



**DEPARTMENT OF PUBLIC SAFETY AND
CORRECTIONAL SERVICES**

DIVISION OF CORRECTION

PRERELEASE OPPORTUNITIES

AUGUST 15, 2021

Governor Larry Hogan
Lt. Governor Boyd K. Rutherford
Secretary Robert L. Green

INTRODUCTION

The budget committees are concerned that the State no longer provides adequate prerelease opportunities due to the decision to close the Southern Maryland Pre-Release Unit (SMPRU) and the Eastern Pre-Release Unit (EPRU) at the end of fiscal 2021. The budget committees request a report due August 15, 2021, on the Department's prerelease program. The report should summarize the decision to close SMPRU and EPRU and identify the one-time and recurring budgetary savings associated with the closure. The report should also summarize any prerelease opportunities that will remain in place as well as the strategy of the department overall to deliver reentry and work release services.

OVERVIEW

The Department of Public Safety and Correctional Services (Department) oversees all aspects of supervision for sentenced inmates in the State prison system. The Division of Correction (DOC) operates 15 correctional facilities for individuals sentenced to serve a period of incarceration of over 18 months.

A goal of the Department is to prepare inmates for an eventual return to the community. Resources to assist with this include education and vocational training, prerelease, and re-entry programming. Programming begins with assessments that are conducted upon intake into the DOC. These assessments include:

- medical, mental health, and substance use disorder needs;
- level of education;
- risk and needs; and,
- security level.

Inmates are housed in accordance with their security level, as outlined in the Code of Maryland Regulations (COMAR) section 12.02.08.02. As stipulated in COMAR, inmates can be housed in facilities with higher security classifications, but generally cannot be housed in a facility that has a lower classification than the inmate's security classification. For example, an inmate who has been classified as medium security cannot be housed in a minimum security facility. There are five primary security levels: (1) super maximum; (2) maximum; (3) medium; (4) minimum; and (5) prerelease. Prerelease is the lowest security level. Prerelease facilities have the fewest security features. This security level is for inmates who present the least risk of violence or escape and have established an excellent record of acceptable behavior. Prerelease inmates may have access to the community for work release, special leave, compassionate leave, and family leave. In addition to an inmate's security level, the physical configuration of an institution and degree of staff supervision are used in determining the facilities in which inmates are housed.

In accordance with COMAR 12.02.24.02, case management is required to, among other things, classify the inmate to a security level, change the inmate's security level, and determine the propriety for transfer between facilities. Case management procedures for assessing an inmate are prescribed in COMAR 12.02.24.04 and include consideration of the security risk of the inmate, criminal history, nature and circumstances of the inmate's current offense, substance abuse assessment, medical evaluation, work and skill training

history, educational data, and other information including psychological assessments or evaluations.

As stated previously, assessments are an important part of the process for programming within the DOC and preparation for an eventual return to the community. The classification process begins when an inmate enters the DOC and continues throughout the inmate's incarceration until release. Both male and female inmates are classified using a security classification instrument. This is a score-based instrument that applies a numerical value to different dynamic factors including time remaining to serve, number of and severity of infractions, time since last infraction, job performance evaluations, history of substance abuse, and positive program participation. The case management specialists conduct assessments for population assignments and security level every 90 days. An inmate's case management specialist will ensure an inmate's timely reclassification. At reclassification, an inmate's security assessment will be re-scored.

Case management staff also screen inmates for prerelease eligibility. When an inmate is deemed eligible for prerelease, case management staff initiate a review and approval process in accordance with procedures prescribed in COMAR 12.02.07 and Departmental policy. Specific eligibility and placement criteria for the Home Detention program can be found in COMAR 12.02.26. Eligibility criteria for work release can be found in COMAR 12.02.12. The statutes governing placement in a Local Re-entry Program are found in Correctional Services Article §§ 9-304 and 9-615.

