


PS COMMITTEE #1
May 1, 2019

Worksession

MEMORANDUM

April 29, 2019

TO: Public Safety Committee

FROM: Susan J. Farag, Legislative Analyst 

SUBJECT: **Worksession: FY20 Operating Budget
Department of Correction and Rehabilitation**

PURPOSE: Vote on recommendations for Council.

Those expected to attend this worksession include:

Robert Green, Director, Department of Correction and Rehabilitation (DOCR)
Angela Talley, Chief, Community Corrections
Suzy Malagari, Warden
Kaye Beckley, Chief, Management Services Division
Rachel Silberman, Office of Management and Budget (OMB)

Budget Summary:

- Several structural budget deficiencies have been addressed, including an additional \$1.2 million to reduce lapse, \$430,000 for medical expenses, \$300,000 for food expenses, and \$98,000 for electronic monitoring expenses.
- The American Job Center vacancies that provide specialized employment services to ex-offenders remain vacant and unfunded.

Overview

For FY20, the Executive recommends total expenditures of \$70,774,509, an increase of \$4,495,691 or 6.8% percent from the FY20 Approved Budget.

	FY18 <i>Actual</i>	FY19 <i>Approved</i>	FY20 <i>Recommended</i>	% Change <i>FY19-20</i>
<i>Expenditures by fund</i>				
General Funds	\$67,923,903	\$66,278,818	\$70,774,509	6.8%
Grant Funds	\$0	\$0	\$0	0.0%
TOTAL Expenditures	\$67,923,903	\$66,278,818	\$70,774,509	6.8%
<i>Positions:</i>				
Full-time	538	538	535	-0.6%
Part-time	0	0	0	-
TOTAL Positions	538	538	535	-0.6%
TOTAL FTEs	537.82	537.82	535.57	-0.4%

The FY20 County Executive recommendation is a net increase of \$4,495,691 or 6.8%. This increase comes from three changes with a service impact – eliminated a Maintenance Officer and a Supply Officer, reducing security staffing from two to one officers at Pre-Trial Services, and from the following identified same service adjustments:

<i>Identified Same Service Adjustments</i>	
Increase Cost: FY20 Compensation Adjustment	\$2,053,438
Restore: One-Time Lapse to Address Structural Budget Deficiencies	\$1,200,000
Increase Cost: Annualization of FY19 Personnel Costs	\$835,220
Increase Cost: Adjust Budget for Medical Expenses to Address Structural Budget Deficiencies	\$430,000
Increase Cost: Adjust Budget for Food to Address Structural Budget Deficiencies	\$300,000
Increase Cost: Substance Abuse Testing Kits	\$135,139
Increase Cost: Fund TB Nurse Previously Funded by a Grant	\$102,000
Increase Cost: Adjust Budget for Electronic Monitoring to Address Structural Deficiencies	\$98,000
Increase Cost: Drug Testing (Pre-Trial)	\$75,000
Increase Motor Pool Adjustment	\$20,353
Total Increases:	\$5,249,150
Decrease Cost: Library Costs that can be absorbed by Inmate Special Revenue Fund	(\$15,800)
Decrease Cost: Elimination of One-Time Items Approved in FY19	(\$75,000)
Decrease Cost: Pharmacy Reduction to Reflect a Change in How Medication is Administered	(\$169,453)
Decrease Cost: Retirement Adjustment	(\$252,527)
Total Decreases:	(\$512,780)
NET SAME SERVICES ADJUSTMENT TOTAL:	\$4,736,370

FY20 Expenditure Issues

Staffing Issues

The FY20 recommended budget includes 535 full-time positions, which is a reduction of three positions from last year's approved personnel complement. DOCR experienced deep staffing cuts during the recession (FY10 and FY11), which it lost approximately 50 positions. In FY09, staff totaled 562 full-time positions and six part-time positions. After several Council-initiated restorations in FY13 and FY14, staffing increased incrementally to its current approved complement, although this is still well below pre-recession levels.

While approved staffing has increased, DOCR has been required to take significant *additional* lapse over the past several years to meet ongoing budget constraints. In FY18, expenditures were reduced by \$1,278,398 to reflect increased lapse. In FY19, expenditures were reduced by another \$1,176,956 to reflect increased lapse.

Reduce FY20 Lapse (\$1,200,000)

The FY20 recommended budget increases funding by \$1.2 million to help reduce lapse in the Department. The following chart illustrates total lapse over the past several fiscal years.

Fiscal Year	Total DOCR Lapse
FY17	\$619,987
FY18 (\$500,000 is from Savings Plan)	\$2,581,117
FY19	\$2,646,087
FY20 Recommended	\$1,446,087

Abolish Maintenance Officer Position (-\$76,893)

The Executive advises that the Department of General Services (DGS) will assume this work through a standard work order process. Eliminating this position will allow DOCR to place all correctional officers in security posts to support minimum staffing patterns. A security escort of contracts will be provided on an as-needed overtime basis.

Abolish Supply Officer Position (-\$76,893)

The Executive advises that DOCR has two Supply Officers. DOCR will eliminate one position and shift the hours of the remaining Supply Officer to cover peak demand from 11am-7pm. Most of the supply and inmate property functions can be completed during these hours.

Reduce Security Staff at Pre-Trial Services from Two to One Officer (-86,893)

Security at Pre-Trial Services was a concern in FY14 and FY15. Council added one additional Correctional Officer for security at the location. DOCR advises that at the end of FY16, the relocation of the Pre-Trial Services Division moved from Ardennes Avenue to the Nebel Street location. This move combined Pre-Trial and Pre-Release and Reentry Services into one Community Corrections Division. This provides a single point of entry into the facility with secure external doors and a secure lobby area. It also includes new lockers for guests' property and a metal detector. DOCR can provide security with a single officer and will backfill that officer's absences and scheduled leave with overtime as necessary.

Tuberculosis Nurse (\$102,00)

Historically, the Department of Health and Human Services (HHS) provided a TB Control Nurse for the Montgomery County Correctional Facility (MCCF). The State grant for TB Control was significantly reduced in FY19 resulting in HHS losing two TB nurse positions. The recommended budget provides general funds for this position.

DOCR advises that Tuberculosis rates fluctuated over time in Montgomery County. The rates were consistently higher than both Maryland and the US as a whole. The TB Control Program in the County started to report latent TB cases to the State for surveillance as of July 2018. Of these latent cases, 10% are estimated to become active cases. A jail population is a confined group where exposure can multiply quickly. Conducting TB testing in correctional facilities is a national correctional standard to address infectious disease control.

WorkSource Montgomery (WSM) and American Job Centers (AJC)

Please note that the joint Planning, Housing, and Economic Development, and Education and Culture Committee is tentatively scheduled to meet at 9:30 am on May 1 to discuss the entire WorkSource Montgomery operations. Council staff will provide this Committee with any updates that impact DOCR operations.

American Job Centers are community-based facilities established by the federal Workforce Investment Act and reauthorized by the Workforce Innovation and Opportunities Act of 2014. They offer training, career counseling, and other employment-related services. Currently there are two facility-based AJCs in Montgomery County – Wheaton and Germantown. There is also a satellite AJC within MCCF. This AJC has been in place for 13 years, and began as a collaborative partnership among DOCR, the former Montgomery County Department of Economic Development, and Workforce Solutions Group of Montgomery County, Inc. The current workforce development corporation for the County is WorkSource Montgomery. DOCR has provided an in-depth description of AJCs, the Welcome Home Program, historical funding and staffing, and current needs on ©13-19.

The AJC within the jail provides inmates with employment assistance including job readiness and job search workshops, online job resources including Maryland Workforce Exchange, and computer skills training.

Ideally, the satellite AJC is where services begin. Once an ex-offender is released, these services should continue at the two community-based AJCs in Wheaton and Germantown. DOCR advises that there is currently no continuity of services beyond basic referral. In the past, there were two part-time positions that provided this continuity of services upon release through the Welcome Home Program.

