

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

Operating Budget Data

(\$ in Thousands)

	<u>FY 09</u> <u>Actual</u>	<u>FY 10</u> <u>Working</u>	<u>FY 11</u> <u>Allowance</u>	<u>FY 10-11</u> <u>Change</u>	<u>% Change</u> <u>Prior Year</u>
General Fund	\$157,906	\$148,742	\$157,133	\$8,390	5.6%
Contingent & Back of Bill Reductions	0	0	-2,249	-2,249	
Adjusted General Fund	\$157,906	\$148,742	\$154,883	\$6,141	4.1%
Special Fund	2,093	2,162	2,167	5	0.2%
Contingent & Back of Bill Reductions	0	0	-4	-4	
Adjusted Special Fund	\$2,093	\$2,162	\$2,164	\$2	0.1%
Federal Fund	6	7,420	7,420	0	
Adjusted Federal Fund	\$6	\$7,420	\$7,420	\$0	0.0%
Adjusted Grand Total	\$160,006	\$158,324	\$164,467	\$6,143	3.9%

Note: For purposes of illustration, the Department of Legislative Services has estimated the distribution of selected across-the-board reductions. The actual allocations are to be developed by the Administration.

- One fiscal 2010 deficiency appropriation is needed to provide an additional \$914,634 in general funds for inmate medical care.
- The fiscal 2011 allowance increases by \$6.1 million, or 3.9%. The majority of the increase, approximately \$4.7 million, is for inmate medical expenses. Personnel expenses increase by a net \$1.6 million, largely associated with growth for employee retirement and health insurance. These increases are slightly offset by reductions in fuel and utility costs and supply purchases.

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

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Personnel Data

	<u>FY 09 Actual</u>	<u>FY 10 Working</u>	<u>FY 11 Allowance</u>	<u>FY 10-11 Change</u>
Regular Positions	1,599.00	1,557.00	1,557.00	0.00
Contractual FTEs	<u>15.97</u>	<u>39.88</u>	<u>39.88</u>	<u>0.00</u>
Total Personnel	1,614.97	1,596.88	1,596.88	0.00

Vacancy Data: Regular Positions

Turnover and Necessary Vacancies, Excluding New Positions	54.03	3.47%
Positions and Percentage Vacant as of 12/31/09	31.00	1.99%

- The division’s fiscal 2011 budget turnover rate is nearly 1.5% above the current vacancy rate. The agency currently has 23 filled positions in excess of what is capable of being funded in the allowance.
- The increase of nearly 24 contractual full-time equivalent (FTE) positions between fiscal 2009 and 2010 reflects implementation of departmental policy to replace the use of contractual temporary office assistance with contractual FTE positions. An analysis conducted by the department found the use of FTEs to be more cost-effective, and the increase in FTEs in fiscal 2010 did not require any additional funding.

Analysis in Brief

Major Trends

Detainee Walk-offs and Erroneous Releases: The division has had a detainee walk-off in three of the last four fiscal years. Additionally, the number of erroneous releases has been increasing each year since fiscal 2006, with five detainees incorrectly released in fiscal 2009. **The Division of Pretrial Detention and Services (DPDS) should comment on the cause for the erroneous releases and what steps the agency has taken to improve real-time data communication with other criminal justice agencies and the court system.**

Contraband Found by Correctional Staff: The number of weapons found within DPDS facilities declined 24.3% from fiscal 2006 to 2007 but has steadily increased since fiscal 2007. During fiscal 2009, correctional staff found 699 weapons in the Baltimore City Detention Center and 83 weapons in the Central Booking and Intake Facility. **DPDS should comment on why the number of weapons found by correctional staff has been increasing for the past three fiscal years and what can be done to curb the presence and access to weapons within the facilities.**

Recommended Actions

1. Concur with Governor's allowance.

Q00P00 – 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 detainees 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

The mission of DPDS is to ensure the safety of the public and maintain the security of the defendants and detainees under supervision. **Exhibit 1** shows the number of detainee walk-offs and erroneous releases of pretrial detainees since fiscal 2006. The division has had a detainee walk-off in three of the last four fiscal years. Additionally, the number of erroneous releases has been increasing each year since fiscal 2006, with five detainees incorrectly released in fiscal 2009. Furthermore, the reported erroneous releases measure was altered for fiscal 2009 to only include pretrial detainees, meaning that any sentenced detainees who are incorrectly released are not included in the five incorrect releases for fiscal 2009. Sentenced detainees who are erroneously released are now counted in the departmentwide measure for errors made by the Commitment Unit. It is possible that the actual number of detainees who are released from DPDS facilities incorrectly could be even higher. **DPDS should comment on the cause for the erroneous releases and what steps the agency has taken to improve real-time data communication with other criminal justice agencies and the court system.**

