

**D15A0516**  
**Governor's Office of Crime Control and Prevention**

***Operating Budget Data***

(\$ in Thousands)

	<u>FY 09</u> <u>Actual</u>	<u>FY 10</u> <u>Working</u>	<u>FY 11</u> <u>Allowance</u>	<u>FY 10-11</u> <u>Change</u>	<u>% Change</u> <u>Prior Year</u>
General Fund	\$89,582	\$69,450	\$88,361	\$18,911	27.2%
Contingent & Back of Bill Reductions	0	0	-19,070	-19,070	
<b>Adjusted General Fund</b>	<b>\$89,582</b>	<b>\$69,450</b>	<b>\$69,291</b>	<b>-\$159</b>	<b>-0.2%</b>
Special Fund	1,882	2,281	2,266	-15	-0.7%
<b>Adjusted Special Fund</b>	<b>\$1,882</b>	<b>\$2,281</b>	<b>\$2,266</b>	<b>-\$15</b>	<b>-0.7%</b>
Federal Fund	12,080	20,802	24,289	3,487	16.8%
<b>Adjusted Federal Fund</b>	<b>\$12,080</b>	<b>\$20,802</b>	<b>\$24,289</b>	<b>\$3,487</b>	<b>16.8%</b>
<b>Adjusted Grand Total</b>	<b>\$103,545</b>	<b>\$92,533</b>	<b>\$95,846</b>	<b>\$3,313</b>	<b>3.6%</b>

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

- The fiscal 2011 allowance increases by \$3,313,066, or 3.6%, when funds are adjusted for contingent and across-the-board reductions.
- Federal funds increase by \$3.5 million, or 17.0%, mostly due to the receipt of additional Edward Byrne Justice Assistance Grant funds.

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

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## ***Personnel Data***

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	<b><u>FY 09 Actual</u></b>	<b><u>FY 10 Working</u></b>	<b><u>FY 11 Allowance</u></b>	<b><u>FY 10-11 Change</u></b>
Regular Positions	38.00	39.00	39.00	0.00
Contractual FTEs	<u>10.90</u>	<u>10.90</u>	<u>10.90</u>	<u>0.00</u>
<b>Total Personnel</b>	<b>48.90</b>	<b>49.90</b>	<b>49.90</b>	<b>0.00</b>

### ***Vacancy Data: Regular Positions***

Turnover and Necessary Vacancies, Excluding New Positions	1.56	4.00%
Positions and Percentage Vacant as of 12/31/09	0.00	0.00%

- No additional regular or contractual positions are included in the fiscal 2011 allowance.
- Turnover expectancy is increased from 3.09 to 4.00%.

## ***Analysis in Brief***

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### **Major Trends**

***Governor’s Office of Crime Control and Prevention Performance Data:*** The Governor’s Office of Crime Control and Prevention (GOCCP) is responsible for the development of Maryland’s Comprehensive State Crime Control and Prevention Plan. A primary goal of the plan is to facilitate information sharing between all levels of the criminal justice system. In fiscal 2009, GOCCP facilitated the creation of 9 memoranda of understanding and 57 cross-jurisdictional agreements.

***Crime Fighting Data:*** In fiscal 2009, there was an across-the-board increase in the number of guns seized, prosecutions, and referrals for federal prosecution.

### **Issues**

***American Recovery and Reinvestment Act of 2009:*** The American Recovery and Reinvestment Act of 2009 (ARRA) included over \$3 billion for criminal justice initiatives. Serving as Maryland’s primary law enforcement grant administrator, GOCCP is responsible for overseeing the distribution of over \$29.0 million in ARRA funding to State and local law enforcement agencies. During Phase I of ARRA funding, GOCCP awarded 124 grants totaling over \$15.0 million to law enforcement

agencies. During Phase II of ARRA funding, recovery grants will be offered to a variety of local, State, private, public, and nonprofit law enforcement agencies and organizations. **GOCCP should comment on the current status and implementation of ARRA funding.**

***Sex Offender Registration and Notification Act:*** The federal Sex Offender Registration and Notification Act (SORNA), enacted as Title I of the Adam Walsh Child Protection and Safety Act of 2006, requires conformity by the states with various aspects of sex offender registration provisions, including registration of specified juvenile offenders, collection of specific information from registrants, verification, duration of registration, access to and sharing of information, and penalties for failure to register. Failure to comply with SORNA puts a state at risk to lose 10% of Byrne Justice Assistance grants. **GOCCP should comment on the potential loss of Byrne Justice Assistance grants should the State fail to comply with SORNA.**

### **Recommended Actions**

	<u><b>Funds</b></u>
1. Strike the contingent reduction to the State Aid for Police Protection Grant Program.	
2. Reduce funding for local law enforcement grants.	\$ 2,057,400
3. Delete funding budgeted for the Director of Communications position.	96,885
4. Reduce funding for State Aid for Police Protection grants.	18,955,972
<b>Total Reductions</b>	<b>\$ 21,110,257</b>

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**D15A0516**  
**Governor's Office of Crime Control and Prevention**

***Operating Budget Analysis***

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**Program Description**

Established in 1995 by Executive Order 01.01.1995.18, the Governor's Office of Crime Control and Prevention (GOCCP) is responsible for the development of Maryland's Comprehensive State Crime Control and Prevention Plan. A primary goal of the plan is to facilitate information sharing between all levels of the criminal justice system. GOCCP is also responsible for:

- administering many of Maryland's law enforcement grants;
- conducting crime data analysis;
- performing best practices research; and
- assisting in the development of legislation, policies, plans, programs, and budgets related to the reduction and prevention of crime, violence, delinquency, and substance abuse.

