

**Q00C02**  
**Division of Parole and Probation**  
**Department of Public Safety and Correctional Services**

***Operating Budget Data***

(\$ in Thousands)

	<u>FY 09</u>	<u>FY 10</u>	<u>FY 11</u>	<u>FY 10-11</u>	<u>% Change</u>
	<u>Actual</u>	<u>Working</u>	<u>Allowance</u>	<u>Change</u>	<u>Prior Year</u>
General Fund	\$93,210	\$90,835	\$97,735	\$6,900	7.6%
Contingent & Back of Bill Reductions	0	0	-2,170	-2,170	
<b>Adjusted General Fund</b>	<b>\$93,210</b>	<b>\$90,835</b>	<b>\$95,566</b>	<b>\$4,730</b>	<b>5.2%</b>
Special Fund	7,007	6,247	8,060	1,813	29.0%
Contingent & Back of Bill Reductions	0	0	-157	-157	
<b>Adjusted Special Fund</b>	<b>\$7,007</b>	<b>\$6,247</b>	<b>\$7,904</b>	<b>\$1,656</b>	<b>26.5%</b>
Federal Fund	0	3,936	3,936	0	
<b>Adjusted Federal Fund</b>	<b>\$0</b>	<b>\$3,936</b>	<b>\$3,936</b>	<b>\$0</b>	<b>0.0%</b>
Reimbursable Fund	209	229	286	57	24.8%
<b>Adjusted Reimbursable Fund</b>	<b>\$209</b>	<b>\$229</b>	<b>\$286</b>	<b>\$57</b>	<b>24.8%</b>
<b>Adjusted Grand Total</b>	<b>\$100,426</b>	<b>\$101,248</b>	<b>\$107,692</b>	<b>\$6,444</b>	<b>6.4%</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.

- There are two fiscal 2010 deficiency appropriations for the Division of Parole and Probation (DPP). An additional \$2 million in general funds is provided to reduce the agency's turnover expectancy as a result of improved staffing. A second deficiency swaps nearly \$4 million in general funds with discretionary federal fiscal stimulus funding. The fund swap between DPP general funds and the American Recovery and Reinvestment Act of 2009 (ARRA) funding from the Maryland Higher Education Commission is necessary to satisfy maintenance of effort requirements within the State's higher education funding under the ARRA.
- The fiscal 2011 allowance is approximately \$107.7 million, an increase of \$6.4 million, or 6.4%. The majority of the increase, approximately \$5.8 million, is due to growth in personnel expenses, largely attributable to a lower fiscal 2011 budgeted turnover rate. Additional increases are for inmate medical expenses and the restoration of fiscal 2010 cost containment actions.

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

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## *Personnel Data*

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	<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>
Regular Positions	1,301.00	1,291.00	1,291.00	0.00
Contractual FTEs	98.97	110.37	110.37	0.00
<b>Total Personnel</b>	<b>1,399.97</b>	<b>1,401.37</b>	<b>1,401.37</b>	<b>0.00</b>

### *Vacancy Data: Regular Positions*

Turnover and Necessary Vacancies, Excluding New Positions	58.10	4.50%
Positions and Percentage Vacant as of 12/31/09	110.00	8.52%

## *Analysis in Brief*

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### **Major Trends**

***Proactive Community Supervision Performance Measures:*** Proactive Community Supervision (PCS) is a supervision strategy that focuses on cognitive behavioral changes in offenders through a combination of reduced caseloads, enhanced supervision skills, and the use of effective community partnerships. As of fiscal 2008, the principles of PCS have been extended to all Division offices that supervise offenders. As such, DPP has altered its Managing for Results (MFR) measures to reflect the performance of all cases, not just those located at the original PCS pilot sites. One PCS performance measure was included in an audit conducted by the Office of Legislative Audits (OLA) to determine the accuracy of MFR data. OLA determined the reported PCS data from fiscal 2007 to be inaccurate. **DPP should comment on the reliability of the data reported since fiscal 2007 and what actions have been taken to ensure accuracy of current and future reported data, especially given the increased number of cases included in the new measures.**

### **Issues**

***Technical Violators in Maryland:*** The department submitted a report in December 2009 which noted significant issues with Maryland's recidivism data that make the technical violator population and its subsequent impact on Maryland's criminal justice system indeterminable. The report largely focused on the efforts of the Maryland Parole Commission (MPC) to address technical violators, noting the use of evidence-based practices and the development of a Technical Violation Matrix tool which provides structured guidance for parole commissioners for determining disposition of technical violations. The report did little to address the role of DPP in dealing with technical violations, especially for probationers, an offender population over which MPC does not have authority. **DPP should comment on its role in dealing with technical violators that are both Violence Prevention Initiative (VPI) and non-VPI offenders. The agency should comment on what efforts are being made to work with the Judiciary to address technical violations. Finally, the agency should**

**comment on why it is able to provide technical violation data for VPI offenders but unable to report similar information for all other offenders.**

***Earned Compliance Credits for Offenders under Community Supervision:*** The number of cases under the supervision of the Division of Parole and Probation has increased nearly 11.6% between fiscal 2006 and 2009. Some states, in an effort to reduce crime and generate savings, have established earned compliance credits (ECCs) for offenders under parole and probation supervision. ECCs act as an incentive for offenders to maintain compliance with the terms of supervision in exchange for a reduced supervision period, with the overall impact being decreased supervision caseloads. **The division should comment on the potential impact of implementing earned compliance credits for offenders on parole, probation, or mandatory release supervision. The Department of Legislative Services recommends budget bill language reducing the general fund appropriation contingent on enactment of a provision in the Budget Reconciliation and Financing Act of 2010 that would provide earned compliance credit for supervised offenders.**