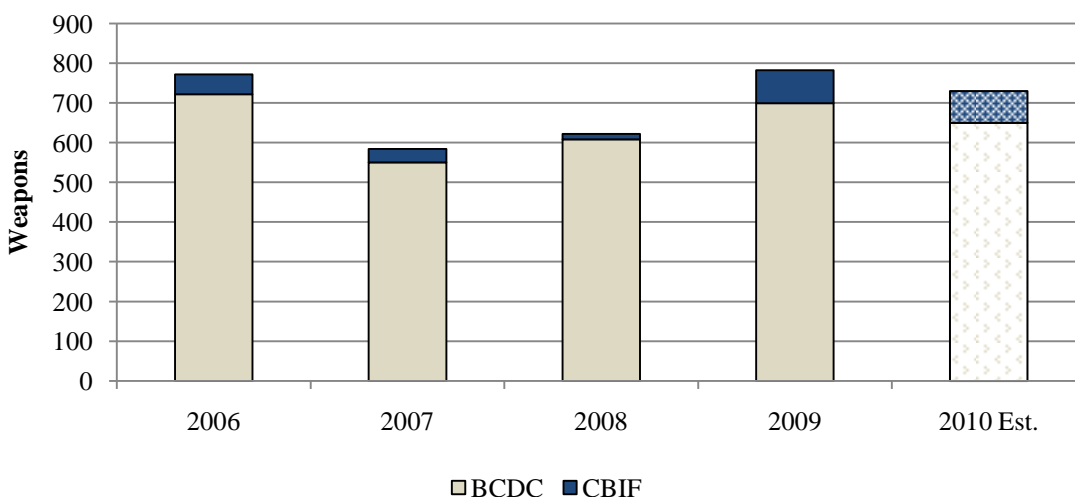
Exhibit 1
Division of Pretrial Detention and Services
Walk-offs and Erroneous Releases
Fiscal 2006-2009

	<u>2006</u>	<u>2007</u>	<u>2008</u>	<u>2009</u>
Walk-offs	1	0	1	1
Erroneous Releases	0	1	3	5

Source: Department of Public Safety and Correctional Services

DPDS has been working to reduce contraband within the Baltimore City facilities in order to create a safer, more secure environment. **Exhibit 2** shows the number of weapons found by correctional staff within DPDS facilities since fiscal 2006. The number of weapons found within DPDS facilities declined 24.3% from fiscal 2006 to 2007 but has steadily increased since fiscal 2007. During fiscal 2009, correctional staff found 699 weapons in the Baltimore City Detention Center and 83 weapons in the Central Booking and Intake Facility. While the increased number of weapons found indicates improved searches by the agency, the increasing presence of weapons within the DPDS facilities is a major concern. **DPDS should comment on why the number of weapons found by correctional staff has been increasing for the past three fiscal years and what can be done to curb the presence of and access to weapons within the facilities.**

Exhibit 2
Division of Pretrial Detention and Services
Weapons Found by Correctional Staff
Fiscal 2006-2010 Est.



BCDC: Baltimore City Detention Center
CBIF: Central Booking and Intake Facility

Source: Department of Public Safety and Correctional Services

Fiscal 2010 Actions

Proposed Deficiency

There is one fiscal 2010 general fund deficiency appropriation providing nearly \$915,000 for underfunded inmate medical services.

Impact of Cost Containment

Fiscal 2010 cost containment actions reduced the agency's budget by nearly \$6.2 million in general funds and \$2,092 in special funds. Approximately \$4.2 million in general funds was reduced as part of a fund swap with Maryland higher education institutions. The general funds were replaced with an equal amount of discretionary federal fiscal stimulus funding. Statewide employee furloughs and reductions to health insurance totaled \$1.9 million, and across-the-board reductions for travel expenses further reduced the budget by \$13,000.

Federal Stimulus Fund

DPDS received slightly more than \$7.4 million in federal fiscal stimulus funding from the American Recovery and Reinvestment Act of 2009 (ARRA). Approximately \$6.5 million was used to fund employee salaries, and an additional \$600,000 funded overtime expenses. The agency also used nearly \$300,000 to support contractual food services. The agency's fiscal 2011 allowance assumes an equivalent amount of ARRA funding.

