

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

Operating Budget Data

(\$ in Thousands)

	<u>FY 17</u> <u>Actual</u>	<u>FY 18</u> <u>Working</u>	<u>FY 19</u> <u>Allowance</u>	<u>FY 18-19</u> <u>Change</u>	<u>% Change</u> <u>Prior Year</u>
General Fund	\$100,565	\$102,911	\$103,320	\$409	0.4%
Adjustments	0	-1,799	600	2,398	
Adjusted General Fund	\$100,565	\$101,113	\$103,920	\$2,807	2.8%
Special Fund	5,778	6,633	6,676	43	0.6%
Adjustments	0	-91	56	148	
Adjusted Special Fund	\$5,778	\$6,542	\$6,732	\$190	2.9%
Reimbursable Fund	290	104	105	1	1.1%
Adjustments	0	0	0	0	
Adjusted Reimbursable Fund	\$290	\$104	\$105	\$1	1.1%
Adjusted Grand Total	\$106,634	\$107,759	\$110,757	\$2,998	2.8%

Note: FY 18 Working includes targeted reversions, deficiencies, and across-the-board reductions. FY 19 Allowance includes contingent reductions and cost-of-living adjustments.

- The fiscal 2019 allowance for the Division of Parole and Probation (DPP) increases by nearly \$3 million when compared to the fiscal 2018 working appropriation, a 2.8% increase. This is primarily due to two major adjustments: restoration of a fiscal 2018 across-the-board reduction for health insurance (\$1.9 million in total, \$1.8 million in general funds), and a fiscal 2019 cost-of-living adjustment for State employees (\$656,000 in total, \$600,000 in general funds, and \$56,000 in special funds).
- Special funds increase by \$190,000, including adjustments – an increase of 2.9% over the working appropriation.
- Reimbursable funds grow by \$1,000, or 1.1%, over the fiscal 2018 appropriation.

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

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Personnel Data

	<u>FY 17 Actual</u>	<u>FY 18 Working</u>	<u>FY 19 Allowance</u>	<u>FY 18-19 Change</u>
Regular Positions	1,118.00	1,118.00	1,118.00	0.00
Contractual FTEs	<u>38.25</u>	<u>64.56</u>	<u>64.56</u>	<u>0.00</u>
Total Personnel	1,156.25	1,182.56	1,182.56	0.00

Vacancy Data: Regular Positions

Turnover and Necessary Vacancies, Excluding New Positions	55.01	4.92%
Positions and Percentage Vacant as of 12/31/17	164.00	14.67%

- For the agency’s fiscal 2019 personnel allowance, there are no changes in regular positions or contractual full-time equivalents. DPP has 164 vacancies, nearly three times what is needed to meet the fiscal 2019 budgeted turnover.
- Overall, a significant number of the vacancies are located in DPP’s South Region Operations with 50 vacant positions. That office is followed closely by the Central Region Operations with 49 vacant positions, and DPP’s North Region Operations with 34 vacant positions. Nearly 43% of the division’s vacant positions have been unfilled for over a year, with most of those positions in the South Region Operations.
- The Pretrial Release Services Program, which has 21 vacancies, will be under the authority of the Division of Pretrial Detention in fiscal 2019 and is not reflected in the allowance of this agency.

Analysis in Brief

Major Trends

Supervision Population: The total number of offenders with active cases has decreased by 15% since fiscal 2012. At the same time, the percentage of community supervision cases that are closed and rated as satisfactory has been 76% or higher over the last five fiscal years.

Cases Closed Due to Revocation for a New Offense: The number of parole and probation cases closed due to a new offense continues to decline. The division has met its goal for five years in a row by having the number of cases closed for a new offense at or below fiscal 2011 levels.

Collections (Restitution, Fines, and Fees): DPP assesses fees, which include court-ordered restitution, to assist victims of crime. Overall, collections remain steady but are trending slightly lower, due to the smaller number of parole and probation cases.

Issues

Regional Parole and Probation Caseloads: Reducing caseloads to a manageable level for parole and probation agents has been an area of concern. While overall caseload ratios were successfully lowered below the national average, parole and probation caseloads in the North Region Operations and South Region Operations remain above the national average. This issue examines caseload data and explores ways to reduce agent workloads at the regional level. **The Department of Public Safety and Correctional Services (DPSCS) should report on regional and local caseloads and efforts to reduce vacancies by December 1, 2018.**

New Justice Reinvestment Initiatives: Pursuant to the Justice Reinvestment Act (JRA), offenders entering supervision are required to be screened by new validated risk assessment tools and can be subject to less stringent graduated sanctions. In addition, offenders can earn a certificate of rehabilitation that may help them secure employment. This issue reviews the new initiatives and their potential effect on the supervision population, division budget, and operations. **DPSCS should report on JRA-related initiatives, including risk assessments and certificates of rehabilitation, by December 1, 2018.**

Ignition Interlock Program: The budget committees adopted committee narrative requesting that the department submit a report by October 1, 2017, on the feasibility of purchasing dashboard cameras for ignition interlock devices. Using dashboard cameras would provide proof of the driver's identity in driving while impaired cases and could reduce the number of cases where defendants claim that they were not driving at the time of violation. This issue reviews the report, the potential effect of cameras on unresolved cases, and related program data. **DPSCS should report on the steps needed to add dashboard cameras to the Ignition Interlock Program.**

Parole and Probation Agents in Baltimore City Police Precincts: In fiscal 2018, the department will return to the practice of inserting parole and probation agents in Baltimore City police precincts to share

information and streamline the criminal supervision process. This issue reviews the program, relevant data, and the possibility of expanding it to other areas in need. **DPSCS should report on parole and probation agents' movement back to Baltimore City police precincts, and the activities, costs, data, and efficiencies gained from this partnership by December 1, 2018.**

Community Adult Rehabilitation Center: The fiscal 2019 allowance has \$1.2 million to establish a new Community Adult Rehabilitation Center that will satisfy provisions of the JRA. The new center will be located in Baltimore City and will provide critical release re-entry programs and job readiness services for offenders who are being released from prison. **The Department of Legislative Services recommends the addition of budget language restricting funds pending a report on the project timeline, the criteria for selection of offenders who are admitted, the number of employees needed, the proposed location, the costs, and the possibility of locating the facility within the Baltimore City Jail complex. The report should also include information on how DPSCS plans to keep the budget committees informed about this project's population, progress, and performance measures in the future. The report should be submitted by December 1, 2018.**

Operating Budget Recommended Actions

1. Add language restricting funds pending receipt of a report on the Community Adult Rehabilitation Center.
2. Adopt committee narrative requesting a report on the Division of Parole and Probation's regional and local office caseloads and efforts to reduce vacancies by December 1, 2018.
3. Adopt committee narrative requesting a report on the Division of Parole and Probation's risk assessments and certificates of rehabilitation by December 1, 2018.
4. Adopt committee narrative requesting a report on ignition interlock dashboard cameras by July 1, 2018.
5. Adopt committee narrative requesting a report on the Division of Parole and Probation's agents in Baltimore City Police precincts by December 1, 2018.

Updates

Enhanced Kiosk Reporting System: The budget committees adopted committee narrative requesting that the department submit a report on the enhanced kiosk offender check-in system. This update reviews the report along with associated data and performance measures.

New Drug Testing Contract: Regarding urinalysis testing, the department has had issues in the past, including the availability of laboratory technicians to testify and tests that were limited in terms of the types of drugs they were able to detect. Because of these deficiencies, the department secured a new contractor to administer a more comprehensive drug test. This update reviews the new contract, the drug test, and the issues expected to be resolved by the new process.

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Operating Budget Analysis

Program Description

The Division of Parole and Probation (DPP) provides offender supervision and investigation services under the Correctional Services Article, Title 6, *Annotated Code of Maryland*. The division's largest workload involves the supervision of probationers assigned to the division by the courts. Inmates released on parole by the Maryland Parole Commission or released from the Division of Correction because of mandatory release are also supervised by the division. The Drinking Driver Monitor Program (DDMP) supervises offenders sentenced by the courts to probation for driving while intoxicated (DWI) or driving under the influence. The Pretrial Release Services Program, formerly under DPP, is relocated to the Division of Pretrial Detention in the fiscal 2019 allowance.