***Sex Offender Supervision:*** Multiple pieces of legislation have been introduced during the 2010 session that relate to sexual offenders. DPP, under Chapter 4 of the Acts of the First Special Session of 2006, has already been imposing special conditions of supervision for paroled sex offenders; however, legislation proposed by the Administration could significantly increase the eligible population. **DPP should comment on the fiscal and operational impact of this proposed legislation.**

***Kiosk Program Expansion:*** The Kiosk Reporting program began as a pilot program in fiscal 2001 with one location in the Prince George's County Police Department. DPP now has three kiosks currently in operation, one each in Baltimore City and in Prince George's and Anne Arundel counties. The department's Information Technology and Communications Division has received a federal grant to install at least one Kiosk unit in every DPP office throughout the State. **DPP should comment on how many additional offenders will be assigned to kiosk supervision and how eligibility will be determined. The agency should also discuss a timeline for rollout of the kiosk units across the State and how program expansion will impact efficiency of operations.**

## **Recommended Actions**

1. Add language to delete 10 long-term vacant positions and restrict associated funding for the purpose of funding estimated underfunding in the Division of Correction.
2. Add language restricting the general fund appropriation until the division submits a plan for implementing earned compliance credits for supervised offenders.

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3. Add language requiring the Division of Parole and Probation to consolidate office space in specific locations and restrict resulting savings for the purpose of funding estimated underfunding in the Division of Correction.
  4. Delete funding for Community Adult Rehabilitation Centers. \$ 1,424,544
  5. Adopt narrative requiring the division to include the number of active Drinking Driver Monitor Program cases in its annual Managing for Results submission.
- Total Reductions** \$ **1,424,544**

## **Updates**

***Violence Prevention Initiative Outcome Measures:*** In response to a 2009 *Joint Chairmen’s Report* request, DPP reported on potential outcome measures for determining the effectiveness of the VPI containment model of supervision. Overall, the majority of the data presented in the report was inconclusive, but the agency was able to identify three potential measures and believes preliminary data indicates the model is having a positive impact on reducing violent crime and the number of supervisees who reoffend.

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**Division of Parole and Probation**  
**Department of Public Safety and Correctional Services**

## ***Operating Budget Analysis***

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### **Program Description**

The Division of Parole and Probation (DPP) provides offender supervision and investigation services. DPP's largest workload involves the supervision of probationers assigned to the division by the courts. DPP also supervises inmates released on parole by the parole commission or released from the Division of Correction (DOC) because of mandatory release. Offenders can also be placed under DPP supervision through assignment by drug courts. The Drinking Driver Monitor Program (DDMP) supervises offenders sentenced by the courts to probation for driving while intoxicated or driving under the influence. DPP also supervises offenders in the Correctional Options Program, which diverts offenders from the prison system whose criminal acts result from drug abuse. In addition, in fiscal 2008, the division created the Community Surveillance and Enforcement Program to provide an alternative to incarceration for eligible offenders through the use of electronic monitoring and case management services. This new program includes the Central Home Detention Unit and the Warrant Apprehension Unit. Finally, the Violence Prevention Unit, also created in fiscal 2008, is a statewide program to identify offenders whose risk factors and criminal histories indicate a propensity for violence and then to provide those offenders with enhanced supervision

### **Performance Analysis: Managing for Results**

Proactive Community Supervision (PCS) is a supervision strategy originally piloted by the division in five specific offices (Hyattsville, Denton, Silver Spring, Mondawmin, and Guilford Avenue-Baltimore). The strategy focuses on cognitive behavioral changes in offenders through a combination of reduced caseloads, enhanced supervision skills, and the use of effective community partnerships. As of fiscal 2008, the principles of PCS have been extended to all division offices that supervise offenders. DPP used to report PCS-specific measures for the five original pilot locations. With the expansion, however, focusing on the outcomes generated only by the original PCS offices is no longer meaningful. As such, the division has altered four of its Managing for Results (MFR) performance measures to report the outcomes from all supervision cases. The altered measures include:

- percent of cases closed due to revocation for a new offense;
- percent of cases closed in a satisfactory status;
- percent of cases wherein the offender was employed at the time of case closing; and
- percent of cases closed where the offender had satisfactorily completed substance abuse treatment programs.

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DPP had one MFR measure included in a statewide audit of Public Safety and Safer Neighborhoods' MFR Performance Measures. The audit was conducted by the Office of Legislative Audits (OLA) to determine the accuracy of data reported in the Maryland fiscal 2009 operating budget request. OLA reviewed fiscal 2007 data that reported 42% of PCS cases closed where the offender has satisfactorily completed substance abuse treatment programming. The auditors determined that this measure was inaccurate because OLA identified a significant number of errors in the underlying data. OLA tested 35 of the 1,237 PCS closed cases for which the offenders were identified as having satisfactorily completed treatment during fiscal year 2007. For 24 of the cases, there was no documentation to establish satisfactory completion of a substance abuse treatment program by the offender. Furthermore, for 16 of the aforementioned 24 cases, the offenders had not been enrolled in a substance abuse treatment program.

With the expansion of the PCS program to all DPP field offices, the number of closed cases requiring verification and documentation will be greatly increased. **DPP should comment on the reliability of the data reported since fiscal 2007 and what actions have been taken to ensure accuracy of current and future reported data, especially given the increased number of cases included in the new measures.**

### **Fiscal 2010 Actions**

#### **Proposed Deficiency**

There are two DPP-related fiscal 2010 deficiency appropriations. An additional \$2 million in general funds is provided to reduce the agency's turnover expectancy as a result of improved staffing. DPP intends to fill 36 parole and probation agent positions that are currently held vacant due to the underfunding. A second deficiency swaps nearly \$4 million in general funds with discretionary federal fiscal stimulus funding. The fund swap between DPP general funds and American Recovery and Reinvestment Act of 2009 (ARRA) funding from the Maryland Higher Education Commission is necessary to satisfy maintenance of effort requirements within the State's higher education funding under the ARRA.

