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Maryland -
SPECIAL JOINT COMMITTEE ON CORRECTIONS -

1974 REPORT

TO THE

LEGISLATIVE COUNCIL, ~~OF MARYLAND~~

1974

Annapolis, Maryland

November 12, 1974

17531

THE SPECIAL JOINT COMMITTEE ON CORRECTIONS

HONORABLE PAULINE H. MENES, Chairman

Senators

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HONORABLE JOHN S. McINERNEY

HONORABLE THOMAS A. RYMER

THOMAS G. REDMAN, Reporter

Although no specific items were assigned by the Legislative Council to The Special Joint Committee on Corrections during the 1974 Interim, the Committee actively surveyed the State's correctional process and brings to the Legislative Council proposed legislation, comments and other recommendations in the following areas:

- I. Institutional Overcrowding.
 - A. Reduce intake.
 1. Criminal Code.
 2. Presentence investigations.
 - B. Acquisition and/or reallocation of space.
 1. Conversion - Division of Correction Hdqtrs.
 2. Baltimore Jail Facility.
 3. "Homestead" properties.
 - C. Increase - release rate.
 - D. General.
- II. Accumulation and processing of information.
 - A. Department of Health and Mental Hygiene.
 - B. State's Attorney Report.
- III. Community Corrections Centers.
- IV. Maryland Board of Parole - Structure and Salaries.
- V. Governor's review of parole - life sentence.
- VI. Institutional purchase and sale of goods to inmates.
 - A. Institutional purchase of goods for resale.
 - B. State retail sales tax exemption.
- VII. Patuxent Institution - Security.
- VIII. Medical Experimentation Program.
- IX. Correctional Officers.
- X. Legislative Surveillance of Continuing Problems.

STATE OF MARYLAND

WILLIAM S. JAMES, *Chairman*

JOHN HANSON BRISCOE, *Vice Chairman*



CARL N. EVERSTINE,

Secretary and Director of Research

THE LEGISLATIVE COUNCIL.

16 FRANCIS STREET—P. O. BOX 348

ANNAPOLIS, MARYLAND 21404

TELEPHONE: 267-5541

November 12, 1974

Senator William S. James, Chairman
and the Members of The Legislative Council

This REPORT represents only the highlights of a very active Interim. The Committee met 12 times, an unusual number when considering the campaign burdens endured by Committee members in this uncertain election year. Numerous other areas in the correctional field were discussed by the Committee and problems arising therefrom were resolved at the department or division level and mention of those areas, therefore, is precluded from this REPORT.

Many of the recommendations in this REPORT are general in scope and it is the hope of the Committee that they will serve as guidelines for future action or inquiry by this Committee and other interested persons.

The Committee respectfully requests that the Legislative Council adopt this REPORT in its entirety.

Respectfully submitted,

Pauline H. Menes, Chairman
Special Joint Committee on
Corrections

I. Institutional Overcrowding.

The Committee has had continuing concern for the severely overcrowded institutions within the state system. There is little dispute that overpopulated institutions become counterproductive to whatever rehabilitative processes exist within the system. Crowded prisons result in less program space, doubling and tripling up in living quarters and in general restrict operational flexibility, not to speak of creating additional burdens for correctional officers responsible for supervision of inmates. Institutions filled to capacity and beyond obstruct the necessary flow of inmates transferring from one institution to another. Recently, for example, the Maryland Reception Center, located at the Maryland Penitentiary and site of the correctional system's classification and diagnostic intake function for newly committed defendants, was required to house at the facility more than 100 completely processed inmates for more than a month due to the lack of openings at maintaining institutions throughout the system.

An institutional population chart is attached for reference (See appendix A). Although having a safe operating capacity of 5926, the system is presently maintaining 6298 inmates.

RECOMMENDATION

MARYLAND'S CORRECTIONAL SYSTEM SHOULD BE AS QUICKLY AS POSSIBLE RESTORED TO ITS SAFE OPERATING CAPACITY OR BELOW AND MAINTAINED AT THAT LEVEL.

How?

A. Reduce intake.

(1) The proposed new Criminal Code, currently under study by the Joint Subcommittee on Criminal Law, should provide a sentencing structure that would encourage sentencing judges to designate non-incarceration alternatives for defendants convicted of certain offenses. For example, the Committee had testimony that some commitments to the Division of Correction during 1973 were for civil contempt, traffic offenses, and domestic dispute - related offenses. Most defendants convicted of such offenses are non-dangerous offenders who may not benefit from being institutionalized.

(2) Presentence investigations.

The Committee had testimony that only 30% of defendants committed to the Division of Correction have presentence investigations completed by the Division of Parole and Probation. The absence of such an investigation on the remaining committed inmates tends to inhibit good judicial decisions, cause delay in the diagnostic and classification process, and invite parole decisions not based on adequate factual background. There are 2 basic problems surrounding this issue: (a) the Division of Parole and Probation compiles these investigations only at the request of a sentencing judge (Art. 41, Sec. 124, Code), (b) the size of the Department of Parole and Probation staff in relation to an anticipated increase in workload created by either a statute mandating more investigations, or more frequent requests by the judiciary under the current framework.

The Committee brings to the Legislative Council its most important recommendation of the 1974 Interim:

RECOMMENDATION

THE COMMITTEE REQUESTS THAT THE LEGISLATIVE COUNCIL ENDORSE A LEGISLATIVE PROPOSAL THAT WOULD REQUIRE THE COMPLETION OF A PRESENTENCE INVESTIGATION PRIOR TO THE COMMITMENT OF A DEFENDANT TO THE DIVISION OF CORRECTION (See Appendix, pp. B-1 and B-2).

Testimony from Mr. John Pettibone, Director, Division of Parole and Probation, revealed that the frequency of requests for presentence investigations varies from circuit to circuit, and that the volume of cases, and completion time requirements were factors in the proportionately smaller number of requests by Supreme Bench judges. A number of Chief Judges and Administrative Judges from various circuits indicated by letter to the Committee that the quality of work now being done by the Division of Parole and Probation on presentence investigations was highly satisfactory, but more staff would be required to meet an increase in the number of such requests.