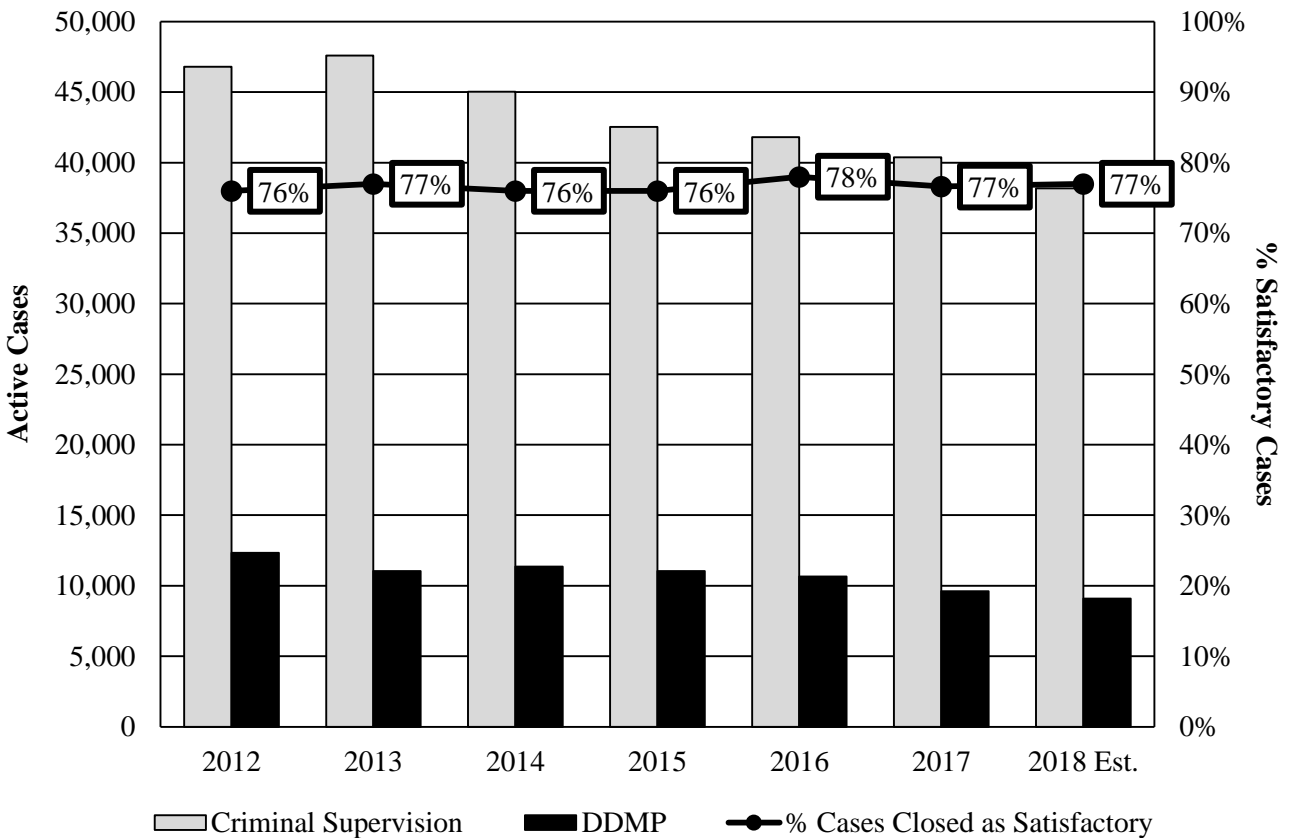
Performance Analysis: Managing for Results

1. Supervision Population

Exhibit 1 shows the number of active cases supervised during each fiscal year from fiscal 2012 through 2018 in the following categories: criminal supervision (which includes probation, parole, and mandatory release) and DDMP. In fiscal 2013, DPP had 47,588 active cases. That number has declined to 40,374 in fiscal 2017 – a 15% decrease. The division expects the number of active cases to drop an additional 5% in fiscal 2018. Active cases are also rated in terms of satisfaction level at closing. Those ratings have remained consistent over the past five fiscal years and are currently at 77%.

The division reports that while a decline in the correctional facilities' average daily population could contribute to a decline in the overall supervised population, DPP does not believe it is a strong driver, since individuals on parole or mandatory release supervision consistently only account for approximately 20% of the overall supervised population. The courts account for the largest driver for DPP intakes – 80% of the supervised population is under probation supervision.

Exhibit 1
Active Cases Supervised During the Fiscal Year
Fiscal 2012-2018 Est.



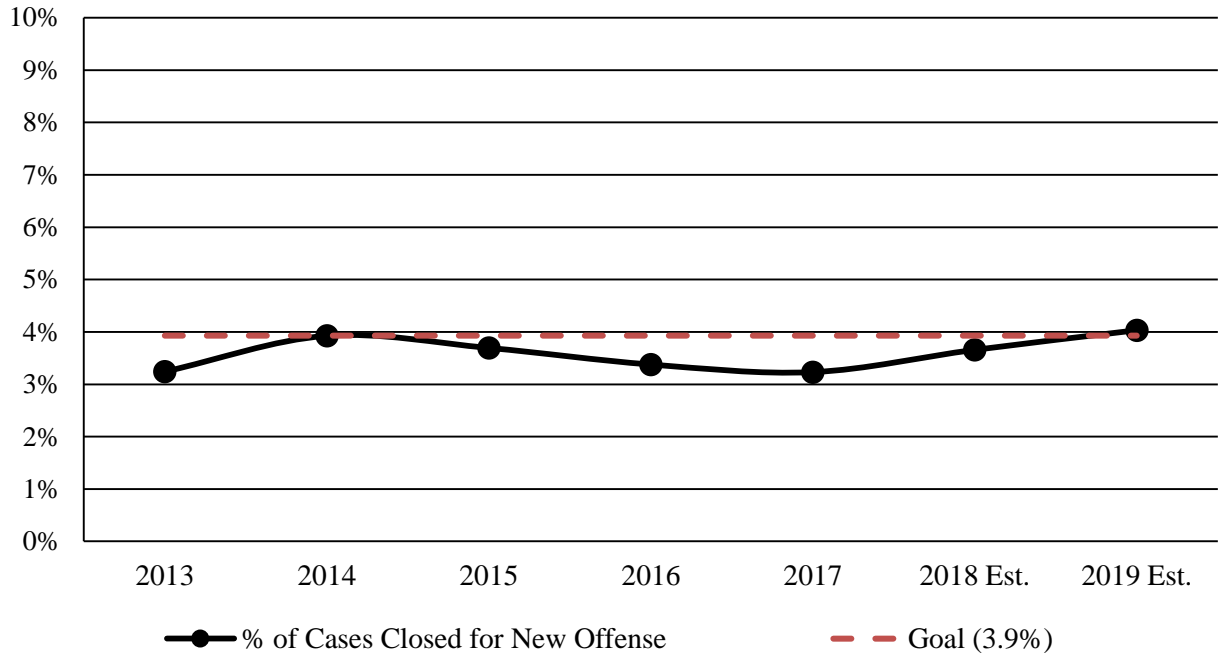
DDMP: Drinking Driver Monitor Program

Source: 2019 Managing for Results, Department of Public Safety and Correctional Services

2. Cases Closed Due to Revocation for a New Offense

Exhibit 2 shows the percent of criminal supervision cases closed due to revocation for a new offense. Overall, the division requires that the percentage of cases closed due to a new offense are at or below fiscal 2011 levels. The division has met these goals since fiscal 2012. The percentage goals are 3.9% for all cases, 3.2% for those on parole, 3.9% for probationers, and 5.1% for those under mandatory supervision. **Because DPP is implementing graduated sanctions under the Justice Reinvestment Act (JRA), the number of warrants for revocation may decline. The division should comment on the effect that JRA-related provisions will have on the number of cases closed due to revocation.**

Exhibit 2
Cases Closed Due to Revocation for New Offense
Fiscal 2013-2019 Est.

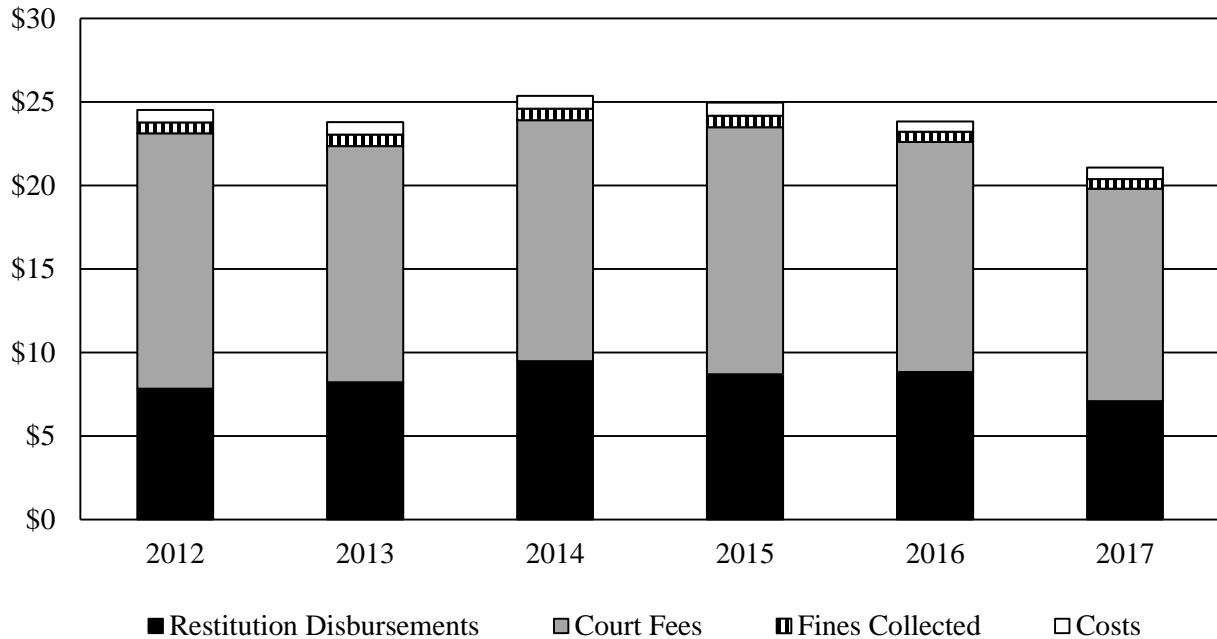


Source: 2019 Managing for Results, Department of Public Safety and Correctional Services