To assist with preparing the inmates for additional opportunities within the DOC and for re-entry purposes, the Department of Labor provides educational and vocational services to the incarcerated men and women, enabling them to become independent and productive workers, citizens, and parents. For those individuals who do not have a high school diploma, GED courses are offered. After obtaining a GED, students may enroll in a variety of occupational and transitional programs. Prior to release, most inmates are able to enroll in transitional or workforce development courses, including financial literacy, entrepreneurship, employment readiness, life skills, and success at work; among others. Occupational training programs include national certification, which prepares the inmate for entry level employment upon release in fields such as commercial roofing, automotive maintenance, auto body repair, commercial driver's license (CDL), among others. Additional information regarding correctional education, including the Correctional Education Council's Activity Reports for 2017 - 2020 may be found at <https://www.dllr.state.md.us/ce/>.

I. Existing State and local prerelease programming

A major goal of re-entry is to place the inmate within the community prior to their release. This placement allows the inmate the opportunity to begin acclimating to the community while still receiving services. The Department has four prerelease program categories dedicated solely to those who hold the prerelease security status.

1. Active work release.

Active work release is unsupervised community employment for inmates who are within 18 months of release. Inmates are employed by a private business, work a standard schedule, and are paid a regular wage. When not working, inmates are housed at their designated correctional facility. Fees are deducted from inmate wages to reimburse the State for the cost of room, board, and transportation, and may also go towards the payment of restitution. All prospective employers must undergo an investigation of their worksite to determine that the environment is suitable. All employers sign an agreement with the Department establishing general guidelines regarding expectations and supervision of the inmates in their employ. Employers must also provide workers compensation insurance.

2. Various community-based outside details.

Community-based details, either supervised or unsupervised, typically consists of community beautification or other civil improvement projects. Examples include landscaping, maintenance, and sanitation at State buildings and grounds, or highway cleanup projects. The Department's correctional officers may supervise some community-based details. Other community-based details may receive indirect supervision from employees of the agency where services are being provided. For example, State Highway Administration personnel, troopers with the Maryland State Police, or employees of municipal public works agencies indirectly supervise inmates who are working at their facilities.

3. Local re-entry programs, including Threshold, Inc.

Local re-entry programming includes the transfer of a prerelease inmate within 12 months of release to a local detention center located in the county in which the inmate intends to live after release. This allows the inmate a greater opportunity to connect with community services and resources available to them in their county of residence. The Department has local re-entry agreements with six county detention centers - Anne Arundel, Charles, Howard, Montgomery, Talbot, and Washington counties.

Threshold, Inc. is a private, nonprofit community adult rehabilitation center (halfway house) located in Baltimore City that provides prerelease and work release services, through a contract with the Department, to males who have been committed to the DOC. Threshold, Inc. primarily provides services to inmates who are Baltimore City residents; however, some inmates residing in the greater Baltimore metropolitan area may be accepted if they have ties to Baltimore City. Once deemed eligible, a prerelease inmate will be referred to the Threshold program staff for a suitability assessment. A prerelease inmate with a sentence of greater than three years may apply for acceptance when he is within six months of release. A prerelease inmate with a sentence of three years or less may apply for transfer at any time. Services provided include employment/work release, education, health awareness and medical services, and counseling for substance abuse.

4. Home detention.

If an inmate is within 18 months of release and is eligible for placement on home detention under §§ 3-404 and 3-405 of the Correctional Services Article, the inmate may be transferred to home detention. Home detention consists of the inmate residing in an approved home, with an approved sponsor, and adhering to an established home plan to complete the remainder of his/her sentence. The inmate is supervised by a home detention case manager as well as monitored by home detention enforcement, the individual is required to wear a GPS monitoring anklet and must comply with the home detention requirements.

Beginning in March 2020 and as the result of the COVID-19 pandemic, home detention was expanded statewide for all qualified inmates. With the expansion of home detention to statewide availability, inmates are being afforded the opportunity to create healthy family relationships, work within their community, and re-familiarize themselves with their community prior to release. The Department also waived the monitoring fees so inmates who participate in the home detention program do so free of charge.