DOCR states that a driving principle of the County's jail-based AJC is the acknowledgement that ex-offenders have different needs than typical job seekers due to many more barriers to employment success. Specialist interventions are required for this population to compete on a level playing field among other job seekers. The program design, staff training, and physical layout of the center are all key factors that contribute to the effectiveness of the center.

Current AJC Staffing within MCCF: There are two contractual FTE staff working within MCCF to provide employment training and assistance. This includes one Program Coordinator and one Program Specialist. These staff are certified Offender Workforce Development Specialists and Offender Employment Retention Specialists. Historically, there had also been a part-time Administrative Support Staff position. This position has remained vacant since a staffing transition in 2017.

Related Staffing at Community-Based AJCs: Since 2017, two part-time positions that supported ex-offender transition from the jail to the community have remained unfilled. These two positions are critical to the Welcome Home Program.

FY20 Recommended Budget: The operating budget includes the same level as last year -- \$80,000 in general funds and \$50,000 “reallocated from within the WorkSource Montgomery budget” to replace State grant funds that do not continue into FY20.

In preparation for budget discussions, Committee Chair Katz asked the County Attorney whether federal Workforce Innovation and Opportunity Act (WIOA) funds could be used to support American Job Center activities and staff within a correctional facility, specifically MCCF. Mr. Hansen’s memorandum is attached at ©22-25. In summary, Mr. Hansen advises that:

“...the local Workforce Development Board and the County Executive have the discretion to allocate federal funds where they are most useful. Federal WIOA funding can be used for programs and services specifically identified in the Act and can also be used to fund programs and activities identified by the Governor in a State plan. Ex-offenders within correctional facilities are individuals identified by the Governor of Maryland as a population in need of WIOA services.”

Council staff advises that funding and staffing have been an issue for the past two years, impacting the continuity of services provided to ex-offenders. When ex-offenders obtain and keep a job, they are less likely to reoffend. The historical model provided a transition of ex-offenders from the AJC in the jail to the AJC in the community, where staff in the AJCs had specialized training to assist ex-offenders in their unique job search needs. According to prior conversations with WorkSource Montgomery, the two community positions lost funding when the Department of Economic Development was privatized.

One potential source of funding for all three vacant positions is WIOA funds. However, there has been a difference of opinion between the County and WSM as to whether federal WIOA funds can be used for jail-based services and staff. In addition, WSM has labeled the jail-based AJC as Helping Individuals Reach Employment (or H.I.R.E) Center, rather than a satellite-AJC, as it had traditionally been classified.

Council staff is concerned that the County’s current worksource development corporation is not continuing the County vision of providing effective, wrap-around employment services to ex-offenders. In order to do this effectively, the program needs to fill 1.5 FTEs, including the vacant administrative support staff position in MCCF, and the two vacant part-time positions that supported ex-offender transition in the community-based AJCs.

The Committee may wish to ask the following questions:

- How much would it cost to fund all three vacant part-time positions?
- What is WSM's current plan to fund ex-offender related positions, both in the jail and at the two community-based AJCs?
- Now that the County Attorney has stated WIOA funds can be used to fund these positions, does the Executive plan to contractually require WSM to do this?
- Why has the MCCF AJC been designated as a H.I.R.E Center by WSM?
- How much does it cost to fund the two half-time positions in the community-based AJCs?

Council staff advises that one way to provide funding for these positions is to add it to the DOCR budget, and then let payments be invoiced. Council staff recommends addressing the staffing vacancies if the Executive's FY20 contract with WSM does not. These services are a critical component to keeping recidivism rates low.

Other Structural Budget Deficiencies

Adjust Medical Expenses Budget (\$430,000): DOCR provides Constitutional-level of medical care to inmates. The Department continues to experience significant growth in acuity across both the medical and mental health care areas. This has led to the increases in outside physician consultations, pharmaceutical costs, various treatments, and supplies. It has also required increased clinical hours from a contractual physician or nurse practitioner to supplement regular services.

Adjust Food Budget (\$300,000): DOCR has three full-service kitchen facilities serving 2,200 inmate and resident meals each day. It also serves correctional officers. While DOCR actively works to purchase food at the best prices possible, it adheres to certain nutritional guidelines, including the Child Nutrition Program. DOCR advises that while the CPI for certain foods has increased over 30% in the past 10 years, DOCR's food budget has not kept pace.

Electronic Monitoring (\$98,000): DOCR uses electronic monitoring in both pre-trial and pre-release programs as a measure of additional accountability and community safety. DOCR currently has 768 individuals in pre-trial supervision, of which 10-12% receive electronic monitoring. This includes GPS location, FR curfew monitoring equipment, transdermal monitoring equipment, and Soberlink. The total budget for this item in FY20 is \$367,400. The additional \$98,000 better aligns expenditures with program use.

Substance Abuse Testing Kits (\$135,139)

In FY19, funds supporting substance abuse testing kits were shifted from the General Fund to the Drug Enforcement Forfeiture Fund as a one-time action. The FY20 Recommended Operating Budget shifts it back to the General Fund.

Pre-Release and Reentry Services completes over 14,000 drug tests per year, with Pre-Trial Supervision and the Intervention Program for Substance Abusers (IPSA) completing over 15,000 drug tests per year. In response to the ongoing opioid crisis, Fentanyl testing was implemented in December for the Pre-Trial programs, PRRS, and Drug Court participants residing in PRRS. The programs use multi-drug tests that are more expensive than single drugs tests. Costs for these multi-drug tests range from \$2.00 to \$3.60 per kit. In addition, alcohol test costs average \$10 per test, and synthetic drug testing (K2/Spice) costs \$35 per test kit.

Reduced Library Costs (-\$15,800)

DOCR manages an Inmate Advisory Council Fund for inmates. This fund originates from profits from Inmate Commissary purchases. The profits from the purchases are required to be held in trust by the County to benefit the inmates. Expenditures from the account must be approved by the Inmate Advisory Council and the Deputy Warden of Inmate Services. This budget change shifts a portion of library costs to the Council Fund. This fund generates approximately \$180,000 per year, and the current balance is \$472,511.

Changes in Medication Administration (-\$169,453)

DOCR has worked with its contracted pharmacy to move from the single administration dosing for HIV to a multiple dosing regimen. This is consistent with U.S. Department of Health and Human Services guidelines for HIV therapy. This significantly reduces the cost of the medication protocol.

Council Staff Recommendation

Council staff recommends addressing American Job Center vacancies to ensure a continuity of services. Council staff recommends approval of the rest of the budget as submitted by the Executive.

This packet contains

DOCR Recommended FY20 Operating Budget	© 1-8
DOCR Responses	9-21
County Attorney Letter regarding federal WIOA Funding	22-25



Correction and Rehabilitation

RECOMMENDED FY20 BUDGET
\$70,774,509

FULL TIME EQUIVALENTS
535.57

✱ **ROBERT GREEN, DIRECTOR**

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 operation of well-managed and effective correctional programs, including: the use of pre-trial supervision; secure incarceration; community treatment; reintegration programs; highly accountable security methods and procedures in each operating unit and program; and effective, progressive administration and management oversight.

BUDGET OVERVIEW

The total recommended FY20 Operating Budget for the Department of Correction and Rehabilitation is \$70,774,509, an increase of \$4,495,691 or 6.78 percent from the FY19 Approved Budget of \$66,278,818. Personnel Costs comprise 89.83 percent of the budget for 535 full-time position(s) and no part-time position(s), and a total of 535.57 FTEs. Total FTEs may include seasonal or temporary positions and may also reflect workforce charged to or from other departments or funds. Operating Expenses account for the remaining 10.17 percent of the FY20 budget.

COUNTY PRIORITY OUTCOMES

While this program area supports all seven of the County Executive's Priority Outcomes, the following is emphasized:

❖ **Safe Neighborhoods**

DEPARTMENT PERFORMANCE MEASURES

Performance measures for this department are included below (where applicable), with multi-program measures displayed at the front of this section and program-specific measures shown with the relevant program. The FY19 estimates reflect funding based on the FY19 Approved Budget. The FY20 and FY21 figures are performance targets based on the FY20 Recommended Budget and funding for comparable service levels in FY21.

