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**Department of Public Safety and Correctional  
Services  
Fiscal 2009 Budget Overview**

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**Department of Legislative Services  
Office of Policy Analysis  
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*Analysis of the FY 2009 Maryland Executive Budget, 2008*

## **Agency Description**

The Department of Public Safety and Correctional Services (DPSCS) helps to keep Maryland communities safe and provides services to the victims of crime. The department strives to ensure the safety, security, and well-being of defendants and offenders under its supervision and to provide criminal justice agencies with access to timely, accurate information about defendants and offenders.

## **Fiscal 2008 Deficiencies**

There are six deficiency appropriations increasing the fiscal 2008 working appropriation by approximately \$12.2 million. General funds account for the entire net increase.

- Included in the total deficiencies is a \$1.5 million increase in general funds for the Division of Parole and Probation (DPP), which is offset by a decrease in special funds for the same amount. The DPP deficiency is needed to cover a special fund shortfall in Drinking Driver Monitor Program (DDMP) fees.
- Three deficiency appropriations to fund additional overtime costs in the Division of Correction (DOC), Patuxent Institution, and Division of Pretrial Detention and Services total approximately \$7.6 million, accounting for 62.3% of the total fiscal 2008 deficiency appropriations.
- An additional \$4.4 million is needed in the Office of the Secretary to provide funding for the Public Safety Death Benefit awarded to survivors of military personnel and public safety personnel killed in the line of duty.
- Approximately \$228,145 is needed in DOC to provide additional funding to cover the costs of inmates housed in other jurisdictions due to the closure of the Maryland House of Correction in March 2007.

## **Fiscal 2008 Reorganizations**

### **Community Surveillance and Enforcement Program**

Approximately \$8.6 million and 99 regular and 18 contractual positions were transferred by budget amendment in fiscal 2008 to create the Community Surveillance and Enforcement Program (CSEP) within the Division of Parole and Probation. In an effort to increase efficiency and coordination among all community related enforcement services, CSEP joins the Central Home Detention unit, which was formerly part of DOC, and the Warrant Apprehension Unit, previously housed under a different subprogram within DPP, into its own program. The new program is reflected in the fiscal 2009 allowance for DPP, with a budget of \$9.2 million.

Creation of CSEP is the first step in the department's plans to implement a comprehensive community corrections system designed to reduce recidivism for offenders in pre-trial, incarceration, and community supervision status. In addition to DPP assuming the management of the Central Home Detention Unit under CSEP, the community corrections initiative also includes transferring the management of DOC pre-release facilities and Community Adult Rehabilitation Centers to DPP to improve the transition of offenders from State correctional facilities to the community, and for use as a sanction for technical parole and probation violators; providing supervision programming using evidence-based practices that have produced positive outcomes in reducing recidivism; and promoting collaboration among external stakeholders to provide more coordinated reentry services.

### **Professional Development and Training Division**

The Professional Development and Training Division (PDTD) was established within the Office of the Secretary in 2004, officially created by Secretary's Directive in February 2006, and received Department of Budget and Management approval for administratively reorganizing in March 2007. A fiscal 2008 budget amendment transferred approximately \$2.4 million and 26 positions to PDTD. Funding and positions came from already established training resources within the Office of the Secretary, DOC resources from the previously separated regional training units and resources from the Police and Correctional Training Commissions (PCTC) which had previously been responsible for operating the entry-level correctional training. PDTD is reflected as an individual unit within the Office of the Secretary with a fiscal 2009 allowance of \$2.8 million.

Fiscal 2007 was PDTD's first full year of providing entrance-level training for parole and probation agents, including drinking driver monitors. PDTD graduated two classes, training a total of 89 graduates. The division also graduated its first correctional entrance-level class in November 2006. With the transfer of both funds and staffing, the department assures that there is a clear distinction in the roles and responsibilities of the PDTD and PCTC. PDTD concentrates its efforts on providing training to DPSCS employees only, and PCTC acts as a regulatory body and provides training for local and State law enforcement and correctional agencies that do not have the resources to provide their own training. All PDTD training programs and DPSCS correctional employees are certified through PCTC. While PCTC and PDTD collaborate to provide specialized training courses and share use of the Public Safety Education and Training Center, there does not appear to be any duplication of services or redundancy of resources between the two agencies.

## **Fiscal 2009 Allowance**

As seen in **Exhibit 1**, the DPSCS fiscal 2009 operating budget allowance is approximately \$1.3 billion, which is an increase of approximately \$109 million, or 9.2%, over the fiscal 2008 working appropriation. Absent health insurance and Other Post Employment Benefits (OPEB) funding which distorts year-to-year comparisons, the underlying fiscal 2009 budget growth is \$48.2 million, or 4.4%.

**Exhibit 1**  
**Department of Public Safety and Correctional Services Budget Overview**  
**Total Funds by Program**  
**(\$ in Thousands)**  
**Fiscal 2008-2009**

	<b>Working Appropriation <u>2008</u></b>	<b>Allowance <u>2009</u></b>	<b>Change <u>2008-09</u></b>	<b>% Change <u>2008-09</u></b>
<b>Operating Programs</b>				
Office of the Secretary	\$128,598	\$134,146	\$5,548	4.3%
Division of Correction	752,909	831,257	78,348	10.4%
Parole Commission	5,130	5,673	544	10.6%
Division of Parole and Probation	102,142	111,909	9,767	9.6%
Patuxent Institution	43,442	47,637	4,195	9.7%
Inmate Grievance Office	562	594	32	5.7%
Police/Correctional Training Commissions	7,964	8,686	722	9.1%
Criminal Injuries Compensation Board	6,123	6,578	455	7.4%
Maryland Commission on Correctional Standards.	522	524	1	0.3%
Division of Pretrial Detention and Services	145,743	155,382	9,639	6.6%
<b>Total</b>	<b>\$1,193,135</b>	<b>\$1,302,386</b>	<b>\$109,251</b>	<b>9.2%</b>
<b>Funds</b>				
General Fund	\$1,023,598	\$1,121,511	\$97,913	9.6%
Special Fund	148,449	159,543	\$11,094	7.5%
Federal Fund	13,138	13,347	\$209	1.6%
Reimbursable Fund	7,950	7,985	\$35	0.4%
<b>Total</b>	<b>\$1,193,135</b>	<b>\$1,302,385</b>	<b>\$109,251</b>	<b>9.2%</b>

Source: Department of Public Safety and Correctional Services

### *Q00 – DPSCS – Fiscal 2009 Budget Overview*

The primary function within the department, the custody function, is composed of DOC, the Patuxent Institution, and the Division of Pretrial Detention and Services. Each of these agencies is responsible for the physical confinement and control of inmates and detainees ordered confined by Maryland's judicial system. While each of these agencies is composed of various facilities and programs, their aggregate fiscal 2009 allowance is approximately \$1 billion, or 79.4% of the total allowance.

- DOC's allowance is approximately \$831 million, an increase of \$78 million, or 10.4% over the fiscal 2008 working appropriation. Adjusting for health insurance and OPEB funding, which distorts year-to-year comparisons, the underlying fiscal 2009 budget grows by \$40.6 million, or 5.9%. Personnel costs, including \$5.5 million to fund a net 149 new positions and an additional \$15.3 million for overtime expenditures, account for 73% of the increase. The new positions and an additional \$8.0 million are included for the opening of Housing Units 3 and 4 at North Branch Correctional Institution. An additional \$6.5 million is budgeted for inmate medical services, which reflects increases for inflation and for additional HIV screening and testing. Higher volume of sales for the Maryland Correctional Enterprises requires an additional \$8.4 million in special funds for additional raw materials and production supplies.
- The Patuxent Institution receives an additional \$4.2 million for a total fiscal 2009 allowance of \$47.6 million, a 9.7% increase over the fiscal 2008 working appropriation. Adjusting for health insurance and OPEB funding, which distorts year-to-year comparisons, the underlying fiscal 2009 budget grows by \$1.4 million, or 3.6%. A \$3.7 million increase in salaries and wages accounts for the majority, or 86%, of the growth. Other significant changes include an additional \$350,000 for inmate medical expenses and a net \$160,000 increase for fuel and utilities.
- The Division of Pretrial Detention and Services receives a 6.6%, or \$9.6 million, increase in the fiscal 2009 allowance. Adjusting for health insurance and OPEB funding, which distorts year-to-year comparisons, the underlying fiscal 2009 budget grows by \$1.7 million, or 1.3%. Growth occurs for the inmate medical contract of approximately \$1.1 million, and for personnel expenses, which increase by a total \$9.7 million, of which \$3.5 million is for overtime expenses. This is offset by a \$625,000 net reduction in fuel and utilities and a \$485,000 reduction in contractual services for management studies and office assistance resulting from cost containment.

The second functional area is the supervision function, which is facilitated by DPP and the Maryland Parole Commission (MPC). DPP is responsible for supervising offenders under criminal supervision via probation by the judicial system, release on mandatory supervision from the DOC, or parole by MPC, and individuals assigned to the Drinking Driver Monitor Program. The supervision function's fiscal 2009 allowance is \$117.6 million, accounting for 9.0% of the total DPSCS allowance.

