

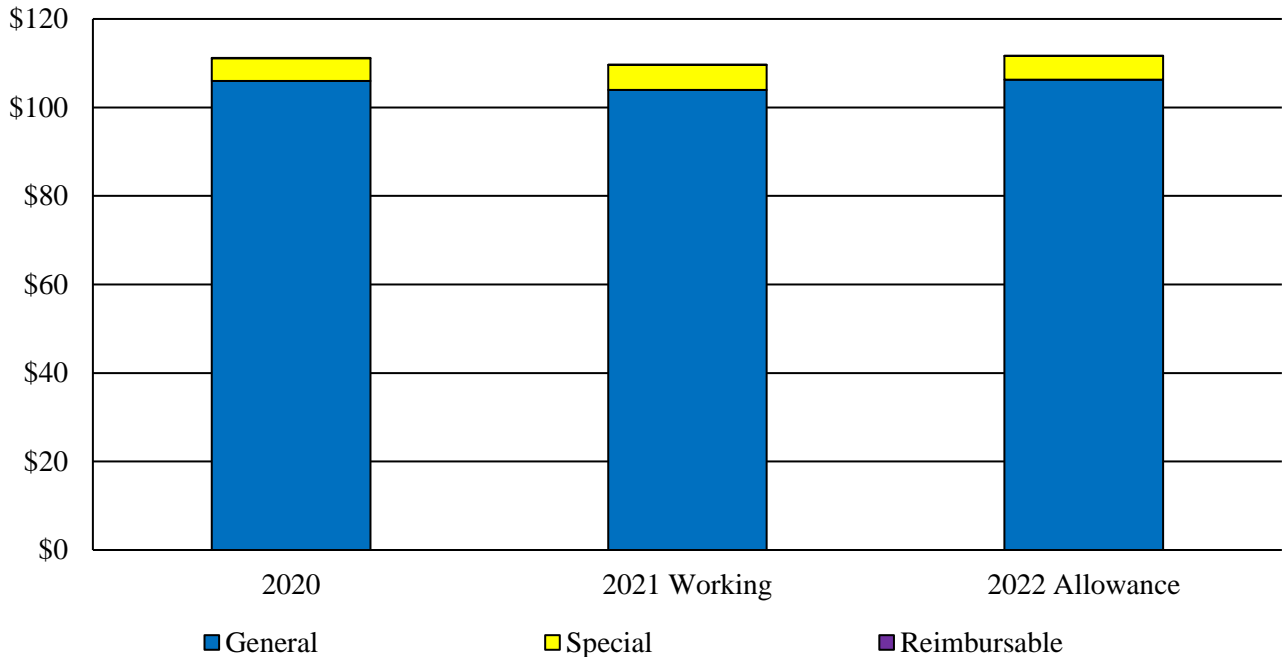
Q00C
Community Supervision
Department of Public Safety and Correctional Services

Program Description

The Community Supervision function within the Department of Public Safety and Correctional Services (DPSCS) consists of the Maryland Parole Commission (MPC) and the Division of Parole and Probation (DPP). MPC hears cases for parole release and revocation and is authorized to parole inmates sentenced to a term of confinement of six months or more from any correctional institution in Maryland except the Patuxent Institution. DPP provides offender supervision and investigation services for probationers assigned by courts, parolees discharged from correctional facilities on mandatory release, parolees approved by MPC, and Drinking Driver Monitor Program (DDMP) participants. DPP agents also collect fees and restitution payments required of supervisees. MPC and DPP were formerly analyzed separately but have been included together in the Community Supervision analysis for the fiscal 2022 allowance.

Operating Budget Summary

Fiscal 2022 Budget Increases \$2.0 Million, or 1.9%, to \$111.7 Million
(\$ in Millions)



Note: Cost-of-living adjustments in fiscal 2021 and 2022 are not reflected.

Fiscal 2020

Actual spending for Community Supervision in fiscal 2020 was \$111.2 million, a decrease of \$5.6 million from the legislative appropriation and an increase of \$1 million from fiscal 2019 spending. The agency canceled \$1.9 million in special funds due to lower than budgeted revenues from the DDMP supervision fee, which was increased for fiscal 2021. The fiscal 2020 closeout budget amendment for DPSCS transferred \$3.9 million in general funds from the community supervision budget to other places in the department with general fund shortfalls.