#### **Impact of Cost Containment**

Fiscal 2010 cost containment actions for the division total \$6.9 million, the majority of which was related to employee furloughs and across-the-board reductions for health insurance, vehicle purchases, contractual services, and travel expenses. The agency's budget was also reduced by \$600,000 as the result of renegotiated rental rates for DPP field offices. Also included in the cost containment actions is a \$3.6 million general fund reduction taken as part of a fund swap with ARRA funding originally allocated to higher education institutions. An equal amount of federal funding was appropriated to the agency via budget amendment.

## **Federal Stimulus Fund**

DPP has received \$3.6 million in discretionary ARRA funding for fiscal 2010. With deficiency appropriations, the agency's ARRA appropriation increases to approximately \$7.6 million. All ARRA funding is utilized for personnel expenses.

## **Proposed Budget**

As seen in **Exhibit 1**, the Governor's fiscal 2011 allowance for the division increases by approximately \$6.4 million. 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 (DLS) has estimated the distribution of selected actions relating to employee furloughs, health insurance, and Injured Workers' Insurance Fund cost savings. The estimated impact for DPP is a reduction of nearly \$2.2 million in general funds and \$157,000 in special funds.

## **Personnel**

Personnel expenses increase by nearly \$5.8 million. Growth for health insurance and employee retirement increases by approximately \$1.6 million each. The most significant increase, a net growth of \$2.6 million, is for improved budgeted turnover expectancy. As of December 31, 2009, the division's vacancy rate was 8.5%. Fiscal 2011 turnover is budgeted at 4.5%. As of February 2010, the agency had 117 vacant positions, at least 24 of which have been vacant for more than 12 months. Of those 117 vacant positions, 66 are parole and probation agents, excluding supervisors, and 14 are monitors for the drinking driver monitor program. As previously mentioned, the division anticipates hiring an additional 36 agents once funding is available via the fiscal 2010 deficiency appropriation. This will still leave the agency an excess of 23 positions above what is needed to meet the lower budgeted turnover rate. **DLS recommends deleting 10 long-term vacant positions for a total general fund reduction of \$600,000. In light of underfunding identified by DLS in other agencies within the department, budget bill language is also recommended to restrict the funding associated with the deleted positions for transfer to DOC to address underfunding.**

DPP believes that it will be able to maintain a 4.5% vacancy rate in fiscal 2011. According to the agency, retention of employees is a more significant contributor to the high vacancy rate than is recruitment. **DPP should comment on what is driving the lack of retention among employees and what steps the agency is taking to improve retention and streamline the recruitment and training process.**

**Exhibit 1**  
**Proposed Budget**  
**DPSCS – Division of Parole and Probation**  
**(\$ in Thousands)**

<b>How Much It Grows:</b>	<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>
2010 Working Appropriation	\$90,835	\$6,247	\$3,936	\$229	\$101,248
2011 Allowance	<u>97,735</u>	<u>8,060</u>	<u>3,936</u>	<u>286</u>	<u>110,018</u>
Amount Change	\$6,900	\$1,813	\$0	\$57	\$8,770
Percent Change	7.6%	29.0%	0.1%	24.8%	8.7%
 Contingent Reduction	 -\$2,170	 -\$157	 \$0	 \$0	 -\$2,326
Adjusted Change	\$4,730	\$1,656	\$0	\$57	\$6,444
Adjusted Percent Change	5.2%	26.5%	0.0%	24.8%	6.4%

**Where It Goes:**

**Personnel Expenses**

Employee and retiree health insurance .....	\$1,569
Employee Retirement System .....	1,655
Workers' compensation premium assessment.....	-180
Unemployment Compensation .....	113
Regular and contractual employee turnover adjustments net of furlough savings .....	2,602
Other fringe benefit adjustments .....	12

**Other Changes**

Inmate medical expenses .....	172
Restoration of one-time fiscal 2010 cost containment action to reduce rental rates at DPP field offices .....	486
Other .....	15

**Total** **\$6,444**

DPP: Department of Parole and Probation

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

## **Other Changes**

Aside from growth in personnel expenses, the agency also receives an increase of \$172,000 associated with inmate medical expenses. Funding for rent costs also increase by \$486,000. This restores a one-time cost containment reduction taken by the Board of Public Works in fiscal 2010. This reduction was taken as part of an effort by the Department of General Services to renegotiate rental rates for DPP field offices. It is not clear whether rates have been renegotiated yet for fiscal 2010 and whether the agency will actually be able to achieve the identified savings. As such, the funding has been restored for fiscal 2011.

**Exhibit 2** shows the locations of DPP field offices throughout the State. There is at least one field office in each county and Baltimore City. In certain counties with higher caseloads, there is more than one office location throughout the county. **Exhibit 3** provides detail on the number of agents and caseload size by county. Baltimore City, which accounts for 30% of DPP cases, has eight field office locations. Anne Arundel, Baltimore, Harford, Montgomery, Prince George's, and Worcester counties have more than one office in the county, but in separate city locations. Carroll, Frederick, and Talbot counties are the only locations, outside of Baltimore City, that have two offices in the same city. DLS believes the potential exists for consolidation of office space where there is more than one DPP office within the same city. **DLS recommends that the division consolidate office space in Easton, Frederick, and Westminster into one DPP location each. DLS also recommends budget bill language to identify the rent and electricity savings generated from the consolidation and restrict that funding for transfer to the Division of Correction to support filled correctional officer positions.**

## **Federal Stimulus Fund**

Currently, the fiscal 2011 allowance includes \$3.6 million in ongoing ARRA funding for DPP. The \$4.0 million provided in the deficiency appropriation has not been included in the allowance. According to the agency, the additional \$4.0 million for fiscal 2011 will be provided via a supplemental budget; however, it is not clear whether the full amount of funding will be provided. The Department of Human Resources receives an additional \$1.5 million in ARRA funding for fiscal 2011. This would mean only \$2.5 million would be available for allocation to DPP.