3. Collections (Restitution, Fines, and Fees)

Exhibit 3 shows DPP collections that consist of restitution disbursements to crime victims, fines, costs, and various court fees assessed against offenders. While collection amounts have remained steady since fiscal 2013, there is a minor downward trend. **The Department of Public Safety and Correctional Services (DPSCS) should comment on the collection process and how the JRA may affect restitution payments, given that local detention centers and the department are to establish a uniform collection effort.**

**Exhibit 3
DPP Collections
Fiscal 2012-2017
(\$ in Millions)**



DPP: Division of Parole and Probation

Source: 2019 Managing for Results, Department of Public Safety and Correctional Services

Fiscal 2018 Actions

Across-the-board Employee and Retiree Health Insurance Reduction

The budget bill includes an across-the-board reduction for employee and retiree health insurance in fiscal 2018 to reflect a surplus balance in the fund. The agency's share of this reduction is \$1,798,685 in general funds and \$91,243 in special funds.

Proposed Budget

Exhibit 4 shows the Governor's fiscal 2019 allowance for DPP, which increases by \$3.0 million, 2.8% over the working appropriation. This increase takes into account across-the-board

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adjustments for employee and retiree health insurance and for a cost-of-living adjustment (COLA) for State employees, which are both discussed in more detail later in this section.

**Exhibit 4
Proposed Budget
DPSCS – Division of Parole and Probation
(\$ in Thousands)**

How Much It Grows:	General Fund	Special Fund	Reimb. Fund	Total
Fiscal 2017 Actual	\$100,565	\$5,778	\$290	\$106,634
Fiscal 2018 Working Appropriation	101,113	6,542	104	107,759
Fiscal 2019 Allowance	<u>103,920</u>	<u>6,732</u>	<u>105</u>	<u>110,757</u>
Fiscal 2018-2019 Amount Change	\$2,807	\$190	\$1	\$2,998
Fiscal 2018-2019 Percent Change	2.8%	2.9%	1.1%	2.8%

Where It Goes:

Personnel Expenses

Statewide health insurance reduction.....	\$1,890
General salary increase	656
Workers' compensation premium assessment	84
Overtime	79
Employee retirement system.....	-422
Turnover.....	-484
Other fringe benefit adjustments.....	17

Other Changes

Community Adult Rehabilitation Center	1,222
Equipment repair and maintenance.....	100
Laboratory services.....	100
Extraditions.....	39
Vehicle replacements and costs	28
Utilities.....	-111
Offender treatment services	-156
Other	-44

Total **\$2,998**

DPSCS: Department of Public Safety and Correctional Services

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

General Salary Increase

The fiscal 2019 allowance includes funds for a 2% general salary increase for all State employees, effective January 1, 2019. These funds are budgeted in the Department of Budget and Management's (DBM) statewide program and will be distributed to agencies during the fiscal year. This agency's share of the general salary increase is \$599,771 in general funds and \$56,340 in special funds. In addition, employees will receive another 0.5% increase and a \$500 bonus effective April 1, 2019, if actual fiscal 2018 general fund revenues exceed the December 2017 estimate by \$75 million. These funds have not been budgeted. The Administration will need to process a deficiency appropriation if revenues are \$75 million more than projected.

Personnel and Full-time Equivalents

When adjusted for the fiscal 2018 across-the-board health insurance reduction and the fiscal 2019 COLA, personnel expenses increase by approximately \$1.8 million. Overall, decreases for employee retirement (\$422,000) and turnover (\$484,000) are offset by increases of \$1.8 million to restore the previously mentioned across-the-board health insurance reductions, \$656,000 for COLA increases, \$84,000 for worker's compensation, \$79,000 for overtime, and a net \$17,000 for other adjustments.

Other Changes

The single largest increase is \$1.2 million for a new initiative, the Community Adult Rehabilitation Center (CARC). Additional budgetary changes include \$100,000 each for equipment repair and laboratory services, \$39,000 for out-of-state extradition costs, and \$28,000 in vehicle costs. These are offset by reductions of \$156,000 for providers of offender treatment services and an \$111,000 decline in electricity costs.

Issues

1. Regional Parole and Probation Caseloads

Reducing caseloads to a manageable level for parole and probation agents has been a recent issue for the division. While recent efforts by DPP have brought its overall caseload ratio to 76 – successfully under the national average – parole and probation caseloads in the North Region Operations and South Region Operations remain above the average. Overall, the ability to manage cases is directly related to staffing issues and the inability to address vacancies within the division. **Exhibit 5** examines DPP’s staff totals for fiscal 2002 and 2018.

Exhibit 5
DPP Agent Position Totals
Fiscal 2002 and 2018

	<u>2002</u>	<u>2018</u>	<u>Change</u>	<u>% Change</u>
Positions	995.0	925.0	-70.0	-7.0%
Contractual full-time equivalents	0.0	0.0	0.0	0.0%
Total	995.0	925.0	-70.0	-7.0%

DPP: Division of Parole and Probation

Source: Department of Public Safety and Correctional Services

Staffing Trends

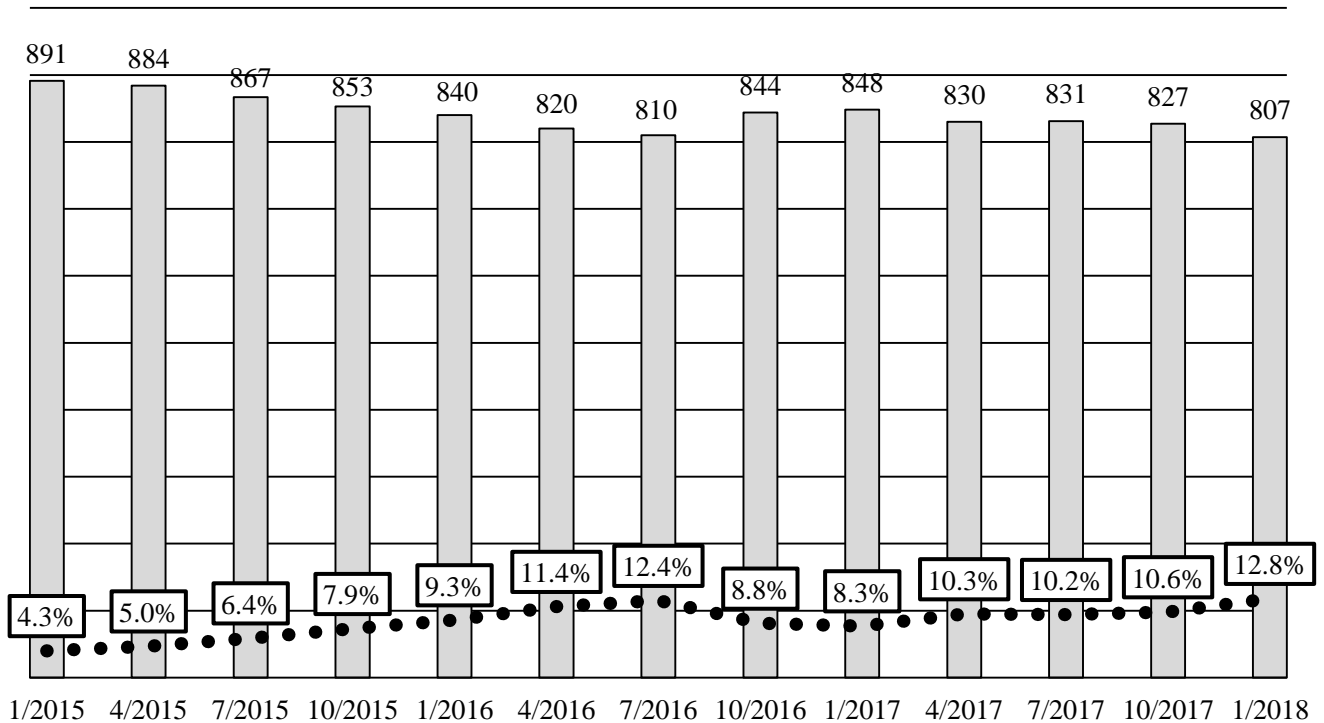
All supervision agent positions are regular positions; there are no contractual full-time equivalents. These positions account for less than 10% of the entire DPSCS workforce. Over the long term, supervision agent positions, like DPSCS administrative and correctional officer positions, have been on a downward trend. From fiscal 2002 to 2018, the number of supervision agents decreased by 70, from 995 to 925 positions. Most of the decline (54%) has come from within DDMP. In an effort to align program expenditures with annual special fund revenue supporting the program, there are 38 fewer DDMP agent positions, a 30% decrease from fiscal 2002. The remaining 32 position reductions have been for parole and probation agents assigned to criminal supervision cases.

