

AGENDA ITEM # 15
May 11, 2010

Worksession

MEMORANDUM

May 7, 2010

TO: County Council

FROM: Susan J. Farag, Legislative Analyst *SJF*

SUBJECT: FY11 Operating Budget
Department of Correction and Rehabilitation (DOCR)

Those expected for this worksession:

Arthur Wallenstein, Director, Department of Correction and Rehabilitation (DOCR)
Robert Green, Warden, Montgomery County Correctional Facility (MCCF)
Stefan LoBuglio, Chief, Pre-Release and Re-Entry Services
Sharon Trexler, Chief, Pre-Trial Services
Mark Wulff, Administrative Services, DOCR
Ed Piesen, Office of Management and Budget (OMB)

Summary of Public Safety Committee Recommendations

The Committee held worksessions on DOCR's budget on April 19 and April 28. Discussion focused on the major restructuring that DOCR will undergo in order to meet budget constraints and still provide safe and effective corrections services. The Committee voted 3-0 to approve the budget as recommended by the Executive.

Summary of Public Safety Committee Discussions

Director Wallenstein provided an overview of the significant administrative changes that DOCR, including the collapse of five management divisions down into three. These changes have started in FY10 and will be in place by the beginning of FY11 or sooner. He emphasized that the different changes DOCR has made are in an effort to retain as many front line staff positions as possible. He indicated that each senior management position that was abolished will save about 2.2 line positions. Mr. Wallenstein also provided an overview of the merger of IPSA and ACS at Pre-Trial Services, as well as the abolishment of two managers at Pre-Release and

Reentry Services. He also discussed how the elimination of the workforce program and certain education program cuts at MCCF would have an impact on average daily population. Council members thanked Mr. Wallenstein on the thought put into restructuring the department in such an efficient manner when faced with such difficult and long-term fiscal problems.

Committee members expressed concern about the loss of various programs and the implications this could have in terms of jail population. Mr. Wallenstein stated that these changes, in themselves, would not force MCCF to open its last wing (at an automatic cost of \$800,000). Other things, like unforeseen increases in arrests may require its opening, but not the FY11 restructuring. He did, however, caution that if significant additional cuts are required in FY12, the wing will likely be opened to provide more bed space.

The Committee also discussed the reinstatement of telephone surcharges on prisoner calls. DOCR had worked for several years with outside interest groups to abolish these surcharges. However, due to the budget situation, the department decided to reinstate them. The measure will provide approximately \$122,000 in revenues, funds that save 1.78 full-time positions according to DOCR.

Committee members asked about various cross-agency consolidation measures, such as whether it is necessary to have Human Resources staff within DOCR. DOCR staff responded that they have reduced HR staff from four to two at this point and if this function were transferred to the Office of Human Resources (OHR), OHR would need to either have or create capacity to take on a significant amount of work, including high volumes of return-to-work and FMLA issues.

MCGEO also presented different cost-saving measures, such as combining similar functions across agencies like DOCR, Police, and the Sheriff for things like MCTime, conducting background checks, etc. MCGEO has provided written follow-up comments (see © 22-23). MCGEO commented on some of the proposed budget reductions, including the reduction of correctional officers who process arrests as this will keep police officers waiting.

Mr. Wallenstein also briefed the Committee on various revenue streams, advising the Committee that PRRS was able to get an increased federal reimbursement (from \$113 to \$132 per day) for federal prisoners in PRRS. Furthermore, he provided an overview of how the State's refusal to pay for prisoners serving 12-18 months has impacted DOCR.

<u>This packet contains</u>	©
April 28, 2010 Memo on DOCR FY11 Operating Budget	1-2
April 19, 2010 Memo on DOCR FY11 Operating Budget	3-12
Recommended FY11 Operating Budget	13-19
Director Wallenstein's March 15, 2010 Memo to Affected Parties Regarding Budget Cuts	20-23
MCGEO Memo on Public Safety Budget Cuts (April 26, 2010)	24-25
"Fairfax Chain Gangs Fill Gaps for Cash-strapped DOT," Washington Post (04/25/2010)	26-27

PS COMMITTEE #5
April 28, 2010

Worksession

MEMORANDUM

April 26, 2010

TO: Public Safety Committee

FROM: Susan J. Farag, Legislative Analyst *SJF*

SUBJECT: **Worksession: FY11 Operating Budget
Department of Correction and Rehabilitation (DOCR)**

Those expected for this worksession:

Arthur Wallenstein, Director, Department of Correction and Rehabilitation (DOCR)
Robert Green, Warden, Montgomery County Correctional Facility (MCCF)
Stefan LoBuglio, Chief, Pre-Release and Re-Entry Services
Sharon Trexler, Chief, Pre-Trial Services
Mark Wulff, Administrative Services, DOCR
Ed Piesen, Office of Management and Budget (OMB)
Adam Damin, Office of Management and Budget

Summary of April 19, 2010 Committee Worksession

At the April 19, 2010, Director Wallenstein provided an overview of the significant administrative changes that DOCR has undergone due to severe budget constraints, including the collapse of five management divisions down into three. He emphasized the different changes DOCR has made in an effort to retain as many front line staff positions as possible, indicating that each senior management position that was abolished saves about 2.2 line positions. Mr. Wallenstein also provided an overview of the merger of IPSA and ACS at Pre-Trial Services, as well as the abolishment of two managers at Pre-Release and Reentry Services. He also discussed how the elimination of the workforce program and certain education program cuts at MCCF would have an impact on average daily population. Council members thanked Mr. Wallenstein on the thought put into restructuring the department in such an efficient manner when faced with such difficult and long-term fiscal problems.

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Mr. Wallenstein also briefed the Committee on various revenue streams, advising the Committee that PRRS was able to get an increased federal reimbursement (from \$113 to \$132 per day) for federal prisoners in PRRS. Furthermore, he provided an overview of how the State's refusal to pay for prisoners serving 12-18 months has impacted DOCR.

The County Executive's FY10 and FY11 Budget Adjustments

The CE's recommended budget adjustments (April 22, 2010) do not contain any specific changes to the DOCR budget. The CE has instructed all departments to aggressively liquidate prior year and current year contract encumbrances to reach a goal of \$35 million in liquidations. According to the CE's memo, they have achieved about half of this goal and continue to find cuts. The Executive branch advises it will provide the Council with additional information including the affected contracts within the next two weeks. **Council staff advises that is unknown at this time whether any contract liquidations may impact DOCR. The Committee may wish to ask DOCR what contracts, if any, will be liquidated and what type of impact that will have on operations.**

This packet contains

April 17, 2010 Memo on DOCR FY11 Operating Budget	© 1-10
Recommended FY11 Operating Budget	11-17
Director Wallenstein's March 15, 2010 Memo to Affected Parties Regarding Budget Cuts	18-21
MCGEO Memo on Public Safety Budget Cuts (April 26, 2010)	22-23
"Fairfax Chain Gangs Fill Gaps for Cash-strapped DOT," Washington Post (04/25/2010)	24-25

PS COMMITTEE #2
April 19, 2010

Worksession

MEMORANDUM

April 15, 2010

TO: Public Safety Committee

FROM: Susan J. Farag, Legislative Analyst

SUBJECT: **Worksession: FY11 Operating Budget
Department of Correction and Rehabilitation (DOCR)**

Those expected for this worksession:

Arthur Wallenstein, Director, Department of Correction and Rehabilitation (DOCR)
Robert Green, Warden, Montgomery County Correctional Facility (MCCF)
Stefan LoBuglio, Chief, Pre-Release and Re-Entry Services
Sharon Trexler, Chief, Pre-Trial Services
Mark Wulff, Administrative Services, DOCR
Adam Damin, Office of Management and Budget (OMB)

Major Issues: The FY11 Recommended budget abolishes 33 positions and 42.5 workyears. These reductions have been implemented by collapsing five organizational divisions into three, and by abolishing and reducing certain programs and services. These reductions may have an impact on increased recidivism and/or increased average daily jail population.

The Executive's recommendation for the Department of Correction and Rehabilitation is attached at ©1-7.

Overview

For FY11, the Executive recommends total expenditures of \$62.5 million for the Division of Correction and Rehabilitation (DOCR), a 4.5% reduction from the FY10 approved budget.

	FY09 Actual	FY10 Approved	FY11 CE Recommended	% Change FY10-FY11
Expenditures				
General Fund	\$66,640,253	\$65,414,400	\$62,457,100	-4.5%
Grant Fund				
TOTAL Expenditures	\$66,640,253	\$65,414,400	\$62,457,100	-4.5%
Positions:				
Full-time	562	548	515	-6.0%
Part-time	6	4	4	0.0%
TOTAL Positions	568	552	519	-6.0%
WORKYEARS	620.6	597.9	555.4	-7.1%

The FY11 CE recommendation is a net reduction of \$2,957,300 listed below as same-service adjustments.