Proposed Budget

As shown in **Exhibit 3**, the Governor's fiscal 2011 allowance increases by approximately \$6.1 million, or 3.9%. The fiscal 2011 budget reflects several across-the-board actions to be allocated by the Administration. This includes a combination of employee furloughs and government shut-down days similar to the plan adopted in fiscal 2010; a reduction in overtime based on accident leave management; streamlining of State operations; hiring freeze and attrition savings; a change in the injured workers' settlement policy and administrative costs; and a savings in health insurance to reflect a balance in that account. For purposes of illustration, the Department of Legislative Services (DLS) has estimated the distribution of selected actions relating to employee furloughs, health insurance, and Injured Workers' Insurance Fund cost savings. The estimated impact for DPDS is a reduction of \$2.2 million in general funds and \$4,000 in special funds.

Personnel expenses increase by a net \$1.6 million. The majority of the growth is for employee retirement and health insurance. Approximately \$7.5 million is included in the fiscal 2011 allowance for overtime expenses, a decrease of \$507,000 from the fiscal 2010 working appropriation. Turnover expectancy also declines by a net \$511,000 in the fiscal 2011 allowance; however, this is largely reflective of the Back of the Bill action to implement employee furloughs. The agency's turnover rate in the fiscal 2010 working appropriation is nearly 3.1%, requiring 48 positions to be left vacant. The fiscal 2011 budgeted turnover rate is slightly less than 3.5%, requiring the agency to maintain the equivalent of 54 vacancies over the course of the fiscal year. The current vacancy rate is 1.5 percentage points below budgeted turnover, meaning DPDS has 23 filled positions beyond what it will be able to fund in the allowance. According to December 2009 StateStat data, the agency's fiscal 2010 overtime projection is \$6.8 million, approximately \$1.3 million below what is included in the fiscal 2010 appropriation. **DPDS should comment on how the agency has been able to reduce overtime expenses and whether the \$6.8 million projection made by StateStat is attainable. The agency should also comment on the likelihood of using budgeted overtime funding in fiscal 2010 and 2011 to make up the difference in the budgeted turnover rate.**

Exhibit 3
Proposed Budget
DPSCS – Division of Pretrial Detention and Services
(\$ in Thousands)

How Much It Grows:	<u>General Fund</u>	<u>Special Fund</u>	<u>Federal Fund</u>	<u>Total</u>
2010 Working Appropriation	\$148,742	\$2,162	\$7,420	\$158,324
2011 Allowance	<u>157,133</u>	<u>2,167</u>	<u>7,420</u>	<u>166,720</u>
Amount Change	\$8,390	\$5	\$0	\$8,396
Percent Change	5.6%	0.2%	0.0%	5.3%
 Contingent Reductions	 -\$2,249	 -\$4	 \$0	 -\$2,253
Adjusted Change	\$6,141	\$2	\$0	\$6,143
Adjusted Percent Change	4.1%	0.1%	0.0%	3.9%
 Where It Goes:				
Personnel Expenses				
Overtime earnings				-\$507
Employee and retiree health insurance				1,568
Employee retirement system				1,789
Workers' compensation premium assessment.....				-877
Regular and contractual employee turnover adjustments net of furlough savings				-511
Unemployment compensation				126
Other fringe benefit adjustments				-24
Other Changes				
Inmate medical expenses				4,722
Contractual inmate food service				183
Inmate welfare funds used for commissary purchases				60
Fuel and utilities				-181
Supply and material purchases				-114
Other				-91
Total				\$6,143

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

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For DPDS, noticeable efforts have been made to improve areas noted as being underfunded in fiscal 2010. The agency receives a \$4.7 million increase for inmate medical expenses, in an attempt to budget more accurately amongst the custodial agencies so as to reduce the need for realignment later in the fiscal year. Contractual inmate food service also receives an additional \$183,000 over the fiscal 2010 working appropriation. Funding for fuel and utility expenses decline by \$181,000; this is largely reflective of a reduction in electricity rates based on current expenditures. The allowance also includes a \$91,000 reduction for supply and material purchases. **Exhibit 4** demonstrates the true impact on the agency’s budget, adjusted for fiscal 2010 deficiencies and fiscal 2011 Back of the Bill actions. When comparing the adjusted fiscal 2010 appropriation to the adjusted fiscal 2011 allowance, the DPDS budget still experiences growth of \$5.2 million, unlike the other custodial agencies; however, this growth may be misleading. DPDS received an additional \$9.0 million in general funds as a result of realignment at the end-of-year fiscal 2009 closeout. The fiscal 2010 adjusted appropriation is nearly \$767,000 below fiscal 2009 actual spending. If fiscal 2010 is underfunded and requires future funding through realignment, then the \$5.2 million increase in fiscal 2011 is likely not an accurate portrayal of growth.