A comparison of supervision agent positions between fiscal 2002 and 2018 delineated by supervisory and nonsupervisory functions demonstrates that, while the overall number of agent positions has decreased, the number of supervisory positions has actually increased. In fiscal 2002, 13.5% of the 995 agent positions were in supervisory roles. By fiscal 2018, DPSCS gained 14 supervisory positions and lost 84 nonsupervisory positions, which increased the percentage of supervisory positions to 16.1%.

Vacancy History

Exhibit 6 shows quarterly vacancy data for supervision agents from January 2015 through January 2018. Vacancies ranged between 4% and 6% until the beginning of fiscal 2016 and reached a high of 12.4%, or 115 unfilled positions, in July 2016. Significant improvements came in January 2017 as the vacancy rate dropped to 8.3%, a 33% decrease from the peak. While this lower number was due to the addition of a larger parole and probation academy class in August 2016, the most recent staffing data indicates a 12.8% vacancy rate, which is due to a net loss of 41 employees.

Exhibit 6
Supervision Agent Vacancies
January 2015 to January 2018



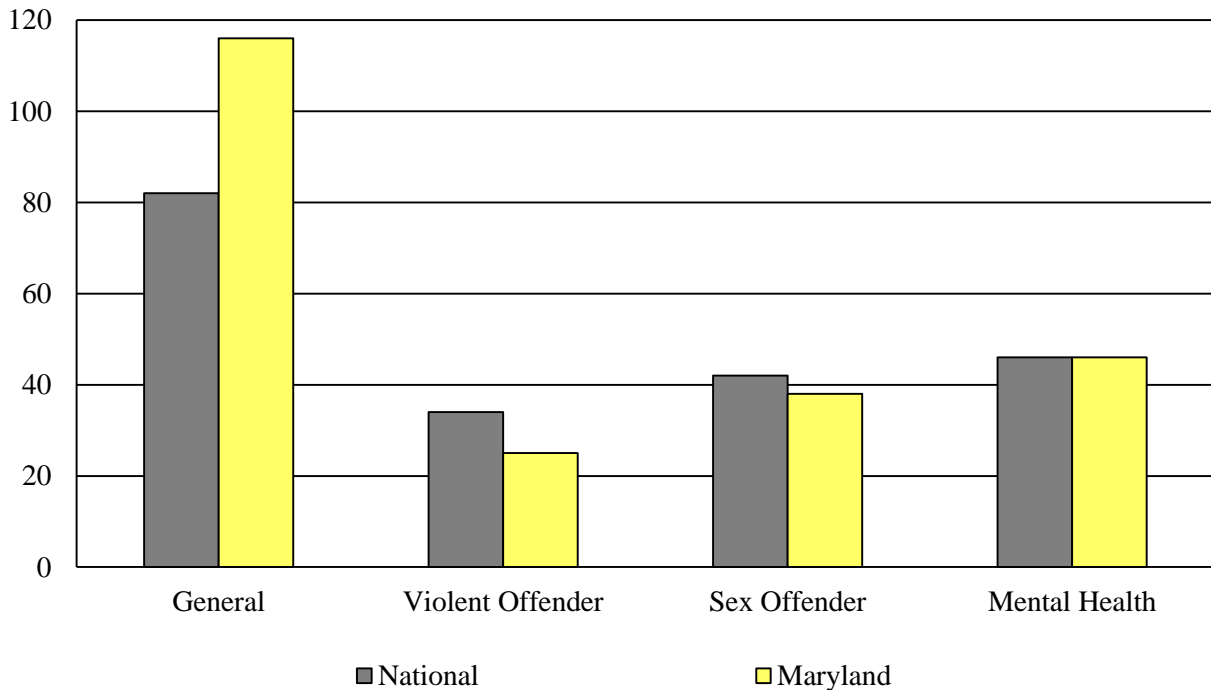
Source: Department of Public Safety and Correctional Services

Workload Trends

Identifying the ideal number of cases per agent is a complicated task because of caseload types; there are different types of cases with various levels of intensity. This difference is attributable to the fact that specialized cases dealing with violent offenders, sexual offenders, and those with mental health issues take more time to handle than general cases. Out of necessity, those agents with specialized

caseloads are assigned fewer cases, while agents with general caseloads tend to handle about three times as many cases. **Exhibit 7** shows the number of cases assigned by supervision level.

Exhibit 7
Cases Assigned to Supervision Agents by Supervision Level
Fiscal 2016

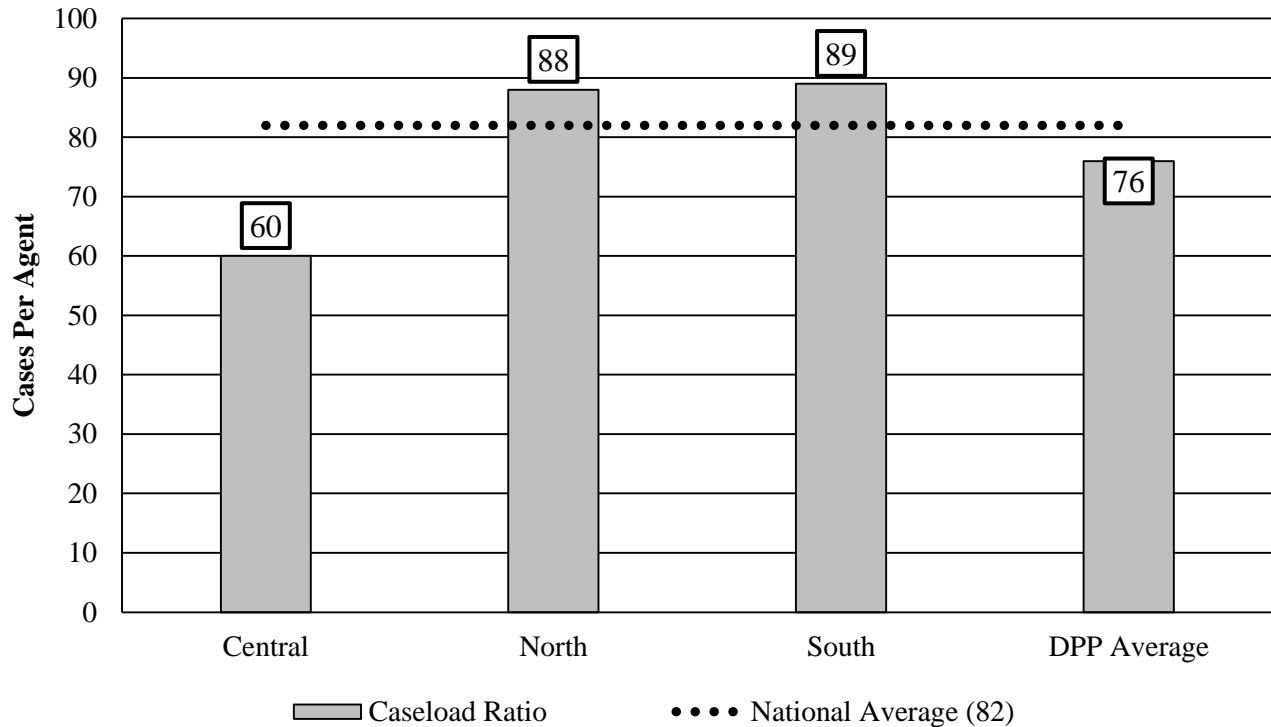


Source: Department of Public Safety and Correctional Services

In addition, caseload ratios are based only on the number of active cases. While an offender may be under supervision for multiple cases, only one case will be counted as active. DPP maintains that this approach is effective because the criminogenic risks and needs remain unique to each offender, no matter how many supervision orders he or she is subject to.

In fiscal 2016, a comparison of Maryland caseload data to other states revealed that the national average caseload ratio for parole and probation agents was 82 cases per agent. At the time, Maryland’s average general caseload ratio was 116 cases. Since then, increases in DPP hiring and larger parole and probation academy classes brought the ratio down to 76. This is under the national average of 82 and a positive development. **Exhibit 8** shows current caseload ratios by DPP region compared to the national average.