Additionally, DLS has noted that the department continues to be underfunded in certain areas. **If additional ARRA funding were to be allocated in a supplemental budget, DLS recommends that general funding not be simultaneously reduced.**

**Exhibit 2**  
**Division of Parole and Probation**  
**Field Office Locations**



Source: Department of Legislative Services

**Exhibit 3**  
**Division of Parole and Probation Caseloads by Location**  
**Fiscal 2010 Year-to-date**

<u>County (City)</u>	<u>Agents</u>	<u>VPI Cases</u>	<u>Sex Offender Cases</u>	<u>General Pop. Cases</u>	<u>Avg. VPI Cases Per Agent</u>	<u>Avg. Sex Offender Cases Per Agent</u>	<u>Avg. General Pop. Cases Per Agent</u>
<b>Baltimore City/County</b>							
Baltimore City (8 locations)	227	1,395	771	14,830	31	30	95
Baltimore* (Catonsville/Dundalk/Essex/ Towson)	39	0	0	6,070	0	0	157
<b>Central Region</b>							
Anne Arundel (Annapolis/ Glen Burnie)	35	137	168	4,318	27	23	188
Carroll (Westminster – 2 offices)	13	8	67	1,301	0	34	124
Harford (Aberdeen/ Bel Air)	24	39	98	2,186	29	33	109
Howard (Ellicott City)	11	20	50	858	20	25	107
Montgomery (Gaithersburg/Rockville/ Silver Spring)	36	51	213	4,079	26	30	152
Prince George's (Hyattsville/Landover/Temple Hills/Upper Marlboro)	52	189	271	5,334	32	27	147
<b>Western Region</b>							
Allegany (Cumberland)	6	5	54	536	0	27	96
Garrett (Oakland)	3	2	26	129	0	26	65
Washington (Hagerstown)	12	30	75	1,593	30	38	177
Frederick (Frederick – 2 offices)	11	23	84	1,038	23	28	148
<b>Eastern Region</b>							
Caroline (Denton)	5	8	27	463	0	0	94
Cecil (Elkton)	10	9	68	841	0	27	120
Dorchester (Cambridge)	5	22	22	397	0	0	77
Kent (Chestertown)	3	9	5	225	0	0	75
Queen Anne's (Centreville)	5	5	12	355	0	0	71
Somerset (Princess Anne)	3	9	15	229	0	0	76
Talbot (Easton – 2 offices)	4	14	21	375	0	0	94
Wicomico (Salisbury)	17	37	75	1,110	22	38	84
Worcester (Berlin/Snow Hill)	7	6	26	1,202	0	26	208
<b>Southern Region</b>							
Charles (Waldorf)	12	42	76	1,337	21	29	172
Calvert (Prince Frederick)	5	15	39	382	0	39	109
St. Mary's (Leonardtown)	5	11	58	360	0	29	130

VPI: Violence Prevention Initiative

\*Baltimore County Violence Prevention Initiative/Sex offender cases are included in Baltimore City statistics

Source: Division of Parole and Probation StateStat

## ***Issues***

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### **1. Technical Violators in Maryland**

In the 2009 *Joint Chairmen's Report* (JCR), the budget committees directed the Department of Public Safety and Correctional Services (DPSCS) to submit a report assessing the impact of technical violators on the correctional and supervision functions. The department submitted a report in December 2009, which noted significant issues with Maryland's recidivism data that make the technical violator population and its subsequent impact on Maryland's criminal justice system indeterminable. The department believes reliable data on technical violators versus inmates who reoffend due to commission of a new offense will not be available until the new Offender Case Management System is implemented. This system will not be complete until 2012.

In the meantime, the report largely focused on the efforts of the Maryland Parole Commission (MPC) to address technical violators, noting the use of evidence-based practices and the development of a Technical Violation Matrix tool which provides structured guidance for parole commissioners for determining disposition of technical violations. The Matrix is applied in cases that come before the commission for revocation that are based solely upon technical violations, and not for cases that involve allegation of new criminal conduct. The recommended disposition is based on an offender's risk to public safety and the severity of the technical violation. Disposition options, aside from full revocation, can include:

- continuation of supervision;
- verbal reprimand; or
- imposition of additional conditions, such as drug or mental health treatment, global positioning tracking, or home detention.

In addition, the Parole Commissioner may withhold the decision for a period of time, in effect providing a short term incarceration that does not result in a full incarceration.

The budget committees' request asked for additional information regarding technical violators that was not addressed in the department's report. Specifically, the committee narrative directed the department to analyze possible alternatives for handling the technical violator population, examining statutory restrictions for reincarceration, dedicating programs or facilities specifically to the technical violator population, and providing reward or good time credits for compliant offenders while under DPP supervision. The report did little, in fact, to address the role of DPP in dealing with technical violations, especially for probationers, an offender population over which the MPC does not have authority. DPSCS was unable to provide any population data regarding technical violators; however, DPP reports monthly technical violations of Violence Prevention Initiative (VPI) participants at StateStat.