The types of programs available vary by region and are impacted by the type of facilities in each region as well as the types of opportunities in each region. Below is a description of the various opportunities for prerelease by region.

Central Region

Qualified inmates preparing for release are given an opportunity to participate in work release as members of landscaping crews and via special assignments located within the community. Landscaping crews are scheduled daily to assist local jurisdictions, State agencies, and non-profit organizations with special projects. Additional work release opportunities include Maryland Correctional Enterprises (MCE) Headquarters, fast food restaurants, and a tele-marketing center. Outside details work with the State Highway Administration, Veteran's Administration, and the Department of Natural Resources.

Eastern Region

Work details include cleaning and painting local little league parks, set-up and clean-up for the Hebron Carnival, working at Perdue Farms, gleaning fruits and vegetables from farms for the Maryland Food Bank, assisting in the clean-up of the St. John's Church cemetery on Deal Island, and cleaning out ditches for the City of Crisfield. Prerelease inmates have been involved in a partnership with the City of Salisbury by supplying labor to the Salisbury Neighborhood Services to support the Governor's Grant for "Project Safe Streets."

Southern Region

On April 12, 2021, the Department continued its partnership with Farming for Hunger. The inmate labor crew performs unskilled and semi-skilled general labor (i.e. growing, maintaining, harvesting, processing, and shipping of produce, upkeep of grounds/facilities, and general labor, etc.). On May 4, 2021, the Department continued its

relationship with the Department of Natural Resource's seasonal oyster detail. The inmate crew's main task is to operate a shell washer. The Department also resumed its relationship with the Veterans Cemetery on June 14, 2021. The inmates assigned to this detail are honorably discharged veterans with a verified DD-214. Thanks to a unique partnership with the Maryland Department of Veterans Affairs, some of those minimum-security and pre-release inmates will earn paying jobs, working in the cemeteries, upon completion of their prison sentences.

Western Region

The Department provides housing and services for 19 inmate landscaping crews who are employed by both the State Highway Administration and the Washington County Roads Department. Additional work release opportunities include employment with local restaurants and private businesses.

II. The decision to close SMPRU and EPRU and identify the one-time and recurring budgetary savings associated with the closure

The Governor's fiscal year 2022 budget included the depopulation of the EPRU and SMPRU. The Department depopulated and sheltered EPRU and SMPRU prior to the end of fiscal year 2021. Table 1 lists the categories and identifiable annual and one-time savings achieved through the sheltering and depopulation of both SMPRU and EPRU that are assumed based on prior year spending trends. Categories of spending that comprise inmate variable expenses include inmate medical, inmate food, bedding, dietary supplies, janitorial and hygienic supplies, laundry services and supplies, urinalysis and inmate drug testing, and inmate wages. These variables are not factored into the projected savings as these costs will be reallocated and absorbed within the budgets of the facilities to which the inmate population and State employees were transferred.

Table 1 also indicates the largest projected savings to be achieved will result from transferring experienced certified correctional officers to vacancies within other facilities, which immediately decreases overtime costs through the increase in personnel. The \$5.2 million in overtime avoidance is based on eliminating overtime previously incurred at SMPRU and EPRU as well as the correlating projected reduction in overtime incurred at other facilities. The costs associated with other expenditure categories, such as basic utilities and general contractual services, were pro-rated to reflect the need to keep SMPRU and EPRU in a state of readiness for future needs. Overall, the Department projects savings to be approximately \$6.3 million annually as a result of the depopulation of these units and a one-time savings achieved by the discontinuation of maintenance projects.