**Exhibit 8
Caseload Ratios by Region vs. National Average
Fiscal 2017**



Central: Baltimore City and Baltimore County

DPP: Division of Parole and Probation

North: Carroll, Frederick, Garrett, Harford, Allegany, Howard, Montgomery, and Washington counties

South: Anne Arundel, Calvert, Caroline, Cecil, Charles, Dorchester, Kent, Queen Anne’s, Prince George’s, St. Mary’s, Somerset, Talbot, Wicomico, and Worcester counties

Source: Department of Public Safety and Correctional Services

Caseload Analysis by Region

Exhibit 9 shows the number of agents and cases by region. Again, while the Central Region is well under the average at 60 cases per agent, the North and South Regions are currently above the national average of 82. In order for the department to move under the national average in all regions, the North Region would need an additional 9 agents, and the South Region would need 15 more – for a total of 24 new agents.

**Exhibit 9
Agents and Caseloads by Region
July 2017**

<u>Region</u>	<u>Total Agents</u>	<u>Active Cases</u>	<u>Agents Needed</u>	<u>Agent Surplus</u>
Central	247	14,892	n/a	65
South	171	15,253	15	n/a
North	116	10,229	9	n/a
Total	534	40,374	24	

Source: Department of Public Safety and Correctional Services

The Central Region caseload ratio of only 60 cases per agent is the lowest in the State. DPP could remove 65 agents from that region and still meet the national average caseload ratio of 82. To better serve the needs of its parole and probation staff, DPP could transfer 24 agents out of the Central Region and have them work in the North and South Regions instead. This would equalize caseloads across all offices without compromising operations – and the Central Region offices would still have a surplus of 41 agents. **DPP should comment on the possibility of realigning staff to alleviate high caseloads in the North and South Regions.**

Future Issues

Overall, the number of offenders under supervision continues to decrease, which is the single largest driver of the caseload ratio decline. Chapter 515 of 2016, the JRA, will be moving the State toward comprehensive criminal justice reform in the coming years. Specific provisions, many that began in October 2017, relate to the supervision of offenders and reducing sentences when possible. One expected result from the JRA is a reduction in the State’s offender population, which could have an effect on the department by further reducing caseload totals as well as caseload ratios. While this reduction may occur, there is also the possibility that as offenders face reduced prison time and shorter sentences, the number of offenders subject to supervision could increase. Should the supervision population increase, DPP may need additional agents in order to handle the influx of offenders and still maintain reasonable caseload ratios. **The division should comment on the possibility that the JRA may increase DPP caseload ratios.**

Further study of local parole and probation offices, particularly in regions with elevated caseload ratios, could be useful. An examination of caseload ratios should be done on a regular basis that takes regional and local office workloads as well as caseload types into consideration. **Therefore, the Department of Legislative Services (DLS) recommends the adoption of committee narrative requesting that the department submit a report to the budget committees by December 1, 2018, on the following items:**

- **for each of DPP’s regional offices: total cases, caseloads per agent, caseloads delineated by offender type, and the ratio of agents to support staff at each office;**
- **efforts to reduce vacancies in the division, specifically within the North and South Regions; and**
- **overtime hours worked by region and office.**

2. New Justice Reinvestment Initiatives

Pursuant to the JRA, offenders entering supervision are required to be screened by new, validated risk assessment tools and can be subject to less stringent graduated sanctions. In addition, released offenders can earn a Certificate of Rehabilitation (COR) that may help them secure employment. The division has been working to implement the JRA, and many key provisions that affect DPP began in October 2017, including the following:

- the addition of a violation matrix for offenders on parole;
- a new template to track earned compliance credits (which can reduce the time an offender is under supervision); and
- \$300,000 in fiscal 2018 funding from U.S. Justice Department grants through the Governor’s Office of Crime Control and Prevention to support the inmate risk and needs assessment provision of the JRA and secure the following:
 - 6 State positions (through DBM) for risk assessment;
 - computers and equipment;
 - 15,000 Level of Service Inventory-Revised (LSI-R) instruments; and
 - one LSI-R software license.

LSI-R

The LSI-R is a risk and needs assessment tool that identifies areas of criminogenic factors in an offender’s life and predicts their risk of recidivism. Information about an offender’s life is collected through interviews, verification with external sources, and a review of their case records. LSI-R-trained assessors view offenders across 10 key domains, which include criminal history, education and employment history, finances, family and marital history, living accommodations, leisure and recreation habits, friends and companions, alcohol and drug problems, emotional and personal profile, and finally, attitudes and orientation toward their current situation.

Overall, looking at these factors helps assessors determine the risk level of each offender, and the LSI-R process helps them target areas in offenders' lives that can be changed using the principles of behavior analysis, cost benefit analysis, and building a treatment and/or intervention plan that can reduce an offender's chance of returning to prison.

Training Process and Information

The division reports that all agents and supervisors have been trained on SOARING 2, an e-learning system that is being used in criminal justice reform. It uses evidence-based practices that help agents improve their case planning and problem-solving skills so they can manage offenders more effectively. Overall, SOARING 2 was used as the foundation to build the skills necessary to conduct the LSI-R, and eventually create an individualized case plan for offenders. Currently, all parole and probation agents are now trained in administering the LSI-R, which has been incorporated into the division's Offender Case Management System.

Certificate of Rehabilitation

Included in the JRA's criminal justice reform effort is the COR, which is designed to first ensure that State licensing boards cannot deny an occupational license to certain nonviolent offenders (excluding sex offenders) due to their past criminal history. Second, the COR was developed to give former offenders an official document that can help them return to employment. According to national data, having a COR can increase an ex-offender's ability to secure a job and reduces recidivism, which in the long term will save money for the State.

Overall, this aspect of the JRA is petitionary – meaning offenders can apply for this benefit. The division states that there are no projections as to how many offenders this will affect and notes that any individual no longer under supervision may apply for the certificate, but the actual awarding of the certificate will depend on the outcome of the investigation.

While additional DPP JRA-related data is asked for in the DPSCS Overview (including earned compliance credits, graduated sanctions matrix, and the COR), specific information on risk assessments and the COR would be helpful. **Therefore, DLS recommends the adoption of committee narrative requesting that DPP submit a report to the budget committees by December 1, 2018, on the following:**

- **updates on the number of offenders who are administered the LSI-R and information from the division on how it plans to measure the effectiveness of the assessment tool on recidivism rates; and**
- **updates on the total number of COR applicants as well as those successfully approved and, to the extent possible, the number of COR holders who secure employment within one year of receiving a COR.**

3. Ignition Interlock Program

The budget committees adopted committee narrative requesting that the department submit a report by October 1, 2017, on the feasibility of purchasing dashboard cameras for ignition interlock devices. Using dashboard cameras would provide proof of the driver's identity in DWI cases and could reduce the number of cases where defendants claim they were not driving at the time of violation.

Ignition Interlock Policies and Rules

The Motor Vehicle Administration's (MVA) Ignition Interlock Program (IIP) was established to address the problem of drunk driving by equipping the vehicle of the sanctioned driver with a breathalyzer connected to the ignition system. If the driver's breath alcohol concentration (BAC) exceeds 0.025 milligrams of alcohol per liter of breath, the vehicle is rendered inoperable. After the driver starts the car, random retests are required to be certain the driver has not consumed alcohol. Additionally, all costs for the ignition interlock device are paid for by the sanctioned driver.

Participation

Participation in IIP is offered when a driver who is arrested for impaired driving refuses to submit to a BAC test or submits to the test and fails it. In both cases, the rules mandate that the driver's license is immediately confiscated. The driver is issued a temporary license, pending final action by MVA to suspend their license. At that point, the driver can request an administrative hearing or enter IIP. Overall, entry into the program can be an administrative sanction and a criminal sentence, part of a sentence, or a condition of probation.

Mandatory Participation

Drivers who are mandated to enter the program are issued a restricted license and are required to participate in IIP for six months for the first offense; one year for the second time participation is required; and three years for a third or subsequent time participation is required. If the driver either fails to participate in the program or does not complete the program successfully, MVA must suspend the driver's license indefinitely until the driver successfully completes the program. Drivers must submit to mandatory participation in the program under the following conditions:

- convicted of driving or attempting to drive under the influence of alcohol;
 - includes those "under the influence of alcohol per se" for drivers whose license is either suspended or revoked for an accumulation of points for those violations;
- convicted of driving or attempting to drive while impaired by alcohol while transporting a minor under the age of 16;

- when a person refuses to submit to a BAC test and is later convicted of an offense stemming from that incident for driving while impaired by alcohol, drugs, or any combination of the two; and
- when a person whose license has been revoked for a homicide by motor vehicle or life threatening injury by motor vehicle conviction while under the influence of alcohol, drugs, or any combination therein.

In addition to the previously mentioned policies, there are exemptions where the device fee is waived for participants with a financial hardship, general rules and procedures related to MVA notifications in case of violation, and information about MVA-approved service providers who are tasked with downloading all IIP data from the device during monthly service appointments.

Ignition Interlock Violation Cases

In cases where the program participant allegedly violates their terms of probation due to information from the device, a hearing is conducted. DPP agents and monitors have indicated that some drivers have successfully defended against charges by arguing that they did not supply the breath sample during the violation. The report notes that a way to counter this defense is via the use of dashboard or device cameras that would prove the identity of the driver in question.