Providing presentence investigations, in almost all cases, will give information for at least 3 distinct processing stages: (1) sentencing of the defendant, (2) classification of an inmate for purposes of assignment to an institution, and program planning while there, and (3) parole hearings. Having information available will improve the ability to make proper decisions at every stage. A general increase in information

available to decision makers at all levels would enhance the possibility of setting realistic objectives and screening out of unverified information which can be detrimental to good decisions.

The Director of Parole and Probation testified that the cost of meeting such an increased workload is estimated at \$2.1 million for an additional complement of 196 staff positions.

B. Acquisition and/or reallocation of space.

The Department of Public Safety and Correctional Services is attempting to acquire more space for use in housing inmates.

(1) The Department has requested budget funds for the conversion of the current Division of Correction Headquarters Building into a work-release oriented community corrections facility.

(2) The Department is negotiating with Baltimore City (initial funding by LEAA grant) for the use of the top 3 floors of the women's addition to the Baltimore City Jail for the purpose of developing a minimum security work release program. Capacity for the 3 floors is between 200 and 225 inmates. That area now houses a small number of women and plans are underway to have them housed in a separate facility on the grounds of the Correctional Institution for Women in Jessup. The City has approved the arrangement in principle, subject to completion of details by the City's Board of Estimates.

(3) Officials from the Community Corrections Task Force and State Use Industries are at this time discussing with building contractors

the feasibility of purchasing "homestead" properties in Baltimore City and converting them for use as community facilities.

RECOMMENDATION

THE COMMITTEE URGES THAT THE STATE CONTINUE TO EXPLORE METHODS OF DECREASING POPULATIONS IN OUR LARGER INSTITUTIONS. CONVERSION OF EXISTING FACILITIES FOR CORRECTIONAL USE CAN RESULT IN SAVINGS OF INITIAL CONSTRUCTION COSTS. THE COMMITTEE SPECIFICALLY ENDORSES THE ABOVE MENTIONED AGREEMENT BETWEEN THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES AND BALTIMORE CITY FOR USE OF THE BALTIMORE CITY JAIL FACILITY AS A WORK RELEASE CENTER. (See Appendix C).

C. Increase - release rate.

There is little dispute that mere incarceration is non-productive in terms of preparing an inmate for return to society. No new construction of institutional facilities should be considered. There is a definite need in the correctional system for an increased parole supervision capability in which the Maryland Board of Parole could place more confidence. Caseloads per counselor are extremely high and are in great need of downward revision.

D. General.

The Committee strongly urges that a multi-year Maryland correctional plan be developed by appropriate agencies and for that plan to reflect the national trend toward diversion and away from the traditional inmate warehouse concept to a more modern counseling and supervision "systems" approach, accompanied by a State Commitment to increase services provided within the system. The Committee awaits the completion of the

work of a Corrections Committee formed under the Governor's Commission on Law Enforcement and Administration of Justice that will determine correctional standards for the Maryland system.

II. Accumulation and processing of information within the correctional system (includes upgrading of presentence investigation function mentioned in part I).

A. Department of Health and Mental Hygiene.

Some inmate background information developed by the Department of Health and Mental Hygiene would be useful to the Division of Correction's classification and diagnostic function, as well as to the Board of Parole. For example, in the case of a defendant examined at Perkins Hospital either for capacity to stand trial or for insanity at the time of the alleged commission of a crime (Art. 59, Sec. 26, Code), who is subsequently convicted of the crime and committed to the Division of Correction, such information could be forwarded to the Division of Correction at the time of commitment. Upon examination of certain transferred mentally disordered prisoners at Perkins, similar information would be of use to correctional authorities (Art. 59, Sec. 16, Code). Current DHMH procedures require a court order or written consent of the patient prior to release of information at Perkins. The Committee feels that there is a strong argument that such state-gathered information ought to be more routinely available to the Division of Correction for classification and/or parole purposes, since the Division, after some

time and expense, could professionally develop the same information. An argument against the routine forwarding of such information is the potential abuse of confidentiality by individuals without proper right to access.

Two bills to permit such flow of information will be introduced during the next session, and are not recommended to the Legislative Council at this time due to the absence of a public hearing on the issue.

B. State's Attorney Report.

Art. 41, Sec. 125, Code, requires that the State's Attorney forward its case version of the crime for which a defendant is convicted and subsequently committed to the Division of Correction. Testimony was heard by the Committee that in only 10% of cases of commitment to the Division of Correction are such reports forwarded in time to be of use in the classification process. The Committee has recommended to the Maryland State's Attorney's Association, the Division of Correction and the Division of Parole and Probation, that this administrative procedure be improved.

III. Community Corrections Centers.

The requirements of public hearings and consent by local officials, prior to approval of sites, programs and other services (Art. 27, Sec. 706, Code) has brought the development of the community corrections program to a stand still. Although some recent progress in terms of citizen acceptance has been accomplished in a few areas (Baltimore City and Prince George's County), the almost insurmountable and time-consuming public relations

burden has greatly extended the anticipated implementation time objectives to the point where the original Community Corrections Plan may be abandoned.

RECOMMENDATION

THE COMMITTEE RECOMMENDS THAT THE GOVERNOR AND THE GENERAL ASSEMBLY JOINTLY DEVELOP SOME SUPPORTIVE ACTION TO REVITALIZE THE COMMUNITY CORRECTIONS PROGRAM.

IV. Maryland Board of Parole - Structure and Salaries.

The Maryland Board of Parole is composed of 7 members (a chairman and 6 associates), who are appointed by the Secretary of Public Safety and Correctional Services, with the approval of the Governor, and with the advice and consent of The Maryland Senate, and who serve terms of 8 years each (Code, Art. 41, Sec. 108). At a recent hearing, the general qualifications and duties of Board members were explained by Mr. Henry P. Turner, Board Chairman. It was suggested to the Committee that the current parole function might be improved by reducing the size of the Board of Parole from 7 to 5 or even 3 members, while creating a professional parole hearing examiner position where primary duties would be to conduct hearings, and whose decisions would be subject to appeal to the 3 or 5-man Board. It was further suggested that the mechanics of member appointment to the Board of Parole be changed from a political appointment to appointment by an advisory commission.