Fiscal 2021

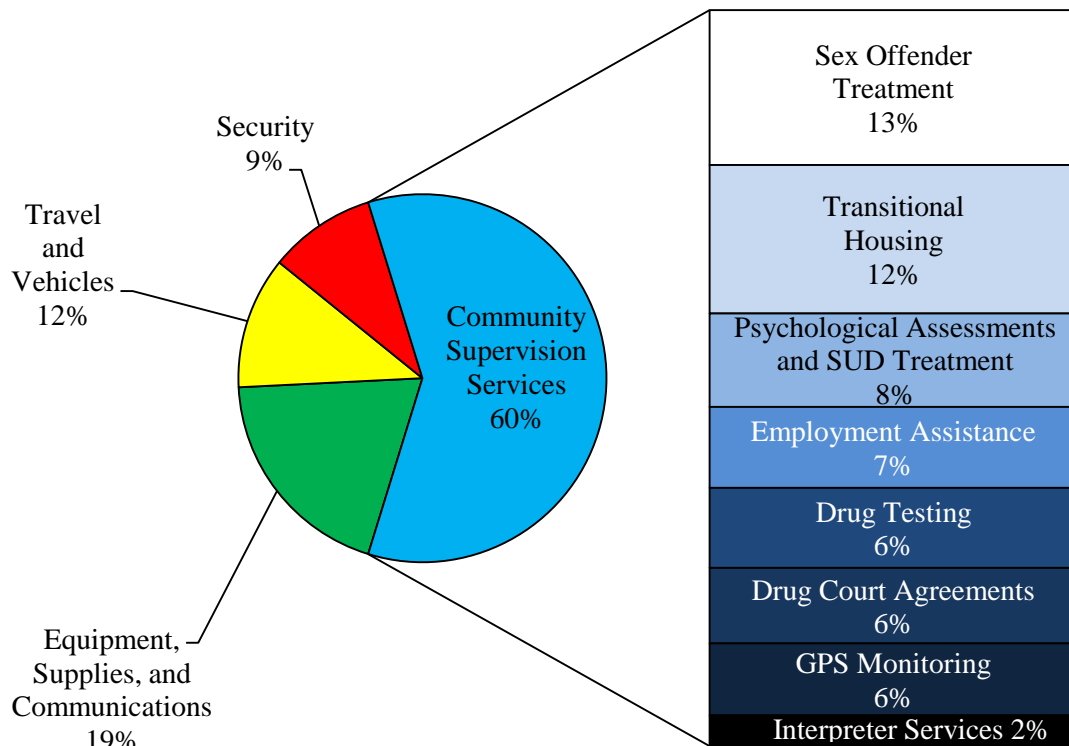
Board of Public Works cost containment actions on July 1, 2020, removed a total of \$1.6 million in general funds from the community supervision budget. Funding for expansion of contractual pre-release services at the Community Adult Rehabilitation Center in Baltimore City was reduced by \$1.3 million, while another \$50,000 in various community supervision grants were reduced. Additional adjustments to unemployment insurance, turnover, and contractual positions removed \$0.3 million.

The Governor’s allowance includes one fiscal 2021 general fund deficiency appropriation of \$1.26 million to deep clean the offices of DPP.

Fiscal 2022 Overview of Agency Spending

Personnel spending, including regular and contractual employees, totals \$99.9 million, or 89% of the function’s fiscal 2022 allowance. The remainder of the budget primarily supports parole and probation office costs; equipment for parole and probation agents; and costs to treat, supervise, and support offenders. **Exhibit 1** shows all nonpersonnel spending by category, totaling \$11.5 million.

Exhibit 1
Overview of Agency Nonpersonnel Spending
Fiscal 2022 Allowance



Total Spending: \$11.5 Million

GPS: global positioning system
 SUD: substance use disorder

Source: Governor’s Fiscal 2022 Budget Books; Department of Legislative Services

Proposed Budget Change

The fiscal 2022 allowance increases by \$2 million from the working appropriation, returning to fiscal 2020 spending levels. **Exhibit 2** details where these changes are made.

Exhibit 2
Proposed Budget
DPSCS – Community Supervision
(\$ in Thousands)

How Much It Grows:	General Fund	Special Fund	Reimb. Fund	Total
Fiscal 2020 Actual	\$106,009	\$5,092	\$102	\$111,203
Fiscal 2021 Working Appropriation	103,974	5,628	86	109,688
Fiscal 2022 Allowance	<u>106,264</u>	<u>5,367</u>	<u>98</u>	<u>111,729</u>
Fiscal 2021-2022 Amount Change	\$2,290	-\$262	\$12	\$2,041
Fiscal 2021-2022 Percent Change	2.2%	-4.6%	14.3%	1.9%

Where It Goes:

Personnel Expenses

Turnover adjustments.....	\$3,270
Employee and retiree health insurance.....	2,561
Annualization of fiscal 2021 2% COLA.....	816
Overtime.....	123
Fiscal 2022 SLEOLA COLA.....	119
Fiscal 2022 SLEOLA salary increase.....	67
Employee retirement costs.....	-16
Other fringe benefit adjustments.....	-25
Social Security contributions.....	-37
Regular earnings.....	-1,517

Other Changes

Communications.....	107
Transitional housing for women at Marion House.....	60
Sign language interpretation.....	-38
Contractual employees.....	-76
Pre-release services for men at Threshold.....	-112
Vehicles and travel.....	-116
Security guards for DPP offices.....	-147
Drug testing services.....	-155
Equipment and supplies.....	-209
Other contractual services.....	-311
Utilities and rent.....	-1,064
One-time fiscal 2021 grant for deep cleaning DPP offices.....	-1,260

Total **\$2,041**

COLA: cost-of-living adjustment

DPP: Division of Parole and Probation

SLEOLA: State Law Enforcement Officers Labor Alliance

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

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- Changes to turnover expectancy and regular earnings net to an additional \$1.8 million in the fiscal 2022 allowance despite more vacancies than in past years. This does, however, return personnel spending for Community Supervision to fiscal 2020 levels.
- Rent decreases by a significant amount from fiscal 2021 levels, as do expenses for security guards, travel expenses, and service grants. Communication expenses and overtime, however, increase. **DPP should comment on the extent to which the COVID-19 pandemic has driven these changes.**

Personnel Data

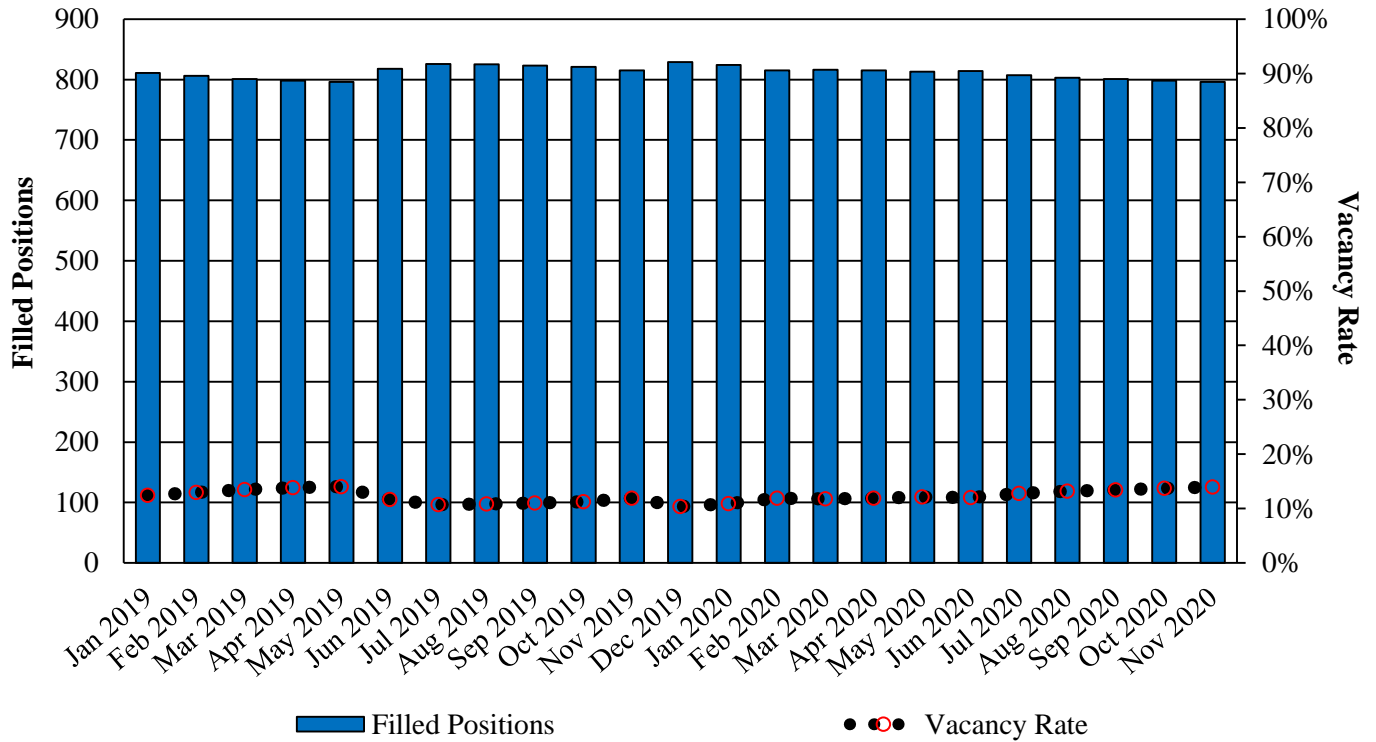
	<u>FY 20</u> <u>Actual</u>	<u>FY 21</u> <u>Working</u>	<u>FY 22</u> <u>Allowance</u>	<u>FY 21-22</u> <u>Change</u>
Regular Positions	1,188.00	1,188.00	1,188.00	0.00
Contractual FTEs	<u>97.83</u>	<u>59.28</u>	<u>59.27</u>	<u>-0.01</u>
Total Personnel	1,285.83	1,247.28	1,247.27	-0.01

