

Department of Legislative Services
 Maryland General Assembly
 2011 Session

FISCAL AND POLICY NOTE

House Bill 964
 Judiciary

(Delegate McComas, *et al.*)

Criminal Law - Recidivism Reduction Pilot Program

This bill requires the Division of Parole and Probation (DPP) to establish a Recidivism Reduction Pilot Program that, by October 1, 2015, results in at least 50% of supervised individuals being supervised in accordance with “evidence-based practices.” The program must include specified elements relating to risk and needs assessment tools, development of a “case plan” based on assessment for each moderate- to high-risk supervisee, caseload size guidelines, and the establishment of certain protocols and standards relating to recidivism reduction. DPP must submit a program report to the Governor, the General Assembly, and the Court of Appeals by March 1 of each year. The Secretary of Public Safety and Correctional Services must adopt supplementary regulations.

The bill’s provisions are severable and terminate on December 31, 2015.

Fiscal Summary

State Effect: General fund expenditures increase by \$391,100 in FY 2012. Revenues are not affected. Pilot program costs are assumed to continue through FY 2016.

(in dollars)	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	391,100	494,900	515,500	537,300	560,100
Net Effect	(\$391,100)	(\$494,900)	(\$515,500)	(\$537,300)	(\$560,100)

Note: () = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: The pilot program is required to include:

- adoption, validation, and utilization of an objective risk and needs assessment tool;
- use of assessment scores and other objective criteria to determine the risk level and program needs of each supervised individual and to prioritize supervision and program resources for offenders who are at higher risk to reoffend;
- definitions of low-, moderate-, and high-risk levels during the period of community supervision;
- development of a case plan, based on assessment, for each individual who is assessed to be moderate to high risk;
- swift, certain, proportionate, and graduated responses that a division employee must apply in response to a supervised individual's compliant and noncompliant behaviors;
- caseload size guidelines that are based on offender risk levels and take into account division resources and employee workload; and
- establishment of protocols and standards that assess the degree to which division policies, procedures, programs, and practices relating to offender recidivism reduction are evidence-based.

DPP is required to provide its employees who are involved in the program with intensive initial and ongoing training and professional development services to support the implementation of evidence-based practices. The training and professional development services must include assessment techniques, case planning, risk reduction and intervention strategies, effective communication skills, and education about substance abuse and other topics identified by the division or its employees.

Current Law: If a court grants probation, the court may order the probation to be supervised or unsupervised. An offender placed on supervised probation is required to pay a monthly fee of \$40 to the division unless exempted by law. A program relating to community supervision and evidence-based practices is not now statutorily required.

Background: During fiscal 2010, 7,413 inmates were released to the supervision of DPP on parole or mandatory release supervision. DPP provides offender supervision and investigation services. The agency's largest workload involves the supervision of probationers assigned to the division by the courts. Certain sexual offenders are subject to lifetime supervision. The number of cases under the supervision of DPP has increased nearly 8.5% between fiscal 2006 and 2010. The division is anticipating an increase of more than 3,200 cases in fiscal 2011. As of December 31, 2010, the agency has 145.5 vacant positions, of which 92.0 were parole and probation agents.

The size of a general supervision caseload is approximately 120 cases, but caseload size varies within DPP's specialized programs such as the sexual offender and the Violence Prevention Initiative caseloads which average 29 and 31 offenders, respectively.

An offender on supervised probation is assigned to a parole and probation agent, and a written case plan is developed by that agent which includes not only the conditions of probation imposed by the court or parole commission but also the risk factors and needs identified during the course of supervision. Supervision is focused on addressing these elements in a manner intended to reduce the offender's potential for recidivism and increase the offender's ability to establish and maintain a more productive lifestyle.

State Expenditures: According to DPP, the division currently uses a standardized, validated risk assessment instrument developed by DPSCS to determine the appropriate supervision level. The six supervision levels currently in place include: Violence Prevention Initiative (VPI), Sexual Offender, High, Moderate, Low-Moderate, and Low. The VPI and Sexual Offender supervision levels are containment models of supervision with caseload sizes averaging 30:1 per agent. The bill limits DPP to only three supervision levels for the pilot program: Low, Moderate, and High.

Training for DPP employees, and for all employees of DPSCS, is coordinated and administered by the Professional Development and Training Division (PDTD). DPP advises that it cannot independently direct or conduct certified training outside of PDTD.

Establishing the pilot program will increase general fund expenditures by \$391,100 in fiscal 2012, which accounts for the bill's October 1, 2011 effective date. This estimate reflects the cost of hiring one program manager, one program assistant manager, and three field supervisors. It includes salaries, fringe benefits, one-time start-up costs, annual consultations with subject-matter experts in the field of Evidence-Based Practices, and ongoing operating expenses.

Position(s)	5
Salaries and Fringe Benefits	\$281,768
Contractual EBP Services	63,750
Other Operating Expenses	<u>45,552</u>
Total FY 2012 State Expenditures	\$391,070

Future year expenditures reflect full salaries with 4.4% annual increases and 3% employee turnover as well as 1% annual increases in ongoing operating expenses, including contractual services.

DPP advises that the new unit may also have to procure management studies to ensure that the practices and policies of DPP fully align with the most current data and information concerning evidence-based practices. Those potential costs are included under the projected contractual services cited above.

Among several operational difficulties related to implementing the bill, DPP notes that:

- the bill's definition of "case plan" includes a requirement that each case plan match programs to the offender's individual characteristics and establish a timeline for achieving specific behavioral goals, so that establishing timelines for specific achievements fails to take into account the fact that the division cannot control for outside-program intake, participation and completion; and
- DPP does not impose conditions of parole or mandatory release supervision. Those conditions are imposed by the Maryland Parole Commission. If the authority to impose conditions of supervision is transferred to DPP, the division would effectively need additional resources in the form of a larger unit to perform that function.

Additional Comments: In June 2010, the Chief Judge of the Court of Appeals, by an administrative order, created an Ad Hoc Committee on Sentencing Alternatives, Reentry and Best Practices. Under the order, "the Committee may consult with others with useful information on the subject, including Maryland judicial committees, state and local government agencies, commissions and task forces, other states' representatives, corrections consultants, community organizations and others as to best practices, reentry and sentencing alternatives, the most effective methods of screening, evaluating, and sentencing offenders so as to rehabilitate effectively, reduce recidivism, promote public safety, and increase ex-offenders' positive contribution to the community."

The committee may also propose and promote programs, screening, rules, and systemic changes that will improve sentencing practices, alternatives, and effectiveness, and "propose and promote strategies to generate adequate levels of public, private and volunteer resources and funding for sentencing alternatives, reentry and best practices in Maryland, as well as any appropriate sentencing education program which may benefit judges of the Maryland Judicial Conference."

Additional Information

Prior Introductions: None.

Cross File: SB 583 (Senator Shank) - Judicial Proceedings.

Information Source(s): Baltimore, Carroll, Cecil, Harford, Montgomery, Queen Anne's, and St. Mary's counties; Judiciary (Administrative Office of the Courts); Department of State Police; Department of Public Safety and Correctional Services; Department of Legislative Services

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