Exhibit 4
Division of Pretrial Detention and Services Funding
Fiscal 2009-2011

	<u>2009 Actual</u>	<u>2010 Wrkg. Approp.</u>	<u>2010 Deficiency Approp.</u>	<u>2010 Adjusted</u>	<u>2011 Allowance</u>	<u>Back of Bill Reductions</u>	<u>2011 Adjusted</u>	<u>2010-2011 Change</u>
General Funds	\$157,906	\$148,742	\$915	\$149,657	\$157,133	-\$2,249	\$154,884	\$5,227
Special Funds	2,093	2,162		2,162	2,167	-4	2,163	1
Federal Funds	6	7,420		7,420	7,420	0	7,420	0
Total	\$160,006	\$158,324	\$915	\$159,239	\$166,720	-\$2,253	\$164,467	\$5,228

Source: Department of Legislative 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 2009					
Legislative Appropriation	\$150,265	\$2,332	\$10	\$0	\$152,607
Deficiency Appropriation	1,557	0	0	0	1,557
Budget Amendments	10,491	53	0	0	10,544
Cost Containment	-4,407	-1	0	0	-4,408
Reversions and Cancellations	0	-290	-4	0	-294
Actual Expenditures	\$157,906	\$2,094	\$6	\$0	\$160,006
Fiscal 2010					
Legislative Appropriation	\$154,220	\$2,164	\$1,720	\$0	\$158,104
Cost Containment	-6,158	-2	0	0	-6,160
Budget Amendments	680	0	5,700	0	6,380
Working Appropriation	\$148,742	\$2,162	\$7,420	\$0	\$158,324

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

Fiscal 2009

General fund spending in fiscal 2009 was approximately \$157.9 million, an increase of \$7.6 million over the legislative appropriation.

- One deficiency appropriation for approximately \$1.6 million provided additional funding for employee overtime, fuel and utilities, and inmate food purchases.
- Budget amendments increased the appropriation by nearly \$10.5 million. Of that amount, \$1.5 million can be attributed to the cost-of-living adjustment (COLA) amendment that was centrally budgeted in the Department of Budget and Management. The remaining \$9.0 million increase was the result of the realignment of funds due to underbudgeting for employee salaries and wages due to lower than anticipated turnover, inmate medical care, food purchases, and contractual services.
- Cost containment actions reduced the legislative appropriation by \$4.4 million. The majority of the reductions were largely attributable to across-the-board reductions to health insurance and Other Post Employment Benefits, in addition to employee furloughs and the abolition of 34 vacant positions. Out-of-state travel was also reduced by approximately \$7,800.

Special fund expenditures totaled \$2.1 million in fiscal 2009.

- Budget amendments increased the legislative appropriation by approximately \$53,000. The fiscal 2009 COLA provided a \$3,000 increase, in addition to a \$50,000 increase in inmate welfare funds in order to realign funds throughout the department with actual expenditures.
- Cost containment actions reduced the legislative appropriation by \$1,000. The reductions were to personnel related expenses.
- The department cancelled an additional \$290,000 in unused funds due to lower than anticipated Inmate Welfare Fund expenditures.

Federal fund spending was approximately \$6,000 as a result of the cancellation of approximately \$4,000 due to under attainment of estimated reimbursements for housing federal prisoners.

Fiscal 2010

The fiscal 2010 general fund working appropriation is approximately \$148.7 million, a decrease of nearly \$5.5 million from the legislative appropriation.

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- Cost containment actions reduced the legislative appropriation by nearly \$6.2 million. Approximately \$4.2 million of the reduction was part of a fund swap with Maryland higher education institutions. The general funds were replaced via budget amendment with an equal amount of discretionary federal fiscal stimulus funding. Statewide employee furloughs and reductions to health insurance totaled \$1.9 million and across-the-board reductions for travel expenses further reduced the budget by \$13,000.
- One budget amendment slightly offset the cost containment reductions, increasing the agency's appropriation by \$680,000. This amendment reallocated the fiscal 2010 supplemental appropriation for fuel and utility expenses amongst the custodial agencies in line with actual fiscal 2010 requirements.