**Performance Analysis: Managing for Results**

Formerly a simple grant administrator, GOCCP is now regarded as Maryland's one-stop shop for resources to improve public safety. **Exhibit 1** shows selected performance measures for the office.

**Administrative Function**

One of GOCCP's primary objectives as a grants administrator is to increase productivity, customer service, and interagency workings as the State Administering Agency for law enforcement grants. Electronic submission of reports requires fewer resources than processing a hard copy, which in turn, enables the office to be more efficient. In fiscal 2009, there was an across-the-board reduction in the percentage of grant applications and quarterly reports submitted electronically. Most notably, the percentage of grant applications submitted electronically has been declining since fiscal 2007. **GOCCP should comment on the decline in the percentage of grants submitted electronically.**

**Exhibit 1**  
**Selected Program Measurement Data**  
**Governor’s Office of Crime Control and Prevention**  
**Fiscal 2007-2011**

	<u>2007</u>	<u>2008</u>	<u>2009</u>	<u>Est.</u> <u>2010</u>	<u>Est.</u> <u>2011</u>
<b>Administrative Function</b>					
Grants applications submitted electronically	98.0%	97.5%	96.7%	98.0%	99.2%
Quarterly progress reports submitted electronically	99.6%	99.7%	99.5%	99.8%	99.8%
Quarterly financial reports submitted electronically	82.0%	100.0%	99.1%	100.0%	100.0%
Applicants and recipients given technical assistance training regarding application and reporting process	9	18	19	19	19
<b>Getting Agencies to Work Together</b>					
Cross-jurisdictional MOU facilitated by GOCCP	n/a	4	9	9	9
Cross-jurisdictional criminal justice initiatives facilitated by GOCCP	n/a	48	57	57	57
Maps generated for various agencies by GOCCP grant	152	198	490	500	500
<b>Crime Fighting Data</b>					
Guns seized	2,311	1,743	6,145	-	-
Gun cases referred for federal prosecution	116	294	975	-	-
Gun cases prosecuted	1,602	469	1,830	-	-
Gang members arrested	172	507	1,687	-	-
Sex offender compliance verifications	13,508	14,398	15,133	-	-

GOCCP: Governor’s Office of Crime Control and Prevention  
 MOU: memorandum of understanding

Source: Governor’s Office of Crime Control and Prevention

**Cross-jurisdictional Programs**

Part of GOCCP’s mission involves encouraging agencies to participate in collaborative criminal justice initiatives. Getting agencies to work together can be difficult, given concerns over losing authority over a program or population. In fiscal 2009, GOCCP assisted with the facilitation of nine memoranda of understanding (MOUs) regarding the sharing of relevant criminal justice and juvenile data between agencies. Additionally, GOCCP facilitated numerous cross-jurisdictional initiatives, including criminal justice workgroups and training sessions in areas such as DNA collection, community crime prevention, and the electronic submission of secondhand precious metals by pawn shop owners.

## **Actual Crime Fighting Data**

A relatively new component of GOCCP’s Managing for Results submission is data depicting the impact of grant funding on crime fighting efforts throughout the State. In fiscal 2009, there was an across-the-board increase in the number of guns seized, prosecutions, and referrals for federal prosecution. Additionally, the number of sex offender compliance verifications increased by 735, due, in part, to an increase in the total number of sex offenders registered in the State. By law, at least two compliance verifications are required annually. It should be noted that the office declines to project crime data as these factors are heavily driven by grant funding availability and other factors that may impact sub-recipient data.

## **Fiscal 2010 Actions**

### **Impact of Cost Containment**

GOCCP was required to reduce the total budget by \$20,884,561 due to cost containment actions taken by the Board of Public Works (BPW) in fiscal 2010. Cost savings were primarily achieved by reducing local law enforcement (\$125,000) and State Aid for Police Protection (SAPP) grant funds (\$20,611,298). Additional cost savings were achieved by implementing employee furloughs (\$146,693) and reducing travel expenditures (\$1,570).

Although not reflected in the working appropriation, fiscal 2010 cost containment actions include the planned reversion of \$280,000 in local law enforcement grants, thereby increasing the total amount of the local law enforcement grant reduction to \$405,000.

### **Federal Stimulus Funds**

The American Recovery and Reinvestment Act of 2009 (ARRA) included over \$3 billion for criminal justice initiatives. GOCCP is responsible for overseeing the distribution of over \$29.0 million in ARRA funding to State and local law enforcement agencies. The fiscal 2010 appropriation reflects approximately \$12.1 million in ARRA funding for the Violence Against Women Act (VAWA) (\$1.5 million) and the Edward Byrne Justice Assistance Grant (BJAG) (\$10.6 million) programs. It should also be noted that the budget committees recently approved a budget amendment to increase the recovery act appropriation for the BJAG by an additional \$3.4 million, thereby bringing the total amount of fiscal 2010 stimulus funding to \$15.5 million.

## **Proposed Budget**

As shown in **Exhibit 2**, the fiscal 2011 allowance increases by \$3,313,066, or 3.6%, when funds are adjusted for contingent and across-the-board reductions.