Identified Same Service Adjustments

Increase Cost: Retirement Adjustment	\$835,920
Increase Cost: Annualization of FY10 Personnel Costs	\$394,610
Increase Cost: Group Insurance Adjustment	\$350,250
Increase Cost: ARC Contract to provide custodial services in the administrative areas of MCCF	\$35,000
Increase Cost: Provide Spanish language support and community reentry services	\$11,150
Increase Cost: Discontinue Charges to Permitting Services	\$5,390
Total Increase:	\$1,632,320
Decrease Cost: Printing and Mail Adjustment	(\$2,400)
Decrease Cost: Welcome Home Program	(\$3,850)
Decrease Cost: Cell phones and Blackberry Charges	(\$7,000)
Decrease Cost: Reduce various operating expenses, Office of the Director	(\$10,000)
Decrease Cost: Reduce Dept. Fleet Charges with Return of Two Vehicles	(\$11,660)
Decrease Cost: Reduce General Operating Expenses	(\$18,240)
Decrease Cost: Non-local Travel and Training Expenses	(\$22,100)
Decrease Cost: Lapse Fiscal Asst. Position, Fiscal Services, MSD	(\$25,950)
Decrease Cost: Printing, Paper, and Mail Reduction	(\$34,750)
Decrease Cost: Motor Pool Rate Adjustment	(\$39,760)
Decrease Cost: Abolish PAA Position, Medical Unit	(\$67,340)
Decrease Cost: Abolish PAA Position, PRRS	(\$74,450)
Decrease Cost: Abolish PAA Position, Pre-Trial Services	(\$76,510)
Decrease Cost: Reduce various operating expenses, PRRS	(\$89,450)
Decrease Cost: Reduce various operating expenses, MSD	(\$107,500)
Decrease Cost: Abolish Correctional Specialist II, Bilingual Caseworker	(\$122,830)
Decrease Cost: Abolish Correctional Officer III, Loading Dock	(\$128,920)
Decrease Cost: Abolish 2 Correctional Officers, Perimeter Patrol, MCCF	(\$128,970)
Decrease Cost: Abolish Correctional Specialist IV, Classification, MDCD	(\$137,920)
Decrease Cost: Abolish Correctional Specialist V, Alternative Community Services, PTS	(\$143,510)
Decrease Cost: Abolish Warden, MDCD	(\$158,020)
Decrease Cost: Abolish 2 Supply Technicians, MCCF	(\$162,010)
Decrease Cost: Abolish 2 Correctional Specialists, PRRS	(\$170,240)
Decrease Cost: Abolish Chief, Management Services Division	(\$181,100)
Decrease Cost: Abolish Workforce Leader and Sergeant, Workforce Program	(\$187,660)
Decrease Cost: Abolish Captain and Records Coordinator, Records Section, MDCD	(\$239,440)
Decrease Cost: Abolish 4 Correctional Officers, Custody and Security, and Firearms Training	(\$257,870)
Decrease Cost: Abolish 4 Correctional Offices, Processing Unit, MDCD/MCCF	(\$260,590)
Decrease Cost: Abolish 3 administrative services positions, MSD	(\$320,690)
Decrease Cost: Abolish 2 Unit Managers, PRRS	(\$325,190)
Decrease Cost: Reduce various operating expenses, Detention Services	(\$463,610)
Decrease Cost: Furlough Days	(\$610,090)
Total Decreases:	(\$4,589,620)
NET SAME SERVICES ADJUSTMENT TOTAL:	(\$2,957,300)

5

FY11 Expenditure Issues

Overview of Changes

The CE Recommended FY11 Budget represents a 4.5% reduction for DOCR, on top of a 0% increase in FY10. Staff has been reduced over the years from 579 positions in FY08 to 519 in the recommended FY11 budget, while the average daily prison population grew from an 830 in FY08 to 925 in FY10. The budget has several operational impacts, outlined in detail in the Director's March 15, 2010 memo to interested parties (© 8-12). *The Committee may wish to ask the Director to give an overview of these changes and the impacts he foresees.*

Collapsing the Five Current Operational Divisions into Three

The Management Services Division will be abolished effective July 1, 2010, closing the Central Office on 51 Monroe Street in Rockville. This physical move of certain operations will save \$215,980 in the Lease NDA for the space at 51 Monroe St. The Director has moved to the Montgomery County Detention Center (MCDC). Budget and procurement will move to Montgomery County Correction Facility (MCCF) by June 30, 2010 and will report to the Warden. Human Resources will continue to be located at MCCF and reports director to the Director. Financial Services will move to Pre-Release and Re-entry Services (PRRS) by June 30 and will report to the PRRS Chief. Information Technology Services will move to Pre-Trial Services by June 30 and report to the Pre-Trial Chief. Training has already been relocated to MCCF and will report to the Warden.

MCCF and MCDC will be merged into one single detention services division with one warden no later than July 1. DOCR will not fill the vacant MCDC Warden's position. An acting Warden has been appointed until the merger takes place.

Merging ACS and IPSA into a Single Operating Unit within Pre-Trial Services

ACS and IPSA will merge into a newly established Diversion Unit under one senior manager. The ACS manager position, a Correctional Specialist V, will be abolished. The division will have less administrative and clerical support. Pre-Trial is expected to receive some support from the relocation of DOCR's IT Unit.

Changing Organizational Structure of Pre-Release and Re-entry Services

The FY11 budget abolishes two Unit Managers within PRRS. The work focus for the two remaining unit managers will change. DOCR also plan to seek funding for a work crew (approximately \$120,000 per year). The Department of General Services has expressed an interest in using a work crew to assist in some of their projects in an effort to reduce external contractual services.

Abolished/Reduced Programs and Services

Council staff advises that not only have the operations divisions of DOCR been collapsed, but significant correctional and rehabilitation programs have been abolished or reduced as well. These may possibly have an impact on issues such as recidivism by those under PRRS or PTS supervision, and possibly result in increased jail population.

Abolish Warden Position, MCDC (-\$158,020)

According to DOCR, when MCCF was in its planning phase, the County decided that a single Warden's position would cover both facilities. This was not considered good practice by the incoming director (in 1999), and a dual warden structure was set up to bring MCCF into operation. DOCR decided to eliminate this senior management position in an effort to save at least two or three full-time front line staff positions. The loss of this position eliminates on-site leadership at MCDC, although the Warden of MCCF will assume these duties.

According to DOCR, it "considers this a permanent change, for it is far more than a single position – it reflects the merging of both facilities operations. It is not just a Warden – classification is merged, all warehouse operations are merged, many maintenance operations are merged and more will likely follow. The addition of one Warden would not be as beneficial to DOCR operations as adding or restoring other currently abolished positions that impact core day to day operations. DOCR will learn to operate with a single Warden and staff will step forward. The dual national accreditations (American Correctional Association and National Commission on Correctional Health Care) are based on the quality of line staff – not on management at the top. Senior management presence is critical in any correctional facility but the driving force must be the work of line staff at the shop floor level. To be direct – if \$175,000, could be restored DOCR would not recommend restoring a Warden – there are other more valuable positions that would be recommended for restoration if the County Executive agreed. The Warden position would not be a priority."

Abolish Workforce Program, MCCF (-\$80,720)

The FY11 budget abolishes the Sergeant position that oversees the Workforce Program. This reduction will end the operation of the facility job shop, a program that provides work skill development to 150 inmates annually, while also providing a public service to local nonprofit organizations. DOCR advises that the program has been responsible for donating almost \$200,000 of in-kind services to nonprofits as well as supporting other County organizations with in-kind labor. Under the reorganization of DOCR, every remaining uniformed position will be reassigned to housing units and direct inmate management.

The loss of jobs under this program means the loss of 5 day-per-month industrial credits, and DOCR advises that this will result in an increase of approximately 500 prisoner days annually. This will likely have an impact on the facility's average daily population.

Reduce Inmate Educational Instruction Contract, MCCF (-\$55,000)

The administrative aide position in this contract will no longer be used effective July 1. The paperwork associated with operating a 130-person school with an annual enrollment over more than 700 inmates will be assumed by other DOCR staff. In addition, MCCFF will also eliminate one of two remedial reading courses servicing as many as 15 inmates daily. The lower-functioning skill level 1,2,3 class will be eliminated. This service reduction is expected to increase prisoner days by 400 this year. Under State law, education credits (5 days per month) may only be awarded for appropriate attendance in an education program, so this reduction will likely increase the average daily population.

Various Medical Service Reductions, MCCF (-\$88,800)

Various medical services will be reduced beginning July 1, including the mental health contract (cut from \$275,000 to \$237,500), dental contract (\$155,000 to \$126,600), and the physician contract (\$185,000 to \$162,500). The contract psychiatrist currently averages 36-40 hours per week. Under the contract reduction, hours will be capped at 30 hours. The dental contract provides treatment every Monday for 8 hours. The reduction will eliminate one service day per month to provide a 25% reduction. The physician contract will be reduced by eliminating Saturday hours. Currently the physician is required to be on site six days per week.

Abolish Permit Scanning Project, MCCF (\$5,390)

DOCR had been working with the Department of Permitting Services to provide staffing for the Permit Scanning Project, which ended as of September 1, 2009. The project was an arrangement under which trained inmates scanned and saved electronic archival files for DPS. Equipment was provided by DPS and one full-time Correctional Officer was charged fully to DPS. In addition, 25% of the Workforce Managing Officer was charged to DPS. While the intent was for these personnel costs to be fully covered by DPS, the FY10 budgeted chargeback amount fell short of the personnel costs projected for FY11 by \$5,390 (out of \$148,780). According to DOCR, DPS felt it could no longer support the Permit Scanning Project given their own fiscal constraints. The full time Officer was transferred to a vacant position in Custody and Security and the Workforce position was frozen and is to be abolished.