Currently, four of the six MVA-certified IIP service providers have the ability to equip vehicles with cameras that integrate with ignition interlock devices for an additional fee, as shown in **Exhibit 10**.

Exhibit 10 Ignition Interlock and Camera Costs Fiscal 2018

<u>Item</u>	<u>Cost</u>
Ignition Interlock Device Installation	\$150 to \$200
Monthly Device Monitoring	\$65 to \$90
Adding Camera to the Ignition Interlock System	\$250
Monthly Camera Cost to the Driver	\$10 to \$20 Per Month

Source: Department of Public Safety and Correctional Services

Because participants in IIP pay the installation and monthly cost of ignition interlock devices, there is no anticipated cost to the State to add the cameras. DPP reports that if MVA is required to provide additional capacity to electronically store images from the devices, special fund expenditures

for MVA may increase minimally, and those costs could be offset by the monthly fees from program participants.

The final issue concerns data from the program. DPSCS reports that it does not have data for the number of ignition interlock violation cases pursued by DPP annually. Currently, probation violation data is reported as either a technical violation or new offense and does not state the basis of the violation.

DPP should comment on the next steps needed to include a camera component in IIP in conjunction with MVA and whether legislation is necessary. In addition, DLS recommends the adoption of committee narrative that DPP submit a report by July 1, 2018, on the annual number of ignition interlock violation cases pursued by DPP.

4. Parole and Probation Agents in Baltimore City Police Precincts

Since August 2017, DPSCS has returned to the practice of inserting parole and probation agents in Baltimore City police precincts to share information and streamline the criminal supervision process. Prior to 2013, DPP agents worked out of Baltimore City precinct offices but were excused by the former police commissioner. The Baltimore Police Department (BPD) has invited DPP agents to return. Currently, DPP is conducting offender reporting in every precinct facility with the exception of the Eastern, Southeastern, and Central precincts. Agents have not yet reported to the Eastern and Southeastern precincts due to renovations, and agents will not report to the Central precinct due to the lack of space at the facility. Overall, the division reports that the partnership with BPD will allow both parties to familiarize themselves with the highest risk offenders in their respective precincts, share information faster, and serve warrants in an expeditious manner. **DLS recommends the addition of committee narrative that DPP submit a report by December 1, 2018, to the budget committees about parole and probation agents in Baltimore City police precincts that outlines the number of agents involved, the police precincts they are located in and field office of origin, precinct activities, the timeline for when agents can report to the eastern and southeastern precincts, total cost of the program, and efficiencies gained by this partnership.**

5. Community Adult Rehabilitation Center

Additional funding in the fiscal 2019 budget is provided to establish a new CARC as defined in § 11-301 through 11-320 of the Correctional Services Article, *Annotated Code of Maryland* and *Code of Maryland Regulations*, Title 12, Subtitle 03, Chapter 3 to comply with provisions of the JRA. The new center will be located in Baltimore City and will provide critical release re-entry programs and job readiness services for offenders who are being released from prison. The new center will provide services for both male and female releasees. Currently, the department contracts with Threshold, a CARC that houses male offenders who, in the judgment of the courts and appropriate correctional personnel, can be best rehabilitated in community facilities without substantial danger to the community. The new CARC is intended to provide more services to Baltimore City's offender population with the following:

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- case review and treatment planning that includes comprehensive intake;
- orientation and assessment;
- educational programming;
- job readiness training;
- introductions and/or connections with community resources;
- rehabilitative services aimed at strengthening the family and mental health;
- social and recreational opportunities;
- substance abuse treatment; and
- a work release program for those offenders deemed eligible.

Staffing, Capacity, and Costs

The new CARC will be a 50-bed unit capable of housing both the male and female population and will not require a new facility or additional positions. DPSCS plans to contract with an existing facility that has the capacity, infrastructure, and staff to provide pre-release and transitional services. These services will include but are not limited to the services mentioned previously that are currently offered at the existing CARC. A Request for Proposals will be issued in fiscal 2019, and the key details are:

- costs – \$65/day per offender;
- facility capacity – 50 offenders;
- per day estimate for 50 offenders – \$3,250.00; and
- annual estimate – \$1,186,250.

DLS recommends the addition of budget language restricting funds in the allowance for CARC pending a report regarding the timeline for establishing the new CARC, criteria for selection of offenders who are admitted, the number of employees needed, proposed location and/or lease arrangements, total costs, and the possibility of locating the facility within the Baltimore City Jail complex. The report should also include information on how DPSCS plans to keep the budget committees informed about the CARC population, progress, and performance measures in the future.

Operating Budget Recommended Actions

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

, provided that \$100,000 of this appropriation provided for the purpose of establishing the new Community Adult Rehabilitation Center (CARC) may not be expended until the Department of Public Safety and Correctional Services (DPSCS) submits a report on the timeline for establishing the new CARC, criteria for selection of offenders who are admitted, the number of employees needed, proposed location and/or lease arrangements, total costs, and the possibility of locating the facility within the Baltimore City Jail complex. The report should also include information on how DPSCS plans to keep the budget committees informed about the CARC population, progress, and performance measures in the future. The report shall be submitted no later than December 1, 2018. The budget committees shall have 45 days to review and comment following receipt of the report. Funds restricted pending receipt of a report may not be transferred by budget amendment or otherwise and shall revert to the General Fund if the report is not submitted to the budget committees.

Explanation: This action requires DPSCS to submit a report on the new CARC no later than December 1, 2018. The report submission should assist the General Assembly in monitoring the success and needs of this new initiative, as well as ensure that CARC fulfills the requirements of the Justice Reinvestment Act.

Information Request	Author	Due Date
Report on the new CARC	Division of Parole and Probation	December 1, 2018

2. Adopt the following narrative:

Division of Parole and Probation (DPP) Caseload and Vacancies Report: While DPP overall caseload ratios are under the national average, DPP’s North and South regional offices are still above the average. In addition, vacancies have risen. The budget committees request that the department submit a report by December 1, 2018, on the following items:

- for each of DPP’s regional offices: total cases, caseloads per agent, caseloads delineated by offender type, and the ratio of agents to support staff at each office;
- efforts to reduce vacancies in the division, specifically within the North and South Regions; and
- overtime hours worked by region and office.

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Information Request	Author	Due Date
Report on DPP caseload and vacancies	DPP	December 1, 2018

3. Adopt the following narrative:

Division of Parole and Probation (DPP) Justice Reinvestment Act (JRA)-related Initiatives Report: Pursuant to the JRA, offenders entering supervision are required to be screened by new, validated risk assessment tools and can be subject to less stringent graduated sanctions. In addition, offenders can earn a certificate of rehabilitation (COR) that may help them secure employment. The budget committees request that the Department of Public Safety and Correctional Services submit a report by December 1, 2018, on the following:

- updates on the number of offenders who are administered the Level of Service Inventory-Revised, and information from DPP on how it plans to measure the effectiveness of the assessment tool on recidivism rates; and
- updates on the total number of COR applicants as well as those successfully approved and, to the extent possible, the number of COR holders who secure employment within one year of receiving a COR.

Information Request	Author	Due Date
Report on DPP JRA-related initiatives	DPP	December 1, 2018

4. Adopt the following narrative:

Ignition Interlock Data Report: In October 2017, the department submitted a report on the feasibility of purchasing dashboard cameras for ignition interlock devices. Using dashboard cameras would provide proof of the driver's identity in driving while impaired cases and could reduce the number of cases where defendants claim they were not driving at the time of the violation. The budget committees request that the Division of Parole and Probation (DPP) submit a report by July 1, 2018, on the annual number of ignition interlock violation cases pursued by DPP, and the steps necessary to add dashboard cameras to the program.

Information Request	Author	Due Date
Ignition interlock data	DPP	July 1, 2018

5. Adopt the following narrative:

Division of Parole and Probation (DPP) Agents in Baltimore City Police Precincts Report: Since August 2017, the department has returned to the practice of inserting parole and probation

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agents in Baltimore City Police precincts to share information and streamline the criminal supervision process. The budget committees request that the department submit a report by December 1, 2018, that outlines the number of agents involved, the police precincts they are located in and field office of origin, precinct activities, the timeline for when agents can report to the Eastern and Southeastern precincts, total cost of the program, and efficiencies gained by this partnership.

Information Request	Author	Due Date
Report on DPP agents in Baltimore City Police precincts	DPP	December 1, 2018

Updates

1. Enhanced Kiosk Reporting System

The budget committees requested that DPP submit a report on the enhanced kiosk reporting system, including efficiencies gained; performance measures, including updated offender reporting data; and efforts to make the new system the primary mode of reporting for low- and moderate-risk offenders.

Introduction

In an effort to be more resourceful with existing technology and equipment and to enhance the kiosk functionality, DPP, in collaboration with the Information Technology and Communications Division (ITCD), developed an offender check-in system to work in conjunction with the existing kiosk equipment and software.