**Exhibit 2**  
**Proposed Budget**  
**Governor’s Office of Crime Control and Prevention**  
**(\$ in Thousands)**

<b>How Much It Grows:</b>	<b><u>General</u> <u>Fund</u></b>	<b><u>Special</u> <u>Fund</u></b>	<b><u>Federal</u> <u>Fund</u></b>	<b><u>Total</u></b>
2010 Working Appropriation	\$69,450	\$2,281	\$20,802	\$92,533
2011 Allowance	<u>88,361</u>	<u>2,266</u>	<u>24,289</u>	<u>114,916</u>
Amount Change	\$18,911	-\$15	\$3,487	\$22,383
Percent Change	27.2%	-0.7%	16.8%	24.2%
 Contingent Reductions	 -\$19,070	 \$0	 \$0	 -\$19,070
Adjusted Change	-\$159	-\$15	\$3,487	\$3,313
Adjusted Percent Change	-0.2%	-0.7%	16.8%	3.6%

**Where It Goes:**

**Personnel Expenses**

Employee earnings (after reducing fiscal 2011 for furloughs).....	-\$61
Employee and retiree health insurance (after reducing fiscal 2011 for across-the-board reductions) .....	43
Workers’ compensation (after reducing fiscal 2011 for across-the-board reductions) .....	96
Employees’ retirement system .....	48
Turnover adjustments .....	-30
Unemployment compensation .....	4
Other adjustments.....	3

**Grants**

***Federal Fund Grants***

Byrne Justice Assistance Grant .....	4,086
Byrne Justice Assistance Recovery Grant.....	-201
Sexual Assault Services Grant .....	273
Safe Haven for Children Grant.....	200
Violence Against Women Grant .....	160
Violence Against Women Recovery Grant .....	-512
Net reduction in anti-gang initiative and project safe neighborhood grant funds .....	-722
Statewide Automation of Victim Identification .....	-200

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**Where It Goes:**

***General Fund Grants***

Community Service Grant.....	-50
Sex Offender Compliance and Enforcement.....	-50
Prince George’s County Drug Grant.....	-48
Collaborative Supervision and Focused Enforcement .....	-28

***Contingent Reduction***

State Aid for Police Protection Grant.....	18,956
BRFA provision to level fund State Aid for Police Protection grants.....	-18,956

**Other Changes**

Contractual salaries .....	55
Contractual services for Grants Management System.....	53
Indirect cost recoveries to be transferred to the general fund.....	48
Funding for temporary office assistant.....	44
Travel expenses for routine operations and out-of-state conferences .....	38
Additional equipment.....	20
Contractual services for web site management .....	18
Other adjustments.....	26

**Total** **\$3,313**

BRFA: Budget Reconciliation and Financing Act of 2010

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

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**Federal Fund Grants**

As shown in **Exhibit 3**, the fiscal 2011 allowance for federally funded grants increases by \$3.5 million, or 17%. Significant changes in federal grant funds include the following:

- ***Byrne Justice Assistance Grants:*** BJAG funds support all components of the criminal justice system such as multi-jurisdictional drug and gang task forces, crime prevention and domestic violence programs, and criminal justice information sharing initiatives. The fiscal 2011 allowance includes an additional \$4.1 million in BJAG funds.
- ***Sexual Assault Services:*** Grants for the newly funded Sexual Assault Services Grant Program will be used to increase intervention, advocacy, support services, and related assistance for victims of sexual assault. The fiscal 2011 allowance includes \$272,842 for this initiative.

**Exhibit 3**  
**Governor’s Office of Crime Control and Prevention**  
**Federal Fund Grants**  
**Fiscal 2010-2011**

<u>Federal Grant Program</u>	<u>2010</u> <u>Wkg. Appr.</u>	<u>2011</u> <u>Allowance</u>	<u>2010-2011</u> <u>Change</u>
Sexual Assault Services	\$0	\$272,842	\$272,842
Juvenile Accountability Block Grant	753,500	877,400	123,900
Safe Havens for Children (Supervised Visitation)	0	200,000	200,000
Juvenile Justice Delinquency Prevention Formula Grants	967,000	1,053,000	86,000
Title V Delinquency Prevention	48,360	33,486	-14,874
State Justice Statistics Program	54,810	59,489	4,679
National Institute of Justice Research	298,455	397,644	99,189
Violence Against Women Grants	2,095,619	2,255,795	160,176
Violence Against Women Grants – Recovery Act	1,537,342	1,025,461	-511,881
Residential Substance Abuse Treatment for State Prisoners	146,372	164,288	17,916
Bulletproof Vest	10,000	97,445	87,445
Project Safe Neighborhood	342,182	232,093	-110,089
Underage Drinking Block Grant	350,000	360,000	10,000
Byrne Justice Assistance Grants	2,457,460	6,543,351	4,085,891
Byrne Justice Assistance Grants – Recovery Act	10,600,520	10,400,000	-200,520
Statewide Automated Victim Identification Program	200,000	0	-200,000
Anti-gang Initiative	612,265	0	-612,265
Children’s Justice Grants	328,374	316,928	-11,446
<b>Total Federal Grants</b>	<b>\$20,802,259</b>	<b>\$24,289,222</b>	<b>\$3,486,963</b>

Source: Governor’s Budget Books, Fiscal 2011

- **Safe Haven for Children (Supervised Visitation):** Grant funding for the newly established Safe Haven for Children Grant Program will be used to support supervised visitation and the safe exchange of children in situations involving domestic violence, child abuse, and sexual assault. The fiscal 2011 allowance includes \$200,000 for this initiative.
- **Statewide Automation of Victim Identification Program:** Grant funds for the Statewide Automation of Victim Identification program were eliminated in fiscal 2011. This one-time grant in the amount of \$200,000 was used to improve victim notification procedures.