Vacancy Data: Regular Positions

Turnover and Necessary Vacancies, Excluding New Positions	142.8	12.02%
Positions and Percentage Vacant as of 11/31/20	180.0	15.15%
Vacancies Above Turnover	37.2	

- As of November 2020, 15.2% of positions in the Community Supervision budget are vacant compared to 12.8% in December 2019. If budgeted turnover was increased to match current vacancies, personnel expenses would decrease by \$2.75 million in the allowance year. **DPSCS should comment on hiring issues during the most recent calendar year.**
- Contractual full-time equivalent usage was high in fiscal 2020 but returns to normal levels in the fiscal 2021 working appropriation and fiscal 2022 allowance.
- The fiscal 2022 allowance realigns positions across regions. There is a net gain of 6 PINs in the West Region, 2 PINs in the East Region, and a net loss of 8 PINs in the Central Region (Baltimore and Capital areas).
- **Exhibit 3** shows vacancies for DPP agents and DDMP monitors. Currently, 129 agent and monitor positions are vacant – 13.9% of the allowed PINs. This represents a large increase over the low of 96 vacancies in December 2019. In fact, the vacancy rate for community supervision agents is currently higher than the vacancy rate for correctional officers (CO), due to CO position abolishments.

**Exhibit 3
DPP Agent and DDMP Monitor Vacancy Rates
Calendar 2019-2020**



DDMP: Drinking Driver Monitor Program
DPP: Division of Parole and Probation

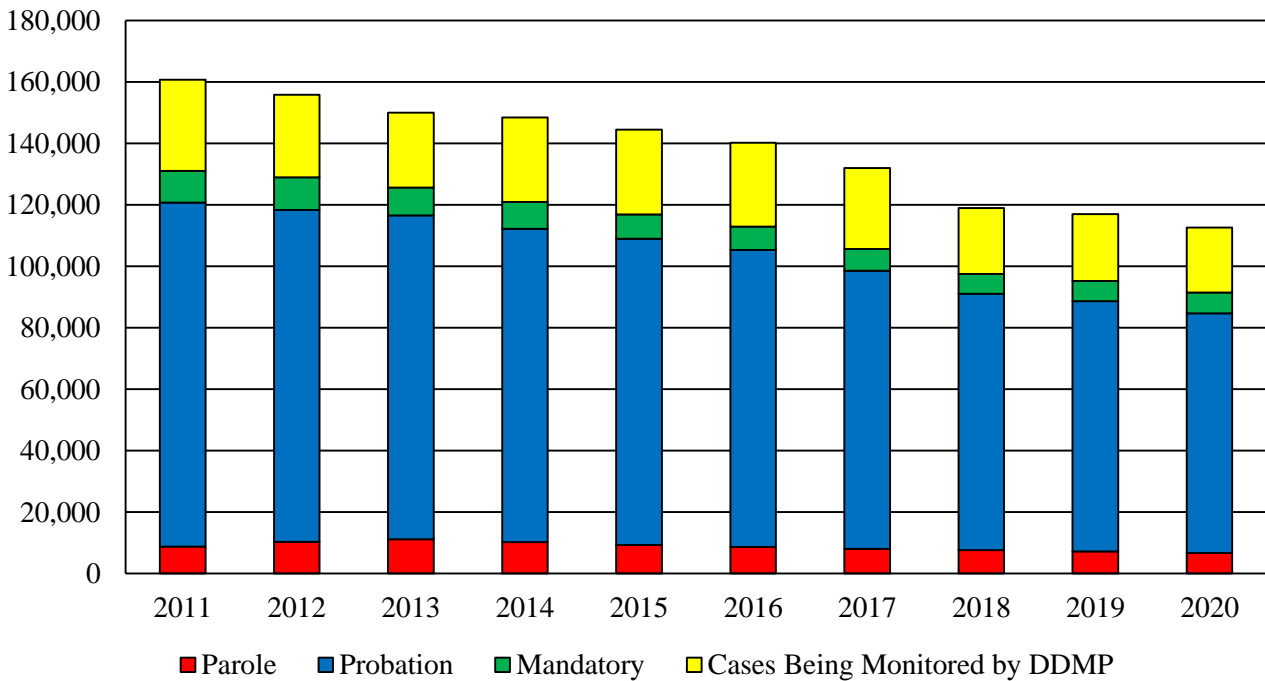
Source: Department of Budget and Management