Board members are currently paid a salary of \$20,000 per annum

(Chairman receives additional \$2500). Upon review by the Chairman of the typical weekly schedule of Parole Board members, several members of the Committee expressed their concern that the annual salary ought to be increased, commensurate with the qualifications required for appointment to the Board, workload incurred by the duties required of members, and recent and projected increases in the cost of living.

The Committee makes no official recommendation on Parole Board structure at this time, but is conducting a survey of the parole function in other states and may make some recommendation later.

RECOMMENDATION

THE COMMITTEE RECOMMENDS THAT BOARD OF PAROLE MEMBERS' SALARIES BE INCREASED ABOVE THE \$20,000 STATUTORY ANNUAL SALARY. THE COMMITTEE RESERVES ANY SPECIFIC LEGISLATURE PROPOSAL ON THE ISSUE UNTIL IT RECEIVES SOME INDICATION FROM THE ATTORNEY GENERAL CONCERNING THE SCOPE OF THE TERM "PUBLIC OFFICER" WITHIN THE MEANING OF ART. III, SEC. 35 OF THE MARYLAND CONSTITUTION, WHICH PROHIBITS AN INCREASE IN SALARY DURING AN OFFICER'S TERM OF OFFICE.

V. Governor's review of parole for inmates serving life sentences.

The Committee is studying the parole application review process of those inmates serving life sentences. Art. 41, Sec. 122, Code, requires that the Governor approve the parole of an inmate serving a life sentence after the recommendation of the Parole Board. At the request of the Committee, Mr. Henry P. Turner, Chairman, Board of Parole, has provided the Committee with information pertaining to the number of

life sentence parole applications awaiting some action by the Governor and the date of Board approval. A recurring complaint by friends and/or relatives of such inmates was that after receiving notice that the parole application received Board approval and had reached the Governor's desk for his review, no response, positive or negative, was forthcoming from the Governor's office for periods extending to several years.

The Committee intends to meet early in the next Session with the Board of Parole for the purpose of a case analysis of several inmates subject to the above circumstances. In the meantime, the Committee recommends a semi-annual verification to the inmate that he or she is under consideration by the Governor for parole. A letter to the Governor is all that the Committee intends to accomplish this administrative improvement. (See Appendix, pp. D-1 through D-4).

VI. Institutional purchase and sale of goods to inmates.

A. Institutional purchase of goods for resale in commissaries.

The Committee had testimony from Mr. J. Brown Hardy, Assistant Commissioner - Operations, Division of Correction, and also from Mr. Mark Levine, Director of Administrative Services, Division of Correction, that sale prices of goods sold in the institutional commissaries were escalating in the same manner as the general cost of living. Concerned over the extremely low wages paid to inmates working within the system (.75 to \$1.25 per day with a 25 cent raise requested in the 1976 Budget), the Division of Correction discovered that wholesale purchase of commissary items was conducted by each institution, and not on a Division-wide basis. It was

the suggestion of the Committee that the Division investigate new purchasing procedures, storage facilities and other cost reducing measures to permit a lower commissary price. Correctional officials are looking into the matter.

- B. State retail sales tax exemption on certain sales to inmates.

RECOMMENDATION

THE COMMITTEE PROPOSES THAT THE LEGISLATIVE COUNCIL ADOPT THE ATTACHED BILL THAT WOULD EXEMPT FROM THE STATE RETAIL SALES TAX ALL PURCHASES OF GOODS BY INMATES IN THE INSTITUTIONAL COMMISSARIES.

(See Appendix, pp. E-1 and E-2).

VII. Patuxent Institution - Security.

Two escapes this summer at the Patuxent Institution prompted the Committee to inquire into that institution's security policies and physical structure. A glaring structural deficiency at this time is the existence of only one large perimeter fence to contain the kind of inmate incarcerated there (Patuxent is a maximum security institution). A breaking or scaling of that fence leaves an escapee only seconds away from rolling and densely wooded terrain. Substandard exterior lighting systems and poor tower locations were thought to present escape opportunities to determined inmates.

Actions to improve these security defects were taken by the General Assembly and Department of Public Safety and Correctional Services

in the FY 1975 budget. Funds were allotted for a second fence and improved lighting system. However, the Committee directed correspondence to the Secretaries of General Services and Public Safety and Correctional Services requesting that some review be initiated of fence location, escape detection methods and additionally recommended that, after such review, that construction of the second fence and installation of the modified lighting system be completed as soon as possible. (See Appendix, pp. F-1 through F-3).

On the issues of escape detection and escape prevention, the Committee directed further correspondence to the Secretary of Public Safety and Correctional Services asking for recommendations as to possible investigation of institutional escapes by an investigating unit of the Maryland State Police. Mr. W. Donald Pointer, Deputy Secretary, Correctional Services (DPSCS) has informed the Committee that the U.S. Bureau of Prisons had the authority, expertise and willingness to make such investigations and appropriate recommendations. A copy of a Patuxent Institution inspection report by the Bureau of Prisons is attached to this report. (See pp. F-4 through F-9).