*Q00 – DPSCS – Fiscal 2009 Budget Overview*

- The supervision function receives a combined increase of \$10.3 million, of which \$9.8 million is for the Division of Parole and Probation. The \$544,000 increase in MPC represents the increase in personnel costs offset slightly by a reduction in routine travel expenses based on prior year actual expenditures.
- The fiscal 2009 allowance for DPP is a 9.6% increase over the fiscal 2008 working appropriation. Adjusting for health insurance and OPEB funding, which distorts year-to-year comparisons, the underlying fiscal 2009 budget grows by \$1.6 million, or 1.7%. Personnel expenses, which include funding for a net of 52 new positions, increase approximately \$9.7 million. The new positions are part of a \$3.1 million initiative targeting high risk and violent offenders. A \$240,000 increase for global positioning system monitoring is included in that initiative. The allowance also includes an \$80,000 increase for inmate medical expenses for the Home Detention Unit which was transferred from DOC by budget amendment in fiscal 2008 as part of the Community Surveillance initiative. These increases are offset by various reductions throughout the agency, primarily in supplies, materials, and equipment purchases.

The administration function coordinates and supports the other functional units' activities. It is composed of the units within the Office of the Secretary, which include the General Administration, Internal Investigation Unit, Emergency Number Systems Board (ENSB), Office of Treatment Services, Capital Construction and Facilities Management, and Information Technology and Communications Division. The administration function's fiscal 2009 allowance is \$134 million, or 10.0%, of the total DPSCS allowance.

- The fiscal 2009 allowance for the Office of the Secretary is approximately \$5.6 million more than the fiscal 2008 working appropriation. Adjusting for health insurance and OPEB funding, which distorts year-to-year comparisons, the underlying fiscal 2009 budget grows by \$2.5 million, or 2.0%. Personnel expenses account for \$3.6 million, or 64.7%, of the growth. Approximately \$2.1 million is for the ENSB to fund an audit of service providers to ensure proper collection of fees and to reflect an increase in the 9-1-1 grants paid to local jurisdictions.

Finally, the boards and commission function includes the Criminal Injuries Compensation Board (CICB), the Inmate Grievance Office (IGO), the Maryland Commission on Correctional Standards (MCCS), and PCTC. CICB provides the administrative support to victims as the payer of last resort for injuries and damages sustained as a result of criminal activity. MCCS develops and audits compliance with the standards for all public and private correctional and detention facilities in the State. PCTC develops the training standards for all law enforcement and correctional officers in the State, provides a variety of training courses, and operates the Public Safety Education and Training Center. The boards and commissions function has an aggregate fiscal 2009 allowance of \$16.4 million, accounting for 1.0% of the total DPSCS allowance.

## *Q00 – DPSCS – Fiscal 2009 Budget Overview*

- The boards and commissions function receives a combined increase of \$1.2 million over the fiscal 2008 working appropriation. PCTC's \$722,000 increase, largely due to growth in personnel costs and fuel and utilities used for operating PCTC, is slightly offset by a \$133,000 net reduction in supplies and an \$87,000 reduction in contractual education and training costs based on prior year actual expenditures and anticipation of less grant funding from the Governor's Office of Crime Control and Prevention. The \$455,000 increase in CICB is the result of a salary and wage growth and a \$400,000 increase in the award expenditures for eligible victims, which is split equally between special and federal funds. IGO receives an increase of \$32,000, which reflects growth in personnel costs offset by a \$67,000 reduction in contractual services for administrative hearings.

Departmentwide, the allowance includes approximately \$149.0 million for the inmate medical contract. This is an increase of approximately \$8.0 million, or 5.4%, over the fiscal 2008 working appropriation. The growth reflects a \$5.0 million increase for required consumer price index and inflationary increases, and an additional \$3.0 million for the implementation of mandatory HIV screening and testing.

The fiscal 2009 allowance includes approximately \$7.5 million to fund reentry service programs. The Reentry Enforcement Services Targeting Addiction, Rehabilitation, and Treatment (RESTART) program of the past administration has been abandoned. To prepare offenders for release, the department intends to target skills essential to the reentry process and combine them with traditional services, such as education, substance abuse treatment, and discharge planning with connections to community resources that have been provided to incarcerated offenders. Included in the \$7.5 million is approximately \$1.8 million to be transferred to the Maryland State Department of Education to support academic education and occupational skills training for more than 7,000 inmates. Approximately \$5.0 million is used to fund 29 addictions counselors and provide substance abuse treatment for more than 9,700 inmates. The remainder of the funding supports the nine regular and two contractual positions that provide services to approximately 21,700 inmates, either linking them to support services in the community prior to release or creating links to community volunteers and groups providing services within the prison facilities.

## **Fiscal 2009 Contingent Reductions**

### **Overtime Spending**

The fiscal 2009 budget bill includes a departmentwide contingent reduction of approximately \$8.6 million in general funds for overtime expenditures. The reduction is contingent on both the enactment of legislation to change the overtime calculation for correctional officers to be consistent with the federal Fair Labor Standards Act and the successful negotiation with the correctional officers' union to change the length of shift from eight to twelve hours. The change in shift would require a correctional officer to work four days and then receive three days off. Currently, DPSCS is required to pay overtime for any minute of time worked beyond eight hours; therefore, 12-hour shifts

would be too costly to implement under the current overtime system. The adjustment to the Fair Labor Standards Act would award overtime only after the total number of hours worked within a 28-day period has exceeded 171 hours. The estimated reduction in overtime expenditures is the difference between 160 hours (two current 80-hour pay periods) and 171 hours (FSLA standard) multiplied by the rate of overtime pay per correctional officer.

### **Drinking Driver Monitor Program**

The fiscal 2009 budget bill includes a \$1.4 million contingent general fund reduction for the Division of Parole and Probation. The reduction is contingent on the enactment of legislation increasing the monthly fee for the Drinking Driver Monitor Program by \$10 per month. This increases the DDMP fee from \$45 to \$55 per month. Coupled with the \$40 monthly supervision fee, the legislation would increase total DDMP payments to \$95 per month. The \$1.4 million reduction assumes a 73% collection rate, which was the rate of collection for fiscal 2007. It is unclear how the increase might affect the rate of collection.

### **Personnel**

**Exhibit 2** shows that the department's personnel complement grows by a net 195 regular positions, or 1.7%. The majority of the growth may be attributed to DOC, which gains 148 correctional positions, 6 administrative support positions, 1 psychology associate, and 1 social worker. These new positions are needed to staff the opening of the third and fourth housing units at the North Branch Correctional Institution. An additional 46 parole and probation agents, and 7 field supervisors are included in the DPP allowance as part of the Supervision for Targeted High Risk Offenders initiative implemented during the fall of 2007. These new positions are offset by the abolition of 1 accountant position in the Office of the Secretary, 7 positions in DOC, 1 DDMP administrator, and 5 positions in the Division of Pretrial Detention and Services. All position abolitions are the result of cost containment. The apparent abolition of 2 contractual full-time equivalents within the Office of the Secretary is actually a budgeting error, and therefore, there is no change to the department's contractual personnel.

**Exhibit 2**  
**Department of Public Safety and Correctional Services Budget Overview**  
**Positions by Program**  
**Fiscal 2008-2009**

**Regular Positions by Program**

	<b>Working Appropriation <u>2008</u></b>	<b>Allowance <u>2009</u></b>	<b>Change <u>2008-09</u></b>	<b>% Change <u>2008-09</u></b>
<b>Operating Programs</b>				
Office of the Secretary	544	543	-1	-0.2%
Division of Correction	7,438	7,587	149	2.0%
Parole Commission	78	78	0	0.0%
Division of Parole and Probation	1,356	1,408	52	3.8%
Patuxent Institution	523	523	0	0.0%
Inmate Grievance Office	6	6	0	0.0%
Police/Correctional Training Commissions	82	82	0	0.0%
Criminal Injuries Compensation Board	7	7	0	0.0%
Maryland Commission on Correctional Standards	6	6	0	0.0%
Division of Pretrial Detention and Services	1,603	1,598	-5	-0.3%
<b>Total</b>	<b>11,642</b>	<b>11,837</b>	<b>195</b>	<b>1.7%</b>

**Contractual Positions by Program**

	<b>Working Appropriation <u>2008</u></b>	<b>Allowance <u>2009</u></b>	<b>Change <u>2008-09</u></b>	<b>% Change <u>2008-09</u></b>
<b>Operating Programs</b>				
Office of the Secretary	116	114	-2	-1.7%
Division of Correction	85	85	0	0.0%
Parole Commission	3	3	0	0.0%
Division of Parole and Probation	131	131	0	0.0%
Patuxent Institution	2	2	0	0.0%
Inmate Grievance Office	1	1	0	0.0%
Police/Correctional Training Commissions	31	31	0	0.0%
Criminal Injuries Compensation Board	9	9	0	0.0%
Maryland Commission on Correctional Standards	2	2	0	0.0%
Division of Pretrial Detention and Services	23	23	0	0.0%
<b>Total</b>	<b>404</b>	<b>402</b>	<b>-2</b>	<b>-0.5%</b>

Source: Department of Public Safety and Correctional Services

## ***Issues***

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### **1. Criminal Justice Trends**

The criminal justice system as a whole has grown considerably since significant policy changes were implemented in the 1980s. More recently, however, slower rates of growth in major parts of the criminal justice system indicate that after a period of significant increase from fiscal 1991 to 2003, growth in the State prison population is slowing. Analysis of crime and incarceration rates suggests the increased incarceration has resulted in fewer reported crimes; however, it has also placed significant strain on the existing correctional system resulting in increased costs.