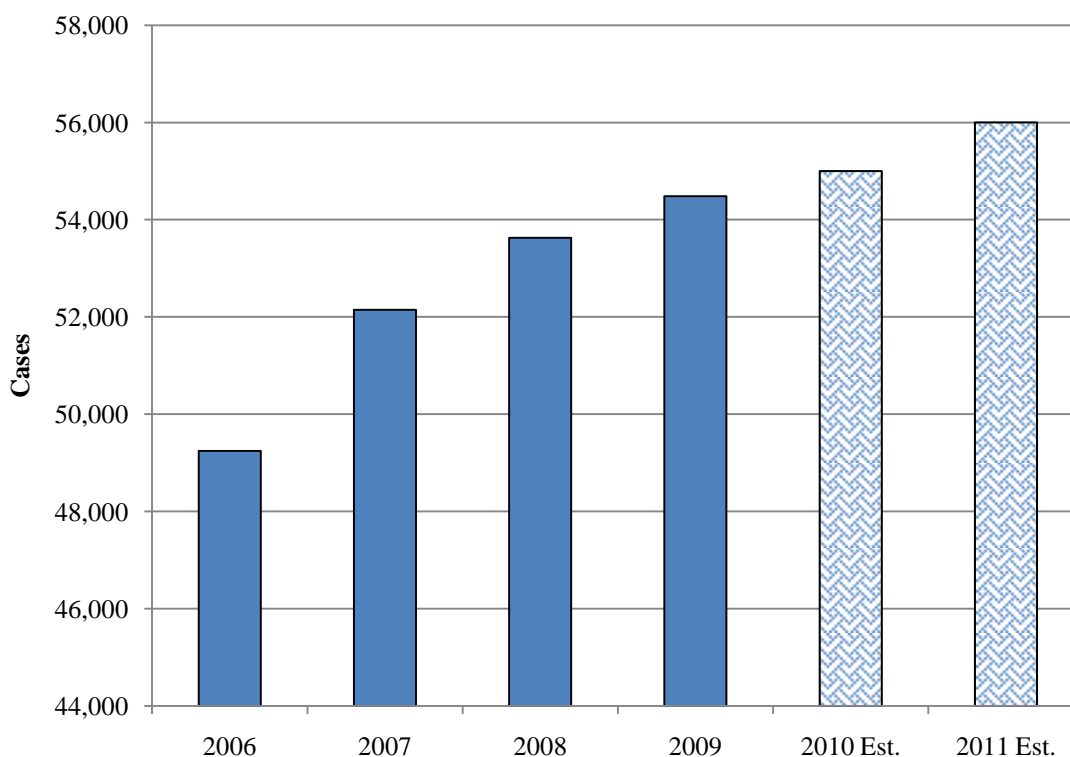
DPP should comment its role in dealing with technical violators that are both VPI and non-VPI offenders. The agency should comment on what efforts are being made to work with the Judiciary to address technical violations. Finally, the agency should comment on why it is able to provide technical violation data for VPI offenders but unable to report similar information for all other offenders.

## 2. Earned Compliance Credits for Offenders under Community Supervision

The number of active cases under the supervision of DPP has increased nearly 4% between fiscal 2006 and 2009, as shown in **Exhibit 4**.

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**Exhibit 4**  
**Division of Parole and Probation**  
**Cases under Supervision**  
**Fiscal 2006-2011 Est.**



Source: Department of Public Safety and Correctional Services

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According to a March 2009 report by the Justice Policy Institute, Maryland could experience significant savings by reforming its parole system in order to increase the number of released offenders. In addition to reforming the parole system, the report recommends instituting an early release program for supervised offenders, meaning parolees, probationers, and mandatory releases. Having the ability to reduce time from their period of supervision through good behavior and participation in education, employment, or other services would serve as an incentive, in addition to lowering costs and opportunities for a person to return to prison on a technical violation.

Some states, in an effort to reduce crime and generate savings, have already established earned compliance credit (ECC) for offenders under community supervision. For example, in 2007, Nevada passed legislation to allow an individual's term of supervision to be reduced by up to 20 days per month by earning good time credit while on parole. In addition, Arizona legislation from 2008 awards up to 20 days per month of earned compliance credit for probationers who are making progress toward the goals established in the probationers' case plan and who are current on court and restitution payments. The estimated fiscal impact of this legislation is savings of approximately \$6.9 million. Another alternative would be to include a term of supervision cap, meaning that certain offenders would automatically be released from their term of supervision after maintaining compliance with the conditions of supervision for an identified period of time. Having the term of supervision cap in statute would eliminate the backlog generated from having to request an early termination from either the courts or MPC.

Given the identified validity issues with the department's data, the number of offenders under DPP supervision who would qualify for the ECC is unknown. If Maryland were to implement a system of earned compliance credits for community supervised offenders, similar to the system already available to incarcerated offenders, it could significantly reduce parole and probation agent caseloads. A plan that awarded 20 credit days per month, once an offender had maintained compliance for three months under supervision, could generate up to \$92.4 million in multi-year savings, if every offender under supervision was eligible for the ECC. The average term of supervision could be reduced by 12 months. This would allow the department to focus its resources on those offenders who are identified as being higher risk. In addition, if Maryland were to increase its parole rates at the same time it implemented earned compliance credits for community supervised offenders, it could potentially result in significant cost savings by reducing the prison population enough to close prison facilities, while still maintaining adequate agent caseloads.

**The division should comment on the potential impact of implementing earned compliance credits for offenders on parole, probation, or mandatory release supervision. DLS recommends budget bill language restricting the general fund appropriation until the division submits a plan for implementing earned compliance credit for supervised offenders.**

### **3. Sex Offender Supervision**

Multiple pieces of legislation have been introduced during the 2010 session relating to sex offenders. If enacted, there could be a significant impact on departmental operations. As of January 2010, there are 6,438 sex offenders registered in Maryland. A total of 3,193 inmates are

incarcerated in the State's adult prison system for a sexual offense. This represents approximately 14.3% of the total average daily population, for a total annual cost of \$109.2 million. There are also approximately 2,323 adult sex offenders in the community under supervision by DPP, costing the State, at a minimum, \$3.7 million.

## **Administration Legislation**

At the request of the Administration, legislation has been introduced, Senate Bill 280/House Bill 473, to alter current statute relating to sexual offender supervision. The proposed bill alters legislation passed during the 2006 special session to provide the sentencing court with the authority to impose lifetime supervision and special conditions of supervision, which may include global positioning satellite (GPS) tracking, computer monitoring, polygraph testing, etc. While the option for imposing special conditions exists under current legislation, it only could be applied to parolees since under current law, only MPC was tasked with imposing a period of extended supervision and special supervision conditions to sexual offenders.