VIII. Medical Experimentation Program.

The Committee has had continuing concern during this past Interim of the medical experimentation program conducted by the University of Maryland at the Maryland House of Correction in Jessup. The State receives approximately \$8.00 per day per hospitalized inmate from the University for

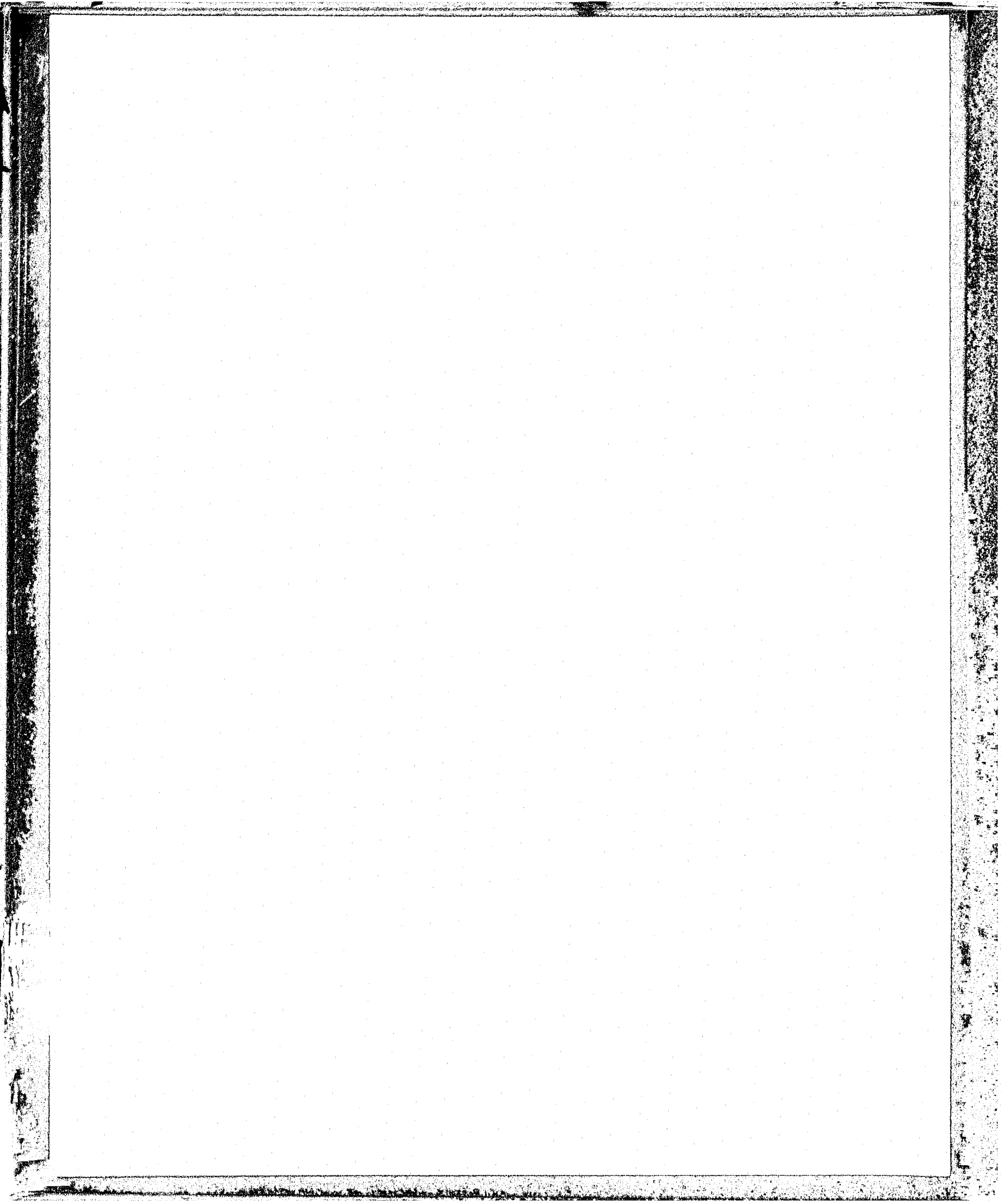
its participation, for a total annual budget supplement of approximately \$50,000. All participating inmates, whether or not hospitalized, receive \$2.00 per day. Although the Committee is aware of proper safeguards instituted within the program, as it is coordinated with the World Health Organization and U.S. Department of H.E.W., there are fundamental policy questions to be considered - is the program genuinely "voluntary" when its participants are wards of the state lured by the "high" wages of \$2.00 per day? However, the program has certain advantages, including (1) application of funds received by the State to health program use and (2) the acknowledged contribution of some inmates to a humanitarian cause.

The Committee makes no recommendation at this time, but awaits the resolution of pending anti-program litigation.

IX. Correctional Officers.

A successful correctional system needs qualified, adaptable correctional officers. Pay raises have recently been granted to correctional officers through administrative actions by the Governor. The duties of correctional officers have become increasingly more difficult in recent years due to the influx of young, aggressive and hostile offenders into the system. A salary scale approaching that of metropolitan area police forces would undoubtedly attract more competent applicants to the correctional officer staff.

In another related area, the Committee has requested the Departments of Public Safety and Correctional Services and Personnel to



jointly develop job-related training and/or other program incentives to encourage correctional officers to seek work-related self-improvement.

X. Legislative Surveillance of Continuing Problems in Corrections.

The Special Joint Committee on Corrections requests that some consideration be given to authorizing legislative monitoring of the correctional system on a year-round basis. You will recall the sudden reconstitution and convening of this Committee in March of this year for the immediate purpose of evaluating and treating projected sudden population increases within the system. Many problems unique to our evolving correctional system are in need of our constant attention.

DIVISION of Correction
Daily Inmate Population Census

Date: November 1, 1974

Institution	ACA Rated Capacity	MAXIMUM Safe operating capacity REG. HOUSING BEDS	Special Confinement Area		Current S.C.A. population	Current Regular housing pop.	Total Population	Total number beds available Regular housing
			A	B				
Md. House of Correction	1038	1532		143	114	1519	1633	13
Md. Penitentiary	494	747		338	245	682	927	65
Md. Reception Center	266	494		—	—	494	494	(33)
Md. Correctional Institution - Hagerstown	600	652		25	148	644	792	8
Md. Correctional Training Center - Hagerstown	1097	1097		—	—	1086	1086	11
Md. Correctional Camps	904	1,185		—	—	1,141	1,141	44
Women's Institution	184	164		—	6	168	174	-4
Community Corrections	55	55		—	—	51	51	4
Totals	4638	5926		506	513	5785	6298	141

Explanation

This bill would add a new section to Art. 27, Sec. 690 and would require the completion of a presentence investigation prior to the commitment of a defendant to the jurisdiction of the Division of Correction. The Committee feels that such requirement would greatly enhance both the information-gathering function and the decision-making process within the State's judicial and correctional systems.