The fiscal 2010 federal fund working appropriation is \$7.4 million, an increase of \$5.7 million over the legislative appropriation. The increase is provided via two budget amendments allocating discretionary federal stimulus funding. The agency receives a net increase of \$1.5 million from the reallocation of the fiscal 2010 supplemental appropriation amongst various agencies within the department. The remaining \$4.2 million is associated with the cost containment fund swap replacing general funds with federal fiscal stimulus funds originally appropriated to Maryland higher education institutions.

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

<u>Object/Fund</u>	<u>FY09 Actual</u>	<u>FY10 Working Appropriation</u>	<u>FY11 Allowance</u>	<u>FY10 - FY11 Amount Change</u>	<u>Percent Change</u>
Positions					
01 Regular	1599.00	1557.00	1557.00	0	0%
02 Contractual	15.97	39.88	39.88	0	0%
Total Positions	1614.97	1596.88	1596.88	0	0%
Objects					
01 Salaries and Wages	\$ 108,104,976	\$ 108,496,762	\$ 112,060,273	\$ 3,563,511	3.3%
02 Technical and Spec. Fees	535,508	660,212	928,013	267,801	40.6%
03 Communication	618,130	558,568	590,120	31,552	5.6%
04 Travel	16,061	39,200	12,100	-27,100	-69.1%
06 Fuel and Utilities	4,824,400	4,827,460	4,646,500	-180,960	-3.7%
07 Motor Vehicles	203,176	313,797	250,439	-63,358	-20.2%
08 Contractual Services	41,083,792	39,202,327	44,004,516	4,802,189	12.2%
09 Supplies and Materials	2,047,611	2,096,250	1,982,230	-114,020	-5.4%
10 Equipment – Replacement	75,541	84,075	73,745	-10,330	-12.3%
11 Equipment – Additional	323,805	0	0	0	0.0%
12 Grants, Subsidies, and Contributions	1,860,024	1,895,000	1,994,765	99,765	5.3%
13 Fixed Charges	207,219	150,266	177,151	26,885	17.9%
14 Land and Structures	105,590	0	0	0	0.0%
Total Objects	\$ 160,005,833	\$ 158,323,917	\$ 166,719,852	\$ 8,395,935	5.3%
Funds					
01 General Fund	\$ 157,906,456	\$ 148,742,026	\$ 157,132,510	\$ 8,390,484	5.6%
03 Special Fund	2,093,427	2,162,139	2,167,499	5,360	0.2%
05 Federal Fund	5,950	7,419,752	7,419,843	91	0%
Total Funds	\$ 160,005,833	\$ 158,323,917	\$ 166,719,852	\$ 8,395,935	5.3%

Note: The fiscal 2010 appropriation does not include deficiencies.

Fiscal Summary
DPSCS – Division of Pretrial Detention and Services

<u>Program/Unit</u>	<u>FY09 Actual</u>	<u>FY10 Wrk Approp</u>	<u>FY11 Allowance</u>	<u>Change</u>	<u>FY10 - FY11 % Change</u>
01 General Administration	\$ 9,187,652	\$ 9,241,701	\$ 9,946,030	\$ 704,329	7.6%
02 Pretrial Release Services	5,391,624	5,329,385	5,863,646	534,261	10.0%
03 Baltimore City Detention Center	92,265,298	92,583,112	97,293,750	4,710,638	5.1%
04 Central Booking and Intake Facility	53,161,259	51,169,719	53,616,426	2,446,707	4.8%
Total Expenditures	\$ 160,005,833	\$ 158,323,917	\$ 166,719,852	\$ 8,395,935	5.3%
General Fund	\$ 157,906,456	\$ 148,742,026	\$ 157,132,510	\$ 8,390,484	5.6%
Special Fund	2,093,427	2,162,139	2,167,499	5,360	0.2%
Federal Fund	5,950	7,419,752	7,419,843	91	0%
Total Appropriations	\$ 160,005,833	\$ 158,323,917	\$ 166,719,852	\$ 8,395,935	5.3%

Note: The fiscal 2010 appropriation does not include deficiencies.