Despite enactment of the legislation in 2006, DPP did not spend any funds on sex offender supervision services until fiscal 2009. Resources dedicated to sex offender supervision in the fiscal 2011 allowance include:

- Approximately 83 agents that manage sex offenders, of which 71 have dedicated sex offender caseloads.
- \$556,625 for GPS tracking. To date, a total of 1,327 offenders have been subject to GPS tracking. Of these, 230 sex offenders have been subject to GPS tracking since 2009 (this figure includes some duplication since some offenders have been monitored on more than one occasion). There are currently 40 sexual offenders under active GPS monitoring. DPP policy, effective January 2010, requires a minimum of 90 days of GPS tracking for any sexual offender upon release from DOC.
- \$206,300 for polygraph testing. DPP has a memorandum of understanding with the Maryland State Police (MSP) for the provision of polygraph services for DPP's sex offenders. There are 63 sex offenders who have been identified for polygraph testing and are in DPP's approval process. An additional 40 offenders have been referred to the MSP for polygraph testing, 25 of these have been completed. The remaining 15 offenders are in the MSP testing process (scheduling, testing, and report writing).
- \$63,120 for computer monitoring. To date, 44 sex offenders have been approved for computer monitoring. Six offenders are being actively monitored, and the remaining 38 are in the installation process.
- \$300,000 for sex offender treatment services. DPP has yet to contract for sex offender treatment services. The third request for proposal for treatment services will be issued in the near future.

With the enactment of legislation to impose lifetime supervision for sex offenders, and the potential to impose special conditions on offenders other than parolees, it is possible that the supervised population, agent caseloads, and associated fiscal costs could increase significantly. **DPP should comment on the fiscal and operational impact of this proposed legislation.**

## **Departmental Legislation**

At the request of DPSCS, two bills relating to the supervision and registration of sex offenders have been introduced. House Bills 95 and 424, if enacted, would help the State become compliant with the federal Sex Offender Registration and Notification Act (SORNA), enacted as Title I of the Adam Walsh Child Protection and Safety Act of 2006. SORNA 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 the State at risk to lose 10% of Byrne Justice Assistance Grants. **DPP should comment on the fiscal and operational impact of this proposed legislation.**

Additional discussion on SORNA compliance can be found in the Governor's Office of Crime Control and Prevention analysis.

## **4. Kiosk Program Expansion**

The Kiosk Reporting program began as a pilot program in fiscal 2001 with one location in the Prince George's County Police Department. DPP now has three kiosks currently in operation, one each in Baltimore City and in Prince George's and Anne Arundel counties. As of January 2010, there are approximately 2,666 offenders assigned to kiosk supervision and five full-time agents. Up to five additional agents use the kiosk to supplement the supervision of their caseloads. The approximate cost of operating these three kiosks is \$110,000 annually.

The department's Information Technology and Communications Division has received a federal Law Enforcement Technology – Recovery Act stimulus grant for \$922,890. DPP intends to use this funding to install at least one kiosk unit in every DPP office throughout the State. As a result, all lowest risk offenders will be monitored solely by kiosk. The program will also be expanded to serve as a tool for supplementing face to face contacts for all other offenders. The agency does not anticipate any fiscal 2010 or 2011 cost savings generated from expanding the program but does believe it will help to improve operational efficiency and redistribute resources to higher risk offenders. **DPP should comment on how many additional offenders will be assigned to kiosk supervision and how eligibility will be determined. The agency should also discuss a timeline for rollout of the kiosk units across the State and how program expansion will impact efficiency of operations.**

## ***Recommended Actions***

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1. Add the following language to the general fund appropriation:

, provided that \$600,000 of this appropriation may not be expended by the Division of Parole and Probation but instead may be transferred by budget amendment to the Division of Correction to be used only for the funding of food, fuel, or correctional officer salaries. Funds not expended for this restricted purpose may not be transferred by budget amendment or otherwise to any other purpose, and shall revert to the general fund.

Further provided that 10 regular positions are deleted from this budget.

**Explanation:** As of February 2010, the division has 117 vacancies; only 58 vacancies are required to meet fiscal 2011 budgeted turnover. Of the 117 total vacancies, 24 of the positions have been vacant for more than a year, and 7 positions have been vacant more than two years. This action would delete 10 of the 24 long-term vacancies, and in light of identified underfunding in other areas of the Department of Public Safety and Correctional Services budget, restricts the associated funding to be transferred to the Division of Correction to support food, fuel, or correctional officer salaries.

2. Add the following language to the general fund appropriation:

Further provided that \$300,000 of this appropriation may not be expended until the Division of Parole and Probation submits a report to the budget committees on the implementation and impact of earned compliance credits (ECCs) for supervised offenders. The report shall provide a proposed implementation plan for assessing ECCs based on awarding 20 days of credit per month once an offender has completed 3 months of compliant supervision. Sexual and Violence Prevention Initiative offenders shall be excluded from the estimate. The report shall identify any legislative requirements needed to implement ECCs, the potential operating impact and fiscal savings, and what the impact might be on the eligible offender population. The report shall be submitted by October 30, 2010, and the budget committees shall have 45 days to review and comment. Funds restricted pending the receipt of a report may not be transferred by budget amendment or otherwise to any other purpose, and shall revert to the general fund if the report is not submitted to the budget committees.

**Explanation:** This action would restrict \$300,000 of the general fund appropriation for the Division of Parole and Probation until a potential plan for implementing earned compliance credits (ECCs) was submitted to the budget committees. Implementation of ECCs would likely result in cost savings by reducing the supervised offender population and lessening the caseloads of parole and probation agents, allowing for resources to be concentrated on non-compliant and higher-risk offenders.