Typed by nlb
Corrected by _____
Proofread by _____
Checked by _____

51r0115 26

By Legislative Council 27

A BILL ENTITLED 30

AN ACT concerning 33

Corrections - Presentence Investigations 36

FOR the purpose of requiring completion of presentence 40

investigations prior to the sentencing of certain 41

defendants.

BY adding to 43

Article 27 - Crimes and Punishments 46

Section 690(g) 47

Annotated Code of Maryland 48

(1971 Replacement Volume and 1974 Supplement) 49

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF 52

MARYLAND, That new Section 690(g) be and it is hereby 54

added to Article 27 - Crimes and Punishments, of the 56

Annotated Code of Maryland (1971 Replacement Volume and 57

1974 Supplement) to read as follows: 58

Article 27 - Crimes and Punishments 61

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.
Numerals at right identify computer lines of text.

51r0115
By Legislative Council

690. 64

(G) PRIOR TO THE SENTENCE BY ANY JUDGE TO THE 67
JURISDICTION OF THE DIVISION OF CORRECTION OR TO THE 68
PATUXENT INSTITUTION, HE SHALL REQUIRE THAT A PRESENTENCE 69
INVESTIGATION BE COMPLETED BY THE DIVISION OF PAROLE AND 70
PROBATION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act 74
shall take effect July 1, 1975. 75

SUMMARY OF PROPOSAL FOR
CITY JAIL COMMUNITY CORRECTION CENTER

Baltimore City's crime rate is ranked as one of the highest in the United States. Over sixty-five percent of the Maryland Division of Correction's population is from Baltimore City and approximately 65 percent of them or roughly 2,600 offenders are released each year through expiration of sentence, parole, mandatory parole or court order. Accepted correctional philosophy and common sense dictate that individuals need close supervision and assistance when moving from a state of extended confinement to freedom. In addition, it has been long recognized that many sentenced offenders need not be confined under maximum custody. The protection of public safety and the offender's best interests can both be served through minimum security detention with close supervision and delivery of counseling, vocational and educational and employment services. In order to best provide these services access to community resources is essential.

A basic tenet of the Division's community corrections program provides for access to jobs, education and community services in the geographical area to which the offender will be returning. The Division has been seriously hampered in the development of its full work release and Community Correction potential by the physical location of its minimum security facilities. This is most apparent when it is realized that less than ten percent of the total minimum security bed space of the Division is located in Baltimore City.

At present, the Division is two years away from establishing a community correction facility of the size necessary to truly impact the Division's access to Baltimore area services. In the meantime it is only sensible to make use of all facilities in the urban area which already have zoning for correctional use. The Baltimore City Women's Detention Center has been underutilized since it opened. The fourth floor is vacant at this time and could be rapidly converted to house an estimated 100 inmates with very few modifications. An arrangement between the State and the City for the use of this space has already been discussed at length. It is understood that the City would be able and willing to provide room and board in this facility for a fee which could be partially defrayed by room and board payments from those inmates who are on work release.

The utilization of these beds would almost double the available minimum security program space in Baltimore City. It would also provide immediate relief to the severe overcrowding in the Division. It is important to note that the immediate impact would be provided by following a course of action that is consistent with the Division's overall plan to increase its community correction capability, especially in the urban areas from which the majority of the Division's population comes.

* * * * *

MEMORANDUM

From

DEPARTMENT OF
LEGISLATIVE REFERENCE
16 Francis Street — P.O. Box 348
Annapolis, Maryland 21404

TO: Members of the Special Joint Committee on Corrections

SUBJECT: Parole Applications - Governor's Office

DATE: October 18, 1974

Dear Member:

Some members of the Committee have received on various occasions inquiries from inmates serving life sentences, or their friends or their relatives, concerning a decision of the Governor to approve paroles for such inmates. A specific complaint has been the failure of the Governor to either approve or disapprove a parole application, thus creating a large degree of uncertainty and anxiety for those parties concerned. Discussion at the last meeting with Mr. Henry P. Turner, Chairman, Board of Parole, revealed the fact that the Board of Parole merely serves in an advisory capacity to the Governor in those cases involving applications for pardon, commutation of sentence or clemency. Although no specific statutory mention is made of the Board's advisory role with respect to parole consideration for life sentence inmates, it is plain that the Governor's power of approval is contingent on the favorable action of the Parole Board.

A review of applicable law on the subject reveals that although the Governor possesses constitutional authority to grant "reprieves or pardons" (Maryland Constitution, Article II, Sec. 20), his power to parole is statutory only (Article 41, Sec. 122, Annotated Code of Maryland). No particular administrative procedure is dictated by statute other than the mere instruction "Prisoners serving terms of life imprisonment shall only be paroled with the approval of the Governor". The clear inference is that all prisoners are processed for parole under the "Board of Parole" subtitle guidelines and those "lifers" approved by the Board are required to overcome an independent, but ultimate, hurdle, the Governor's decision.

The Committee, therefore, can consider a statutory change to either (1) withdraw the Governor's right of parole approval in life sentence cases and have the final decision in such cases revert to the Board of Parole, (2) establish a deadline for a mandatory response by the Governor after such applications are forwarded to him, or (3) give the right of approval to some other official or agency with or without a deadline.

Mr. Turner has furnished the Committee with information relating to the number of parole applications in the hands of the Governor at this time. That information is attached. Comments on this issue will undoubtedly be offered at the next meeting of the Committee (October 29).