Reduce Supervision in PRRS (-495,430)

Two of four Unit Manager positions and two Correctional Specialists are abolished under the FY11 budget. The loss of these staff positions will increase the workload significantly, leaving two managers to supervise over 50 staff and 175 offenders. The loss of the two Correctional Specialists will mean less staff coverage and support to clients who are transitioning from jail and from state and federal prison into the community. Each offender has a different transitional plan that assists him or her to re-enter the community. These plans involves some combination of work, treatment, community activities, and family engagement. It is possible that more offenders may reoffend with less supervision.

Reduce GED Contract, PRRS (-9,000)

This reduction will cut the hours of GED instruction in half at the Pre-Release Center, from 3 hours per day/four days per week, to 3 hours per day/two days per week. DOCR advises that of the average daily population of 175 clients, about 40% are without a secondary diploma. PRRS began this program four years ago because its clients could not easily access GED programs in the community due to long waiting lists, and the fact that classes did not always line up well with a client's arrival in the PRRS program.

Other Changes

While no services are being eliminated or reduced at Pre-Trial Services, several positions are being abolished, which will have a direct impact on caseloads. As noted above, the ACS Manager (Correctional Specialist V) is being abolished and ACS and IPSA are being merged into one Diversion Unit. One Principal Administrative Aide Position is also being abolished. This position is currently vacant and duties have been transferred and will remain with the IPSA Laboratory Technician. Many of the Lab Technician duties (Urinalysis for female clients, conducting inventory on drug testing supplies, and entering urinalysis test results into CJIS for approximately 700 Pre-Trial clients) have been distributed to other IPSA caseworkers. According to DOCR, these caseworkers have caseloads averaging around 90 clients each.

Also noted above, DOCR's Management Services Division is also being abolished. This division provides central administrative and management services and direction for all the administration functions across the department, including budget; fiscal and human resources management and financial audits oversight; accounts payable management; training and training program development; grants, contracts, and procurement development; expenditures and revenues oversight, information technology development; management analysis; and special projects. The Chief of Management Services Division and three administrative services positions are being abolished under the FY11 budget. Core functions are maintained and distributed to remaining divisions.

Revenue Issues

DOCR receives both state and federal reimbursement for holding certain prisoners in our facilities. DOCR has provided the following update on these revenues and current rate negotiations:

PRRS: Every three years, DOCR renegotiates the per diem rates with the Federal Bureau of Prisons under its Intergovernmental Agreement. The Department is currently in negotiations with the FBOP and the current contract expires on May 31, 2010. The current per diem rate for federal offenders is \$113.47 for federal offenders at the Pre-Release Center and \$68.06 for federal offenders on Home Confinement. The contracts calls for a maximum of twenty residents at the Pre-Release program, but in recent years, the FBOP has allowed for double that number placed at PRRS.

In current negotiations with the FBOP, the Department is pursuing a per diem rate increase at the Pre-Release Center of upwards of 17% to \$132.50. The home confinement per diem, which affects far fewer residents, is unlikely to change.

Concerning the State contract, the per diem has remained at \$56.21 for over a decade and the State has been unwilling to negotiate a new and higher rate. There is no provision in the contract that allows PRRS to place state inmates on home confinement. Despite the low per diem, the DOCR honors the contractual agreement because of the public safety imperative of transitioning individuals in state prison who are returning to addresses in Montgomery County. Typically 5-7 state inmates are placed at PRRS, and the contract limits the number to ten.

As part of the second savings plan for FY10 submitted in March 2009, the Department did increase the projected number of federal offenders at the Pre-Release program from 17 to 34 and then to 35. Immediately, the DOCR contacted the FBOP and indicated DOCR's willingness to take more federal offenders. However, because federal offenders are referred to this program many months in advance, the average count of federal offenders did not climb until January 2010. In FY10, the monthly average daily population counts for federal offenders are:

July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar
29.5	27.3	26.9	25.5	27.7	26.5	34.8	36.2	37.5

Recently, the FBOP has indicated a desire to use PRRS for more offenders due to the closing of halfway houses in Virginia and the District of Columbia. The Pre-Release Center continues to be seen as one of the strongest community residential reentry centers utilized by the Federal Bureau of Prisons in the country.

The use of PRRS by the Federal Bureau of Prisons has been exemplary for Montgomery County revenue generation. It has happened for two major reasons – the quality of the PRRS program is likely superior to any other in this entire region let alone the United States so we offer a quality product to FBOP. The local politics of community corrections also assists Montgomery County. Community corrections is accepted and time tested in this community. It is virtually non-existent in any other Maryland jurisdiction or in Northern Virginia. Counties are happy to generate revenue by taking US Marshal Prisoners who are incarcerated behind maximum security jail walls. Literally no other county permits community correctional facilities or programs that are directly community based. The Federal Bureau of Prisons has limited operations as they have been wholly unable to locate themselves or find contract options for their offenders in this entire Metro DC region. That explains the enormous use of Montgomery County by this federal agency – this County is unique and so is the program we offer as a national model – those are not words – it reflects opinion after opinion of those who visit.

Detention Services:

State Reimbursement: House Bill 101 replaced Title 9 billing with new requirements that State of Maryland will reimburse the County through a Grant for maintaining prisoners held in the custody of Detention Services between 366 and 548 days.

Revenue Reduction from State for Prisoners Held 12-18 Months: Until the horrendous changes in Maryland in 2009 the system was quite exemplary. Maryland counties held prisoners for up to 18 months but were reimbursed in significant measure for these prisoners. It was a compact – a well thought out operation that benefited all parties – counties held prisoners for 6 additional months (absent earned time/diminution credits), the state did not have to take this additional prisoner group and saved all the commensurate prison bed space and costs and counties received an expanded reimbursement as well as state support for a portion of jail construction capital costs. This was exploded without any public policy discussion – literally in the middle of the night. Without any planning and without any consideration of the moral imperatives of the state/county compact of 30 years, the jail per diem funding formula was abolished – not for the future but immediately and with a rejection of costs that had already been completed. It was a public policy massacre – all the funding was taken and the inmates were left. Montgomery County lost over \$3.4 million dollars per year and received nothing in return but all of the inmates and all of the costs that followed them. Most legislators thought it was a state budget reduction effort and had zero idea of the destruction of the 30 year old compact between state and county government.

Montgomery County loses \$3.4 million every single year now and into the future and we retain every single inmate sentenced between 12 and 18 months. We were always a small user of the state prison system. Montgomery County Circuit Court judges rarely sentence cases to the state correctional system – that of course is their decision as a matter of law in Maryland. Now all of those costs for all 18 month sentences fall upon Montgomery County government. This is a real crisis situation – one that creates enormous security impacts for our correctional system. The funds no longer follow the prisoners. We argued this before the Senate this past session and an educational process was initiated with the thoughtful presentation of a sentencing bill by Senator Jennie Forehand lowering county sentence potential from 18 months to 12 months. The goal of this effort (initiated by Montgomery County) was to create an awareness of what the General Assembly had done when it abolished the revenue stream while retaining the prisoners at the County level. This state action harms Montgomery County far more than any other jurisdiction in Maryland because we retain the largest percentage of prisoners at the County level who could be assigned/sentenced to state prisons. Something must change or we will not so quietly become a state prison at full county expense.

The Federal Rate: \$100 per day until May 31, 2012.

Revenue Reduction from U.S. Marshall: The revenue reduction at MCCF regarding US Marshal Prisoners from the Baltimore Office reflects two major issues – the competition from every county in Maryland is enormous – the funds flow from the absence of any federal detention center anywhere in Maryland or Northern Virginia. The need is mandatory but the competition intense. Other counties are willing to accept far less and even to transport federal detainees to Court and back every day. There is no cost benefit for Montgomery County. The political forces that have prevented the construction of a federal detention facility to serve the federal courts in Maryland have made contracts the sole source of high security beds. The State of Maryland has now created more contract bed space in downtown Baltimore in an unused state facility. This has properly centralized more detention operations and reduced the need for greater use of smaller numbers of beds in other counties like Montgomery. We have always

supported the construction of a federal detention center in Maryland to abolish all contract space and improve security of movement but political challenges diminished the possibility of this happening. We anticipate virtual no use of our jail bed space except when separation cases appear in RICO matters. We are known as a top location for high security and separation cases as needed.

Pre-Trial Services: IPSA and ACS generate combined yearly revenue of over \$830,000 (FY'09 numbers). The IPSA and ACS fees are set by our department with approval from the County Executive. In 2009, the ACS program raised their fees from \$150 to \$175. IPSA is in the process of requesting the County Executive to raise the IPSA fees from \$150 to \$180 for drug paraphernalia cases and from \$350 to \$395 for drug possession cases.

Council Staff Comments and Recommendation

While the CE Recommended FY11 budget indicates there are no service impacts from these reductions, significant programs are in fact being cut. The Committee should understand the public safety implications, if any, of these changes, particularly as they relate to reduced or less intensive supervision of offenders under PRRS supervision and defendants under Pre-Trial supervision. In addition, the abolishment of various programs within MCCF means fewer opportunities for prisoners to earn credit toward reducing their sentences, thereby increasing the average number of prisoner days.