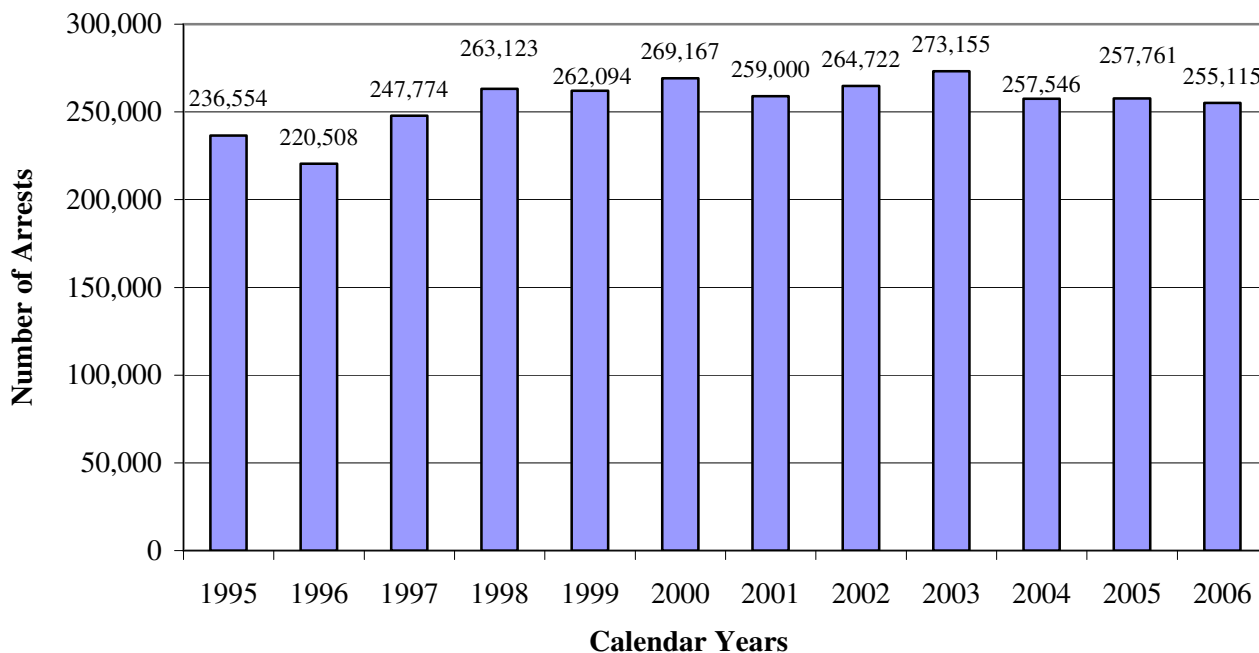
#### **Slower Criminal Justice Growth Rate Contributes to More Stable Inmate Population**

Looking at the number of arrests can foreshadow the potential for a change in the inmate population because it indicates the number of people eligible to be charged with a crime and sentenced to prison. **Exhibit 3** shows the number of adult arrests per calendar year from 1995 to 2006. The number of arrests increased nearly 24% between calendar 1996 and 2003. Since the peak in 2003, however, arrests have declined 6.6%, from 273,155 to 255,115 arrests. Over the past decade, despite some variances from year-to-year, arrests have had an average annual increase of less than 1%.

The majority of offenders await trial in local jails. **Exhibit 4** shows that over the past two decades, the local jail average daily population has grown 133%, from 5,890 to 13,740. A 1986 law change, which required inmates sentenced to 12 months or less to be housed in local facilities, contributed significantly to the growth in average daily population (ADP) from 1987 to 1990. Prior to the law change, local facilities only housed offenders serving 90 days or less. Despite this significant increase, the rate of growth in the population has been significantly reduced since the mid-1990s. From fiscal 1987 to 1996, the local jail ADP had an average annual growth rate of 6.8%. Since then, the population has only grown at an average rate of 2.1%, and experienced a decline in 3 of the past 10 years.

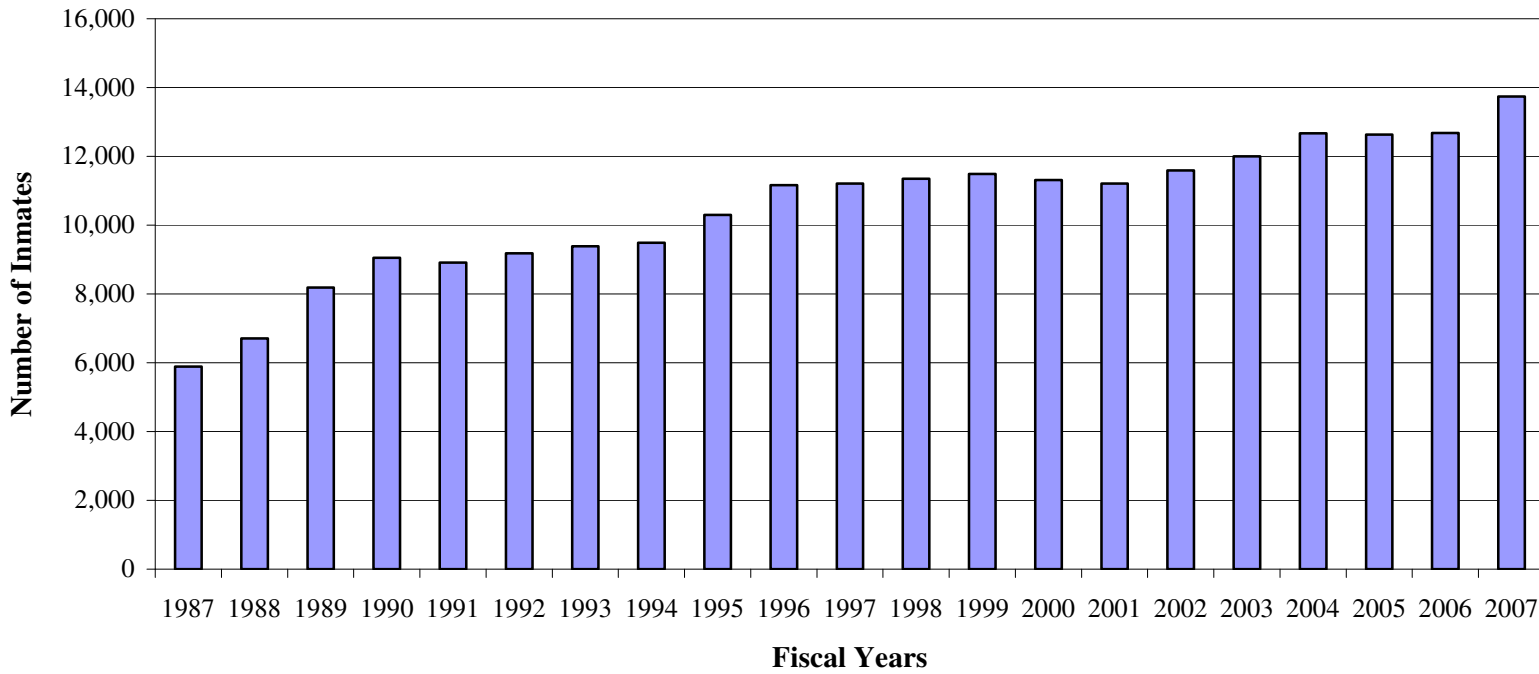
The number of intakes into DOC per fiscal year have increased by more than 36.0% from fiscal 1991 to 2007, from 11,012 to 15,048 intakes. Releases have also grown by nearly 65.47%, from 9,021 releases in 1991 to 14,924 in 2007. **Exhibit 5** shows the difference between intakes and releases per fiscal year from fiscal 1991 to 2007. A smaller gap between the number of inmates entering and leaving the prison system should contribute to slower growth in the inmate population. Since fiscal 1991, the difference between intakes and releases has declined from 1,811 to 124 in fiscal 2007, with an average gap of 547 more inmates entering the system than leaving it. In fiscal 2003 and 2006, however, over 100 more inmates were released than were taken into custody, and in fiscal 2005, releases exceeded intakes by nearly 500 inmates. The fact that intakes continue to exceed releases on average illustrates that the prison population continues to grow, but the decline in that gap indicates a trend of slower growth. Having releases exceed intakes in three of the last five years has also potentially contributed to the recent decline in the DOC population.