TGR/jed

THOMAS G. REDMAN
Committee Counsel

Enclosures:



STATE OF MARYLAND
BOARD OF PAROLE

EXECUTIVE PLAZA ONE, ROOM 205
HUNT VALLEY, MARYLAND 21031
(301) 667-0666

HENRY P. TURNER
CHAIRMAN

JASPER R. CLAY, JR.
THOMAS J. D'ALESSANDRO, JR.
L. SCOTT GRAUEL
ISAIAH LARKIN, JR.
HERBERT MATZ
JAMES L. THOMAS
ASSOCIATES

October 16, 1974

Thomas G. Redman, Esquire
County Council
Legislative Council
16 Francis Street
Post Office Box 348
Annapolis, Maryland 21404

Dear Tom:

At the hearing of the Special Joint Committee on Corrections held on Tuesday last, I was requested to supply information with respect to the number of cases of persons sentenced to life which have been recommended to the Governor for parole.

I am attaching such list which I believe is self explanatory. This list contains only those persons whose paroles have not been acted upon.

One of the committee members requested that I furnish information with respect to some of the figures which I mentioned in giving my report to the committee. Attached is a synopsis of the statements with respect to statistics which I made.

I hope that you will see that these get to the persons who were interested therein.

Sincerely yours,

Henry P. Turner
Chairman

HPT/mca

Enclosures

D-2

Report of Life Cases Pending Governor's Approval

<u>Name</u>	<u>Date Submitted</u>
Allen Duke	1/23/73
Baldwin, Russell	1/18/73
Brindle, Clarence	2/20/74
Buettner, Daisy	2/27/74
Byrd, Robert	2/1/72
Dean, Leonard	2/25/74
Edwards, Thomas	1/8/73*
Elliott, Marvin	8/28/72
Estep, Carl	3/4/74
Ford, Charles	2/20/74
Galloway, George	3/13/74*
Grimes, Alfred	8/1/72
Hunter, Johnny	1/19/73
Johnson, William Sr.	10/27/72
Jones, James	3/13/73
Marshall, William Jr.	11/21/73
McGee, Pussell	11/1/71
Meadows, Broadus	1/3/73
Parker, Jesse	8/1/72
Pletzler, Ken	8/17/72
Ruffin, Albert	6/13/74
Sedgwick, Ivan	2/4/74
Smith, John F.	4/24/72*
Smith, Robert C.	4/30/74
Stansbury, Charles	8/1/72
Washington, Clarence	8/1/72
Watkins, Earl	8/1/72
Bauerline, Ralph	7/8/74
Carder, Ralph	7/8/74
White, William T.	7/31/74
Wade, James	8/14/74
Hardy, Clarence	9/18/74
Wienhold, Richard	9/18/74

*Cases which have been resubmitted to the Governor.

Statistics Mentioned in the Report of the Board of Parole
to the Special Joint Committee on Correctional Reform
Tuesday, October 15, 1974

Table I - Offenses by Type of Committees to the Division of Correction

FY 1969 - Crimes against person	1006
FY 1973 - Crimes against person	2013
Murder, 1st Degree	42
Weapons offenses	331

Note: Crimes against person include: assault, kidnapping, manslaughter, murder, second degree, rape, robbery with a deadly weapon, robbery, and sexual assault.

Table II - Persons on Probation

FY 1969 -	9957
FY 1973 -	23,489

Table III - Persons Heard for Parole Who Have Had Previous Parole

FY 1972 -	30.66 persons
FY 1974 -	33.03 persons

Explanation

This bill would exempt from the State retail sales tax all purchases by inmates in commissaries within the correctional system. It is the opinion of the Committee that inmate wages are very low and cost of living increases have affected their purchasing power at least as much as any other consumer.

Typed by nlb
Corrected by _____
Proofread by _____
Checked by _____

51r0116 26

By Legislative Council 27

A BILL ENTITLED 30

AN ACT concerning 33

Revenue and Taxes - Correctional Institutions 36

FOR the purpose of exempting certain sales within the 40
State's correctional system from the retail sales
tax.

BY adding to 42

Article 81 - Revenue and Taxes 45

Section 326(ff) 46

Annotated Code of Maryland 47

(1969 Replacement Volume and 1974 Supplement) 48

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF 51
MARYLAND, That new Section 326(ff) be and it is hereby 53
added to Article 81 - Revenue and Taxes, of the Annotated 55
Code of Maryland (1969 Replacement Volume and 1974 56
Supplement) to read as follows: 57

Article 81 - Revenue and Taxes 60

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.
Numerals at right identify computer lines of text.

51r0116
By Legislative Council

326. 63

The tax hereby levied shall not apply to the 66
following sales:

(FF) SALES OF FOOD OR TANGIBLE PERSONAL PROPERTY TO 68
INMATES WHEN PURCHASED IN COMMISSARIES OPERATED WITHIN 69
THE STATE'S CORRECTIONAL SYSTEM.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act 73
shall take effect July 1, 1975. 74

STATE OF MARYLAND

WILLIAM S. JAMES, *Chairman*
JOHN HANSON BRISCOE, *Vice Chairman*



CARL N. EVERSTINE,
Secretary and Director of Research

THE LEGISLATIVE COUNCIL

16 FRANCIS STREET—P. O. BOX 348
ANNAPOLIS, MARYLAND 21404
TELEPHONE: 267-5561

September 19, 1974

Honorable George R. Lewis, Secretary
Department of General Services
301 West Preston Street Room 1401
Baltimore, Maryland 21201

Dear Secretary Lewis:

The Special Joint Committee on Corrections, as a result of testimony heard during recent meetings of the Committee, requests that top priority be given to the lighting and fence construction projects at the Patuxent Institution, the funds for which were approved in the recently passed budget bill. Patuxent Institution is suffering from a continuing problem of attempted and successful escapes of inmates housed there and it is the opinion of the Committee that more illumination and an additional fence will not only aid correctional staff in stopping escapes but will also discourage escape attempts.

The Committee also respectfully requests that your Department and the Department of Public Safety and Correctional Services jointly review the fence location plans with the view toward possible installation of an alarm system that would be used in conjunction with the existing fence and the proposed additional fence. The weight/pressure system currently in use at another correctional institution was suggested for possible use at Patuxent. The Committee would also appreciate knowing the potential cost of an alarm system suitable to the two fence barrier planned for the Patuxent Institution.