- ***Anti-gang Initiative:*** The Catalog of Federal Domestic Assistance heading for the Anti-gang Initiative was eliminated in the fiscal 2011 allowance. These funds, which are used to provide additional personnel and equipment for the widespread prevention, apprehension, and prosecution of criminal gang activity, was combined by the federal government with the Project Safe Neighborhood grant in fiscal 2011.

### **General and Special Fund Grants**

As shown in **Exhibit 4**, the fiscal 2011 allowance for general and special fund grants increases by \$18.8 million, or 27%. The increase in grant funding is primarily attributed to the SAPP Grant Program. As previously discussed, the SAPP grant, which is determined by formula, was reduced by \$20.6 million as part of the fiscal 2010 cost containment actions. The Budget Reconciliation and Financing Act of 2010 includes a provision that would level-fund SAPP grants at \$45.4 million for fiscal 2011 and 2012.

**Exhibit 4**  
**Governor’s Office of Crime Control and Prevention**  
**General and Special Fund Grants**  
**Fiscal 2010-2011**

<u>Grant Program State Funds</u>	<u>2010 Wrk. App.</u>	<u>2011 Allowance</u>	<u>2010-2011 Change</u>
Baltimore City Foot Patrol	\$2,763,600	\$2,763,600	\$0
Prince George’s County Drug Grant	1,512,380	1,464,610	-47,770
Baltimore City Community Policing	1,974,000	1,974,000	0
Body Armor for Local Law Enforcement	49,088	49,088	0
Baltimore City Violent Crime Control	2,454,422	2,454,422	0
Prince George’s Violent Crime Control	2,296,292	2,296,292	0
STOP Gun Violence	928,478	928,478	0
Baltimore City Criminal Justice Coordinating Council	85,500	85,500	0
Capital City Safe Streets	174,000	174,000	0
Community Service Grant	663,407	613,723	-49,684
Sex Offender Compliance and Enforcement	778,916	728,916	-50,000
ROPER Academy	156,933	156,933	0
State’s Attorney’s Coordinating Council	225,000	225,000	0
War Room Baltimore City	716,397	716,397	0
Youth Strategies Program Initiative	305,334	305,334	0
Collaborative Supervision and Focused Enforcement	3,054,625	3,026,158	-28,467
Victim Instant Notification Everyday Contract Statewide Maryland	456,000	456,000	0
Domestic Violence Unit Pilot Program	196,354	196,354	0
Baltimore City State’s Attorney – Prosecution of Gun Crimes and Violent Offenders	1,959,195	1,959,195	0
State Aid for Police Protection	45,420,982	64,376,954	18,955,972*
<b>Subtotal General Fund Grants</b>	<b>\$66,170,903</b>	<b>\$84,950,954</b>	<b>\$18,780,051</b>
Victims of Crime Fund	\$1,295,134	\$1,291,254	-\$3,880
Victim/Witness Protection Program	300,000	300,000	0
Legal Services for Victims	86,000	75,000	-11,000
School Bus Safety	599,973	600,000	27
<b>Subtotal Special Fund Grants</b>	<b>\$2,281,107</b>	<b>\$2,266,254</b>	<b>-\$14,853</b>
<b>Total State Grants</b>	<b>\$68,452,010</b>	<b>\$87,217,208</b>	<b>\$18,765,198</b>

GOCCP: Governor’s Office of Crime Control and Prevention

\* The Budget Reconciliation and Financing Act of 2010 includes a provision that would level-fund SAPP grants at \$45.4 million.

Source: Governor’s Budget Books, Fiscal 2011

## **Impact of Cost Containment**

The fiscal 2011 budget reflects several across-the-board actions to be allocated by the Administration. This includes a combination of employee furloughs and government shut-down days similar to the plan adopted in fiscal 2010; a reduction in overtime based on accident leave management; streamlining of State operations; hiring freeze and attrition savings; a change in the injured workers’ settlement policy and administrative costs; and a savings in health insurance to reflect a balance in that account. For purposes of illustration, the Department of Legislative Services has estimated the distribution of selected actions relating to employee furloughs, health insurance, and the Injured Workers’ Insurance Fund cost savings.

## **Budget Reconciliation and Financing Legislation**

The Budget Reconciliation and Financing Act of 2010 includes a provision that reduces State funds for the SAPP Grant Program by \$18,955,972. If enacted, for fiscal 2011 and 2012, each subdivision and municipality will receive the same level of funding that was received in fiscal 2010 (see **Appendix 3**).

## **Federal Stimulus Funds**

The fiscal 2011 allowance includes \$11.4 million in ARRA funding for the VAWA (\$1.0 million) and BJAG (\$10.4 million) grant programs.