**Exhibit 3  
Adult Arrests  
Calendar 1995-2006**



Source: *Maryland Uniform Crime Report*

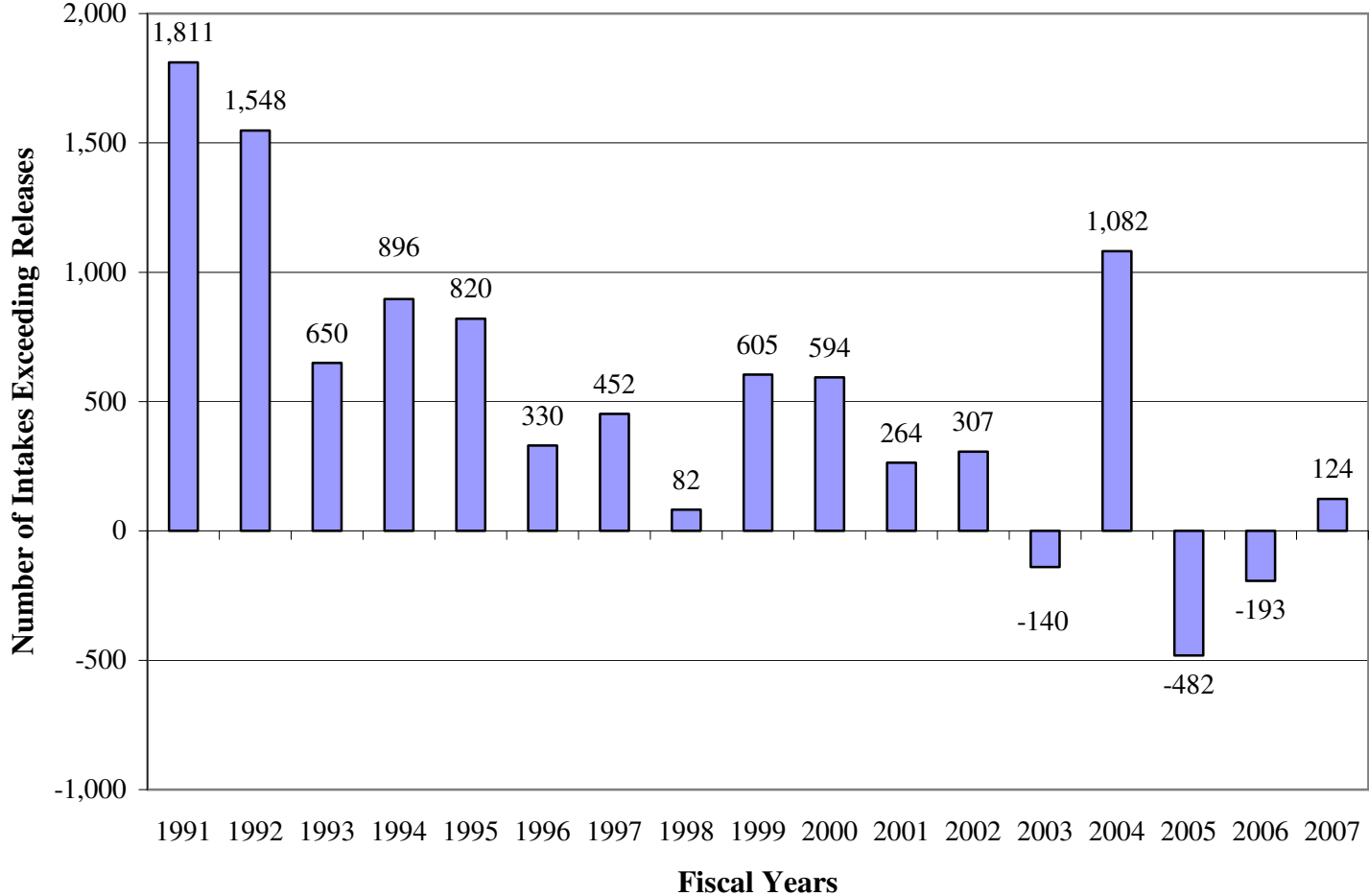
**Exhibit 4**  
**Local Jails Average Daily Population**  
**Fiscal 1987-2007**



Note: The State assumed operation of the Baltimore City jail in 1991.

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

**Exhibit 5**  
**Difference Between Division of Correction**  
**Intakes and Releases Per Fiscal Year**  
**Fiscal 1999-2007**

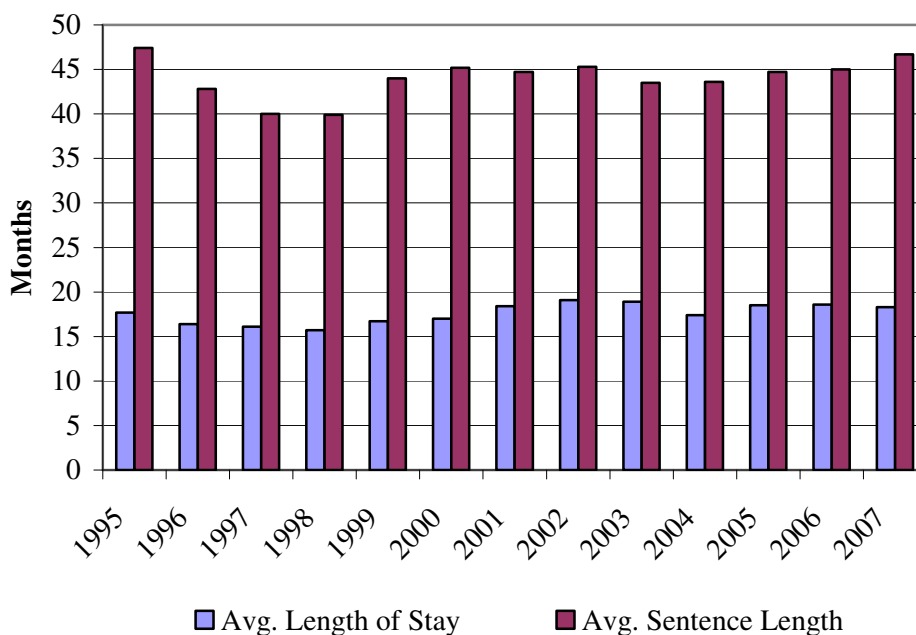


Source: Department of Public Safety and Correctional Services

A final indicator of changes to the inmate population is the average lengths of sentences and stays. Longer sentences can mean longer lengths of stay and can contribute to increases in the inmate population. On average since fiscal 1995, an inmate serves approximately 40% of his sentence length, and despite some variation from year-to-year the annual rates of growth have been relatively slow. **Exhibit 6** illustrates the changes in average lengths of sentences and stays. From fiscal 1995 to 2007, the average length of sentence was 44.1 months with an average length of stay of 17.1 months. During the period fiscal 1998 to 2002, the average length of stay increased from 15.7 months to 19.1 months. Although the length of stay declined slightly afterward, since fiscal 2004, the average length of stay has remained above 18 months. What is interesting to note is that since fiscal 1995, the average annual growth in the number of months an inmate remains in custody has been 0.37%, and the average length of stay in fiscal 2007 is only 0.6 more months longer than it was in 1995. This suggests the potential for stability in the inmate population.

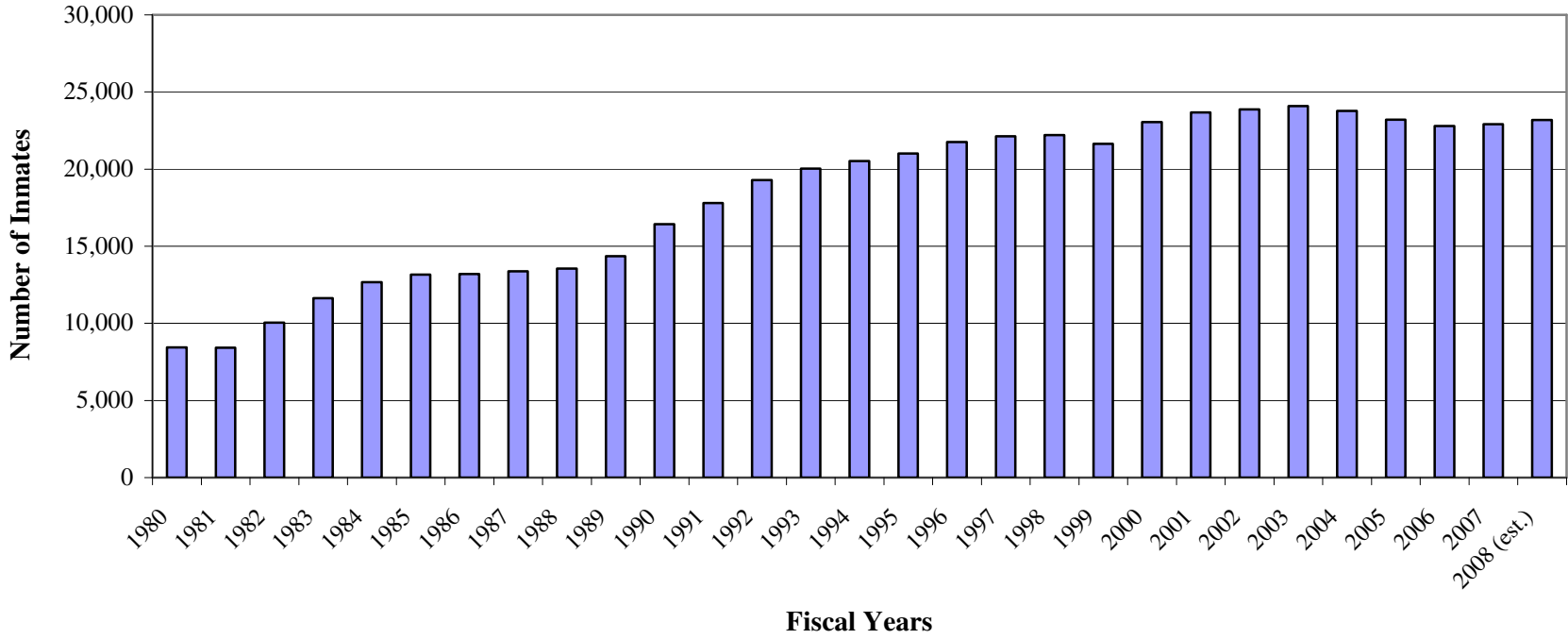
**Exhibit 7** shows the ADP since fiscal 1980 for DOC and the Patuxent Institution combined. The ADP has increased more than 170% over the past 27 years, from 8,443 to 22,919. Despite this substantial increase, the rate of growth per decade has been in decline. During the 1980s, the inmate population had an average annual growth rate of 5.7%. That declined to 4.3% in the 1990s, and since fiscal 2000, the average annual rate of growth has been less than 1%. Between fiscal 2007 and 2008, the population is expected to grow by 1.15%. This indicates that although the system is growing and will likely continue to grow, the significant increases seen in the previous 20 years are not likely to occur in the future unless there is a major policy or procedural shift.