Measure	Actual FY17	Actual FY18	Estimated FY19	Target FY20	Target FY21
Multi-Program Measures					
Zero tolerance security incidents - Number of inappropriate releases of an inmate	1	4	0	0	0
Zero tolerance security incidents - Number of inappropriate inmate releases remedied	1	4	0	0	0
Zero tolerance security incidents - Number of inmate suicides	0	0	2	0	0

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Measure	Actual	Actual	Estimated	Target	Target
	FY17	FY18	FY19	FY20	FY21
Zero tolerance security incidents - Number of substantiated sexual misconduct or Prison Rape Elimination Act (PREA) incidents	4	4	0	0	0

INITIATIVES

- ★ Continue developing Departmental data dashboards to produce timely and accessible critical information for the purpose of improved monitoring and analysis of operational issues, tracking outcomes, creating priorities, and making substantive decisions.
- ★ Customized a new training initiative for staff succession planning and training, "Leadership Beyond the Bars."
- ★ Development of a separate WiFi network for the expansion of secure inmate education and training.
- ★ Continue Phase III of ADA remediation upgrades to Pre-Release Center housing units, medical unit and other accessible upgrades.
- ★ Planning for the Pre-Release Center Refresh Project (Completion Date-Winter 2019).
- ★ Construction of the Pre-Release Center Dietary Kitchen Project (Underway-Completion Summer 2019).

ACCOMPLISHMENTS

- ☑ Rebranded and rededicated the Model Learning Center, DOCR's education program with Montgomery College and Montgomery County Public Schools.
- ☑ Received the Maryland Commission on Correctional Standards Recognition of Achievement Award for 100% compliance with standards for Community Corrections Facility (March 2018).
- ☑ Continued utilization and expansion of tablet learning technology for inmate education and resources, receiving the National Association of Counties Award for "Reentry Tablet Program" at Montgomery County Correctional Facility.
- ☑ Total upgrade and configuration of Central Control at the Montgomery County Correctional Facility.
- ☑ Pre-Release and Reentry Services completed the Prison Rape Elimination Act (PREA) audit inspection (March 2018).
- ☑ Established on-site Temporary Cash Assistance (TCA) eligibility screenings and healthcare enrollments for Pre-Release and Reentry Services' participants.
- ☑ Pre-Release Center facility roof replacement.

INNOVATIONS AND PRODUCTIVITY IMPROVEMENTS

- ✦ Initial rollout of the DOCR Jail Management System (JMS) in collaboration with the Department of Technology Services. This is a major information technology system which improves efficiencies of operations throughout our department. This is a County-driven platform. Recently implemented modules meet the requirements for diminution and restitution changes required by the Maryland Justice Reinvestment Act.
- ✦ Implementation of the TeleStaff system for electronic schedule management and staff deployment, creating enhanced utilization review of human resources.

- ☀ Completed the microgrid installation at the Montgomery County Correctional Facility which interfaces with the large solar project previously completed. Solar and other advanced energy technologies on County facilities provide energy independence, environmental protection, and cost savings. The project received State and National accolades.
- ☀ DOCR Internet and Intranet sites updated to provide important information to County employees, as well as providing transparent and reliable information about our operations to citizens.
- ☀ Completed energy saving ESCO upgrades at the Pre-Release Center, a 144-bed community correctional facility.

PROGRAM CONTACTS

Contact Kaye Beckley of the Department of Correction and Rehabilitation at 240.773.9908 or Rachel Silberman of the Office of Management and Budget at 240.777.2770 for more information regarding this department's operating budget.

PROGRAM DESCRIPTIONS

☀ Management Services Division

Management Services Division serves an advisory function to DOCR and implements performance accountability programs and general management practices. The Division is comprised of Human Resources, Background Investigations and Training, Budget, Procurement, Employee Health, Welfare and Safety, Fiscal Management, Information Technology, Capital Improvement Projects (CIP), and Special Projects.

FY20 Recommended Changes	Expenditures	FTEs
FY19 Approved	3,410,048	25.00
Multi-program adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting multiple programs.	190,225	(1.00)
FY20 Recommended	3,600,273	24.00

☀ Director's Office

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

Program Performance Measures	Actual FY17	Actual FY18	Estimated FY19	Target FY20	Target FY21
Accreditation standards met from the Maryland Commission on Correctional Standards and the American Correctional Association	100%	100%	100%	100%	100%

FY20 Recommended Changes	Expenditures	FTEs
FY19 Approved	902,119	6.00
Multi-program adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting multiple programs.	25,234	0.00
FY20 Recommended	927,353	6.00

☼ 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 program primarily serves inmates who are within one year of release and who are sentenced to DOCR. In addition, the program also provides re-entry services to Federal and State sentenced inmates and Federal probationers who are within one year of release and who are returning to Montgomery County and the greater Washington Metro area upon release.

The residential program, located at the 144-bed Pre-Release Center in Rockville, has a capacity to serve individuals who live within the Center's one female and three male housing units. The non-residential Home Confinement program allows 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.

Program Performance Measures	Actual FY17	Actual FY18	Estimated FY19	Target FY20	Target FY21
Security incidents - Number of residents absconded from Community Corrections custody	6	4	0	0	0
Security incidents - Number of residents absconded from custody returned to Community Corrections	6	4	0	0	0
Percentage of offenders from Pre-Release and Re-Entry Services employed at time served	72%	77%	75%	75%	75%

FY20 Recommended Changes	Expenditures	FTEs
FY19 Approved	6,435,551	56.18
Multi-program adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting multiple programs.	184,846	(1.00)
FY20 Recommended	6,620,397	55.18

☼ Pre-Trial Services

The Pre-Trial Services (PTS) Division is responsible for assessing newly arrested defendants for the possibility of release from incarceration while awaiting trial and for follow-through while 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 Program for Substance Abusers (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. Advanced technology such as GPS tracking and Radio Frequency Curfew equipment are used to monitor offenders' movements in the community. Drug testing is also performed. Violations of release conditions are immediately reported to the Court for possible re-incarceration.

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. Community service, drug education, and treatment are core functions of these programs. There is an administrative fee with these programs.

Program Performance Measures	Actual FY17	Actual FY18	Estimated FY19	Target FY20	Target FY21
Court appearance rate while under supervision	95.6%	95.3%	95.7%	95.7%	95.7%

FY20 Recommended Changes	Expenditures	FTEs
FY19 Approved	4,380,260	39.00
Increase Cost: Adjust Budget for Electronic Monitoring to Address Structural Budget Deficiencies	98,000	0.00
Increase Cost: Drug Testing	75,000	0.00
Reduce: Security Staffing at Pre-Trial Services from 2 to 1 Officers	(86,893)	(1.00)
Multi-program adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting multiple programs.	650,562	1.00
FY20 Recommended	5,116,929	39.00

☀ **Detention Services**

Under the supervision of the Warden, 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.

MCDC is responsible for the intake, reception, and diagnostic functions of the Department including law enforcement processing of adult male and female offenders arrested in Montgomery County. The facility has the capacity to accommodate approximately 200 inmates. Over 12,000 offenders annually arrive at MCDC's Central Processing Unit (CPU) for arrest processing.

MCDC 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 MCDC, bond hearings are conducted by the Maryland District Court Commissioners. They also determine eligibility of offenders for legal representation by the Public Defender Office.