Council staff recommends approval of the budget as submitted by the Executive.

This packet contains

Recommended FY11 Operating Budget

Director Wallenstein's March 15, 2010 Memo to Affected Parties Regarding Budget Cuts

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1-7

8-12

Correction and Rehabilitation

MISSION STATEMENT

The mission of the Department of Correction and Rehabilitation (DOCR) is to protect and serve the residents of Montgomery County and the general public by providing progressive and comprehensive correctional, rehabilitative, and community re-entry services. These functions are achieved through the employment of well-managed and effective correctional programs, including: the use of pretrial supervision; secure incarceration; community treatment; reintegration programs; highly accountable security methods and procedures in each operating unit and program; and effective and progressive administration and management oversight.

BUDGET OVERVIEW

The total recommended FY11 Operating Budget for the Department of Correction and Rehabilitation is \$62,457,100, a decrease of \$2,957,300 or 4.5 percent from the FY10 Approved Budget of \$65,414,400. Personnel Costs comprise 89.4 percent of the budget for 515 full-time positions and four part-time positions for 555.4 workyears. Operating Expenses account for the remaining 10.6 percent of the FY11 budget.

LINKAGE TO COUNTY RESULT AREAS

While this program area supports all eight of the County Result Areas, the following are emphasized:

- ❖ **Safe Streets and Secure Neighborhoods**

DEPARTMENT PERFORMANCE MEASURES

Performance measures for this department are included below, with multi-program measures displayed at the front of this section and program-specific measures shown with the relevant program. The FY10 estimates incorporate the effect of the FY10 savings plan. The FY11 and FY12 targets assume the recommended FY11 budget and FY12 funding for comparable service levels.

Measure	Actual FY08	Actual FY09	Estimated FY10	Target FY11	Target FY12
Multi-Program Measures					
Accreditation standards from the Maryland Commission on Correctional Standards and the Correctional Education Association - Percent of standards met	100	100	100	100	100
Per diem cost per inmate, cost to house one inmate for one night (in dollars) ¹	146	173	176	182	182
Percent of inmate bed needs met, percent of inmates receiving a bed assignment before overcrowding measures need to be taken	100	100	100	100	100
Recidivism and Achievement (under construction) ²	NA	NA	NA	NA	NA
Security incidents - Number of escapes from the Pre-Release Center, a community located, minimum security program	10	8	8	8	8
Security incidents - Number of escapees apprehended or returned to the Pre-Release Center, a community located, minimum security program	10	8	8	8	8
Security incidents - Number of inmate assaults on staff ³	8	4	6	9	9
Zero Tolerance security incidents - Number of inappropriate releases of inmate	5	0	2	4	4
Zero tolerance security incidents - Number of inappropriately released inmates returned	5	0	2	4	4
Zero Tolerance security incidents - Number of inmates suicides	0	0	0	0	0
Zero Tolerance security incidents - Number of jail escapes ⁴	0	0	0	0	0
Zero Tolerance security incidents - Number of sexual misconduct or Prison Rape Elimination Act (PREA) incidents	1	0	1	0	0

¹ The FY10, FY11, and FY12 per diem cost per inmate (MCDC and MCCF Facilities) are subject to the outcome of the budgetary decision-making and labor relations process. The FY10 actuals will not be available until next year.

² Work in progress.

³ Due to increased gang incarcerations.

⁴ "Zero Tolerance" incidents include: suicides, attempted and actual escapes from the jails (but not Pre-Release), deaths, inappropriate releases from custody, assaults on staff by inmates, staff sexual misconduct, and Prison Rape Elimination Act (PREA) incidents.

PROGRAM CONTACTS

Contact Mark J. Wulff of the Department of Correction and Rehabilitation at 240.777.9980 or Edmond M. Piesen of the Office of Management and Budget at 240.777.2764 for more information regarding this department's operating budget.

PROGRAM DESCRIPTIONS

Office of the Director

The Director's Office provides oversight and direction for all Department of Correction and Rehabilitation activities in coordination with the Chief Administrative Officer and County Executive.

<i>FY11 Recommended Changes</i>	Expenditures	WYs
FY10 Approved	495,920	2.9
Decrease Cost: Reduce various operating expenses, Office of the Director	-10,000	0.0
Miscellaneous adjustments, including furloughs, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting more than one program	252,880	1.8
FY11 CE Recommended	738,800	4.7

Notes: As part of restructuring the Department, the Human Resources Section was transferred from Management Services to the Office of the Director. The Internal Investigator Unit has been eliminated.

Pre-Release and Re-Entry Services

The Pre-Release and Re-Entry Services Division (PRRS) provides community-based residential and non-residential alternatives to secure confinement for sentenced adult offenders in which they engage in work, treatment, education, family involvement, and other services to prepare them for release. The Division requires program participants to work, pay room and board, file State and Federal taxes, and address restitution and child support obligations. The goals of the Division include reducing the inmate population in the detention facilities by managing carefully screened and selected individuals in a community setting and reducing future offending and victimization by equipping soon-to-be released individuals with the skills, direction, services, and cash savings that will assist them in leading law-abiding and productive lives. The program primarily serves inmates who are within one year of release and who are sentenced to DOCR. However, through contractual agreements with the State and Federal correctional system, the program also provides re-entry services to Federal and State sentenced inmates and Federal probationers who are within six months of release and who are returning to Montgomery County and the greater Washington Metro area upon release.

The residential program is located in Rockville at the 171-bed Pre-Release Center and has a capacity to serve individuals who live within the Center's one female and three male housing units. The non-residential program, called Home Confinement, allows 40-50 individuals to live in their homes, although they are required to report to the Pre-Release Center several times a week for drug testing and for meetings with counselors. Many program participants begin their stay at the Pre-Release Center and graduate to the Home Confinement program once they have secured a stable job and housing and can demonstrate strong family and social support.

The Pre-Release Center (PRC) achieved 100% compliance with the Maryland Commission on Correctional Standards (MCCS) during the last audit cycle in 2010.

<i>Program Performance Measures</i>	Actual FY08	Actual FY09	Estimated FY10	Target FY11	Target FY12
Self growth and development programs - Percent of inmate at the Pre-Release Center participating in programs	100	100	100	100	100

<i>FY11 Recommended Changes</i>	Expenditures	WYs
FY10 Approved	7,091,870	65.6
Decrease Cost: Abolish Principal Administrative Aide, PRRS	-74,450	-1.0
Decrease Cost: Reduce various operating expenses, PRRS	-89,450	0.0
Decrease Cost: Abolish 2 Correctional Specialists, PRRS	-170,240	-2.0
Decrease Cost: Abolish 2 Unit Managers, Pre Release Center, PRRS	-325,190	-2.0
Miscellaneous adjustments, including furloughs, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting more than one program	350,340	4.1
FY11 CE Recommended	6,782,880	64.7

Notes: As part of restructuring the Department, the Fiscal Services Section was transferred from Management Services to Pre-Release and Re-Entry Services.

Pre-Trial Services

The Pre-Trial Services Division (PTS) is responsible for assessing newly arrested defendants for the possibility of release from incarceration while awaiting trial and for follow through with supervising those defendants safely in the Community. The PTS

Division also supervises those defendants who are offered diversion from trial in return for satisfactorily completing a community service or substance abuse program. There are four independent programs within the Division: Pre-Trial Assessment Unit, Pre-Trial Supervision Unit, Alternative Community Service Program (ACS), and Intervention for Substance Abusers Program (IPSA).

The Pre-Trial Assessment Unit is housed at the Montgomery County Detention Center and is responsible for assessing those who have been newly arrested and have been unable to make bond. Staff verifies personal information, analyzes criminal histories, and formulates recommendations to the Court to enable the Judge to make informed bond decisions. Recommendations are made with public safety as the main priority following the national models of assessment for the judicial system.

The Pre-Trial Supervision Unit provides monitoring of Court ordered conditions to offenders released to the Community while awaiting trial. Supervision in the Community ranges from telephone contact for lower risk defendants to two or more face-to-face contacts per week for those assessed to be a higher risk. Visits to the defendants' homes or places of employment are conducted when warranted. Offenders are referred to substance abuse, mental health, sexual offender, and/or spousal abuse counseling if needed. Drug testing is also conducted in-house. Global Positioning Satellite (GPS) and electronic monitoring services are also used to verify conditions of restrictions in movement to certain geographic areas and to monitor curfew compliance. Violations of release conditions are immediately reported to the Court for possible action and Pre-Trial Supervision maintains a failure to appear (FTA) rate of less than 3%.

The diversion programs, ACS and IPSA, are predominantly for first-time misdemeanor offenders who will ultimately have their charges expunged following successful completion of one of these programs. The ACS program is typically for underage alcohol offenses and shoplifting charges and requires completion of community service hours and payment of an administrative fee. The IPSA program is for controlled dangerous substance (CDS) possession charges and requires completion of either a drug education series or substance abuse treatment with community service hours, drug testing (two times per week), and attendance at a twelve-step program. There is an administrative fee with this program as well.