**Exhibit 6**  
**Average Lengths of Sentences and Stays**  
**Fiscal 1995-2007**



Source: Department of Public Safety and Correctional Services

**Exhibit 7**  
**Average Daily Population**  
**Division of Correction and Patuxent Institution**  
**Fiscal 1980-2008 Est.**



Source: Department of Safety and Correctional Services

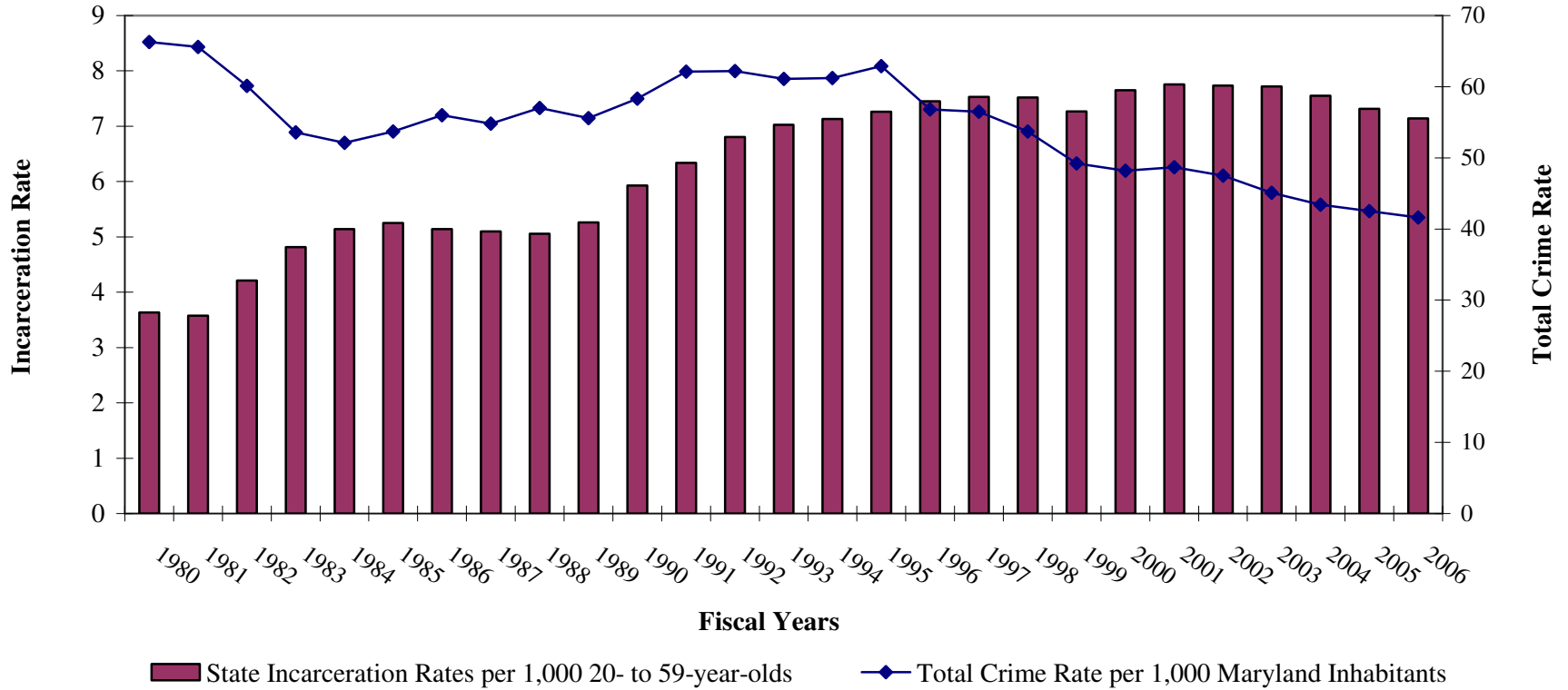
## **Impacts of the Inmate Population Changes**

### **Good News: Increased Incarceration Reduces Crime**

Incarceration has been a primary tool for combating crime and administering justice for decades. **Exhibit 8** illustrates the changes in the rate of incarceration and the total crime rate in Maryland from fiscal 1980 to 2006. Over the course of more than 25 years, the number of adults in the State prison system per 1,000 20 to 59 years old more than doubled, increasing nearly 97%, from 3.63 to 7.14 adults per 1,000 people. Growth in the incarceration rate was highest in the 1980s, with an average annual growth rate of 5.2%. That slowed in the 1990s to an annual average growth of 2.6%, and since entering the new millennium incarceration rates have actually declined an average of 1.6% annually.

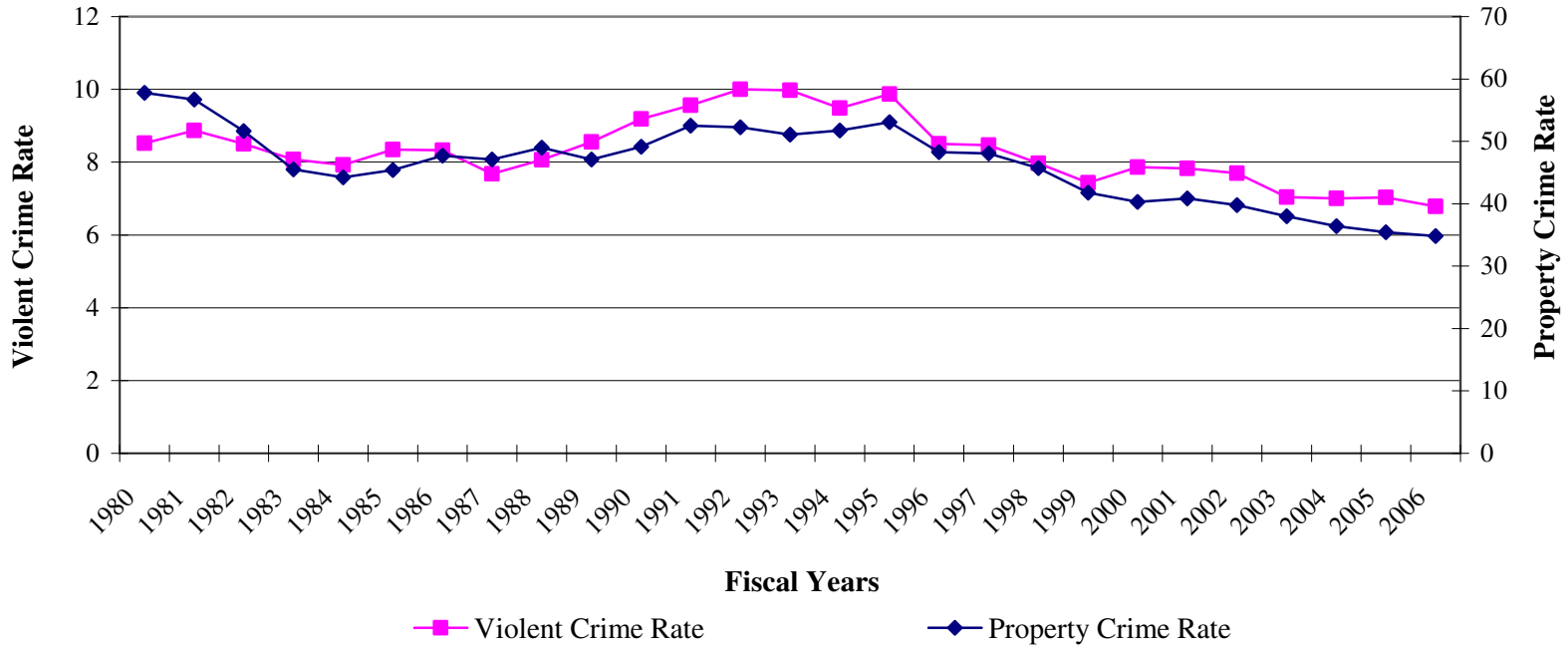
Some studies have suggested that having a higher incarceration rate can result in a significant decline in the total crime rate, which in Maryland is 37.3% lower than it was in 1980. Despite an increase between fiscal 1984 and 1995, the total rate of reported crimes per 1,000 Maryland residents has consistently decreased since 1994 from a rate of 62.9 to 41.6 crimes per 1,000 inhabitants. **Exhibit 9** shows the changes to the crime rate separated into violent and property crimes. Violent crime rates were 20.4% lower in fiscal 2006 than in fiscal 1980, and property crime rates were 39.8% lower. Overall, property crimes have occurred far more often than violent crimes since fiscal 1980, with an average of 46.3 property crimes per 1,000 Maryland residents compared to an average of 8.3 violent crimes. Both the property and violent crime rates have declined more than 30% since the most recent peak in fiscal 1995, although the property crime rate is decreasing more rapidly than the rate of violent crimes.