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

Program Performance Measures	Actual FY17	Actual FY18	Estimated FY19	Target FY20	Target FY21
Zero Tolerance security incidents - Number of jail escapes	0	0	0	0	0
Self-growth and development programs - Percent of inmates at the Montgomery County Correctional Facility (MCCF) participating in programs	70%	77%	73%	73%	73%

FY20 Recommended Changes	Expenditures	FTEs
FY19 Approved	51,150,840	411.64
Increase Cost: Adjust Budget for Medical Expenses to Address Structural Budget Deficiencies	430,000	0.00
Increase Cost: Adjust Budget for Food to Address Structural Budget Deficiencies	300,000	0.00
Increase Cost: Fund TB Nurse Previously Funded by a Grant	102,000	0.75
Decrease Cost: Library Costs that can be Absorbed by Inmate Special Revenue Fund	(15,800)	0.00
Reduce: Eliminate Maintenance Officer	(76,893)	(1.00)
Reduce: Eliminate Supply Officer	(76,893)	(1.00)
Multi-program adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting multiple programs.	2,696,303	1.00
FY20 Recommended	54,509,557	411.39

BUDGET SUMMARY

	Actual FY18	Budget FY19	Estimate FY19	Recommended FY20	%Chg Bud/Rec
COUNTY GENERAL FUND					
EXPENDITURES					
Salaries and Wages	45,891,660	44,883,610	47,218,131	48,010,779	7.0 %
Employee Benefits	14,464,906	14,994,299	14,614,848	15,564,582	3.8 %
County General Fund Personnel Costs	60,356,566	59,877,909	61,832,979	63,575,361	6.2 %
Operating Expenses	7,542,347	6,400,909	7,614,570	7,199,148	12.5 %
Capital Outlay	24,990	0	0	0	—
County General Fund Expenditures	67,923,903	66,278,818	69,447,549	70,774,509	6.8 %
PERSONNEL					
Full-Time	538	538	538	535	-0.6 %
Part-Time	0	0	0	0	—
FTEs	537.82	537.82	537.82	535.57	-0.4 %
REVENUES					
Alternative Community Services	320,251	385,000	385,000	385,000	—
Care of Federal/State Prisoners	924,801	1,160,000	1,160,000	1,160,000	—
Home Confinement Fees	29,218	30,000	30,000	30,000	—
Illegal Alien Inmate Reimbursement	0	600,000	0	0	-100.0 %
Miscellaneous Revenues	1,130	0	566	0	—
Other Charges/Fees	49,535	75,100	75,100	75,100	—
Other Intergovernmental	145,846	120,000	120,000	120,000	—
Other Licenses and Permits	39	0	0	0	—
Substance Abusers Intervention Program (IPSA)	79,949	74,000	74,000	74,000	—
County General Fund Revenues	1,550,769	2,444,100	1,844,666	1,844,100	-24.5 %

(6)

FY20 RECOMMENDED CHANGES

COUNTY GENERAL FUND	Expenditures	FTEs
FY19 ORIGINAL APPROPRIATION	66,278,818	537.82
 <u>Changes (with service impacts)</u>		
Reduce: Eliminate Maintenance Officer [Detention Services]	(76,893)	(1.00)
Reduce: Eliminate Supply Officer [Detention Services]	(76,893)	(1.00)
Reduce: Security Staffing at Pre-Trial Services from 2 to 1 Officers [Pre-Trial Services]	(86,893)	(1.00)
 <u>Other Adjustments (with no service impacts)</u>		
Increase Cost: FY20 Compensation Adjustment	2,053,438	0.00
Restore: One-Time Lapse Increase to Address Structural Budget Deficiencies	1,200,000	0.00
Increase Cost: Annualization of FY19 Personnel Costs	835,220	0.00
Increase Cost: Adjust Budget for Medical Expenses to Address Structural Budget Deficiencies [Detention Services]	430,000	0.00
Increase Cost: Adjust Budget for Food to Address Structural Budget Deficiencies [Detention Services]	300,000	0.00
Increase Cost: Substance Abuse Testing Kits	135,139	0.00
Increase Cost: Fund TB Nurse Previously Funded by a Grant [Detention Services]	102,000	0.75
Increase Cost: Adjust Budget for Electronic Monitoring to Address Structural Budget Deficiencies [Pre-Trial Services]	98,000	0.00
Increase Cost: Drug Testing [Pre-Trial Services]	75,000	0.00
Increase Cost: Motor Pool Adjustment	20,353	0.00
Decrease Cost: Library Costs that can be Absorbed by Inmate Special Revenue Fund [Detention Services]	(15,800)	0.00
Decrease Cost: Elimination of One-Time Items Approved in FY19	(75,000)	0.00
Decrease Cost: Pharmacy Reduction to Reflect a Change in How Medication is Administered	(169,453)	0.00
Decrease Cost: Retirement Adjustment	(252,527)	0.00
FY20 RECOMMENDED	70,774,509	535.57

PROGRAM SUMMARY

Program Name	FY19 APPR Expenditures	FY19 APPR FTEs	FY20 REC Expenditures	FY20 REC FTEs
Management Services Division	3,410,048	25.00	3,600,273	24.00
Director's Office	902,119	6.00	927,353	6.00
Pre-Release and Re-entry Services	6,435,551	56.18	6,620,397	55.18
Pre-Trial Services	4,380,260	39.00	5,116,929	39.00
Detention Services	51,150,840	411.64	54,509,557	411.39
Total	66,278,818	537.82	70,774,509	535.57

CHARGES TO OTHER DEPARTMENTS

Charged Department	Charged Fund	FY19 Total\$	FY19 FTEs	FY20 Total\$	FY20 FTEs
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CHARGES TO OTHER DEPARTMENTS

Charged Department	Charged Fund	FY19 Total\$	FY19 FTES	FY20 Total\$	FY20 FTES
COUNTY GENERAL FUND					
General Services	General Fund	84,021	1.00	91,933	1.00
Fleet Management Services	Motor Pool	110,539	1.00	114,871	1.00
	Total	194,560	2.00	206,804	2.00

FUTURE FISCAL IMPACTS

CE RECOMMENDED (\$000S)

Title	FY20	FY21	FY22	FY23	FY24	FY25
COUNTY GENERAL FUND						
EXPENDITURES						
FY20 Recommended	70,775	70,775	70,775	70,775	70,775	70,775
No inflation or compensation change is included in outyear projections.						
Labor Contracts	0	668	668	668	668	668
These figures represent the estimated annualized cost of general wage adjustments, service increments, and other negotiated items.						
Subtotal Expenditures	70,775	71,443	71,443	71,443	71,443	71,443

DOCR – FY20 Operating Budget Questions

1. Please describe the elimination of the Maintenance Officer position. How will duties be distributed?

DGS will assume this work through the standard work order process. DOCR must place all correctional officers in security posts to support minimum staffing patters. Security escort of contractors will be assumed on an as needed overtime basis.

2. Please describe the elimination of the Supply Officer position. How will duties be distributed? DOCR has 2 Supply Officers working and overlapping schedules.

We will eliminate one position and shift the hours of the remaining Supply Officer to cover peak demand from 11am-7 pm. A majority of the supply and inmate property functions can be completed during these hours.

3. Please describe the Reduction of Security Staffing at Pre-Trial Services from two to one officer. Has this occurred because of the co-location of Pre-Trial Services and Pre-Release Services? Security and safety at Pre-Trial Services had been a concern in FY14 and FY15, and the Council added one additional correctional officer for security at Pre-Trial Services. Please describe the changes that make one officer unnecessary now, and provide a brief summary of the number of security incidents over the past three years.

At the time Council added the additional position, Pretrial had two separate entrances to the building. At the end of FY2016, DOCR moved the Pretrial Unit to the Pre-Release and Reentry Facility, creating the Community Corrections Division. This relocation created a single point of entry into the facility with secure external doors and a secure lobby area. We also installed lockers in the lobby area, with all guests having to clear a metal detector and cell phone detector prior to entering the facility. There is a Resident Supervisor's Post at the entrance which is also staffed 24/7. After examining the operations flow, we believe this can be accomplished with a single officer assigned to this post. We backfill that officer's absences and scheduled leave with overtime as necessary.

4. LAPSE: Please provide the total budgeted lapse for each of the past three years. How will the addition of \$1.2 million impact staffing?