<i>FY11 Recommended Changes</i>	<i>Expenditures</i>	<i>WYs</i>
FY10 Approved	4,374,100	37.3
Decrease Cost: Abolish Principal Administrative Aide, PTS	-76,510	-1.0
Decrease Cost: Abolish Correctional Specialist V, Alternative Community Service, PTS	-143,510	-1.0
Miscellaneous adjustments, including furloughs, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting more than one program	599,010	2.9
FY11 CE Recommended	4,753,090	38.2

Notes: As part of restructuring the Department, the Information Technology and Telecommunications Section was transferred from Management Services to Pre-Trial Services.

Detention Services

Detention Services is responsible for the operation of two detention facilities, the Montgomery County Detention Center (MCDC) located in Rockville, and the Montgomery County Correctional Facility (MCCF) located in Clarksburg. The day to day supervision of the two facilities is the responsibility of the Warden.

MCDC is primarily responsible for the intake and law enforcement processing of adult male and female offenders arrested in Montgomery County and has a facility capacity to accommodate approximately 200 inmates. Over 15,000 offenders annually arrive at MCDC's Central Processing Unit (CPU). The CPU conducts psychological screening, medical screening, and risk assessment to determine the appropriate classification level of inmates and provides for the initial care, custody, and security of inmates for up to 72 hours prior to transfer to MCCF. At this facility, bond hearings are conducted by the Maryland District Court Commissioners via closed circuit television between MCDC and the District Court. The Office of the Public Defender determines eligibility of offenders for legal representation.

Only minimal inmate services are provided at MCDC. A small cadre of sentenced inmates is housed at MCDC in various work assignments. These inmate workers are afforded programs such as life skills and job readiness, as well as religious services and recreation activities. Recreational options are limited and are available only to inmate workers. All other sentenced inmates are housed at MCCF and have the full range of inmate services and programs available to them.

Following an initial intake at MCDC, inmates transfer to the 1,029-bed Montgomery County Correctional Facility (MCCF), usually within 72 hours. MCCF is responsible for the custody and care of male and female offenders who are either in a pretrial status or serving sentences of up to 18 months. Progressive and comprehensive correctional services are provided to all inmates, covering substance abuse, mental health issues, cognitive behavioral modification, basic education, life skills, and work force preparation.

The Montgomery County Correctional Facility (MCCF), and the Montgomery County Detention Center (MCDC) achieved 100% compliance with the Maryland Commission on Correctional Standards (MCCS) during the last audit cycle in 2007. The Montgomery County Department of Correction and Rehabilitation (DOCR) has been continuously accredited by the National Commission on

Correctional Health Care (NCCHC) since 1978, with the most recent accreditation being granted in 2007. After attaining 100% compliance with all NCCHC standards, NCCHC also awarded the MCCF and MCDC with its prestigious "Facility of the Year" award. The Montgomery County Correctional Facility (MCCF) was further accredited by the National Correctional Education Association (CEA) in 2007. The facility again scored 100% compliance on all standards.

Program Performance Measures	Actual FY08	Actual FY09	Estimated FY10	Target FY11	Target FY12
Self growth and development programs - Percent of inmates at the Montgomery County Correctional Facility (MCCF) participating in programs. ¹	75	68	68	63	63

¹ Loss of programmatic staff positions; increase "keep-separate" orders limiting program options.

FY11 Recommended Changes	Expenditures	WYs
FY10 Approved	50,032,090	463.6
Increase Cost: Discontinue charges to Permitting Services	5,390	0.0
Decrease Cost: Abolish Principal Administrative Aids, Medical Unit, MCCF	-67,340	-1.0
Decrease Cost: Abolish Correctional Specialist II, Bilingual Caseworker, MCCF	-122,830	-1.0
Decrease Cost: Abolish Correctional Officer III, Loading Dock, MCCF	-128,920	-2.0
Decrease Cost: Abolish 2 Correctional Officers, Perimeter Patrol, MCCF	-128,970	-2.0
Decrease Cost: Abolish Correctional Specialist IV, Classification, MCDC	-137,920	-1.0
Decrease Cost: Abolish Warden, MCDC	-158,020	-1.0
Decrease Cost: Abolish 2 Supply Technicians, MCCF	-162,010	-2.0
Decrease Cost: Abolish Maintenance Workforce Leader and Sergeant, Workforce Program, MCCF	-187,660	-2.0
Decrease Cost: Abolish Captain and Records Coordinator, Records Section, MCDC	-239,440	-2.0
Decrease Cost: Abolish 4 Correctional Officers, Custody and Security, and Firearms Training, MCDC and MCCF	-257,870	-4.0
Decrease Cost: Abolish 4 Correctional Officers, Processing Unit, MCDC and MCCF	-260,590	-4.0
Decrease Cost: Reduce various operating expenses, Detention Services	-463,610	0.0
Miscellaneous adjustments, including furloughs, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting more than one program	2,460,030	6.2
FY11 CE Recommended	50,182,330	447.8

Notes: As part of restructuring the Department, the Detention Services - MCDC, and the Detention Services - MCCF Divisions were combined into a single Detention Services Division headed by a Warden. In addition, the Budget and Procurement Section and the Training Section were transferred from Management Services to Detention Services.

Management Services

The Management Services Division (MSD) provides central administrative and management services and direction for all administrative functions across the Department, develops and coordinates the implementation of the Department's Operating Budget and Capital Improvement Program (CIP), and develops administrative policies and procedures. Core services provided include: fiscal and human resources management and financial audits oversight; accounts payable management; training (pre-service and in-service) and training program development; grants, contracts, and procurement development; expenditures and revenues oversight; information technology and telecommunications systems development, training, and maintenance; management analysis; planning support; and special projects.

Divisional administration (within each Division and facility) consists of administrative and management oversight and support to the staff and service components of the Division. Programmatic responsibilities vary by Division, but include: program planning, operational management of fiscal and human resources, supplies, purchasing, equipment maintenance, program audits, certifications, and inventory control. Costs and resources for divisional administration are considered to be an integral component of each Division, not an element of the central administration program.

FY11 Recommended Changes	Expenditures	WYs
FY10 Approved	3,420,420	28.5
Decrease Cost: Lapse Fiscal Assistant position, Fiscal Services, MSD	-25,950	-0.5
Decrease Cost: Reduce various operating expenses, MSD	-107,500	0.0
Decrease Cost: Abolish Chief, Management Services Division	-181,100	-1.0
Decrease Cost: Abolish 3 administrative services positions, MSD	-320,690	-3.0
Miscellaneous adjustments, including furloughs, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting more than one program	-2,785,180	-24.0
FY11 CE Recommended	0	0.0

Notes: As part of restructuring the Department, the certain functions and services of Management Services were either eliminated or transferred to the Office of the Director, Detention Services, Pre-Trial Services, and Pre-Release and Re-Entry Services. Management Services Division will not functionally continue in FY11.

BUDGET SUMMARY

	Actual FY09	Budget FY10	Estimated FY10	Recommended FY11	% Chg Bud/Rec
COUNTY GENERAL FUND					
EXPENDITURES					
Salaries and Wages	41,127,289	39,620,940	39,685,690	37,224,410	-6.0%
Employee Benefits	17,510,136	18,408,870	17,502,750	18,612,270	1.1%
County General Fund Personnel Costs	58,637,425	58,029,810	57,188,440	55,836,680	-3.8%
Operating Expenses	8,002,828	7,384,590	7,564,740	6,620,420	-10.3%
Capital Outlay	0	0	0	0	—
County General Fund Expenditures	66,640,253	65,414,400	64,753,180	62,457,100	-4.5%
PERSONNEL					
Full-Time	562	548	548	515	-6.0%
Part-Time	6	4	4	4	—
Workyears	620.6	597.9	597.9	555.4	-7.1%
REVENUES					
Alternative Community Services	515,386	556,800	640,000	600,000	7.8%
Illegal Alien Inmate Reimbursement	1,543,965	1,500,000	1,453,750	1,455,000	-3.0%
ACS Work Crews	0	140,000	110,000	112,000	-20.0%
Care of Prisoners (State)	5,341,638	0	350,000	382,900	—
Care of Prisoners (Federal) - Detention Services	698,131	839,500	545,700	401,500	-52.2%
State Reimbursement: Major Medical	133,470	175,000	35,140	175,000	—
Pre-Release (Federal)	1,335,353	1,362,060	1,380,700	1,250,000	-8.2%
Pre-Release Room and Board	223,938	300,000	215,200	300,000	—
Pre-Release Room and Board - Federal	0	85,000	67,800	85,000	—
Pre-Release Center (State)	132,656	164,200	140,800	143,620	-12.5%
CART (Federal)	50,470	64,800	68,800	43,240	-33.3%
CART (Home Detention)	54,446	80,700	52,500	58,110	-28.0%
Weekender Program Fees	6,358	9,000	8,300	9,000	—
Substance Abusers Intervention Program (IPSA) Fees	293,146	308,000	334,000	364,000	18.2%
Offender Medical Fees-Detention Services	6,983	7,000	6,580	7,000	—
Inmate Workforce Fees	152,256	10,000	50,000	0	—
Public Pay Phone Commissions - Corrections	34,316	0	0	122,970	—
County General Fund Revenues	10,522,512	5,602,060	5,459,270	5,509,340	-1.7%
GRANT FUND MCG					
EXPENDITURES					
Salaries and Wages	0	0	0	0	—
Employee Benefits	0	0	0	0	—
Grant Fund MCG Personnel Costs	0	0	0	0	—
Operating Expenses	0	0	100,000	0	—
Capital Outlay	0	0	0	0	—
Grant Fund MCG Expenditures	0	0	100,000	0	—
PERSONNEL					
Full-Time	0	0	0	0	—
Part-Time	0	0	0	0	—
Workyears	0.0	0.0	0.0	0.0	—
REVENUES					
ARRA - JAG Recovery	0	0	100,000	0	—
Grant Fund MCG Revenues	0	0	100,000	0	—
DEPARTMENT TOTALS					
Total Expenditures	66,640,253	65,414,400	64,853,180	62,457,100	-4.5%
Total Full-Time Positions	562	548	548	515	-6.0%
Total Part-Time Positions	6	4	4	4	—
Total Workyears	620.6	597.9	597.9	555.4	-7.1%
Total Revenues	10,522,512	5,602,060	5,559,270	5,509,340	-1.7%