The kiosk reporting system was intended to be a means for low- and moderate-risk offenders to report to DPP in lieu of seeing an agent. This continues to be the principal purpose of the system – thereby enabling agents to devote more time, attention, and resources to higher risk offenders. Offenders must be enrolled in the kiosk reporting system before reporting to the kiosk. Eligibility is based on the outcome of a screening and assessment decision and may be revoked in certain circumstances. Most offices have a separate enrollment station where offenders and agents perform the enrollment procedure. Once enrolled, offenders may report to the kiosk stations independently and without assistance.

The system confirms identity based on the offender’s DPP number and a biometric hand scan. While a few of the kiosk stations are enclosed in automated teller machine-like cabinets, most are simply computers on tables with touch screens and hand scanners attached. The software is web-based. There are currently a total of 67 kiosk reporting stations.

Enhanced System and Efficiency

In a 2016 study by the University of Baltimore’s Schaefer Center for Public Policy, one issue with the kiosk system was related to hours of operation, and the ability of DPP to have the kiosk available to offenders after normal business hours.

While some DPP field officers had extended evening reporting hours while the offices remained open, the Hyattsville field office has a kiosk station that is accessible 24 hours a day, seven days a week. The data from the 24-hour accessible kiosk station in Hyattsville was analyzed for a two-year period in fiscal 2016 and 2017. During this period, data indicated that offenders reported to the kiosk a total of 7,080 times, or approximately 68 reports per week. Of the total 7,080 reports, only 135 occurred after normal business hours (*i.e.*, after 5:00 p.m.), which is less than 2% of total usage or approximately once per week. The division reports that this data seems to indicate a relatively low demand for kiosks after normal business hours.

Offender Survey

The division conducted a survey of offenders who use the kiosk reporting system to better understand their perspective and to gain insight into any issues or barriers they may have experienced with the system. Offenders reporting to an office to use a kiosk station were surveyed randomly across 14 offices, for a total of 422 completed surveys:

- 84% reported that they are “overall satisfied” with the kiosk reporting system;
- 63% indicated they found it easy to use the kiosk reporting system equipment;
- 90% indicated that they understood the instructions on the kiosk reporting station screen;
- 70% reported that a kiosk was “better” for them than seeing an agent; and
- 86% reported that they were able to get assistance from a DPP staff member if they encountered problems with the system.

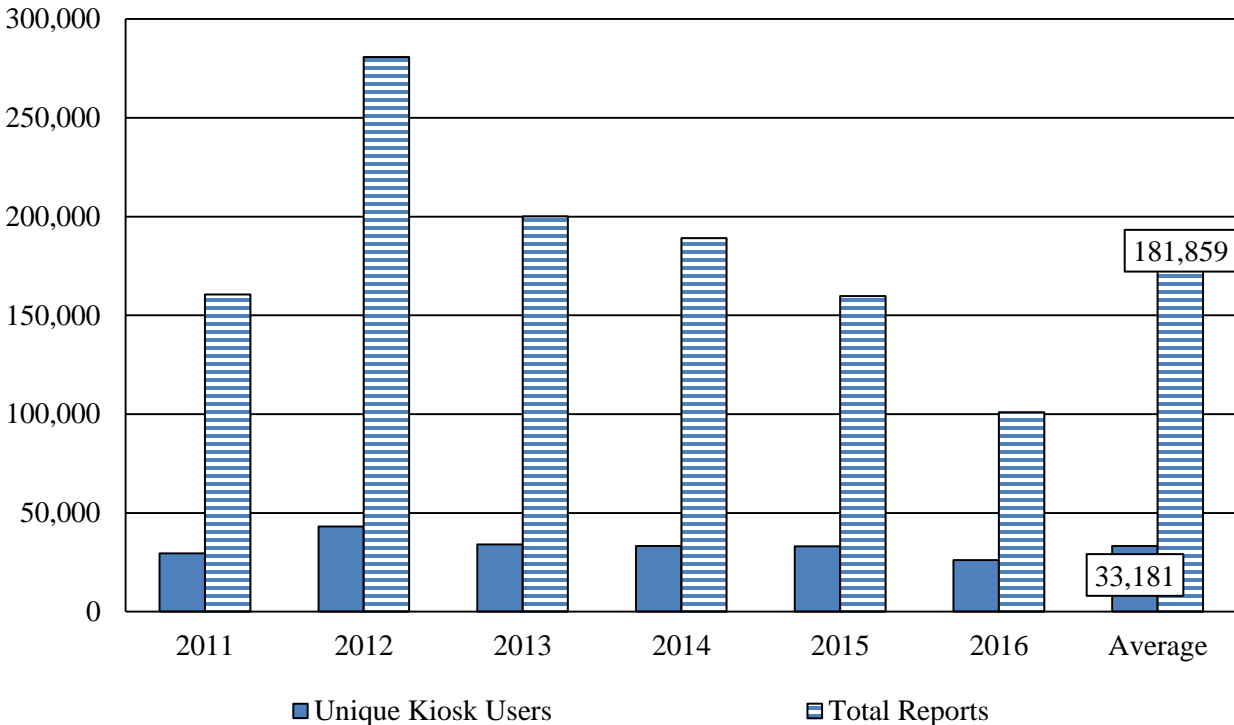
In terms of accessibility and convenience:

- 81% reported that the available kiosk hours “work” for them; and
- 76% reported that the kiosk locations were convenient.

Kiosk Reporting System Data

Exhibit 11 offers insight into utilization of the kiosk reporting system since 2011. ITCD assessed the number of offenders using the kiosk reporting system by counting the total number of unique logins.

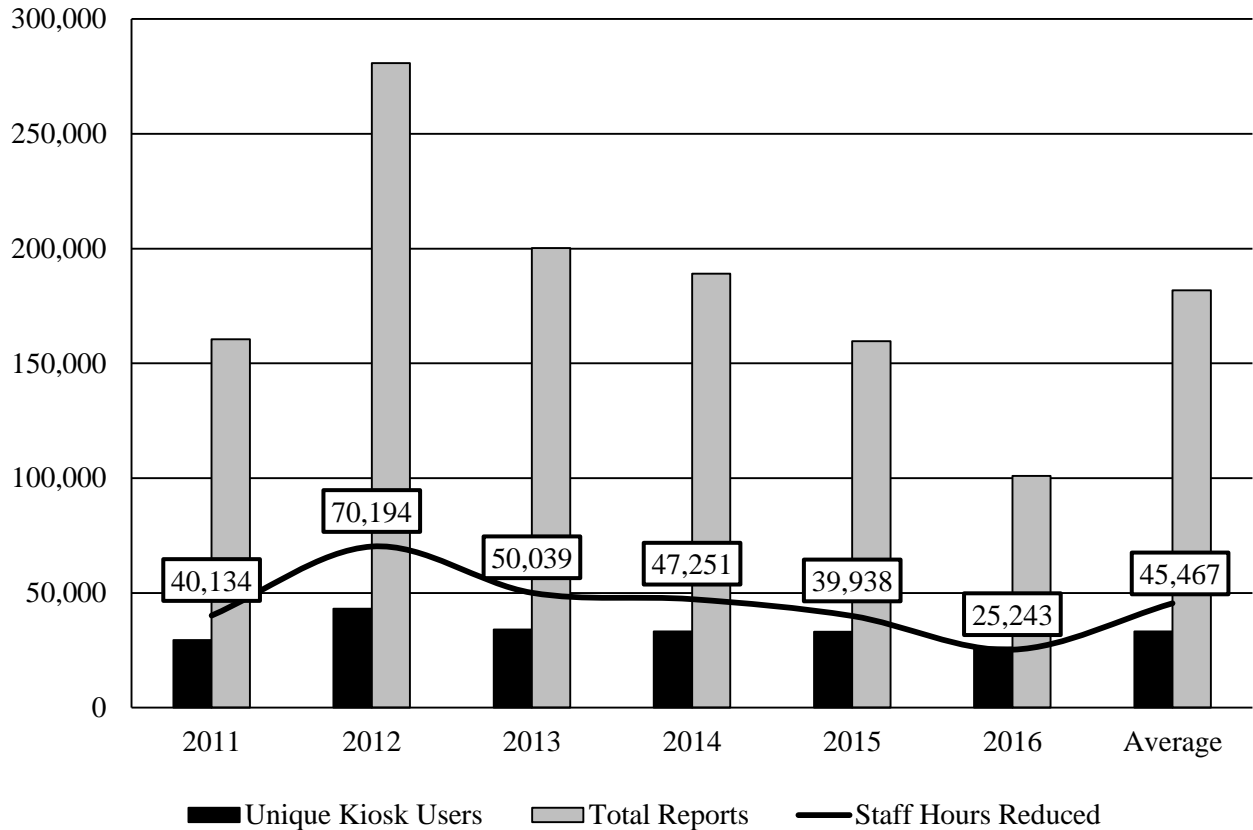
Exhibit 11
Kiosk User Information
Fiscal 2011-2016



Source: Department of Public Safety and Correctional Services

Exhibit 11 illustrates that since 2011, on average, 33,181 offenders reported to the kiosk system about 181,859 times per year. The kiosk reporting system has been successful at diverting the target supervision population of low- and moderate-risk offenders, roughly 19% of the community supervision population in Maryland. On average, an estimated 98% of the target population has been diverted to kiosk reporting. **Exhibit 12** shows the number of kiosk users, reports, and the total hours of staff time reduced by the enhanced system. On average, over 180,000 kiosk reports saved agents more than 45,000 hours of agent-offender contact time per year.