**Exhibit 8**  
**Maryland State Incarceration Rate vs. Total Crime Rates**  
**Fiscal 1980-2006**



Source: Department of Legislative Services analysis of data reported by the Department of Public Safety and Correctional Services; *FBI Uniform Crime Report*

**Exhibit 9**  
**Crime Rate Per 1,000 Maryland Inhabitants**  
**Fiscal 1980-2006**



Source: *FBI Uniform Crime Report*

Despite the decline in crime rates, Maryland still remains a relatively violent State. **Exhibit 10** shows Maryland’s ranking in terms of its violent crime rate per 100,000 people, according to the FBI’s Uniform Crime Report. In comparison to all 50 U.S. states, Maryland ranked ninth in the country in calendar 2006 for its rate of violent crime. The good news is that this is down from ranking fifth in calendar 2005 and having ranked fourth in the nation from calendar 2000 to 2004. When comparing within the “South” region, Maryland ranked seventh out of the 17 states included in the region in 2006. However, within the more immediate area of the “South Atlantic” region, Maryland is in the lower half, ranking fifth out of 9 states.

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**Exhibit 10**  
**Comparing Maryland’s Violent Crime Rate**  
**Rate Per 100,000**  
**Calendar 2004-2006**

	<u>2004</u>	<u>2005</u>	<u>2006</u>
Maryland Rank out of 50 States	4th	5th	9th
Maryland Rank within South Region*	4th	5th	7th
Maryland Rank within South Atlantic Region**	4th	4th	5th

\*South Region consists of 17 states: Delaware, Washington, DC, Florida, Georgia, Maryland, North Carolina, South Carolina, Virginia, West Virginia, Alabama, Kentucky, Mississippi, Tennessee, Arkansas, Louisiana, Oklahoma, and Texas

\*\*South Atlantic Region consists of 9 states: Delaware, Washington, DC, Florida, Georgia, Maryland, North Carolina, South Carolina, Virginia, and West Virginia

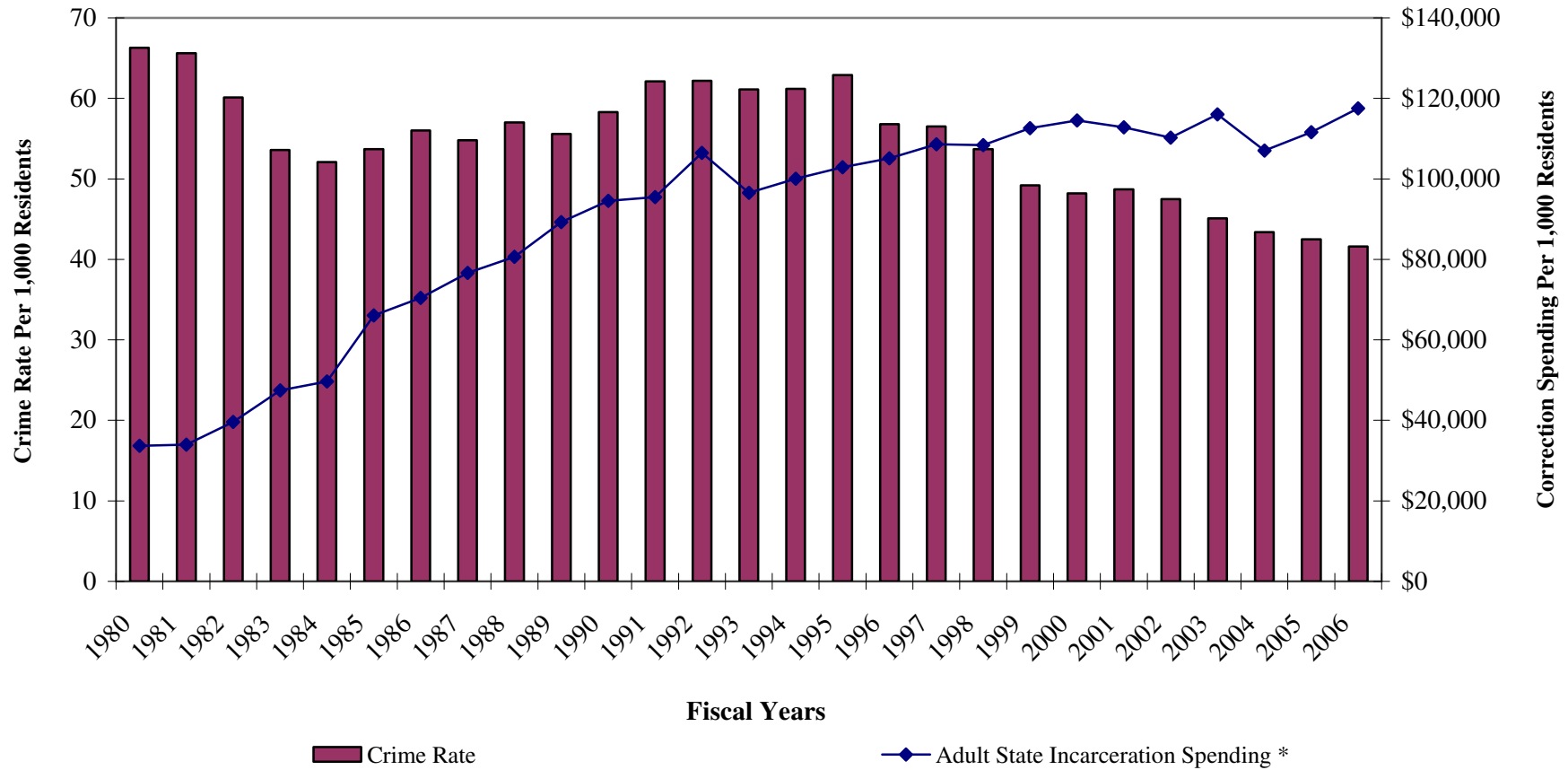
Source: *FBI Uniform Crime Report*

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**Not So Good News: Increased Incarceration Costs More**

Spending for DOC increased from approximately \$141.2 million in fiscal 1980 to nearly \$660 million in fiscal 2006. **Exhibit 11** plots the total crime rate versus total spending for DOC per 1,000 Maryland residents since 1980, illustrating the potential positive and negative impacts of increased incarceration. While the total crime rate has been declining since 1980, there has been an even greater increase in the level of public spending on adult State incarceration. In fiscal 2006, the average incarceration cost per 1,000 Maryland residents was \$161,080. After adjusting to fiscal 2006 dollars for inflation, this reveals a 231% increase over the cost of \$48,629 in fiscal 1983. In comparison, crime rates only declined approximately 38% during the same time period.

**Exhibit 11**  
**Crime Rate vs. Incarceration Costs**  
**Rate Per 1,000 Maryland Residents**  
**Fiscal 1980-2006**



\*Adult State Incarceration Spending is adjusted to fiscal 2006 dollars for inflation

Source: Department of Legislative Services analysis using data reported by the *FBI Uniform Crime Report* and the Department of Public Safety and Correctional Services

**Exhibit 12** shows the incarceration rate and spending for incarceration per 1,000 Maryland residents aged 20 years and older since fiscal 1980. As expected, incarceration costs grew as more offenders were incarcerated. Some of the growth in spending can be attributed to the eight facilities opened since 1987, adding more than 11,000 beds. What is more notable is the rate of growth for incarceration spending versus the growth in the population. During the 1980s, the incarceration rate had an average growth rate of nearly 4%, while the average growth in spending was more than 10%. From fiscal 1990 to 1991, the incarceration rate grew slightly faster, having an average annual increase of 3.3% versus 2.5% for spending. Since 2000, however, public spending on incarceration has continued to increase despite a decline in the rate of incarceration. From fiscal 2001 to 2006, the incarceration rate declined 9% from a peak point of 6.11 persons incarcerated for every 1,000 Maryland residents. At the same time, the cost of incarceration rose nearly 3% from a cost \$156,661 to \$161,080 per 1,000 residents.