*Q00C02 – DPSCS – Division of Parole and Probation*

3. Add the following language to the general fund appropriation:

Further provided that \$189,867 in general funds made for the purpose of funding rent and electricity at the Westminster, Easton, and Frederick field offices, may not be expended for that purpose, but instead may be transferred by budget amendment to the Division of Correction to be used only for food, fuel, or correctional officer salaries. Funds not expended for this restricted purpose may not be transferred by budget amendment or otherwise to any other purpose. Any unexpended general funds shall revert to the general fund. The Division of Parole and Probation shall consolidate offices and maintain only one location in each of the aforementioned locations.

**Explanation:** The Department of Legislative Services believes there are opportunities for consolidation within the Division of Parole and Probation. The agent to caseload ratios, particularly on the Eastern Shore, do not warrant a need for more than one office location within the same city, with the exception of Baltimore City, which accounts for approximately 30% of cases. Westminster, Easton, and Frederick are the only cities that have more than one DPP office. Instead of deleting the funding for these offices, in an effort to recognize that certain areas within other agencies of the department are underfunded, the funding associated with operating these secondary field offices should be restricted and reallocated to the Division of Correction to support food, fuel, and correctional officer salaries.

**Amount  
Reduction**

4. Delete funding for the Community Adult Rehabilitation Centers (CARC) in Montgomery and Cecil counties. The State currently funds the full cost of operating these facilities, paid on a per diem basis, yet not all inmates housed at the CARCs are State-sentenced inmates. This action would require a corresponding action in the Budget Reconciliation and Financing Act of 2010. \$ 1,424,544 GF

5. Adopt the following narrative:

***Drinking Driver Monitor Program Active Cases under Supervision:*** The budget committees direct the Division of Parole and Probation, as part of its Managing For Results performance measures, to report the number of active cases under supervision within the Drinking Driver Monitor Program (DDMP). The division currently reports active cases for parolees, probationers, and mandatory releases. Providing the number of active cases for the DDMP would provide a more accurate indication of the supervision population.

*Q00C02 – DPSCS – Division of Parole and Probation*

<b>Information Request</b>	<b>Author</b>	<b>Due Date</b>
DDMP Active Cases	DPP	With the annual budget submission
<b>Total General Fund Reductions</b>		<b>\$ 1,424,544</b>

## ***Updates***

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### **1. Violence Prevention Initiative Outcome Measures**

In response to a 2009 JCR request, DPP developed potential outcome measures for determining the effectiveness of using the VPI containment model of supervision. The majority of the data presented in the report was inconclusive, but potential measures identified by the division include:

- number of homicides and nonfatal shootings in Baltimore City;
- number of DPP supervised offenders involved in violent crimes; and
- VPI homicide suspects.

DPP believes that the preliminary data shows VPI as having a positive impact on reducing violent crime and the number of supervisees who reoffend. As of January 2009, the agency revised its screening tool for VPI entry and created a step-down level, VPI II, for offenders who maintain compliance with their terms of supervision. The division continues to collect and review available data through a contract with the JFA Institute. Approximately \$43,000 is included in the fiscal 2011 allowance for this purpose.

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

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### **Current and Prior Year Budgets DPSCS – Division of Parole and Probation (\$ 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	\$102,513	\$6,658	\$0	\$286	\$109,457
Deficiency Appropriation	0	0	200	0	200
Budget Amendments	-3,590	601	0	0	-2,989
Cost Containment	-5,712	-82	0	0	-5,794
Reversions and Cancellations	0	-170	-200	-77	-447
<b>Actual Expenditures</b>	<b>\$93,211</b>	<b>\$7,007</b>	<b>\$0</b>	<b>\$209</b>	<b>\$100,427</b>
<b>Fiscal 2010</b>					
Legislative Appropriation	\$94,734	\$6,333	\$336	\$229	\$101,632
Cost Containment	-6,822	-85	0	0	-6,907
Budget Amendments	2,923	0	3,600	0	6,523
<b>Working Appropriation</b>	<b>\$90,835</b>	<b>\$6,248</b>	<b>\$3,936</b>	<b>\$229</b>	<b>\$101,248</b>

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

## **Fiscal 2009**

General fund spending for fiscal 2009 was approximately \$93.2 million, a decrease of \$9.3 million from the legislative appropriation.

- Budget amendments reduced the appropriation by approximately \$3.6 million. The fiscal 2009 cost-of-living adjustment (COLA) provided an increase of almost \$1.4 million; however, the realignment of funds throughout the department combined for a \$4.4 million decrease. The legislative appropriation was further reduced by approximately \$521,000 because of the transfer of funds and positions associated with DPP training to the Professional Development and Training Division within the Office of the Secretary. The transfer was the result of an effort to consolidate training services throughout the department.
- Cost containment actions reduced the legislative appropriation by approximately \$5.7 million. The majority of the reduction, \$5.3 million, was personnel related, with the loss of 65 positions, employee furloughs, and across-the-board reductions to health insurance and Other Post Employment Benefit (OPEB) payments. Additional actions reducing funding for travel, motor vehicle replacements, and urinalysis and psychological testing totaled approximately \$400,000.

Special fund expenditures totaled approximately \$7.0 million in fiscal 2009, an increase of approximately \$349,000 over the legislative appropriation.

- The division had two budget amendments totaling approximately \$601,000. The COLA amendment increased the appropriation by approximately \$76,000 and \$525,000 was provided from an increase in fee collections from the DDMP.
- Cost containment actions reduced the special fund appropriation by \$82,000. The actions provided across-the-board reductions to employee health insurance and OPEB funding, as well as employee furloughs.
- The division also cancelled approximately \$170,000 due to lower than anticipated revenues from DDMP, administrative, and home detention monitoring fee collections.