Key Observations

1. Caseload Ratios Improved Again in Fiscal 2020

The total number of criminal supervision cases decreased 4% from 95,167 in fiscal 2019 to 91,402 in fiscal 2020, as seen in **Exhibit 4**. Only mandatory supervision cases increased this year, continuing the trend of fewer cases each year requiring community supervision.

Exhibit 4
Total DPP Cases Supervised During the Fiscal Year
Fiscal 2011-2020



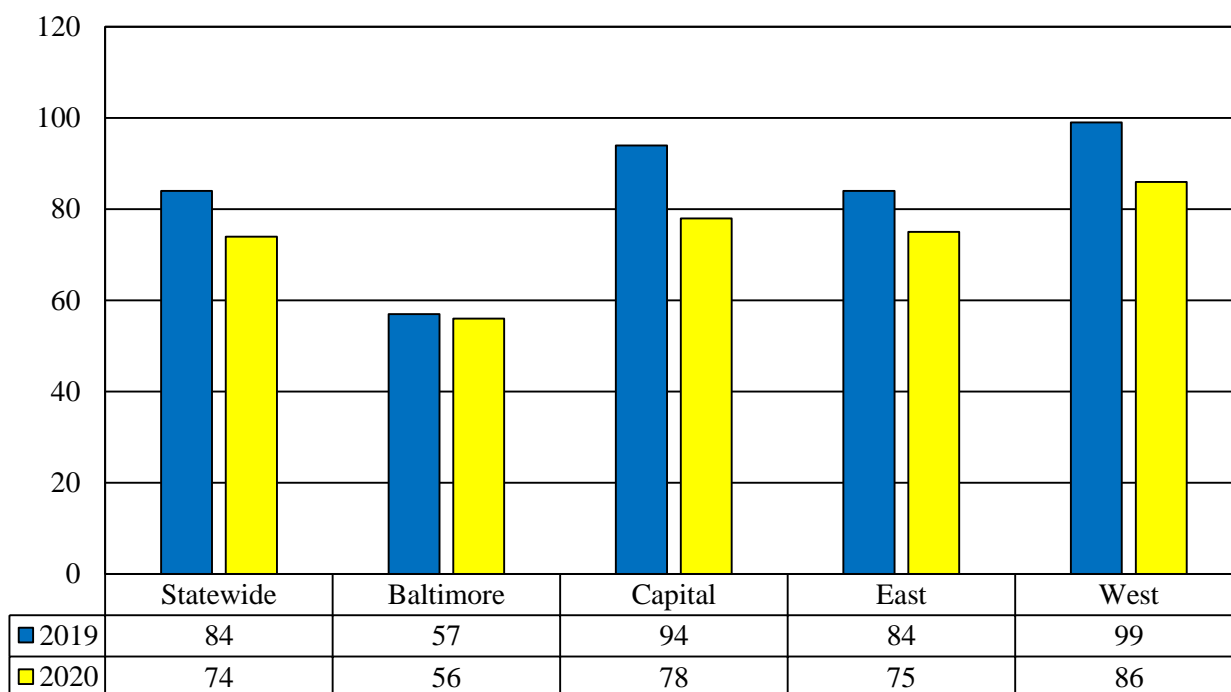
DDMP: Drinking Driver Monitor Program

DPP: Division of Parole and Probation

Source: Fiscal 2022 Managing for Results; Department of Public Safety and Correctional Services

The 4% decrease in criminal supervision cases resulted in lower regional caseload ratios across the State, as shown in **Exhibit 5**.