<i>FY17</i>	<i>Lapse</i>	<i>\$619,987</i>
<i>FY18</i>	<i>Lapse</i>	<i>\$2,081,117</i>
	<i><u>FY18 Savings Plan</u></i>	<i><u>\$500,000</u></i>
	<i>Total</i>	<i>\$2,581,117</i>
<i>FY19</i>	<i>Lapse</i>	<i>\$2,646,087</i>

The \$1.2 million restoration from lapse will allow DOCR to hire positions, operate more efficiently, and help reduce overtime costs.

5. Please describe the ongoing structural deficit in the medical expenses budget and how the additional \$430,000 will address needs.

DOCR provides a constitutional level of medical care. We continue to experience a significant growth in acuity across both the medical and mental health care areas. This has resulted in increases in outside physician consults, pharmaceutical costs, treatments and supplies. The increase in acuity also requires increased clinical hours from a contract physician or Nurse Practitioner to supplement regular services in times of need.

6. Please describe the ongoing structural deficit in the food budget and how the additional \$300,000 will address needs.

DOCR currently operates three full-service kitchen facilities nearly 24/7 serving approximately 2,200 inmate and resident meals a day, in addition to serving correctional officers in Detention Services, as required by the Collective Bargaining Agreement.

The consumer price index for food commodities across some products has increased over 30% in the past 10 years. DOCR also has some purchasing provisions that require more wholesome foods and products to comply with the Child Nutrition Program. DOCR's budget has not kept pace. DOCR is actively working with Procurement to create purchasing opportunities and contracts to provide our system the best prices possible on commodities.

7. Please describe the \$135,139 for substance abuse testing kits. What is the total FY20 budgeted amount for this item?

The total FY20 budgeted amount for this item is \$135,139. Funds supporting substance abuse testing kits were shifted from the General Fund to the Drug Enforcement Forfeiture Fund as a one-time action in FY19. In FY20, this cost is shifted back to the General Fund.

Pre-Release and Reentry Services completes over 14,000 drug tests per year, with Pre-Trial Supervision and the Intervention Program for Substance Abusers completing over 15,000 drug tests per year. Drug testing is a key component of both Community Corrections programs and ensuring defendants of Pre-Trial programs and residents of Pre-Release Services are connected to drug and treatment services. Fentanyl testing was implemented by DOCR in December for Pre-Trial programs, Pre-Release and Reentry Services and Drug Court participants residing in PRRS, in response to the Opioid crisis. The programs utilize multi-drug tests that are more expensive than single drug tests and allow testing for multiple drugs. Costs for these multi-drug tests range from on average

\$2.00 - \$3.60 per test. In addition, alcohol test cost average \$10 per test and synthetic drug testing (K2/Spice) cost \$35 per test.

8. Please describe the funding of the TB nurse. How prevalent is TB in the jail population? What grant funded this position previously? Is it not renewable?

As published by Dr. Gayles the County Health Officer: Tuberculosis rates fluctuated over time in Montgomery County; the rates were consistently higher than Maryland and the U.S.. The TB Control Program in the county started to report latent TB cases to the state for surveillance as of July 2018 as mandated, of which 10% are estimated to become active TB cases. The jail population is a confined group where exposure can multiple quickly. It is a national correctional standard to conduct TB testing in correctional facilities as an element of infectious disease control.

Historically, DHS provided a TB control nurse for MCCF. The State grant for TB Control was significantly reduced in FY19 resulting in HHS losing 2 TB control nurse positions.

9. Please describe the structural budget deficit for Electronic Monitoring and how the \$98,000 will address needs. What is the overall budget for this item in FY20?

Electronic monitoring is utilized in both the pretrial and pre-release program as a measure of additional accountability and community safety. It is an essential part of the success of these community-based programs. DOCR has 768 individuals in community pretrial supervision of which 10-12 percent receive electronic monitoring. This may include GPS location, RF curfew monitoring equipment, transdermal monitoring equipment, and Soberlink.

The total budget for this item in FY20 is \$367,400. The \$98,000 additional funding in this area better aligns expenditures with program utilization.

10. Please describe the \$75,000 for drug testing.

This is connected to #7. \$75,000 was added in FY19 as one-time increase. The CE Recommended Budget continues this funding enhancement into FY20.

11. Please describe the reduced library costs. What is the total funding in the Inmate Special Revenue Fund, and how will the funding shift impact it?

DOCR manages an Inmate Advisory Council Fund for inmates. Monies in this fund originate from profits from Inmate Commissary purchases. The profit from purchases is derived from inmates and is required to be held in trust by the County to benefit the inmates. Expenditures from this account must be approved by the Inmate Advisory Council and the Deputy Warden of Inmate Services.

While not legally mandated, DOCR operates a full-service library branch of the Montgomery County Public Library system at MCCF to support educational programming and workforce efforts. However, some inmate library costs could be shifted to the Inmate Advisory Council Fund with approval of the Inmate Advisory Council.

The Inmate Advisory Council Fund generates approximately \$180,000 per year. The current balance is \$472,511.

12. Please describe the \$169,453 reduction due to a change in medication administration.

DOCR has worked with the contracted pharmacy to move from a single administration dosing for HIV to a multiple dosing regimen. According to our contract pharmacist, this is consistent with U.S. Department of Health and Human Services guidelines for HIV therapy. This will significantly reduce the cost of this medication protocol.

13. Please provide an update on the different types and amounts of fees charged for programs such as IPSA, and total revenues received (either to date for FY19 or projected for FY20).

FY19 YTD – Total Revenues

IPSA Fees: \$42,259

ACS Fees: \$178,579

PTS Work Crew: \$26,975

PRRS Care of Federal Inmates: \$218,572

PRRS Residential Program Fee: \$217,316

**IPSA Fees:*

Para (possession less than 10 grams & under age 21: \$100

Para Plus Cases: \$150

Full IPSA: \$350

**ACS Fees:*

Flat rate to all participants: \$175

**Detailed information on Diversion Fees attached.*

PTS Work Crew Revenue:

Work crew jobs are set at \$350 per day for paid sites.

PRRS Care of Federal Inmates:

PRRS Residents (Federal): Federal Government pays per diem \$132.50/day

PRRS Home Confinement (Federal): Federal Government pays per diem \$68.08/day

PRRS Residential Program Fee:

PRRS Residents: 20% of Gross Earnings (\$460/month max.)

PRRS Home Confinement: 10% of Gross Earnings (\$300/month max.)

WorkSource Montgomery and American Job Center

Please provide a summary of the current program within MCCF and how it interrelates with the American Job Centers in the community.

The American Jobs Center (AJC) model was developed to provide close connection and coordination of services from the facility-based satellite AJC to the community AJCs in Wheaton and Germantown; however, there is no current continuity of services for customers at MCCF to the community AJCs beyond basic referral. Previously two 0.5 FTE positions provided this continuity of services to MCCF customers upon release through the Welcome Home Program. Without these positions the MCCF program is not directly connected to the AJCs beyond basic job readiness and employment connections.

EXECUTIVE SUMMARY

AJC Career Centers operates nationally as umbrella or "AJC" locations where numerous community-based organizations are available to customers. Within Community-Based AJCs, nonprofit, for-profit, faith-based and government partners meet a variety of human service needs for unemployed and underemployed residents.

A Satellite AJC can provide services to individuals with criminal records. WorkSource Montgomery's Satellite AJC at MCCF is uniquely embedded in a correctional setting. The center provides inmates with employment assistance including job readiness and job search workshops, online job resources including Maryland Workforce Exchange, and computer skills training. The MCCF Satellite AJC allows inmate customers to receive services both inside the jail and in the community after release.

HISTORY AND BACKGROUND

The MCCF Satellite AJC is a national model which is the result of a partnership between DOCR, the former Montgomery County Department of Economic Development, and Workforce Solutions Group of Montgomery County, Inc. The original model represented an innovative collaboration between both public and private entities to create a program housed inside of a maximum-security facility. The center is celebrating 13 years of successful service.