FY11 RECOMMENDED CHANGES

	Expenditures	WYs
COUNTY GENERAL FUND		
FY10 ORIGINAL APPROPRIATION	65,414,400	597.9
Other Adjustments (with no service impacts)		
Increase Cost: Retirement Adjustment	835,920	0.0
Increase Cost: Annualization of FY10 Personnel Costs	394,610	0.0
Increase Cost: Group Insurance Adjustment	350,250	0.0
Increase Cost: ARC Contract to provide custodial services in the administrative areas of the Montgomery County Correctional Facility (MCCF)	35,000	0.0
Increase Cost: Provide Spanish language support and community reentry services (Identity)	11,150	0.0
Increase Cost: Discontinue charges to Permitting Services (Detention Services)	5,390	0.0
Decrease Cost: Printing and Mail Adjustment	-2,400	0.0
Decrease Cost: Welcome Home Program (Prison Outreach Ministry, Inc.)	-3,850	0.0
Decrease Cost: Cell Phone & Blackberry Communication Devices Charges	-7,000	0.0
Decrease Cost: Reduce various operating expenses, Office of the Director (Office of the Director)	-10,000	0.0
Decrease Cost: Reduce Departmental Fleet Charges with Return of Two Vehicles	-11,660	0.0
Decrease Cost: Reduce General Operating Expenses	-18,240	0.0
Decrease Cost: Non Local Travel and Training Expense	-22,100	0.0
Decrease Cost: Lapse Fiscal Assistant position, Fiscal Services, MSD (Management Services)	-25,950	-0.5
Decrease Cost: Printing, paper and mail Reduction, DOCR	-34,750	0.0
Decrease Cost: Motor Pool Rate Adjustment	-39,760	0.0
Decrease Cost: Abolish Principal Administrative Aide, Medical Unit, MCCF (Detention Services)	-67,340	-1.0
Decrease Cost: Abolish Principal Administrative Aide, PRRS (Pre-Release and Re-Entry Services)	-74,450	-1.0
Decrease Cost: Abolish Principal Administrative Aide, PTS (Pre-Trial Services)	-76,510	-1.0
Decrease Cost: Reduce various operating expenses, PRRS (Pre-Release and Re-Entry Services)	-89,450	0.0
Decrease Cost: Reduce various operating expenses, MSD (Management Services)	-107,500	0.0
Decrease Cost: Abolish Correctional Specialist II, Bilingual Caseworker, MCCF (Detention Services)	-122,830	-1.0
Decrease Cost: Abolish Correctional Officer III, Loading Dock, MCCF (Detention Services)	-128,920	-2.0
Decrease Cost: Abolish 2 Correctional Officers, Perimeter Patrol, MCCF (Detention Services)	-128,970	-2.0
Decrease Cost: Abolish Correctional Specialist IV, Classification, MCDC (Detention Services)	-137,920	-1.0
Decrease Cost: Abolish Correctional Specialist V, Alternative Community Service, PTS (Pre-Trial Services)	-143,510	-1.0
Decrease Cost: Abolish Warden, MCDC (Detention Services)	-158,020	-1.0
Decrease Cost: Abolish 2 Supply Technicians, MCCF (Detention Services)	-162,010	-2.0
Decrease Cost: Abolish 2 Correctional Specialists, PRRS (Pre-Release and Re-Entry Services)	-170,240	-2.0
Decrease Cost: Abolish Chief, Management Services Division (Management Services)	-181,100	-1.0
Decrease Cost: Abolish Maintenance Workforce Leader and Sergeant, Workforce Program, MCCF (Detention Services)	-187,660	-2.0
Decrease Cost: Abolish Captain and Records Coordinator, Records Section, MCDC (Detention Services)	-239,440	-2.0
Decrease Cost: Abolish 4 Correctional Officers, Custody and Security, and Firearms Training, MCDC and MCCF (Detention Services)	-257,870	-4.0
Decrease Cost: Abolish 4 Correctional Officers, Processing Unit, MCDC and MCCF (Detention Services)	-260,590	-4.0
Decrease Cost: Abolish 3 administrative services positions, MSD (Management Services)	-320,690	-3.0
Decrease Cost: Abolish 2 Unit Managers, Pre Release Center, PRRS (Pre-Release and Re-Entry Services)	-325,190	-2.0
Decrease Cost: Reduce various operating expenses, Detention Services (Detention Services)	-463,610	0.0
Decrease Cost: Furlough Days	-610,090	-9.0
FY11 RECOMMENDED:	62,457,100	555.4

PROGRAM SUMMARY

Program Name	FY10 Approved		FY11 Recommended	
	Expenditures	WYs	Expenditures	WYs
Office of the Director	495,920	2.9	738,800	4.7
Pre-Release and Re-Entry Services	7,091,870	65.6	6,782,880	64.7
Pre-Trial Services	4,374,100	37.3	4,753,090	38.2
Detention Services	50,032,090	463.6	50,182,330	447.8
Management Services	3,420,420	28.5	0	0.0
Total	65,414,400	597.9	62,457,100	555.4

CHARGES TO OTHER DEPARTMENTS

Charged Department	Charged Fund	FY10		FY11	
		Total\$	WYs	Total\$	WYs
COUNTY GENERAL FUND					
Fleet Management Services	County General Fund	0	0.0	102,020	1.0
Permitting Services	Permitting Services	152,940	1.3	0	0.0
Sheriff	Grant Fund MCG	0	0.0	119,140	1.0
Total		152,940	1.3	221,160	2.0

FUTURE FISCAL IMPACTS

Title	CE REC.			(5000's)		
	FY11	FY12	FY13	FY14	FY15	FY16
This table is intended to present significant future fiscal impacts of the department's programs.						
COUNTY GENERAL FUND						
Expenditures						
FY11 Recommended	62,457	62,457	62,457	62,457	62,457	62,457
No inflation or compensation change is included in outyear projections.						
Motor Pool Rate Adjustment	0	40	40	40	40	40
Pre-Release Center Kitchen Renovation and Addition	0	0	0	4	4	4
These figures represent the impacts on the Operating Budget (maintenance and utilities) of projects included in the FY11-16 Recommended Capital Improvements Program.						
Restore Personnel Costs	0	610	610	610	610	610
This represents restoration of funding to remove FY11 furloughs.						
Subtotal Expenditures	62,457	63,107	63,107	63,111	63,111	63,111

Farag, Susan

From: Wallenstein, Arthur
Sent: Monday, March 15, 2010 11:02 AM
To: #DOCR.ALL
Cc: [REDACTED]
Subject: County Executive's Proposed FY11 Budget Submission: DOCR Impact

At 11:00 AM today, County Executive Isiah Leggett submitted his Proposed FY11 Budget to the Montgomery County Council as required by past practice and County Statute. The fiscal elements of the budget followed the presentations he made in two sessions before DOCR staff members on Tuesday, March 9, 2010, held at MCCF and Pre-Trial. Those excellent sessions were attended by numerous staff from all five divisions. I thank staff members who came on their own time to participate and I commend the thoughtful questions that were presented in such a professional manner at each location. We also recognize and thank CAO Tim Firestine, senior MCGEO Special Assistant Gail Health and new Field Representative Frank Molina for attending both sessions. I previously sent a full economic analysis to all DOCR staff for your information. At the two sessions the County Executive provided a serious discussion and analysis of many topics including the full economic situation and challenges impacting Montgomery County Government.

The bottom line is that the DOCR budget carried a final mandatory reduction of **\$4,001,040 or 6.12%**. This is the largest budget reduction ever encountered by this department. As County Executive Leggett noted, public safety agencies took a much smaller reduction than non public safety departments which are facing reductions upwards of 20%. We have all read the news accounts of the national, state and local economy, so there is no need to repeat or recount this.