**Exhibit 5
Regional Community Supervision Caseload Ratios
Fiscal 2019-2020**



Source: Department of Public Safety and Correctional Services

According to a 2015 University of Baltimore study, DPP is recommended to have a statewide caseload ratio below 81. Currently, caseload ratios are below the recommended level in all regions but the West Region. The West Region has consistently seen caseloads reaching nearly 100 cases per agent in recent years, but is now at 86 – still above the recommended level but much improved over the high caseloads that agents have publicly expressed concerns about in past years. This undoubtedly eased the transition to remote work, which has been highly successful according to DPP. **DPP should describe the impact of the COVID-19 pandemic on agent caseload ratios and community supervision work in general.**

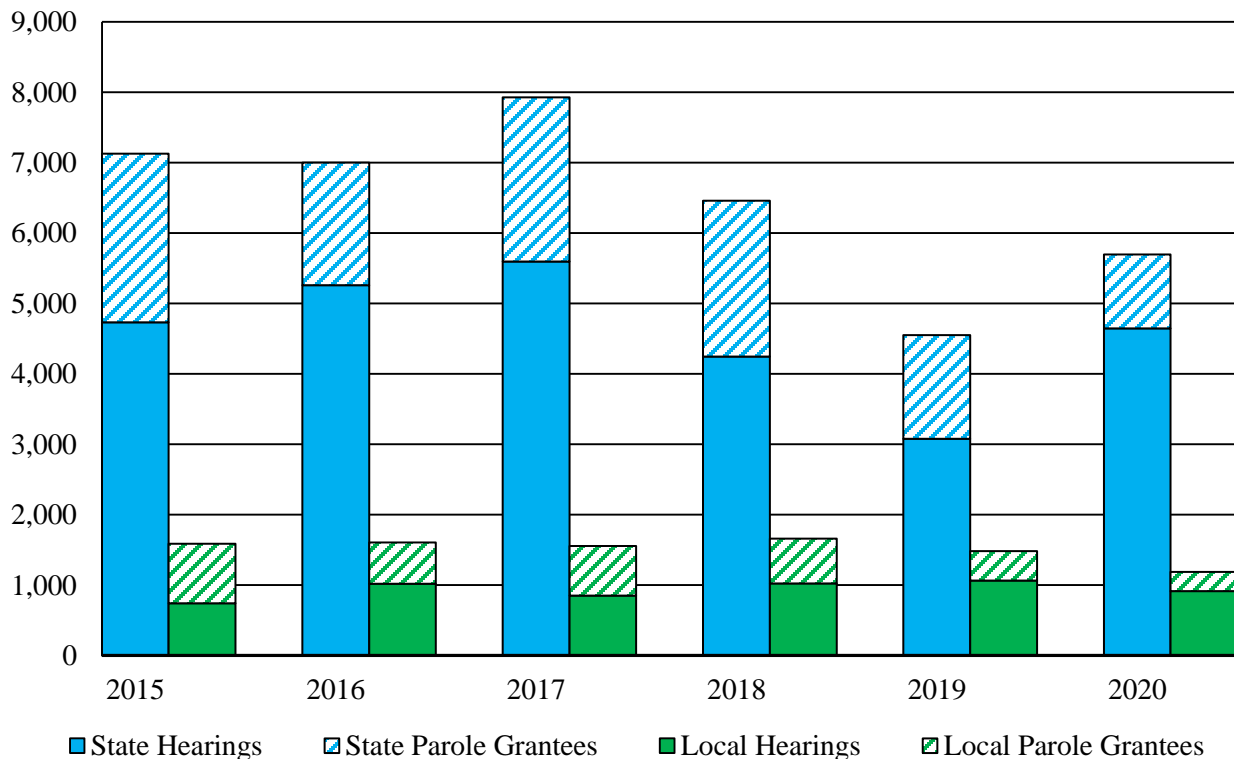
2. Parole Commission Approved Fewer Parole Requests Despite Pandemic

Due to the COVID-19 pandemic, MPC was tasked with reviewing all State and local correctional cases to determine if any were eligible for emergency expedited release. For instance, those convicted of crimes of violence or sexual crimes were omitted from the criteria. According to DPSCS, the Commissioner of Correction approved release of 140 individuals, and the Parole Commissioner

approved 48 releases. This does not count the number of discretionary changes made by DPSCS to release individuals on pretrial supervision, home detention, and other release orders.

Exhibit 6 displays the number of parole hearings that resulted in a grant of parole. While there were many more hearings for State and local inmates in fiscal 2020 compared to fiscal 2019, there were many fewer approved for release, particularly State inmates. With State and local combined, MPC held 6,748 parole hearings and granted parole 1,455 times, or 22%, the lowest rate on record. This is surprising given the Governor’s executive order to expedite parole in order to reduce correctional facility populations. Additionally, 38% of those paroled in fiscal 2020 had been eligible for over 12 months, continuing the trend of later and later releases for parolees.

**Exhibit 6
Parole Hearing Outcomes
Fiscal 2015-2020**



Source: Fiscal 2022 Managing for Results; Department of Public Safety and Correctional Services

MPC should discuss parole hearings during the pandemic and explain why fewer inmates were granted parole in fiscal 2020 than fiscal 2019 despite the Governor’s executive order to expedite release where possible.