A driving principle of Montgomery County's jail-based AJC is the acknowledgement that ex-offenders have different needs than typical job seekers due to many more barriers to employment success. Specialized interventions are required for this population to compete on a level playing field among other job seekers. The program design, staff training, and physical lay-out of the center are all key factors that contribute to the effectiveness of the center.

Inmates receive comprehensive services covering job readiness, job search strategies, and personal development. Services are customized to fit an individual's special situation including the basics of parole/probation, improving one's self image, and the importance of financial literacy. The program also encompasses life skill topics including the importance of taking responsibility, time management, career planning (a career vs. a job), and volunteerism.

PROGRAM OVERVIEW

While still incarcerated, customers may register for services if they fit the following criteria:

- ✓ they are within 8 months of release,*
- ✓ have no detainers from another jurisdiction, and*
- ✓ are sentenced to MCCF.*

As the facility also houses individuals who are in a pre-trial status (with unknown lengths of stay), it is crucial to begin services with those who can be reasonably expected to complete the 6-week curriculum. For inmates that are not eligible to participate while incarcerated, the center has created a monthly "Welcome Home" session that explains available services and refers them to their local community-based AJC. This helps individuals receive comprehensive post-release services on the outside and creates a bridge to the community AJC center.

SUPPORT SERVICES

The Satellite MCCF AJC creates valuable linkages between inmate and providers for nonemployment needs including housing, substance abuse treatment referrals, food/clothing referrals, etc., since many inmates lack family or community support. The AJC acts as a key partner and works in concert with MCCF to assist the inmate with the resources needed to be effective and productive on the outside. In addition to the services listed above, they receive services such as computer skills training, the use of a statewide job search database called the Maryland Workforce Exchange, and assistance from community volunteers.

PROGRAMS AND SERVICES

The key themes in the jail-based Satellite AJC are return on investment and transformation. Inmate customers are trained to "think like the employer" to successfully obtain employment. They are introduced to business language and culture and understand that all employers want an adequate return on their investment. Transformation is encouraged as a vital tool in the re-entry process – individuals must change old thinking and behaviors to reach new levels of success.

Certificate programs provided include:

- Introduction to Reentry Job Search (1 week)*
- Job Readiness training (2 weeks)*
- Advanced Job Search training (2 week)*

- *Personal Development training (1 weeks)*

Additional services provided by Satellite AJC staff include:

- *Resume Creation*
- *Vocational/Academic Referral Assistance*
- *Mock Interviews*
- *Mentoring*
- *Writing Letters of Explanation*
- *Registration on the Maryland Workforce Exchange a state-wide database of employment opportunities*
- *Accelerated / Lab (4 sessions)*
- *Building Winners (video series for low literacy learners, # of sessions vary)*
- *Computer Basics (1 session, ongoing support for those with low digital literacy)*
- *Image Training (ongoing)*

Staff Certifications

- *Offender Workforce Development Specialist*
- *Offender Employment Retention Specialist*
- *Global Career Development Facilitator*
- *Certified Workforce Development Professional*

PARTNERS

The jail-based Satellite AJC enjoys partnerships with faith-based, non-profit and government supporters. Volunteers from a local nonprofit work one-on-one with inmates helping create resumes, mock interviews, and skill assessments, Leadership for Reentry session, and Entrepreneur training.

BEST PRACTICES

The success of the MCCF Satellite AJC can be attributed to several key factors. First, understanding the unique needs of incarcerated or formerly incarcerated job seeker; secondly, designing intentional programming to meet those needs; and third, well-trained and committed staff to deliver services.

Other best practices include:

- *Enhancing the personal motivation of customers through their current stages of change.*
- *Target interventions to consider learning style, and gender.*
- *Trained staff who understand the specialized needs of the incarcerated customer.*
- *In-house referrals to Jail Addiction Services, Mental Health, Model Learning Center (Education), and Reentry.*

- a. Please provide current staffing, current vacancies, and any additional positions that would facilitate the AJC mission. What is the total FY19 funding provided by WorkSource Montgomery (through a subcontractor) to provide these services within the jail?

Current Satellite AJC at MCCF includes:

1 FTE – Program Coordinator

1 FTE – Program Specialist

These two contract FTE staff are certified Offender Workforce Development Specialists and Offender Employment Retention Specialist, credentialed programs sponsored by the National Institute of Corrections, Global Career Development Facilitators, and Certified Workforce Development Professional.

Current Vacancies in Community American Job Centers

The original complement also included one .5 FTE Administrative Support Staff position, which has remained unfilled by WSM since a staffing transition in 2017. In addition, since 2017 two 0.5 FTE vacancies supporting customer transition from the facility to the community through the Welcome Home Program have been held unfilled by WSM.

Additional Position

A Job Developer dedicated to establishing relationships with employers to utilize the justice involved population would ensure focused services and quick connections to existing job opportunities following release.

FY19 Approved Budget

FY19 funding totals \$130K. Of this amount, \$80K resides in DOCR's base budget, and an additional \$50K is supported by a State grant.

- b. How many inmates receive services that will assist them with job placement and retention when released?

FY18 Services

MCCF AJC ONESTOP SENTENCED OFFENDERS SERVED

FY18: JULY,1 2017 – JUNE 30, 2018

QUARTER	MCCF SENTENCED OFFENDERS	NUMBER OF OFFENDERS SERVED	% OFFENDERS SERVED
Q1	186	92	49.46%
Q2	176	97	55.01%
Q3	214	114	53.27%
Q4	211	157	74.53%

• Q1: JULY-SEPT | Q2: OCT-DEC | Q3 - JAN-MAR | Q4 - APR-JUN

c. There is funding included in the CE recommended FY20 for these services, correct?

FY20 funding for the program continues at the FY19 level; \$80K remains in DOCR's base budget, which will be matched by \$50K reallocated from within the WorkSource Montgomery budget to replace State grant funds that do not continue into FY20.

d. If general funds are used for these positions in FY20, what would be the appropriate position classifications for each position and the associated personnel costs?