## Issues

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### 1. American Recovery and Reinvestment Act of 2009

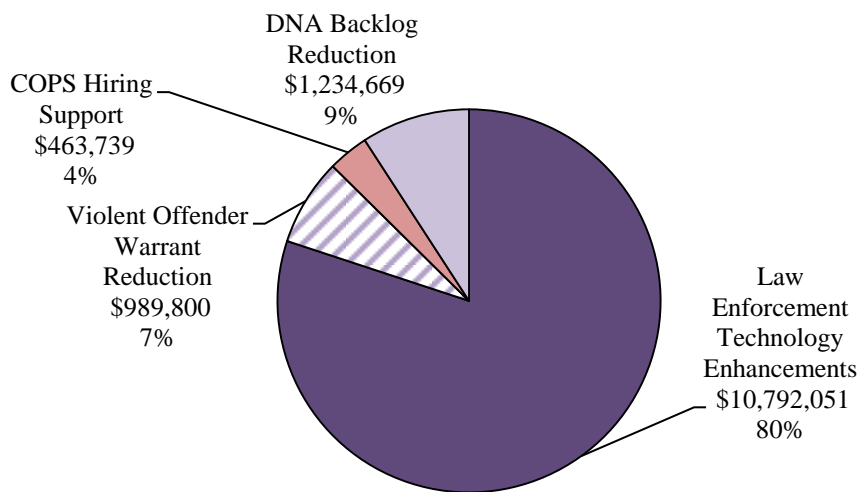
The ARRA included over \$3 billion for criminal justice initiatives. Serving as Maryland’s primary law enforcement grant administrator, GOCCP is responsible for overseeing the distribution of over \$29 million in ARRA funding to State and local law enforcement agencies.

#### Phase I Project Funding

During Phase I of ARRA funding, GOCCP awarded 124 grants totaling over \$15 million to law enforcement agencies. According to GOCCP, Phase I grants were primarily administered to law enforcement programs with a particular emphasis on violent offender warrant reduction, violence against women prevention, technology enhancements, DNA backlog reduction, and COPS hiring support. As shown in **Exhibit 5**, 80% of Byrne Justice Assistance Recovery (BJAR) grants were expended for law enforcement technology. According to the office, BJAR grants helped to fill a void in information technology funding by creating and enhancing data-driven strategies and supporting the hiring and retention of crime analysts. As shown in **Exhibit 6**, approximately 80% of the Violence Against Women Recovery Act (VAWR) grants were used for victim services, domestic prosecution, and law enforcement programs specifically targeted at violent crimes against women. In total, approximately \$12 million, or 76%, of the BJAR and VAWR grants were expended on equipment and personnel expenditures (see **Exhibit 7**).

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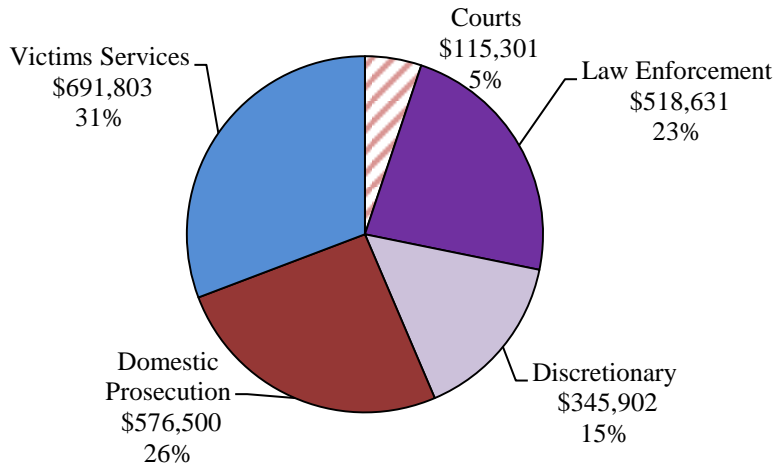
**Exhibit 5**  
**Byrne Justice Assistance Recovery Grants**  
**Phase I Initiatives**



Source: Governor’s Office of Crime Control and Prevention

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**Exhibit 6**  
**Violence Against Women Recovery Grants**  
**Phase I Initiatives**

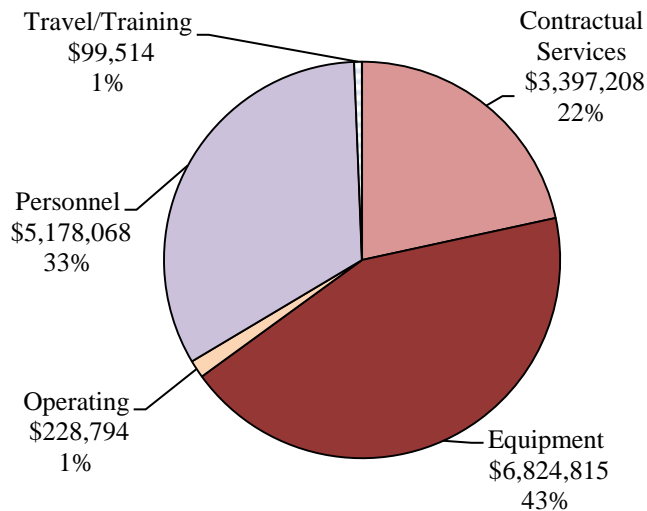


Source: Governor’s Office of Crime Control and Prevention

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**Exhibit 7**  
**American Recovery and Reinvestment Act of 2009**  
**Phase I Expenditures**