The DOCR - CE Recommended Budget contains many individual reductions to arrive at the \$4,001,040 mandatory figure. The following are noted because they will be of immediate interest to all DOCR staff and transparency is essential: The abolishment of any of the positions noted below that are not vacant does not necessarily mean that the person in the job must lose his or her employment. The Reduction in Force (RIF) process has several options and seniority considerations, and they will be followed to the letter by Montgomery County in accord with collective bargaining agreements and Career Service guidelines:

- Close Central Office in leased Rockville space and relocate remaining staff including the Director to DOCR operational locations throughout our agency – this was a budget savings of \$175,000 or 2.60 staff positions saved;
- Abolish Warden, MCDC (vacant);
- Abolish Chief, Management Services Division (MIII);
- Abolish Management and Budget Specialist III, Chief's Office, MSD;
- Abolish Correctional Specialist IV (Classification), MCDC;
- Abolish Captain, MCDC;
- Abolish 2 Unit Managers, PRRS (M III);
- Abolish Correctional Specialist V (ACS, Pre-Trial Services);
- Abolish Correctional Specialist II – MCCF (vacant);
- Abolish 2 Correctional Specialist II - PRRS (both vacant);
- Abolish OSC, Management Services Division (MSD), HR Section;
- Abolish PAA, MSD, HR Section;
- Abolish PAA, PRRS;

- Abolish 2 Correctional Officers, MCDC (both vacant) – see posts reduced below;
- Abolish 11 Correctional Officers, MCCF (5 are vacant) – see posts reduced below;
- Abolish Sergeant, Work Force Program (Program abolished – return to other security duties as a Sergeant);
- Abolish Work Force Leader III, MCDC;
- Abolish Supply Technician III, MCDC;
- Abolish Senior Supply Technician, MCCF;
- Abolish PAA – Medical Unit, MCCF;
- Abolish Correctional Records Coordinator, MCDC (vacant);
- Abolish PAA – Pre-Trial (vacant)
- Lapse Fiscal Assistant, MSD – Fiscal Services Section (vacant – State funded);
- Abolish Post – Internal Investigations – Chief Investigator assigned as Records Manager, DOCR at MCDC effective, April 19, 2010 - Internal Investigations will be conducted by designated Senior Managers including the Records Manager;
- Abolish 1 Corridor 2 Post, #3 Shift, MCDC – (already completed);
- Abolish 1 R and D Post, #1 Shift, MCDC – (already completed)
- Abolish Loading Dock Post, MCCF (#2 Shift);
- Abolish 1 Visiting Post, MCCF (#2 Shift) – this will result in a change in MCCF inmate visiting schedule;
- Abolish 1 Perimeter Post, MCCF (#1 Shift);
- Abolish Weekend Traffic Post, MCCF;
- Reduce over 25 categories of Operating Expenses for commodities and services cross cutting all DOCR operating units (from printing to cleaning supplies, and everything in between - saved \$939,310 and directly saved at least 14 DOCR staff positions throughout the agency.

With the permission and support of the County Executive and the CAO I personally met with the vast majority of staff members who could be impacted by position reductions this morning from 6:30 AM through 10:30 AM – CE Press Conference on the Budget to follow at 11:00 AM. Please remember that both represented and non-represented staff members are covered by strict guidelines regarding Reductions in Force (RIF). As the County Executive noted in his DOCR presentations and in numerous other forums his goal is to reduce loss of employment to the lowest degree possible for positions that are filled and are proposed for abolishment. This process will also be assisted through a DSR and RIP (Retirement Incentive Program) program which will create additional opportunities to diminish the number of situations where a current employee would be subject to RIF (Reduction in Force). This also includes for the first time cross agency bumping of probationary staff members (by both union and non represented including MLS employees) to create more options for veteran staff members. The economy created this problem – the CE seeks to save as many permanent County staff members as possible.

Operational Implications - \$4 Million Mandatory DOCR Reduction

Staff can immediately see that the DOCR portion of the County Budget included both management and line positions – some vacant and others occupied. To meet our mandatory budget reduction, organizational changes are necessary. For the goal of transparency, I will outline the major elements of these changes:

1. Abolishing the Management Services Division and closing of the Central Office at 51 Monroe Street – Rockville - the Management Services Division will be dissolved effective July 1, 2010, and the Central Office closed on the same date. The Director will move to MCDC – administrative corridor today, March 15, 2010, and all MSD operational units will relocate no later than June 30, 2010.
 - Budget and Procurement – this unit will move to MCCF no later than June 30, 2010 and will report to Warden Robert Green.

(21)

- HR will be located as it is now at MCCF, and will report directly to Director Arthur Wallenstein effective today, March 15, 2010.
- Financial Services – will move to PRRS no later than June 30, 2010 and will report to the PRRS Chief Stefan LoBuglio.
- Information Technology Services will move to Pre-Trial at Twinbrook, no later than June 30, 2010, and will report to Pre-Trial Chief Sharon Trexler.
- Training has already relocated to MCCF and will report on a daily basis to Warden Robert Green and for program development to a steering committee (composed of Division Chiefs and selected line staff) to be developed by July 1, 2010.

There were additional reasons for closing the Central Office beyond a singular, but of course, substantial savings. Since DOCR will be a much leaner agency (fewer staff positions in every division) moving administrative units to locations around the system adds additional staff support to the work locations where they will be assigned. We are going to learn to collaborate to an even greater degree than we have in the past to support each other. Our efforts will increasingly reach beyond traditional divisional lines. This change (abolishment of the Management Services Division) reduces an entire Division from the DOCR organizational chart. I commend our current Chief of Management Services, Mark Wulff, for stepping forward with incredibly creative ideas to both save dollars and utilize the reallocated MSD staff to support their colleagues throughout the Department.

2. Merge MCCF and MCDC into a Single Detention Services Division with One Warden, Robert Green, no later than July 1, 2010

- DOCR now moves from 5 operating divisions to 3. The operating divisions effective July 1, 2010 are Detention Services, Pre-Trial Services, and Pre-Release and Reentry Services. A single Warden will save several line staff positions and will direct the new Detention Services Division. Some obvious correctional processes will be merged and shared between both jail facilities. State and national accreditation and standards projects will continue to guide safe and effective facility operations.

Since Montgomery County will not fill the vacant MCDC Warden's position (all previous applicants have been personally notified) this currently vacant position will now follow our normal procedures and will be filled by my appointment of an Acting Warden from the most senior positions. Effective tomorrow, March 16, 2010, Deputy Warden J.L. Jones is appointed Acting Warden, MCDC until we merge into a single Detention Services Division no later than July 1, 2010. We all deeply appreciate and respect the superior work of Captain Guy Ruffner who stepped in without notice as no applicant for the position could serve in an acting capacity. Captain Ruffner will assist Warden Green and Acting Warden J.L. Jones as they merge the two divisions into a single division through June 30, 2010. Captain Ruffner will report to the Director in this new role for approximately 100 days. Captain Ruffner led the Transition Unit at MCCF and he is the right person for this new assignment that happens very rapidly.

The presence of the DOCR Director at MCDC reiterates the importance of MCDC and major new initiatives at this critical work location in support of agency and broader criminal justice operations. I reported to all staff last week that the County Council has approved a new jail and justice center that will be built on the site of the 1st District Police Station (directly next to MCDC). This will take some time and the mission critical functions of MCDC for the entire Montgomery County criminal justice system do not diminish one iota. In fact, they are heightened and the Department Director located inside MCDC will support criminal justice collaboration, improvements, and policy matters that generate an evolving upgrade across the board of MCDC. The Director will have no operational responsibilities for MCDC – that rests with facility and Detention Services Division staff.

3. Within Pre-Trial Services - Merge ACS and IPSA into a Single Operating Unit

- ACS and IPSA will merge into a newly established Diversion Unit under one Senior Manager. In addition, the Division will have less administrative/clerical support as a straight function of our mandatory \$4 million budget reduction. This also impacts Detention Services and Pre-Release and Reentry Services.
- Pre-Trial will receive some support benefit from the relocation of our IT Unit at the Twinbrook work location.
- Pre-Trial Services has an unprecedented record in revenue collection from those who participate in its diversion/treatment programs. Because of its history and past practice of making or exceeding revenue collections we were permitted to save \$174,500 in further personnel reductions due to additional revenue generation by Pretrial and PRRS. This was exceptional for almost nowhere in the FY11 County Budget is revenue accepted in lieu of other reductions. Pre-Trial Services has delivered their revenue projections to the letter over many previous years and has established real credibility with the Executive and Council. This directly saved 2 additional DOCR positions.

Our Pre-Trial Services Division operates one of the most effective programs in this nation. While I have spoken of it many times, it needs to be stated again and again so it is well understood by all DOCR staff members. Pre-Trial is responsible for thousands of young people not having their lives ruined by a single minor criminal offense. It is likely the finest diversion program in this country (ACS and IPSA). Its supervision of tough pre-trial cases at the direction of the Court is without question the sole reason why W 2-6 has not had to open permanently at an immediate cost of over \$750,000. W 2-6 at MCCF will surely open on an incremental basis and at sometime permanently, but offering a high quality community based pre-trial option with very low Failure to Appear (FTA) rates reflects our Constitutional and correctional operations at their best. The quality of work conducted by the Pre-Trial Assessment and Supervision Units for multiple thousands of cases every year reflects the best work of this type in this country.