Table 1 - Southern Maryland and Eastern Prerelease Units Projected Annual and One-Time Savings

Category	FY20 Actual	Savings (Annual/ One-time)	Projected Savings	Notes
Overtime	\$1,162,142	Annual	\$5,200,000	Overtime will no longer be required at these locations. Transferred staff will

				increase staffing at other facilities and decrease overtime costs.
Communications	\$43,437	Annual	\$43,400	Phones, cell phones, postage machine
Travel	\$2,241	Annual	\$2,200	
Utilities	\$264,171	Annual	\$237,700	Electric and water. Assumes a 90% savings in future years.
Contract services	\$165,799	Annual	\$157,509	Excludes inmate medical, trash, laundry, and drug testing allocated to other facilities. Assumes a 95% savings in future years.
Supplies	\$302,943	Annual	\$287,796	Excludes bedding, dietary supplies, janitorial/hygienic supplies, laundry supplies, inmate clothing, and inmate food reallocated to other facilities. Assumes a 95% savings in future years.
Equipment replacement	\$73,329	Annual	\$60,000	Equipment purchases are one time but multiple items are purchased annually to replace broken equipment.
Equipment additional	\$27,220	One-time	\$0	No planned additional equipment.
Maintenance projects	\$0	One-time	\$356,000	Detention door replacement, food service, hot water generator replacement, remove and replace floor tile, and remove underground fuel storage tank and replace with above ground tank. Planned projects that were stopped.
Total Projected Savings \$6,344,605 (includes Projected Annual \$5,988,605 and One-time \$356,000)				

Due to the depopulation of SMPRU and EPRU, inmates have been housed at one of the Department's other minimum/prerelease security level prisons. They are still able to give back to the community and learn valuable skills and training, allowing them to be productive returning citizens. The closure of SMPRU and EPRU will not diminish the Department's provision of re-entry services in other areas across its system. The Department continues to focus on creating an environment that is a bridge connecting returning inmates to their communities with sustainable services.

III. Prerelease opportunities that will remain in place as well as the strategy of the Department overall to deliver re-entry and work release services

Throughout the COVID-19 pandemic, the Department worked to adhere to the guidelines from the Center for Disease Control (CDC), the Maryland Department of Health (MDH), and the DPSCS' Occupational Health and Safety Office to update DPSCS' health care protocols consistent with best practices. With the continued drop in COVID-19 cases in the DOC and the increase of vaccine availability throughout the facilities; the Department's leadership, working collaboratively with DOC personnel, continues to reimagine operations and is carefully reopening to ensure the safety and wellness of everyone who lives and works in the DOC.

Throughout the COVID-19 pandemic, the Social Work and Re-entry Services Unit continued to provide comprehensive services to the prerelease population through its multidisciplinary approach within the DOC facilities. Members of the Social Work and Re-

entry Services Unit ensure that the population is provided comprehensive release planning services that address the special needs of the population returning to the community, cognitive-behavioral group treatment to the entire inmate population, and short-term, solution-focused individual counseling services. Release planning services include but are not limited to:

- Cognitive-Behavioral Group Treatment;
- Justice Reinvestment Act approved social work groups; and
- Individualized treatment services.

The Re-entry and Transition Services Unit is responsible for the coordinated development and implementation of programs and services to prepare inmates for a successful return home after incarceration. This unit strategically identifies resources and services to eliminate barriers to the transition process and re-entry into the community. Effective community engagement promotes program and service planning, development, coordination, and service delivery. In April 2021, the Re-entry and Transition Specialists returned to the facilities, working in a regional capacity, to ensure that returning citizens receive the full spectrum of services to prepare them for release. The release preparation/planning process includes:

- Re-entry planning meetings;
- Assessment;
- Workshop and training scheduling;
- Group re-entry meetings with internal and external partners;
- Creation of individualized re-entry plans;
- Community-based programming coordination and referrals; and
- Aftercare

The goal is to continue to work closely with the Public Safety Works, Work Release, MCE, prerelease facilities, pre-trial, and other departments to ensure that the Department continues to foster proper re-entry from inception to release.