### **Offenders Incarcerated for Drug Abuse Have Increased Dramatically**

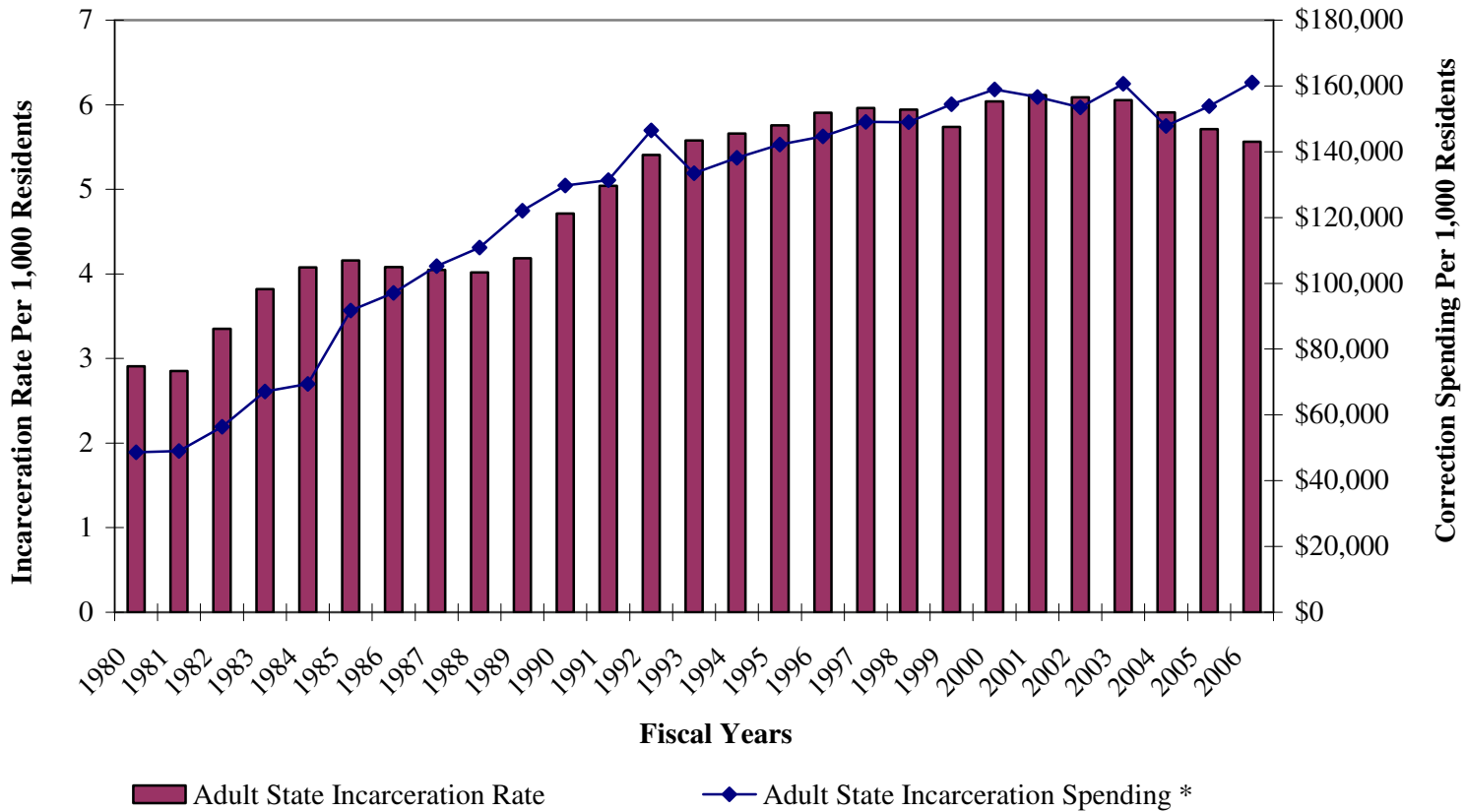
The number of new commitments into DOC custody each year increased substantially between fiscal 1983 and 1998, from 5,250 to 13,537 new intakes. Since fiscal 1998, new commitments have declined 20.2% to 10,807 new intakes in fiscal 2006. **Exhibit 13** illustrates new commitments by major offense at intake, categorized into violent, property, drug, public order, and other crimes. Most notable is the decline in intakes for violent offenses since 1998, while the proportion of intakes for drug offenses has increased substantially. In fact, it is possible that even the demonstrated growth in drug-related commitments is understated in this exhibit, because often, drugs are an impetus for other types of crime, such as theft or murder. Yet, because the intake data is only coded for the major offense, a person who commits a murder over drugs is only coded as a violent offender, and the impact that the drugs had on the situation is not accounted for in the data.

Violent offenders include those convicted of murder, manslaughter, rape, domestic violence, sexual offenses, kidnapping, robbery, and assault. The incarceration rate for violent offenders has increased significantly, approximately 56%, between fiscal 1983 and 2006. The most notable increase was in commitments for sexual offenses, increasing nearly 200%. Despite this overall increase, violent offenses as a portion of the total number of new commitments have declined. In fiscal 1983, violent intakes represented the majority of new commitments, approximately 35.6%. By fiscal 2006, violent intakes had declined to 27.1% of all intakes, second to drug offenses.

Property offenders include those convicted of arson, auto theft, forgery, bribery, burglary, fraud, larceny, vandalism, and stolen property. The incarceration rate for property offenders increased 31% between fiscal 1983 and 2006, with the most notable growth being for auto theft offenses. Similar to violent crime commitments, however, property crime intakes have also declined as a proportion of all new commitments from 28.7% to 18.4% in fiscal 1983 and 2006, respectively.

Public order offenders include commitments for court violations, prostitution, disorderly conduct, traffic violations, and weapons charges. Unlike inmates committed for violent and property offenses, the incarceration rate for public order offenses has declined during the past 25 years by approximately 11%. Similarly, in fiscal 1983 public order offenses accounted for nearly a quarter of all new commitments for that year. By fiscal 2006, those offenders only accounted for 10% of the new intake population.

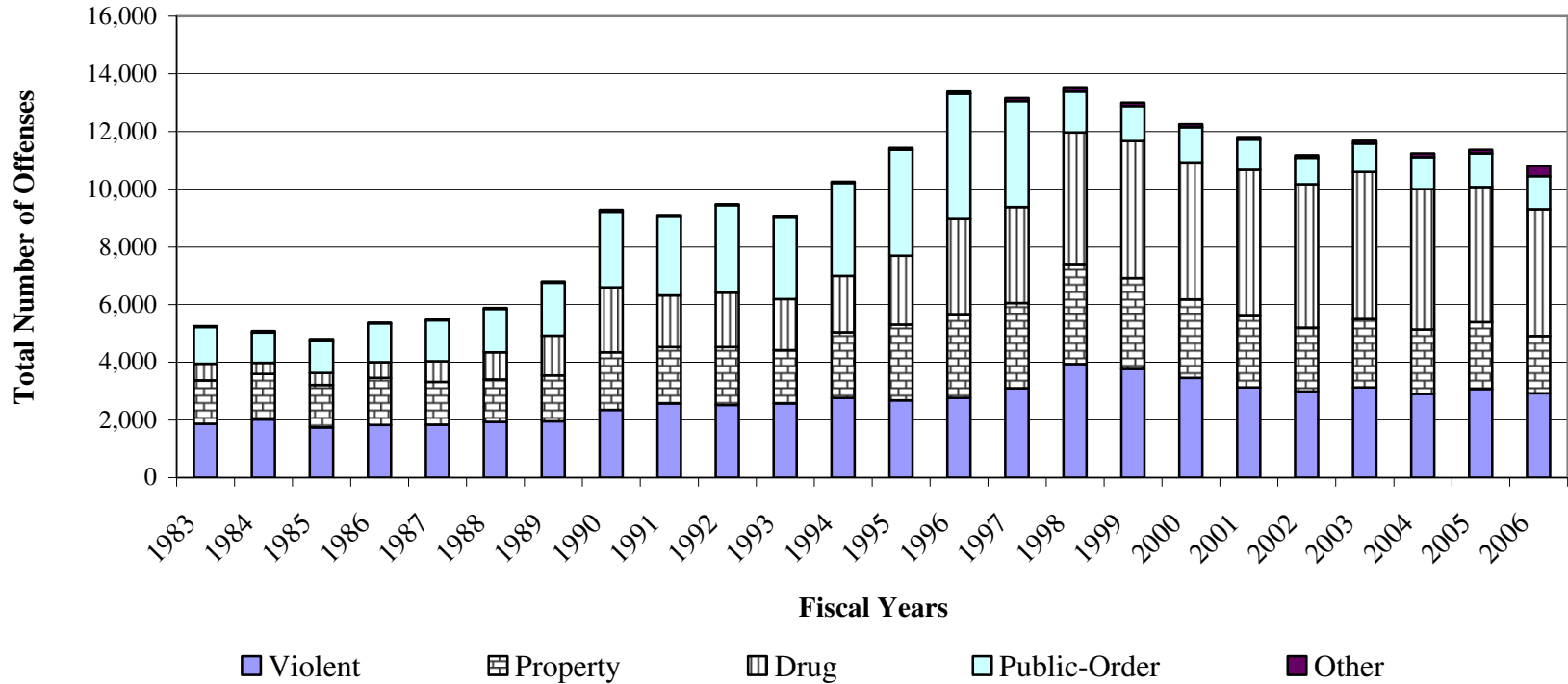
**Exhibit 12**  
**Incarceration Rate vs. State Incarceration Spending**  
**Rate Per 1,000 Maryland Residents Aged 20 Years and Older**  
**Fiscal 1980-2006**