DPP received a \$200,000 federal fund deficiency appropriation as part of the Prisoner Reentry Initiative “Reentry, Accountability, and Monitoring” grant. The grant was to improve the effectiveness of the department’s reentry system and to improve the accountability of the State’s community corrections system. The agency cancelled the \$200,000 received from the grant at the end of fiscal 2009.

Reimbursable fund spending in fiscal 2009 was approximately \$209,000. The division cancelled nearly \$77,000 due to less than anticipated revenues and expenditures for various grants.

## **Fiscal 2010**

The fiscal 2010 general fund working appropriation is approximately \$90.8 million, a net reduction of nearly \$3.9 million.

- Cost containment actions for the division total \$6.8 million, the majority of which was related to employee furloughs and across-the-board reductions for health insurance, vehicle purchases, contractual services, and travel expenses. The agency's budget was also reduced by \$600,000 as the result of renegotiated rental rates for DPP field offices. Also included in the cost containment actions is a \$3.6 million general fund reduction taken as part of a fund swap with ARRA funding originally allocated to higher education institutions. An equal amount of federal funding was appropriated to the agency via budget amendment.
- The agency had one budget amendment totaling approximately \$2.9 million to transfer the funding for contractual prerelease services from the DOC Prerelease System to DPP. DPP's Field Operations unit is now responsible for the management of contractual prerelease services, including Dismas House West and Threshold.

The fiscal 2010 special fund legislative appropriation is reduced by \$85,000, for a working appropriation of approximately \$6.2 million. This reduction is the result of employee furloughs taken as part of fiscal 2010 cost containment actions.

The federal fund working appropriation is approximately \$3.9 million, an increase of \$3.6 million. This increase reflects additional ARRA funding received by the agency as part of a cost containment fund swap with general funds.

**Object/Fund Difference Report  
DPSCS – Division of Parole and Probation**

<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	1301.00	1291.00	1291.00	0	0%
02 Contractual	98.97	110.37	110.37	0	0%
<b>Total Positions</b>	<b>1399.97</b>	<b>1401.37</b>	<b>1401.37</b>	<b>0</b>	<b>0%</b>
<b>Objects</b>					
01 Salaries and Wages	\$ 82,905,701	\$ 80,788,957	\$ 88,159,696	\$ 7,370,739	9.1%
02 Technical and Spec. Fees	3,090,179	2,126,876	3,086,863	959,987	45.1%
03 Communication	1,026,109	1,013,625	1,016,450	2,825	0.3%
04 Travel	442,790	451,800	402,200	-49,600	-11.0%
06 Fuel and Utilities	405,871	396,040	366,860	-29,180	-7.4%
07 Motor Vehicles	728,160	860,476	819,247	-41,229	-4.8%
08 Contractual Services	5,279,920	10,020,063	10,028,187	8,124	0.1%
09 Supplies and Materials	974,967	1,041,577	957,400	-84,177	-8.1%
10 Equipment – Replacement	8,610	26,970	33,974	7,004	26.0%
11 Equipment – Additional	248,030	40,500	40,500	0	0%
12 Grants, Subsidies, and Contributions	500,000	500,000	500,000	0	0%
13 Fixed Charges	4,711,725	3,981,343	4,606,916	625,573	15.7%
14 Land and Structures	104,334	0	0	0	0.0%
<b>Total Objects</b>	<b>\$ 100,426,396</b>	<b>\$ 101,248,227</b>	<b>\$ 110,018,293</b>	<b>\$ 8,770,066</b>	<b>8.7%</b>
<b>Funds</b>					
01 General Fund	\$ 93,210,395	\$ 90,835,165	\$ 97,735,350	\$ 6,900,185	7.6%
03 Special Fund	7,007,118	6,247,366	8,060,276	1,812,910	29.0%
05 Federal Fund	0	3,936,235	3,936,345	110	0%
09 Reimbursable Fund	208,883	229,461	286,322	56,861	24.8%
<b>Total Funds</b>	<b>\$ 100,426,396</b>	<b>\$ 101,248,227</b>	<b>\$ 110,018,293</b>	<b>\$ 8,770,066</b>	<b>8.7%</b>

Note: The fiscal 2010 appropriation does not include deficiencies.

**Fiscal Summary**  
**DPSCS – Division of Parole and Probation**

<u>Program/Unit</u>	<u>FY09 Actual</u>	<u>FY10 Wrk Approp</u>	<u>FY11 Allowance</u>	<u>Change</u>	<u>FY10 - FY11 % Change</u>
01 General Administration	\$ 4,301,487	\$ 4,255,398	\$ 5,115,520	\$ 860,122	20.2%
02 Field Operations	86,904,481	87,995,964	94,772,560	6,776,596	7.7%
03 Community Surveillance and Enforcement Program	9,220,428	8,996,865	10,130,213	1,133,348	12.6%
<b>Total Expenditures</b>	<b>\$ 100,426,396</b>	<b>\$ 101,248,227</b>	<b>\$ 110,018,293</b>	<b>\$ 8,770,066</b>	<b>8.7%</b>
General Fund	\$ 93,210,395	\$ 90,835,165	\$ 97,735,350	\$ 6,900,185	7.6%
Special Fund	7,007,118	6,247,366	8,060,276	1,812,910	29.0%
Federal Fund	0	3,936,235	3,936,345	110	0%
<b>Total Appropriations</b>	<b>\$ 100,217,513</b>	<b>\$ 101,018,766</b>	<b>\$ 109,731,971</b>	<b>\$ 8,713,205</b>	<b>8.6%</b>
Reimbursable Fund	\$ 208,883	\$ 229,461	\$ 286,322	\$ 56,861	24.8%
<b>Total Funds</b>	<b>\$ 100,426,396</b>	<b>\$ 101,248,227</b>	<b>\$ 110,018,293</b>	<b>\$ 8,770,066</b>	<b>8.7%</b>

Note: The fiscal 2010 appropriation does not include deficiencies.