Exhibit 12
Staff Hours Reduced by Kiosk System
Fiscal 2011-2016



Source: Department of Public Safety and Correctional Services

Costs

The kiosk reporting system was implemented in 2010 with federal grants that totaled just under \$440,000, with the software provided at no charge by the New York City Department of Probation and tailored for use by DPP. The division reports that the system is maintained by ITCD at minimal cost. The 2010 grants paid for the kiosk system hardware, which is a computer outfitted with a touch screen, hand scanner unit, and thermal receipt printer. Since 2010, total maintenance costs for the system have been \$128,920.

2. New Drug Testing Contract

Regarding urinalysis testing, DPSCS has had issues in the past, including the availability of lab technicians to testify and tests that were limited in terms of the types of drugs they were able to detect. Because of these deficiencies, the department secured a new contractor to administer a more comprehensive drug test. However, the contract with the new drug testing vendor has not gone into effect yet. While each division within the department has tailored a testing panel to suit its specific operational needs, the contract generally covers testing for the following substances: opiates; cocaine; cannabinoids; benzodiazepines; buprenorphine; amphetamines; oxycodone; phencyclidine; methamphetamines; methadone; fentanyl; alcohol; and a panel of synthetic cannabinoids.

While having live testimony from toxicologists was an issue in recent years, the new contract does require that the contractor will provide for the physical presence and live, in-person testimony of a certified toxicologist upon DPSCS request or subpoena from a Maryland court.

Appendix 1
Current and Prior Year Budgets
DPSCS – Division of Parole and Probation
(\$ in Thousands)

	<u>General</u> <u>Fund</u>	<u>Special</u> <u>Fund</u>	<u>Federal</u> <u>Fund</u>	<u>Reimb.</u> <u>Fund</u>	<u>Total</u>
Fiscal 2017					
Legislative Appropriation	\$100,768	\$6,121	\$0	\$105	\$106,995
Deficiency Appropriation	0	0	0	0	0
Cost Containment	0	0	0	0	0
Budget Amendments	1,660	113	0	196	1,969
Reversions and Cancellations	-1,862	-456	0	-12	-2,330
Actual Expenditures	\$100,565	\$5,778	\$0	\$290	\$106,634
Fiscal 2018					
Legislative Appropriation	\$109,184	\$6,633	\$0	\$104	\$115,922
Cost Containment	0	0	0	0	\$0
Budget Amendments	-6,273	0	0	0	-\$6,273
Working Appropriation	\$102,911	\$6,633	\$0	\$104	\$109,649

DPSCS: Department of Public Safety and Correctional Services

Note: The fiscal 2018 appropriation does not include deficiencies, targeted reversions, or across-the-board reductions. Numbers may not sum to total due to rounding.

Fiscal 2017

General Fund

General fund expenditures for fiscal 2017 were approximately \$100.6 million, a decrease of \$203,000 from the legislative appropriation. The Department of Public Safety and Correctional Services' (DPSCS) fiscal 2017 general fund budget amendments totaled approximately \$1.7 million, including \$1.2 million for employee salary increments, \$89,575 in funding enhancements for the new labor agreement for members of the State Law Enforcement Officers Labor Alliance, \$65,720 in annual salary review adjustments, and \$300,000 to realign funds among agencies to match actual general fund expenditures. Approximately \$1.9 million in general funds were reverted due to salary savings associated with DPSCS' high vacancy rate.

Special Fund

Fiscal 2017 special fund expenditures totaled \$5.8 million, a net \$343,000 decrease from the legislative appropriation. The special fund appropriation increased by a net \$113,000 in budget amendments, all of which were allocated for employee salary increments. At the close of fiscal 2017, an additional \$455,661 was canceled for the Drinking Driver Monitor Program position vacancies.

Reimbursable Fund

Reimbursable funds totaled \$290,000, an increase of \$185,000 from the legislative appropriation. A single budget amendment for \$196,356 allocated funding for the Safe Measures and Interagency War Room. This was offset by approximately \$12,000 in canceled funds.

Fiscal 2018

Budget amendments decrease the fiscal 2018 working appropriation by approximately \$6.3 million in general funds, all of which are associated with moving the Pretrial Release Services Program from the Division of Parole and Probation to the Division of Pretrial Detention.

Appendix 2
Object/Fund Difference Report
DPSCS – Division of Parole and Probation

<u>Object/Fund</u>	<u>FY 17</u> <u>Actual</u>	<u>FY 18</u> <u>Working</u> <u>Appropriation</u>	<u>FY 19</u> <u>Allowance</u>	<u>FY 18 - FY 19</u> <u>Amount Change</u>	<u>Percent</u> <u>Change</u>
Positions					
01 Regular	1,118.00	1,118.00	1,118.00	0.00	0%
02 Contractual	38.25	64.56	64.56	0.00	0%
Total Positions	1,156.25	1,182.56	1,182.56	0.00	0%
Objects					
01 Salaries and Wages	\$ 93,210,803	\$ 94,542,665	\$ 93,817,087	-\$ 725,578	-0.8%
02 Technical and Spec. Fees	1,331,624	2,060,230	1,788,434	-271,796	-13.2%
03 Communication	746,584	768,662	778,525	9,863	1.3%
04 Travel	280,947	276,900	292,900	16,000	5.8%
06 Fuel and Utilities	230,693	344,526	234,900	-109,626	-31.8%
07 Motor Vehicles	561,440	749,230	741,069	-8,161	-1.1%
08 Contractual Services	4,782,419	5,807,484	7,183,422	1,375,938	23.7%
09 Supplies and Materials	399,047	392,038	410,500	18,462	4.7%
10 Equipment – Replacement	1,068,975	87,031	92,456	5,425	6.2%
12 Grants, Subsidies, and Contributions	494,600	500,000	500,000	0	0%
13 Fixed Charges	3,526,637	4,120,300	4,261,989	141,689	3.4%
Total Objects	\$ 106,633,769	\$ 109,649,066	\$ 110,101,282	\$ 452,216	0.4%
Funds					
01 General Fund	\$ 100,565,288	\$ 102,911,423	\$ 103,319,949	\$ 408,526	0.4%
03 Special Fund	5,778,380	6,633,348	6,675,929	42,581	0.6%
09 Reimbursable Fund	290,101	104,295	105,404	1,109	1.1%
Total Funds	\$ 106,633,769	\$ 109,649,066	\$ 110,101,282	\$ 452,216	0.4%

DPSCS: Department of Public Safety and Correctional Services

Note: The fiscal 2018 appropriation does not include deficiencies, targeted reversions, or across-the-board reductions. The fiscal 2019 allowance does not include contingent reductions or cost-of-living adjustments.

Appendix 3
Fiscal Summary
DPSCS – Division of Parole and Probation

<u>Program/Unit</u>	<u>FY 17 Actual</u>	<u>FY 18 Wrk Approp</u>	<u>FY 19 Allowance</u>	<u>Change</u>	<u>FY 18 - FY 19 % Change</u>
01 General Administration	\$ 16,579,762	\$ 17,682,865	\$ 19,170,121	\$ 1,487,256	8.4%
01 Parole and Probation – North Region Operations	21,567,170	21,888,683	21,506,069	-382,614	-1.7%
01 Parole and Probation – South Region Operations	27,227,783	28,541,520	28,221,357	-320,163	-1.1%
01 Community Supervision – Central Region Operations	41,259,054	41,535,998	41,203,735	-332,263	-0.8%
Total Expenditures	\$ 106,633,769	\$ 109,649,066	\$ 110,101,282	\$ 452,216	0.4%
General Fund	\$ 100,565,288	\$ 102,911,423	\$ 103,319,949	\$ 408,526	0.4%
Special Fund	5,778,380	6,633,348	6,675,929	42,581	0.6%
Total Appropriations	\$ 106,343,668	\$ 109,544,771	\$ 109,995,878	\$ 451,107	0.4%
Reimbursable Fund	\$ 290,101	\$ 104,295	\$ 105,404	\$ 1,109	1.1%
Total Funds	\$ 106,633,769	\$ 109,649,066	\$ 110,101,282	\$ 452,216	0.4%

DPSCS: Department of Public Safety and Correctional Services

Note: The fiscal 2018 appropriation does not include deficiencies, targeted reversions, or across-the-board reductions. The fiscal 2019 allowance does not include contingent reductions or cost-of-living adjustments.