\*Adult State Incarceration Spending is adjusted to fiscal 2006 dollars for inflation

Source: Department of Legislative Services analysis of the Department of Public Safety and Correctional Services reported data

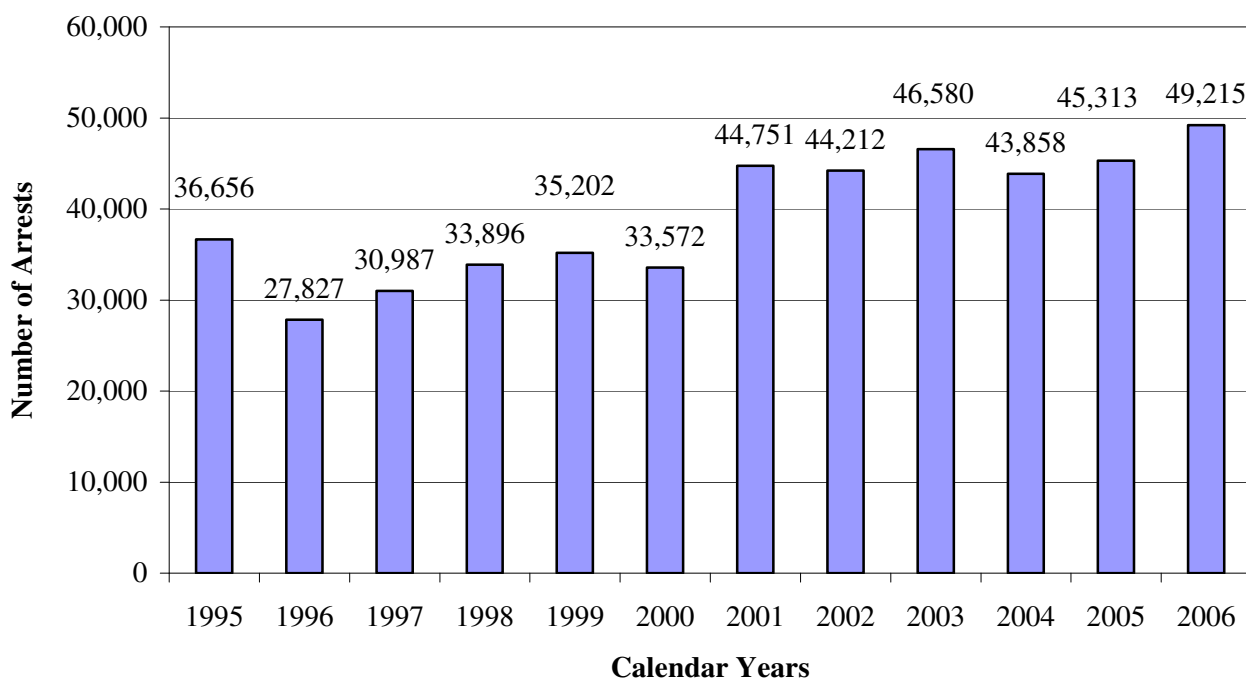
**Exhibit 13  
Major Offense Distribution  
Committed Offender Population  
Fiscal 1983-2006**



Source: Department of Public Safety and Correctional Services

Drug offense commitments have increased substantially, in both the incarceration rate and as a proportion of all annual commitments. Between fiscal 1983 and 2006, the incarceration rate for drug offenses increased approximately 673%, from 569 to 4,401 new commitments. In calendar 1983, intakes for drug offenses accounted for less than 11% of the total number of new commitments. By 2006, drug offense intakes grew to more than 40% of the 10,807 new commitments that year. The presence of drugs in both the prisons and on the streets is further supported by **Exhibit 14**, which shows the number of adult drug arrests from calendar 1995 to 2006. Over the past decade, the number of arrests for drug abuse has increased nearly 77%, from a low of 27,827 in calendar 1996 to a high of 49,215 arrests in calendar 2006.

**Exhibit 14**  
**Drug Abuse Arrests**  
**Calendar 1995-2006**



Source: *Maryland Uniform Crime Report*

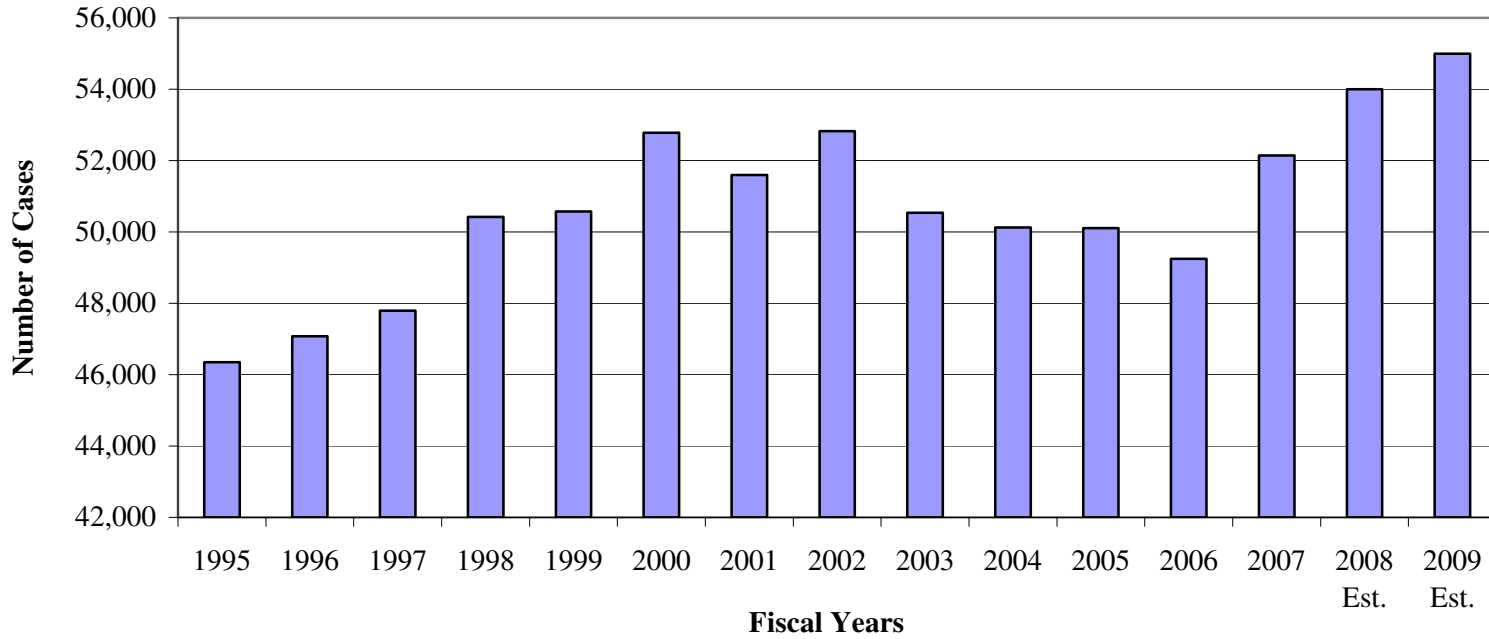
## **Community Corrections as an Alternative to Incarceration**

The court may sentence an offender to community supervision as an alternative to incarceration, or incarcerated offenders may receive early release through parole or diminution credits. Alternatives to incarceration are a potential solution to prison overcrowding. However, just like the growing inmate population, an increased supervision population also requires significant resources in order to operate effective supervision programs.

The Division of Parole and Probation operates 43 field offices from which it oversees parolees, DOC inmates on mandatory supervision, and probationers. The number of active cases under the division's supervision at the end of each fiscal year from 1995 through 2009 is shown in **Exhibit 15**. Since fiscal 1995, the number of cases under DPP supervision has grown by a net 12.5%, from 46,348 to 52,147. Despite a 6.8% decline between fiscal 2002 and 2006, the division is anticipating the increase experienced between fiscal 2006 and 2007 to continue, but at a slower rate.

An enhancement to the alternatives to incarceration programs is the Proactive Community Supervision model of oversight. This program is predicated on the premise that intense, concentrated supervision will deter offenders from committing another offense that would result in incarceration in either a State or local facility. Under this type of supervision the likelihood of detection or intervention is higher by virtue of agents being present in the neighborhoods and communities instead of in an office. As the division continues to expand the use of intensive supervision programming, the fiscal 2009 allowance includes \$3.1 million to support more intense supervision of high risk, violent offenders.

**Exhibit 15**  
**Division of Parole and Probation**  
**Active Criminal Supervision Cases – End of Fiscal Year**  
**Fiscal 1995-2009 Est.**



Source: Department of Safety and Correctional Services

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

- **the impact of criminal justice trends on the department’s infrastructure, resources, and future population projections;**
- **the adequacy of DPSCS facilities in regard to population management and offender rights;**
- **the application, status, and impact of alternatives to incarceration; and**
- **current and future efforts to control the growth of the inmate and supervised offender populations and departmental spending, while still maintaining public safety.**