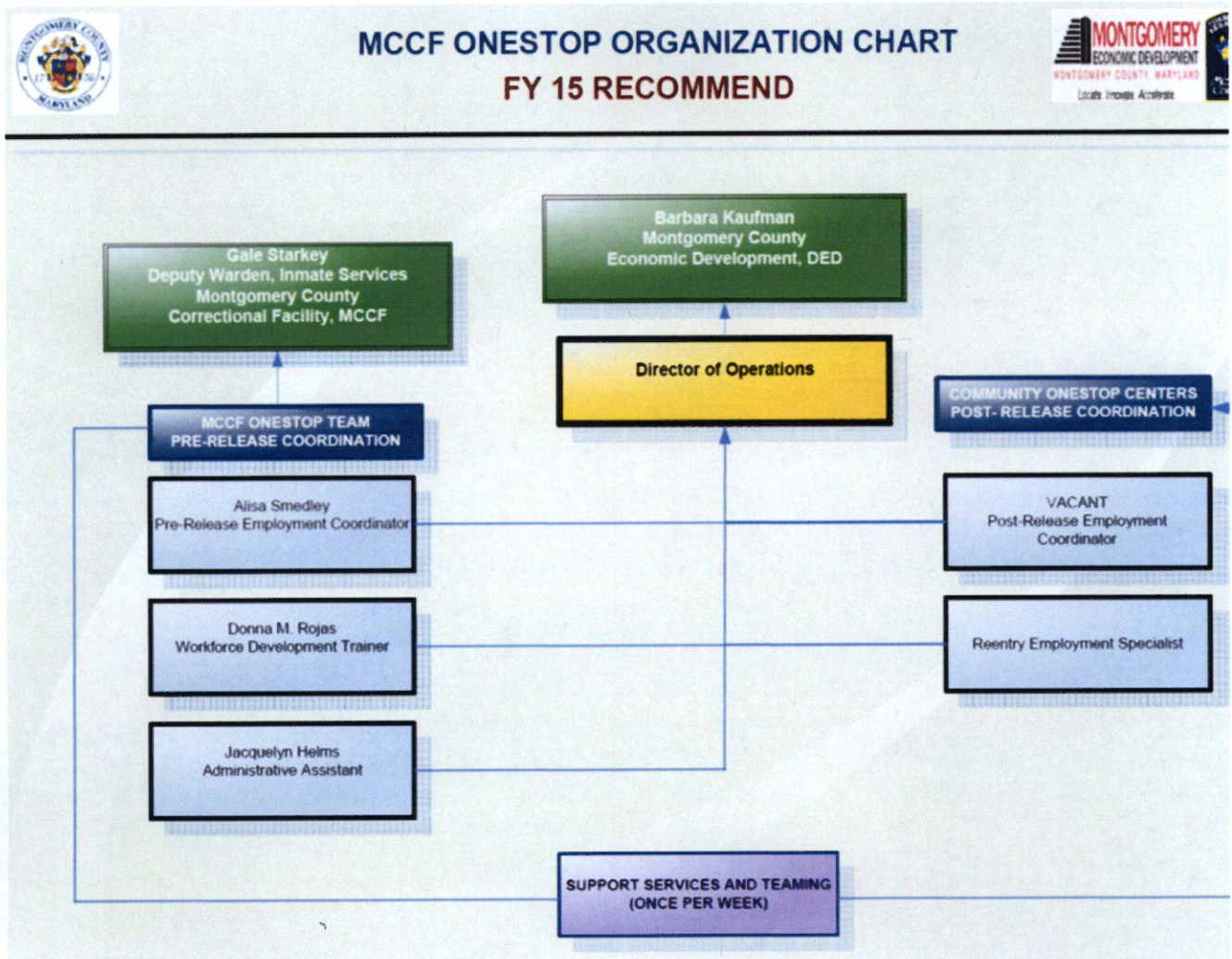
Please refer to the organizational chart below that was in place under Montgomery County Department of Economic Development. The Post-release Employment Coordinator and Re-entry Employment Specialist listed on the right side of the organizational chart, job duties cannot be performed by DOCR because the returning citizens are now released and back in the community. In addition, DOCR AJC satellite center must be tied to an external/community AJC or it cannot function as a satellite AJC. DOCR believes that it is necessary to have a community-based job developer position as well.

Estimated classifications for the positions functioning within DOCR are provided below. Final classification would be determined after review by the Office of Human Resources.

Pre-Release Employment Coordinator/Program Manager: Program Manager I, Grade 23 as a County position, 1 FTE. The total personnel cost is estimated to be \$105,492.

The Workforce Development Trainer/Program Specialist (WorkSource Montgomery proposes a change in the title to Career Advisor in FY20) would be Client Assistant Specialist, Grade 20 as a County position, 1 FTE. The total personnel cost is estimated to be \$93,114.

The Administrative Assistant would be Office Services Coordinator, Grade 16 as a County position, 0.50 FTE. The total personnel cost is estimated to be \$43,599.



- e. It is Council staff's understanding that the Wheaton AJC lacks a coordinator who can assist with ex-offenders. Is this still true? Please describe how that hinders job placement for ex-offenders.

The Welcome Home Program supporting offenders at MCCF and in the community AJCs has not been active since 2017 due to lack of staffing from WSM. The Welcome Home Program was staffed by two half-time Workforce Development Specialists, trained by the National Institute of Corrections.

Data indicates job placement and support for offenders is directly reduced without designated staff with specialized training to work with returning citizens in the community. Staff must be trained in how to identify viable job placements and opportunities while navigating criminal history barriers. It is critical to address this primary issue in addition to providing holistic approaches to address other unique barriers that justice involved customers face upon transition from release to include:

- *Lack of work experience*
- *Ongoing criminal justice involvement (Parole/probation)*
- *Criminal history stigma, including violent crimes and sex offenses*
- *Housing*
- *Social Support*
- *Substance abuse*
- *Mental health*

Post release success is directly correlated to primary stability factors around housing, education, and employment— without tailored and targeted approaches to support the justice involved customers returning to the community, there is a greater likelihood of recidivism and return to incarceration.



Diversion Program Fees

PROGRAM	FEE	SERVICES
<p style="text-align: center;">Alternative Community Service (ACS)</p>	<p style="text-align: center;">\$175</p>	<ul style="list-style-type: none"> ○ Case Management Services-intake interview, assessment, case monitoring and follow up, crisis interventions, referrals to service providers as needed ○ Minors in Possession of Alcohol (MIPA clients) –Three (3) hour Alcohol Education class ○ Community Service placement, monitoring of hours, resolving placement issues ○ DOCR staff supervision of community service hours at various Montgomery County sites ○ Community service availability 7 days a week ○ Collaboration with Probation, State’s Attorney’s Office, treatment providers, community site coordinators and private attorneys to assist with successful program completion ○ Criminal history checks ○ Assist with expungement paperwork
<p style="text-align: center;">Intervention Program for Substance Abusers (IPSA)</p> <p style="text-align: center;">Education/Treatment Cases (FULL IPSA)</p>	<p style="text-align: center;">\$350</p>	<ul style="list-style-type: none"> ○ Case Management Services-intake interview, assessment, case monitoring and follow up, crisis interventions, referrals to service providers ○ Drug and Alcohol testing ○ Four (4) In-house Drug Education Classes-Education Track ○ Referrals and coordination with community-based substance abuse providers-Treatment Track ○ Community Service Placement, monitoring of hours, resolving placement issues ○ DOCR staff supervision of community service hours at various Montgomery County sites ○ Community service availability 7 days per week ○ Collaboration with Probation, State’s Attorney Office, treatment

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Diversion Program Fees

		<p>providers, community site coordinators and private attorneys to assist with successful program completion</p> <ul style="list-style-type: none"> ○ Criminal history checks ○ Assist with expungement paperwork ○ IPSA Certificate of Completion
Para Plus Cases	\$150	<ul style="list-style-type: none"> ○ Case Management Services-intake interview, assessment, case monitoring and follow up, crisis interventions, referrals to service providers ○ Drug and Alcohol testing ○ Four (4) In-house Drug Education classes ○ Community Service Placement, monitoring of hours, resolving placement issues ○ DOCR staff supervision of community service hours at various Montgomery County sites ○ Community service availability 7 days per week ○ Collaboration with Probation, the State's Attorney's Office, treatment providers, private attorneys to assist with successful completion ○ Criminal history checks ○ IPSA Certificate of Completion ○ Assist with expungement paperwork
PARA (Under 21 year old Poss of less than 10 grams Marijuana)	\$100	<ul style="list-style-type: none"> ○ Case Management Services-intake interview, assessment, case monitoring and follow up, crisis interventions, referrals to service providers ○ 3.5-hour In-house Drug Education Class ○ IPSA Certificate of Completion

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Marc Elrich
County Executive

Marc Hansen
County Attorney

OFFICE OF THE COUNTY ATTORNEY

MEMORANDUM

TO: Sidney Katz, Chair
Public Safety Committee

VIA: Marc P. Hansen *MPH*
County Attorney

Trevor M. Ashbarry *TA*
Chief, Division of Finance & Procurement

FROM: Vlatka Tomazic *VT*
Associate County Attorney

SUBJECT: Use of federal Workforce Innovation and Opportunity Act funds at
Montgomery County Correctional Facility.

DATE: April 15, 2019

Question Presented:

Can federal Workforce Innovation and Opportunity Act ("WIOA" or "the Act") funds be used to support American Job Center activities and staff within the Montgomery County Correctional Facility?

Short Answer:

Yes, the local Workforce Development Board ("WDB") and the County Executive have the discretion to allocate federal funds where they are most useful. Federal WIOA funding can be used for programs and services specifically identified in the Act and can also be used to fund programs and activities identified by the Governor in a State plan. Ex-offenders within correctional facilities are individuals identified by the Governor of Maryland as a population in need of WIOA services. In order to effectuate the disbursement of funds to support American Job Center activities and staff within the Montgomery County Correctional Facility, the local WDB, the County Executive, and the One Stop Partners must enter into a Memorandum of Understanding identifying how the funds shall be allocated within the One Stop Delivery System.