4. Restructured Organizational Chart at PRRS

- PRRS continues to lead this state and this nation in its commitment to offender reentry in a county correctional setting. That does not change – we must learn to operate with fewer senior managers and that reflects our enormous mandatory budget reduction. Resident population levels will remain the same. The work focus for the two Unit Manager (MIII) positions will change – one position will oversee physical plant, building operations and security process – the other position will focus on program elements, case management, work release and data driven treatment initiatives. A superior cadre of line staff will step forward and accept greater responsibility and oversight for work that has been performed so well in the past.
- PRRS has again stepped forward to house a population that includes additional Federal Bureau of Prisons residents returning to this region. These federal residents do not replace local applicants, and no county prisoners will be kept on a waiting list for PRRS. The additional revenue has saved additional DOCR positions that would have been lost.
- We will seek funding for a work crew (1 crew – 10 members with one assigned Resident Supervisor) from the group of PRRS residents who staff isolates as either not suited or not highly motivated for an external employment experience at the present time. A work crew costs approximately \$120,000 per year (staff – salary and benefits, transport and work vehicle, basic equipment and worker clothing and related expenses). The Department of General Services has expressed interest in a full crew to assist in their projects and reduce external contract services – this saves a county position. This work crew will also supports work release and community treatment as the major priority at PRRS.

Information will continue to flow to DOCR staff, to our HHS co-workers at MCDC and MCCF, to our MCGEO colleagues and to our primary stakeholders who depend upon DOCR for mission critical support. Respectfully

(23)

TO: Councilmember Phil Andrews, Chair Public Safety Committee
FROM: Gail Heath, Special Assistant to the President
DATE: April 26, 2010
SUBJECT: Comments on Police and DOCR budgets

Police Department

As I stated during the first hearing on the Police Department budget, the movement of the Telephone Reporting Unit (TRU) and the PSA's from the police station to MC 311, which is presented as a shifting of funding, will not save money and will ultimately cost more money. The intent behind the creation of TRU was to free up sworn police officers from taking reports and allowing them to have more time on the street and less paperwork. The proposed transfer of 4 TRU members to MC 311 will decrease police officers time off the street, and increase their overtime. The TRU unit as it stands often times has to shut down in order to catch up with calls in its que. The creation of TRU has served the exact purpose it was designed for, decrease police officer paperwork, and increases their time on the street.

Additionally, the movement of 5 PSA's to MC 311 will similarly impact police officer overtime. It is proposed the PSA's who work the split shift (9am – 7pm) will be the shift eliminated and moved over to MC 311. This would result in reduced coverage of the Police stations and limit the ability of the remaining staff to perform their core duties. PSA's fingerprint, if the number of PSA's are reduced, then the ability to fingerprint (which is already limited) will almost cease to exist. Residents come to get fingerprinted for potential employers, bar applicants are required to be fingerprinted for many jurisdictions, security clearances, etc. Additionally, they pay for this service. Also, PSA's take police reports from walk-ins, work with the online police report system, process tickets, and many other administrative duties that help keep police officers on the street and out of the police stations doing paperwork.

As a recommendation for consolidation to eliminate duplication of services is the Client Assistant Specialist/Victim Assistant Specialist. This position is in multiple departments, serving the same or similar purpose in HHS, Police and Sheriff's Office.

Department of Correction and Rehabilitation

Reductions to the Processing Units will reduce officer safety and back log police officers who bring in arrestees for processing. When there is a back up in the Central Processing Unit (CPU) at the Montgomery County Detention Center (MCDC), it means police officers are off the street for a longer period of time. This year, as of Monday, April 5, 2010, there have been 2,430 arrestees booked in CPU. In 2009, there were a record number of arrestees booked in CPU, over

10,000. Very specific safety and security procedures have to be performed when someone is arrested and brought into CPU, including running their information through the criminal database systems, searching, fingerprinting, review of the packets to ensure there are no additional warrants out for the individual, obtaining a DNA sample if the person is charged with certain crimes, and having the arrestee go before a Court Commissioner, to name a few things. These functions are performed by correctional officers 24 hours a day, 7 days a week, 365 days a year. This proposal will ultimately cost more in overtime to both DOCR and MPD if implemented.

The proposed reduction to the Workforce Crew contradicts conversations had during negotiations when the Union presented a proposal to use the workforce crew at the Montgomery County Correctional Facility (MCCF), the Alternative Community Service program at Pre-Trial Services and the resident population at PRRS to utilize the population under DOCR to the fullest capacity and save the County countless dollars by elimination of contractors. The Workforce crew has been imaging documents for the Department of Permitting Services for several years. This is a job training program for the inmate population, and saves DPS money. DPS is not the only department which is in desperate need of imaging old records to reduce the amount of paper storage and space needed to store that paper. Inmates have to be paid \$2.00 a day for their work, contractors dwarf that charge. There is a program in place at Pre-Trial with the Alternative Community Services section to perform some general upkeep of County facilities and Ride-On buses with persons required to complete community service. A correctional officer oversees the persons, and the work that is done is top quality. The difference between the buses cleaned by an ACS crew and the contractor are visible to the naked eye. Finally, a large number of residents housed at PRRS do not have jobs. They could be performing work, to include cutting grass, painting, cleaning bathrooms, etc while seeking employment (which is required as part of the program). They used to cut the grass at Strathmore, but that was stopped approximately 2 years ago, and is now performed by a contractor. (See the Article in the Washington Post, dated April 26, 2010, "Fairfax chain gangs spruce up the outdoors and help cash-strapped VDOT").

In response to Mr. Elrich's question about the need for their HR office, there is no need for such an office. The person who was trained to perform background checks had his duties reassigned and his position is being RIF'd, and the HR personnel proposed to remain do not serve a sufficient enough function to justify keeping such an office, especially since custody and security positions are proposed to be eliminated. PAF's are automatically produced by payroll, MCTime has made paper timesheets a thing of the past, and FMLA requests are to be turned into an employee's supervisor. This office merely duplicates work done by the Office of Human Resources and Finance. Elimination of the remaining positions could result in maintaining custody and security personnel, which are the backbone and priority of any correctional facility.

25

The Washington Post

Fairfax chain gangs fill gaps for cash-strapped DOT

By Derek Kravitz
Washington Post Staff Writer
Monday, April 26, 2010; B01

The vest-wearing, lawn-mower-pushing members of Fairfax County's modern chain gang don't look like jail inmates. Well-disciplined landscapers, yes. Orderly weed-whackers, perhaps. But not convicts. There are no chains, no handcuffs, no black-and-white striped jumpsuits. Just a handful of suntanned men wearing gray-and-orange uniforms.

But take a closer look, and you'll see the tell-tale signs that these aren't your normal grass cutters -- the faded gang tattoos, the jail-issued plastic ID bracelets, the armed sheriff's deputy patrolling nearby. Still, confusion is inevitable.

"We get a lot of people asking us for business cards, and we have to point to our sheriff's office logo and say, 'Sorry,' " said Sheriff's Deputy Michael Pence, as he watched a handful of inmates mow grass on a recent Friday near a county office building in McLean.

The inmates assigned to the 40-person crew on the Fairfax County Jail's Community Labor Force take care of lawns, pick up trash and paint over graffiti at roughly 50 county facilities, 300 bus shelters and nearly a dozen

park-and-ride Metro stations.

The roadside chain gangs of the early 20th century, known through Sam Cooke's song and images of shackled, segregated work crews in the South, fell out of favor in the 1930s. But many local governments and states, including Maryland and Virginia, employ inmates to work in a host of money-earning public and private services. About 2,000 inmates in Maryland make everything from furniture and license plates to food products, and Virginia prison crews maintain rural highways through a contract. Revenue made through the program helps offset what it costs to feed inmates.

But over the past two years, Fairfax's quickly expanding program has taken on a new role: that of an unofficial

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26

The Washington Post

Fairfax chain gangs fill gaps for cash-strapped DOT

complement to the cash-strapped Virginia Department of Transportation. County officials, facing an increasing number of phone calls from constituents upset about overgrown highway medians and poorly kept roads, have tasked the sheriff's office with a new variety of jobs.

The Great Depression forced many governments to turn over road construction projects to the rising number of jobless, said Alex Lichtenstein, an associate professor of history at Florida International University and author of "Twice the Work of Free Labor," which chronicles the history of prison labor in the South. "It's interesting to see the trend reversing," he said.

Nearly half of Fairfax's landscaping contracts go to the jail program. In fairly visible portions of Baileys Crossroads and downtown McLean, groups of about six inmates are noticeable enough to warrant the occasional honk from motorists and "thank-you"s from passersby.

During the February snowstorms, many parents saw the inmates working to remove several feet of snow from school sidewalks and offered their thanks by delivering coffee and doughnuts.

"It makes you feel good, like you're doing something positive," said Howard Fritts, 43, who was released this month after serving five months in the Fairfax jail for

a parole violation stemming from a bad-check conviction in 2003.

Fritts, who is from Purcellville, said the tangible benefits don't hurt, either. Aside from getting a month off his sentence, he wrote a 50-page business plan for a new interior design company while in jail -- an idea he dreamed up while working outside -- after meeting a white-collar criminal in a nearby cell.

"It doesn't pay, but you could say it pays in other ways," Fritts said. Inmates who have met each other through the program have also been known to form informal networks after their release.

For every 30 days of work, participating county inmates get five days off their sentences. Those selected for the program are all volunteers, and inmates are screened to avoid putting any violent offenders back on the streets.

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27