	\$ 9,363,453	8.1%
General Fund	\$ 110,606,205	\$ 113,327,725	\$ 122,588,267	\$ 9,260,542	8.2%
Special Fund	2,382,023	2,342,811	2,475,803	132,992	5.7%
Federal Fund	7,650	40,081	10,000	-30,081	-75.1%
Total Appropriations	\$ 112,995,878	\$ 115,710,617	\$ 125,074,070	\$ 9,363,453	8.1%

Note: The fiscal 2005 appropriation does not include deficiencies, and the fiscal 2006 allowance does not reflect contingent reductions.