Source: Governor’s Office of Crime Control and Prevention

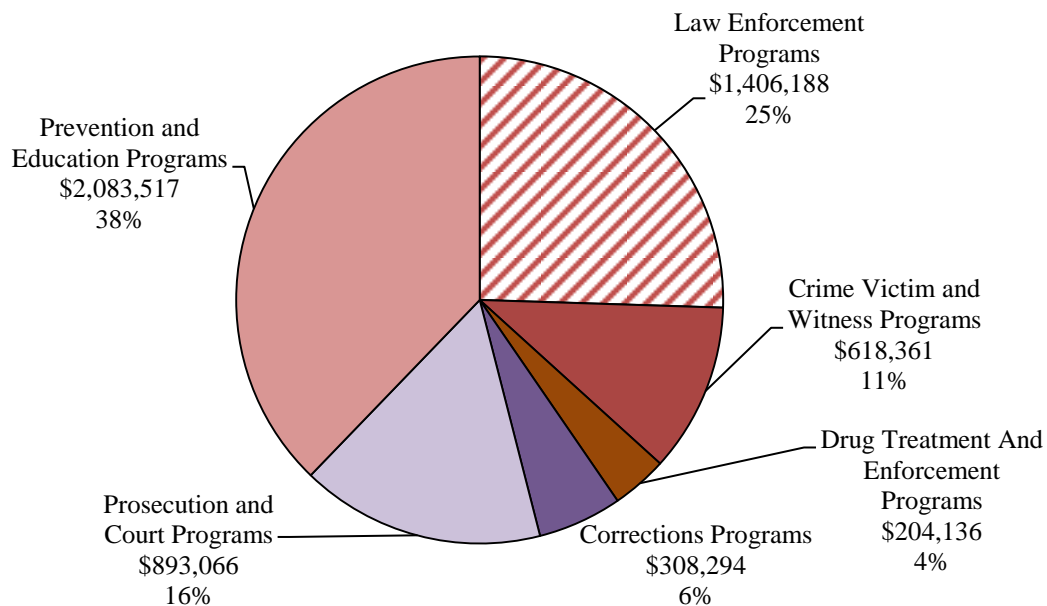
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## Phase II Project Funding

According to GOCCP, during Phase II of ARRA funding, recovery grants will be offered to a variety of local, State, private, public, and nonprofit law enforcement agencies and organizations. Priority will be given to “shovel ready” projects that fit federal purpose areas such as drug treatment and enforcement. To date, GOCCP has awarded 45 grants totaling \$5.6 million. Of this amount, approximately \$5.1 million of these projects were funded with BJAR. As shown in **Exhibit 8**, over half of the BJARs were expended in areas such as law enforcement and prevention and education programs. The fiscal 2011 allowance includes \$11.4 million in ARRA funding for the VAWR (\$1.0 million) and BJAR (\$10.4 million) grant programs. **GOCCP should comment on the current status and implementation of ARRA funding.**

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**Exhibit 8**  
**Byrne Justice Assistance Recovery Grants**  
**Phase II Initiatives**



Source: Governor’s Office of Crime Control and Prevention

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## 2. Sex Offender Registration and Notification Act

The federal Sex Offender Registration and Notification Act (SORNA), enacted as Title I of the Adam Walsh Child Protection and Safety Act of 2006, requires conformity by the states with various aspects of sex offender registration provisions, including registration of specified juvenile

offenders, collection of specific information from registrants, verification, duration of registration, access to and sharing of information, and penalties for failure to register. Failure to comply with SORNA puts a state at risk to lose 10% of BJAG.

## **Background**

Following several high-profile murder and sexual assault cases involving child victims, legislation, commonly referred to as SORNA, was enacted to more strongly punish and more closely monitor sex offenders. Although July 27, 2009, was originally established as the deadline for substantial implementation of SORNA’s requirements by all jurisdictions, a one-year extension was granted, and jurisdictions now have until July 27, 2010, to substantially comply with SORNA. In addition to this extension, jurisdictions may request another one-year extension. According to GOCCP, only the state of Ohio and a Native American Tribe has been deemed substantially compliant under the Act.

## **Compliance with SORNA**

Based on SORNA’s final guidelines/regulations, the following modifications to current State law, among others, would be needed to comply with SORNA:

- ***Length of Registration:*** The federal law divides the classes of sex offenders into a three-tiered system. Under that system, registration is for 15 years, 25 years, or life, depending on whether the offense is classified as Tier I, Tier II, or Tier III, respectively. Under current State law, Maryland classifies its sexual offenders into four classifications, and registration is for 10 years or life, depending on the offense. Additionally, under current Maryland law, most registrants are required to reregister every six months, while Tier I offenders in the federal system must reregister quarterly. Although states are not required to mirror the federal tiers, it may be necessary to significantly revamp Maryland’s classification system to meet the minimum federal requirements.
- ***Registration Deadlines:*** SORNA requires an offender to appear in person no later than three business days after each change of name, residence, employment, or student status and inform the jurisdiction in which the person is required to register of all changes in information required in the registry. Current Maryland law allows written notice within five days after the change occurs. The federal law also requires that initial registration must occur before release, while Maryland law allows registration “on or before” the date of release.
- ***Registry Information:*** SORNA requires a registry to contain certain offender data, including palm prints, travel and immigration documents, professional licensing information, and a physical description of the offender. This data is not required to be included in the registry under current Maryland law.
- ***Homeless Sexual Offender Registration:*** Because SORNA defines the term “resides” to mean “the location of the individual’s home or other place where the individual habitually

lives,” the residency registration requirements are extended to circumstances where the offender is homeless, living on the street, or moving from shelter to shelter, or when the place of residence itself moves from place to place, such as a mobile home, trailer, or houseboat. Accordingly, sex offenders must register (1) in any jurisdiction in which they have a home; and (2) in any jurisdiction in which they habitually live (even if they have no home or fixed address in the jurisdiction). Maryland law does not currently account for the homeless offender population.