Operating Budget Recommended Actions

1. Adopt the following narrative:

Supervision Caseloads and Staffing: In recent fiscal years, the Division of Parole and Probation (DPP) has been working to reduce caseloads to a manageable level for its parole and probation agents. Caseload ratios improved, but vacancies worsened in fiscal 2020. The budget committees request a report due by September 15, 2021, from DPP on the following:

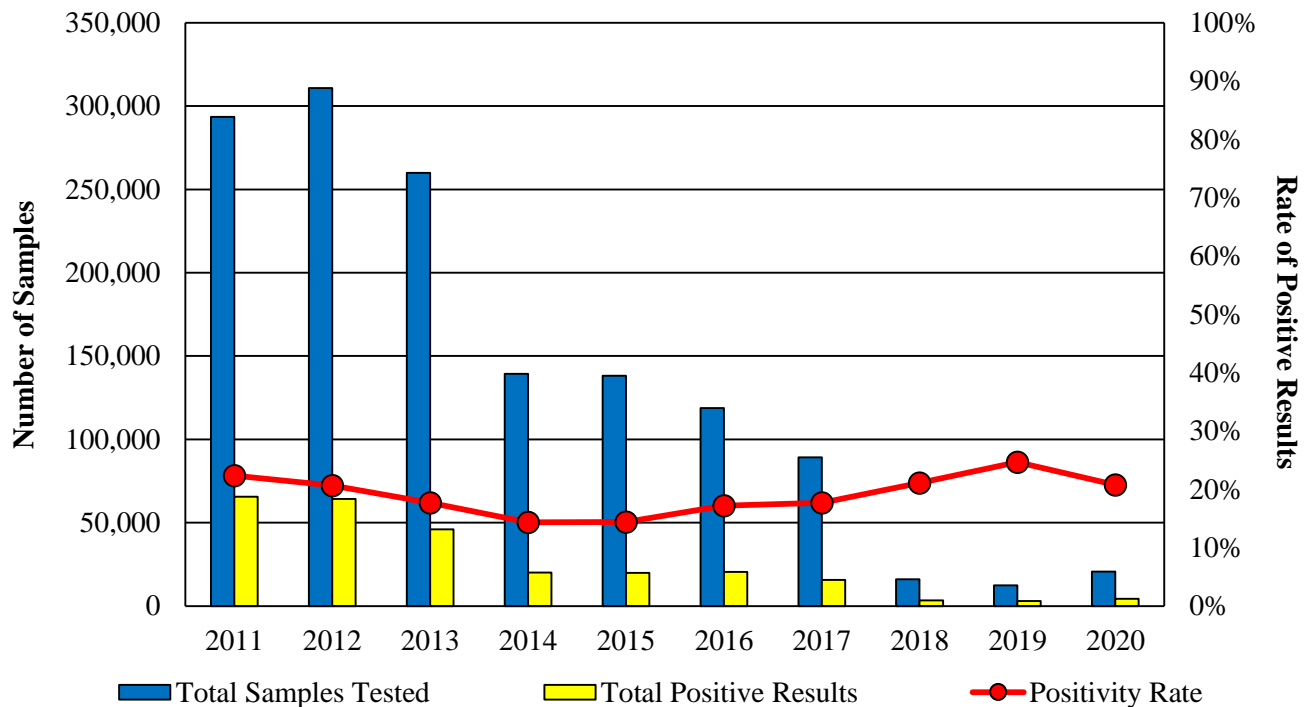
- efforts to maintain uniform caseloads below the national average in each region;
- the exact breakdown of support staff and general supervision caseloads by office into DPP supervision levels for fiscal 2020 and 2021;
- an evaluation of staff realignment between regions; and
- a review and analysis of monthly fiscal 2021 DPP agent and Drinking Driver Monitor Program monitor new hires, separations, and vacancies.

Information Request	Author	Due Date	
DPP caseload report	DPP	September 15, 2021	
			<u>Amount Reduction</u>
2. Increase budgeted turnover to match vacancy trends.		\$ 2,000,000	GF
Total General Fund Reductions		\$ 2,000,000	

Updates

- **Drug Testing Update:** Recent drug testing data from DPP has shown reduced testing volumes and increased positivity rates. **Exhibit 7** shows how these levels fell during the past decade.