Background

The Workforce Innovation and Opportunity Act (“WIOA” or “the Act”) was signed into law on July 22, 2014 and served to repeal and replace the Workforce Investment Act of 1998. One of the express purposes of the Act is to assist “individuals with barriers to employment” by providing them with “access to and opportunities for the employment, education, training, and support services they need to succeed in the labor market.”¹ Individuals with barriers to employment include “...low-income individuals...ex-offenders...single parents...long-term unemployed individuals...[and] such other groups as the Governor involved determines to have barriers to employment.”² The Governor of Maryland has recognized the ex-offender population as a priority population and has identified the need to include the WIOA services in correctional facilities.³ Thus, pursuant to this authority, the governor has specified individuals in this population as those with barriers to employment.⁴ The Governor has declared his intention to use WIOA funding for the ex-offender population accordingly.⁵

The law requires states to prepare a plan to implement the services described in the Act in order to obtain federal funding.⁶ The State, within its plan, can identify localities that will carry out the Act. Montgomery County is one such locality. Each locality must have a local Workforce Development Board (“WDB”). The requirements and responsibilities of the local WDB are listed in 29 U.S.C.A. § 3122. Requirements include creating a local plan that is consistent with the State plan, and oversight of the One Stop Delivery System through which WIOA services are rendered. Additionally, with consent of the Governor, the local WDB can transfer funds at its discretion between the adult and dislocated worker programs.⁷

One Stop Delivery System

Commonly identified as the American Job Center⁸, the One Stop Delivery System (“OSDS”) is a group of entities, One Stop Partners (“OSPs”), who together combine “workforce development, educational, and other human resources services” in one location for customers.⁹ Each OSDS must have a physical comprehensive location where all OSPs are represented, but may also have satellite locations where some, but not all, OSPs are located, as well as specialized centers that address specific needs.¹⁰ The satellite locations, or “affiliated sites” are determined on a local level.¹¹ The affiliated sites and the specialized centers must be connected to a centralized

¹ 29 U.S.C.A. § 3101 (1).

² 29 U.S.C.A. § 3102 (24).

³ Maryland WIOA State Plan 2018, <http://www.dllr.maryland.gov/wdplan/wdstateplan.pdf>.

⁴ 29 U.S.C.A. § 3102 (24)(N).

⁵ Governor’s Workforce Development Board Policy Issuance 2016-09, WIOA Memoranda of Understanding & Resource Sharing Agreements, September 27, 2016, pg. 6 fn5, <https://www.dllr.state.md.us/employment/mpi/mpi9-16.pdf>.

⁶ 20 C.F.R. § 683.115.

⁷ 20 C.F.R. § 683.130.

⁸ 20 C.F.R. § 678.900.

⁹ 20 C.F.R. § 678.300.

¹⁰ 20 C.F.R. § 678.300.

¹¹ 20 C.F.R. § 678.310.

comprehensive location.¹² There are required OSDS programs and partners as well as discretionary partners and programs that can be added by agreement between the local WDB and the County Executive.¹³

Memorandum of Understanding

All partners within the OSDS must enter into a Memorandum of Understanding (MOU) describing the services to be provided, the cost of the services and how they will be funded, funding of infrastructure costs, methods of referral between one-stop operators, methods to ensure access to services, the duration of the MOU, and any other provisions the parties deem to be appropriate.¹⁴ With oversight from the County Executive, the MOU is entered into between the local WDB and the one-stop partners.¹⁵

Funding

WIOA funds are administered through Titles I through IV. Title I, relevant here, pertains to Workforce Development Activities and the funds are administered through the United States Department of Labor.¹⁶ WIOA funding for Workforce Development Activities for Adult and Dislocated Worker Employment and Training Activities is dictated by 29 U.S.C.A § 3172 (State Allotments) and 20 U.S.C.A. § 3173 (Within State Allotments). The Governor, following the State plan, and in consultation with the County Executive and the local WDB, must allocate the federal funds accordingly.¹⁷ These provisions do not appear to prohibit the use of WIOA funds inside a correctional facility. More to the point, it would appear that use of these funds for that purpose is specifically permitted. 29 U.S.C.A. § 3174(a)(3)(A) addresses discretionary application of federal funds. The funds can be used to develop strategies for “effectively serving individuals with barriers to employment and for coordinating programs and services among one-stop partners.”¹⁸ Additionally, the funds can be used for “activities...to improve coordination of employment and training activities with...activities in the corrections system that assist ex-offenders in reentering the workforce...”¹⁹

Similarly, WIOA funding can be used for Workforce Development Activities for incarcerated youth. As set forth in the Act, youth eligible to participate in these programs include those who are “not attending any school[,] not younger than age 16 or older than age 24[,] and...subject to the juvenile or adult justice system.”²⁰ The funds allotted to the State can be used

¹² 20 C.F.R. § 678.320.

¹³ 29 U.S.C.A § 3151(b)(2).

¹⁴ 29 U.S.C.A. § 3151(c) and (i)(3).

¹⁵ 29 U.S.C.A. § 3151 (c).

¹⁶ The Workforce Innovation and Opportunity Act; What Corrections and Reentry Agencies Need to Know, May 7, 2017, https://csgjusticecenter.org/wp-content/uploads/2017/06/6.13.17_WIOA_What-Corrections-and-Reentry-Agencies-Need-to-Know.pdf. Also note, Title II funds, which relate to Adult Education and Literacy, are not addressed in this memorandum as there appears to be no question regarding the ability to use those funds to educate inmates in the jail population. *See*, 29 U.S.C.A. § 3305.

¹⁷ 20 C.F.R. § 683.120; 29 U.S.C.A. § 3173.

¹⁸ 29 U.S.C.A § 3174(a)(3)(A) (ii).

¹⁹ 29 U.S.C.A. § 3174(a)(3)(A)(vii)(II)(ee).

²⁰ 29 U.S.C.A. § 3164 (a)(1)(B).

to support career services provided through the OSDS.²¹

Infrastructure Costs

Infrastructure costs are “nonpersonnel costs that are necessary for the general operation of the one-stop center” and they include rent, utilities, equipment, and technology.²² Infrastructure costs are determined through agreement between the local board, the County Executive, and the one-stop partners and must be included in an MOU.²³ The funds used for these purposes can come from a myriad of sources providing cash, fairly evaluated non-cash, and third-party in-kind contributions.²⁴ If the parties cannot agree on the infrastructure funding, the decision will be made by the Governor, the State WDB, the County Executive, and the Local WDB.²⁵ Notably, there is a prior MOU, in effect from 2013 to 2015, to which the County is a party, relating to the Workforce Innovation Act. This Workforce Innovation Act MOU appears to effectuate an attempt to accomplish the same ends as an MOU pursuant to the requirements of WIOA.

Conclusion

Federal WIOA funding can be used for programs and services specifically identified in the Act and can also be used to fund programs and activities identified by the Governor in a State plan. Ex-offenders within correctional facilities are individuals identified by the Governor of Maryland as a population in need of WIOA services. Once the Federal funds are provided to the State, they are disbursed throughout the State and to the specifically identified localities. Montgomery County, as one of the identified localities, can receive the federal funds to implement WIOA. With oversight from the County Executive, the Local WDB and the One Stop Partners must enter into an MOU which, among other things, identifies how funds will be allocated within the One Stop Delivery System. The Montgomery County Correctional Facility can be utilized as an affiliated/satellite location where WIOA services, can be implemented to assist an identified population with a barrier to employment.

²¹ 29. U.S.C.A. §§ 3164(b)(2)(C), and 3164 (c).

²² 20 C.F.R. § 678.700.

²³ 20 C.F.R. § 678.715.

²⁴ 20 C.F.R. § 678.715.

²⁵ 20 C.F.R. § 678.730.