- ***Retroactivity:*** The Act applies to all sexual offenders, including those offenders convicted prior to the enactment of SORNA (July 27, 2006) or prior to a particular jurisdiction’s implementation of the SORNA requirements. Jurisdictions do not have to seek out pre-SORNA convicted sex offenders and reregister them if their previous registrations have expired. If a person reoffends or reenters the judicial system for any crime, the individual will need to register under SORNA guidelines. Generally, a Maryland offender need not register if he or she was convicted of a qualifying offense and served the associated sentence prior to October 1, 1995.

### **Potential Loss of Byrne Justice Assistance Grants**

Failure to comply with SORNA puts a state at risk to lose 10% BJAG funding, which is used to pay for such things as drug task forces, anti-gang units, police overtime, and other law enforcement activities. According to GOCCP, BJAR and VAWR funding, which was awarded in federal fiscal 2009, will not be subject to the 10% loss of BJAG for noncompliance with SORNA. However, if House Bill 95 (2010 session) is not enacted and the State fails to receive an additional one-year extension, a portion of the anticipated federal fiscal 2010 BJAG included in the fiscal 2011 allowance could be in jeopardy.

**GOCCP should comment on the potential loss of Byrne Justice Assistance grants should the State fail to comply with SORNA.**

## ***Recommended Actions***

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1. Strike the following language:

~~; provided that \$18,955,972 of this appropriation shall be reduced contingent upon the enactment of legislation to reduce funding for State Aid for Police Protection.~~

**Explanation:** This action constitutes a technical amendment to strike language authorizing a reduction to the State Aid for Police Protection Grant Program contingent upon the enactment of legislation to level-fund the program in fiscal 2011 and 2012.

	<b><u>Amount Reduction</u></b>	
2. Reduce funding for local law enforcement grants by 10%. This relatively small reduction is recommended in light of the current fiscal environment. If adopted, this action will appropriate \$18,516,600 for local law enforcement grants in fiscal 2011.	\$ 2,057,400	GF
3. Delete funding budgeted to restore the Director of Communications position. The office has functioned without a full-time Director of Communications since fiscal 2007. Funding for such a position should be deferred to a future fiscal year given the current fiscal environment.	96,885	GF
4. Reduce funding for State Aid for Police Protection grants. This action would level-fund the grant program in fiscal 2011.	18,955,972	GF
<b>Total General Fund Reductions</b>	<b>\$ 21,110,257</b>	

## ***Current and Prior Year Budgets***

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### **Current and Prior Year Budgets Governor's Office of Crime Control and Prevention (\$ in Thousands)**

	<b><u>General Fund</u></b>	<b><u>Special Fund</u></b>	<b><u>Federal Fund</u></b>	<b><u>Reimb. Fund</u></b>	<b><u>Total</u></b>
<b>Fiscal 2009</b>					
Legislative Appropriation	\$91,181	\$2,196	\$13,344	\$0	\$106,721
Deficiency Appropriation	0	0	0	0	0
Budget Amendments	15	3	0	0	18
Cost Containment	-1,613	-2	-4	0	-1,619
Reversions and Cancellations	0	-315	-1,259	0	-1,574
<b>Actual Expenditures</b>	<b>\$89,583</b>	<b>\$1,882</b>	<b>\$12,081</b>	<b>\$0</b>	<b>\$103,546</b>
<b>Fiscal 2010</b>					
Legislative Appropriation	\$90,429	\$2,281	\$20,802	\$0	\$113,512
Cost Containment	-20,885	0	0	0	-20,885
Budget Amendments	-95	0	0	0	-95
<b>Working Appropriation</b>	<b>\$69,449</b>	<b>\$2,281</b>	<b>\$20,802</b>	<b>\$0</b>	<b>\$92,532</b>

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

## **Fiscal 2009**

In fiscal 2009, the total budget for the office decreased by approximately \$3.2 million. The general fund appropriation decreased by a net of approximately \$1.6 million due to a \$15,000 increase in funding via budget amendments and a \$1.6 million reduction in general fund expenditures.

The general fund appropriation increased by \$15,000 due to a \$40,000 cost-of-living adjustment (COLA) that was centrally budgeted in the Department of Budget and Management and a \$25,000 reduction in health insurance expenditures due to a realignment of health benefit disbursements.

The general fund appropriation decreased by \$1.6 million due to the following cost containment actions taken by BPW:

- a \$1.3 million reduction in law enforcement and SAPP grant funds;
- the abolition of two administrative positions (\$167,000);
- a reduction in various contractual services and operating expenditures (\$86,000);
- the implementation of employee furloughs (\$53,000); and
- a reduction in personnel and contractual services expenses (\$28,000).