Sincerely,

A handwritten signature in cursive script that reads "Pauline H. Menes".

PAULINE H. MENES
Chairman, Special Joint
Committee on Corrections

CC: Mr. W. Donald Pointer
Deputy Secretary for Correctional Services

STATE OF MARYLAND

WILLIAM S. JAMES, *Chairman*

JOHN HANSON BRISCOE, *Vice Chairman*



CARL N. EVERSTINE,

Secretary and Director of Research

THE LEGISLATIVE COUNCIL

16 FRANCIS STREET—P. O. BOX 348

ANNAPOLIS, MARYLAND 21404

TELEPHONE: 267-8861

September 19, 1974

Mr. Edwin R. Tully, Acting Deputy Sec'y
Department of Public Safety
Executive Plaza One
Hunt Valley, Maryland 21030

Dear Deputy Tully:

During its September 17, 1974 meeting, The Special Joint Committee on Corrections discussed the most recent escape from the Patuxent Institution. The Committee heard testimony at a prior meeting concerning the two previous breakouts at the institution this summer. It is suspected that in at least the two night time escapes, a tool known as a "rod saw" (made of tungsten carbide) was used as a cutting instrument on cell window bars to provide an exit from the tier where the inmates were housed. It is the feeling of the Committee that the investigative resources of the Maryland State Police might be helpful in the prevention of future escapes. An investigation that would reveal (1) instruments used, (2) chronology of events, (3) and other pertinent evidence would be helpful to correctional officials in preventing or discovering future escapes.

Furthermore, if certain instruments are common ingredients in escape plans, the Committee feels that the State Police are in a position (crime labs, research, etc.) to recommend means to correctional officials that would detect such instruments as or after they enter the grounds of the institution.

Accordingly, the Committee would like for you to comment on the feasibility of the State Police conducting an investigation of each escape at the Patuxent Institution or any other institution and comment also as to practicality and effectiveness of detection systems that might warn of rod saws or similar instruments being brought into the institution.

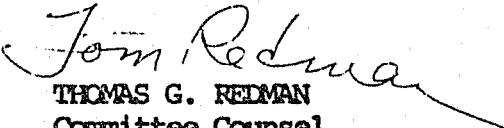
Another issue in this general area is whether or not the State Police presently has the authority to enter a correctional institution to conduct the kind of investigation referred to above or whether some statutory change might be required to permit such investigations.

Mr. Edwin R. Tully, Acting Deputy Sec'y
Department of Public Safety

September 19, 1974

The Committee would like an answer to this inquiry prior to the submission of its Report to The Legislative Council in mid-October, and earlier, if possible.

Sincerely yours,


THOMAS G. REIDMAN
Committee Counsel

CC: Mr. W. Donald Pointer
Deputy Secretary for Corrections

Mr. Forrest Calhoun
Superintendent
Patuxent Institution



MARVIN MANDEL
GOVERNOR

DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES

SUITE 500 • EXECUTIVE PLAZA ONE • HUNT VALLEY, MARYLAND 21031

(301) 667-1100

W. DONALD POINTER
DEPUTY SECRETARY
FOR CORRECTIONAL SERVICES

ROBERT J. LALLY
SECRETARY
PUBLIC SAFETY AND
CORRECTIONAL SERVICES

October 29, 1974

EDWIN R. TULLY
DEPUTY SECRETARY
FOR PUBLIC SAFETY

Mr. Thomas G. Redman
Committee Counsel
The Legislative Council
16 Francis Street
P. O. Box 348
Annapolis, Maryland 21404

Dear Mr. Redman:

At the September meeting of the Special Joint Committee on Corrections, I informed the Committee members of arrangements for a survey of perimeter security at Patuxent Institution by a technical assistance team from the Federal Bureau of Prisons.

The survey had been scheduled prior to receipt of your letter of September 19, 1974, to Deputy Secretary Tully requesting his comments concerning the feasibility of using State Police resources to investigate past escapes and recommend measures to improve perimeter security. While the State Police do have authority to conduct such investigations and have done so on several occasions in the past, both Deputy Secretary Tully and Colonel Smith felt that the Federal Bureau of Prisons survey team could be more helpful in rendering such assistance in this case.

The survey has now been completed and the report and recommendations are attached. In addition to an outer fence, which is now under contract, the team has recommended improved exterior illumination, installation and use of a metal detection and x-ray examination equipment at the front entrance, and installation of intrusion detection equipment to serve as an early alarm system.

We have forwarded a copy of the report to the Department of General Services with a request that the lighting project, now under consideration, conform to Mr. Ferguson's recommendation.

Mr. Thomas G. Redman

October 29, 1974

Page two

We are also preparing an application for the Governor's Commission on Law Enforcement and the Administration of Justice for funds for purchase and installation of metal detector and x-ray equipment and intrusion detection equipment. A copy of the application will be sent to you in the near future.

We appreciate the continuing interest and support of the Committee in our efforts to strengthen security and prevent future escapes at the Patuxent Institution.

Sincerely,



W. Donald Pointer

WDP:s
Enclosure

cc: Mr. Forrest Calhoun

UNITED STATES DEPARTMENT OF JUSTICE
BUREAU OF PRISONS
WASHINGTON 20534

October 10, 1974

Mr. W. D. Pointer
Executive Plaza
Suite 500
Hunt Valley, Maryland 21039

Dear Mr. Pointer:

Mr. Finger and I appreciated the opportunity to tour your Patuxent facility and to discuss techniques for improving perimeter security on Monday, October 7, 1974.

As discussed with you and Mr. Calhoun, we feel that priorities for improvements should be established as follows:

1. Exterior illumination.
2. Installation and use of metal detection and x-ray examination equipment at the front entrance.
3. Installation of intrusion detection equipment that will give early alarm of unauthorized persons in those areas from where most escapes originate.
4. Elevations of towers and communications.