The special fund appropriation increased by a net \$1,000 due to a \$2,952 COLA and a \$1,592 reduction in health insurance benefits due to cost containment actions taken by BPW. Additionally, there was a \$315,394 special fund cancellation due to differences in the timing of funding cycles.

Lastly, the federal fund appropriation decreased by \$4,000 due to cost containment actions taken by BPW. There was also a federal fund cancellation of \$1.3 million due to differences in the timing of federal funding cycles and the cancellation of anticipated grant funds.

## **Fiscal 2010**

The total budget for the office decreased by \$20,979,582, mostly due to cost containment actions taken by BPW. The decline in the budget is due to the following reductions:

- a reduction in SAPP grant funds (\$20,611,298);
- the implementation of employee furloughs (\$146,693);

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- a reduction in law enforcement grants (\$125,000);
- a realignment of funding from GOCCP to the Governor’s Office of Community Initiatives (\$95,021); and
- a reduction in travel expenditures (\$1,570).

**Object/Fund Difference Report  
Governor's Office of Crime Control and Prevention**

<u>Object/Fund</u>	<u>FY09 Actual</u>	<u>FY10 Working Appropriation</u>	<u>FY11 Allowance</u>	<u>FY10 - FY11 Amount Change</u>	<u>Percent Change</u>
<b>Positions</b>					
01 Regular	38.00	39.00	39.00	0	0%
02 Contractual	10.90	10.90	10.90	0	0%
<b>Total Positions</b>	<b>48.90</b>	<b>49.90</b>	<b>49.90</b>	<b>0</b>	<b>0%</b>
<b>Objects</b>					
01 Salaries and Wages	\$ 3,253,157	\$ 3,196,491	\$ 3,415,635	\$ 219,144	6.9%
02 Technical and Spec. Fees	471,533	471,467	525,970	54,503	11.6%
03 Communication	55,414	56,313	53,647	-2,666	-4.7%
04 Travel	67,286	25,119	56,931	31,812	126.6%
07 Motor Vehicles	5,608	2,528	7,920	5,392	213.3%
08 Contractual Services	894,183	732,516	873,694	141,178	19.3%
09 Supplies and Materials	27,224	39,782	57,424	17,642	44.3%
10 Equipment – Replacement	873	0	5,400	5,400	N/A
11 Equipment – Additional	13,443	0	14,900	14,900	N/A
12 Grants, Subsidies, and Contributions	98,412,093	87,678,713	109,522,793	21,844,080	24.9%
13 Fixed Charges	343,694	330,297	381,973	51,676	15.6%
<b>Total Objects</b>	<b>\$ 103,544,508</b>	<b>\$ 92,533,226</b>	<b>\$ 114,916,287</b>	<b>\$ 22,383,061</b>	<b>24.2%</b>
<b>Funds</b>					
01 General Fund	\$ 89,582,200	\$ 69,449,860	\$ 88,360,811	\$ 18,910,951	27.2%
03 Special Fund	1,881,831	2,281,107	2,266,254	-14,853	-0.7%
05 Federal Fund	12,080,477	20,802,259	24,289,222	3,486,963	16.8%
<b>Total Funds</b>	<b>\$ 103,544,508</b>	<b>\$ 92,533,226</b>	<b>\$ 114,916,287</b>	<b>\$ 22,383,061</b>	<b>24.2%</b>

Note: The fiscal 2010 appropriation does not include deficiencies.

**Budget Reconciliation and Financing Legislation  
Distribution Reduction by County  
Fiscal 2011**

<u>County</u>	<u>Fiscal 2010 Working Appr.</u>	<u>Fiscal 2011 Allowance</u>	<u>Fiscal 2011 Contingent Reduction</u>	<u>Adjusted Fiscal 2011 Allowance</u>
Allegany	\$565,744	\$872,641	\$306,897	\$565,744
Anne Arundel	4,323,397	6,450,085	2,126,688	4,323,397
Baltimore City	53,839	99,819	45,980	53,839
Baltimore	6,317,434	9,622,351	3,304,917	6,317,434
Calvert	513,835	775,769	261,934	513,835
Caroline	223,356	344,986	121,630	223,356
Carroll	1,044,214	1,615,299	571,085	1,044,214
Cecil	635,123	984,928	349,805	635,123
Charles	800,823	1,230,526	429,703	800,823
Dorchester	248,740	385,787	137,047	248,740
Frederick	1,491,173	2,252,585	761,412	1,491,173
Garrett	154,606	237,411	82,805	154,606
Harford	1,785,739	2,767,798	982,059	1,785,739
Howard	2,256,458	3,004,081	747,623	2,256,458
Kent	130,799	203,368	72,569	130,799
Montgomery	9,846,736	14,921,507	5,074,771	9,846,736
Prince George’s	11,694,871	13,444,796	1,749,925	11,694,871
Queen Anne’s	266,490	418,817	152,327	266,490
St. Mary’s	558,918	877,178	318,260	558,918
Somerset	161,907	248,770	86,863	161,907
Talbot	264,152	410,253	146,101	264,152
Washington	959,605	1,488,034	528,429	959,605
Wicomico	665,452	1,034,222	368,770	665,452
Worcester	457,571	685,943	228,372	457,571
<b>Total</b>	<b>\$45,420,982</b>	<b>\$64,376,954</b>	<b>\$18,955,972</b>	<b>\$45,420,982</b>

Source: Governor’s Budget Books, Fiscal 2011