We feel that the exterior illumination is inadequate for both security and safety, that the perimeter lighting is poorly arranged, and that good lighting would be a greater deterrent to escape than even a second fence. We were informed that most breeches have been at points along the fence midway between towers; an area of poor illumination with tower officers having to look into the glare of fixtures mounted on adjacent towers. Approaches to the fence are unlighted and tower officers have little warning to implement interdiction procedures to the escape.

We recommend that first priority for improvements be given to the installation of adequate lighting. Our office has had recent success with the use of high mast lighting which affords definite advantages as follows:

1. Illumination emanates from a point source with a 60 degree angle cutoff and in a vertical direction. Fixtures are elevated well above buildings and obstructions to where tower officers can readily observe

all approaches to the fence line. Poles are positioned to where outer arc of illuminated area falls well outside of the fence, illuminating both sides of the fence.

2. One (1) 120 ft. pole with ten (10) 1000 watt halogen vapor luminaires will provide 2-5 ft. candles of illumination at the outer area of a circle with a diameter of 300 ft.

3. Poles can be erected to position illuminated area at edge of buildings without spills into buildings due to the 60 degree cone of light. Inmates frequently complain of light spilling through windows interrupting sleep.

4. Lighting from a vertical point source puts all illumination on the ground and causes vertical objects to stand-out, and is especially good for detecting motion, i.e., inmate running, creeping or crawling on the ground, etc.

5. Lighting is at sufficient elevation to preclude glare into towers.

Estimated cost of a high mast light pole with fixtures and interconnected cabling is \$15,000. Six (6) or seven (7) poles with some auxillary fixtures in masked areas would provide satisfactory illumination at Patuxent at an estimated cost of \$125,000.

Mr. Calhoun related their findings as to how inmates housed in the defective delinquents building are able to saw bars enabling their egress through cell windows to the court below, thence over the tunnel roof. The tools used for sawing the bars were identified as tungsten-carbide files.

We feel that the possession and use of tungsten-carbide files by the mechanical service, contractors, or anyone else coming on the institution grounds should be prohibited. That metal detection and x-ray examination equipment should be installed at the front gate for the examination of all personnel regardless of status, i.e., inmate, employee, visitors, etc., and x-ray examinations of all mail, parcels, ladies handbags, lunch boxes, brief cases, or anything else that contraband can be concealed. Anyone refusing to be searched should be denied entry.

There are many models and configurations of metal detectors available. Only three (3) have been approved by the Federal Aviation Administration and National Bureau of Standards as meeting criteria with regard to an acceptable rate of detection and false alarms. These are in the order of best performance:

1. Westinghouse Model WD-5, about \$8,000.
2. Metal Detection System, manufactured by Outokumpu Research Laboratory, Tapiola, Finland, about \$5,000.
3. Sperry Rand, about \$3,000.

These detectors are designed primarily to detect weapons, however, the sensitivity is adjustable and can be made more sensitive with a greater false alarm rate. The FAA criteria is 90 percent detection capability for handguns, with no more than 25 percent false alarms. Detectors other than the three (3) listed above are of the first generation magnetometer type; a few having good sensitivity for detection metal but no discrimination. We are currently investigating the Federal Model AFK-74 walk-through detector which is a later model of the first generation detectors which detects changes in the earth's magnetic field when foreign metals are introduced to the local area.

There are two (2) acceptable x-ray examination units available. The best of the two is a flying spot x-ray scanner having a high degree of resolution manufactured by the American Scientific and Engineering Corporation. Cost for a single unit is about \$50,000. We feel the price is excessive when considering the number of units needed for our purposes. We are investigating the Torrex II parcel x-ray inspection system distributed by X-ray Industrial Distributors, Clifton, N.J. Cost of the XID unit is about \$15,000. We can furnish you a copy of our findings in about sixty (60) days.

We feel that \$25,000 would cover cost of procurement and installation of the metal detector and x-ray equipment. We realize that additional funds will be required to increase the size of the gate house for housing the equipment, and this cost is not included in the \$25,000.

Several techniques can be used for detecting unauthorized intruders in certain areas. Mr. Calhoun indicated that priority should be given to the courts formed by the wings of the defective delinquent buildings. It is impractical to employ intrusion detection equipment in the courts, however, infra-red beams or taut wire alarms could be used on the fences running along the tunnel fencing off the courts. A new system offered by Sylvania might also work out but we have had no experience with the system. We have arranged for evaluating the equipment at our Terminal Island facility but will have no recommendations until on/or about February 1, 1975.

Our evaluation of various infra-red equipments reveal that the product manufactured by Optronics Infra-red Development Corporation, Santa Clara, California, to be superior to any other equipment available. Maximum length of a zone is about 700 feet. Cost is more than other manufacturers at about \$3,000 for a single beam. We recommend that \$20,000 be budgeted for providing early alarm of intruders attempting to go over the fences on the tunnel.

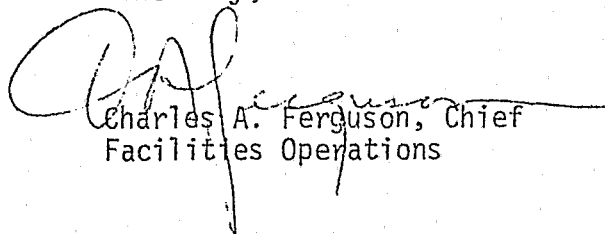
We feel that towers would provide greater observation and would be more effective if elevated another 15 to 20 feet, especially towers 2 and 6. This would be expensive construction costing \$30,000 - \$40,000 per tower, but if other remedial action fails to deter escapes, it should be considered.

Of the improvements discussed above, we feel that good night-time illumination will do more to deter escapes than any of the others. It also

builds in flexibility with regard to manning towers, i.e., good observation might preclude the necessity for manning towers 4 and 6, or tower 4 only, etc. Of course operational procedures and shift manning levels will dictate the extent of flexibility. Night-time recreation also would be possible with high mast lighting.

Thanks for the courtesies extended to me and Mr. Finger and if we can be of further assistance, please advise.

Sincerely,



Charles A. Ferguson, Chief
Facilities Operations

END

7 notes/more