Exhibit 7
Drug Testing Levels and Results
Fiscal 2011-2020



Source: Fiscal 2022 Managing for Results; Department of Public Safety and Correctional Services

DPP reports that transitioning from urinalysis lab testing to oral swab rapid testing in fiscal 2018 resulted in higher positivity rates. The oral swabs provide timely and accurate results that detect five additional substances: alcohol; buprenorphine; amphetamines; fentanyl; and oxycodone. This means comparison is difficult across years.

DPP reports that the Justice Reinvestment Act drove the decrease in testing volumes due to a new system of classifying offenders based on an evidence-based risk assessment tool. The risk assessment tool, validated by George Mason University, allows agents to categorize supervisees into low, medium, high, and “violence prevention” categories. Low and low-moderate individuals are only drug tested for cause. Individuals who test positive are placed in step-up supervision, where they are tested randomly once or twice per month. Those in the moderate, high, and violence prevention

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categories are randomly tested once or twice a month. Individuals who test positive are placed in step-up supervision, where they are tested randomly two to three times per month. Individuals who avoid a positive result for 60 days are downgraded in risk level. If an individual is placed in an approved substance abuse program, they are not tested by DPP at all but rather by the service provider. Graduated sanctions are applied only to those individuals who are not in a substance abuse treatment program.

While there was an increase in testing volume in fiscal 2020, it should be noted that drug testing was suspended beginning in April 2020, meaning DPSCS was on track to nearly double the testing volume from previous years until the COVID-19 lockdown. Drug testing for offenders has resumed.

Appendix 1
2020 Joint Chairmen’s Report Responses from Agency

The 2020 *Joint Chairmen’s Report* (JCR) requested that the Division of Parole and Probation (DPP) prepare three reports or data submissions. Electronic copies of the full JCR responses can be found on the Department of Legislative Services Library website.

- ***Parole and Probation Caseload Report:*** DPP supervision average caseloads per agent increased from 83 in fiscal 2018 to 84 in fiscal 2019 but decreased to 74 in fiscal 2020. DPP gained 17 community supervision agents, and the number of active cases declined by nearly 2,500. There remain regional differences, with the Baltimore Region at 56 cases per agent and the West Region at 86 cases per agent. Each region improved over the previous year, however, the Capital Region experienced the most significant improvement from 94 cases per agent in fiscal 2019 to 78 cases per agent in fiscal 2020. Additional discussion of community supervision cases and agents can be found in the Key Observations section of this analysis.
- ***Community Supervision Drug Testing Report:*** The Justice Reinvestment Act requires DPP to use an evidence-based risk assessment tool, which determines the supervision level and rate of random drug testing for each supervision intake. DPP switched from a urinalysis testing provider to an oral swab testing provider in January 2018, allowing screening for five additional substances: alcohol, buprenorphine, amphetamines, fentanyl, and oxycodone. These account for the large increase in positive test results, while the change in risk assessment category placement accounted for the large decrease in testing volume. Additional discussion of community supervision drug testing can be found in the Updates section of this analysis.
- ***Community Supervision Services and Treatment Report:*** DPP refers supervisees to treatment services during and after supervision starting with a comprehensive case plan that is made and fluidly adjusted based on individualized offender need. DPP uses 280 vetted community resource partners for housing assistance, substance use disorder, mental health, and employment assistance. Several community resource providers maintain important relationships with DPP to carry out its mission, including Baltimore City Health Department and Baltimore City Drug Treatment Court (for addiction treatment and services), Marian House (transitional housing for women in Baltimore City), Threshold (transitional housing for pre-release men in Baltimore City), and the Baltimore City Mayor’s Office for Employment Development (GED referrals, assistance with personal documents, job training, and expungements). These contracts received \$2.2 million in the fiscal 2021 legislative appropriation.

Appendix 2
Object/Fund Difference Report
DPSCS – Community Supervision

<u>Object/Fund</u>	<u>FY 20</u> <u>Actual</u>	<u>FY 21</u> <u>Working</u> <u>Appropriation</u>	<u>FY 22</u> <u>Allowance</u>	<u>FY 21 - FY 22</u> <u>Amount Change</u>	<u>Percent</u> <u>Change</u>
Positions					
01 Regular	1,188.00	1,188.00	1,188.00	0.00	0%
02 Contractual	97.83	59.28	59.27	-0.01	0%
Total Positions	1,285.83	1,247.28	1,247.27	-0.01	0%
Objects					
01 Salaries and Wages	\$ 98,299,023	\$ 93,197,842	\$ 98,559,193	\$ 5,361,351	5.8%
02 Technical and Spec. Fees	1,257,653	1,405,833	1,330,143	-75,690	-5.4%
03 Communication	941,952	857,812	964,713	106,901	12.5%
04 Travel	166,944	265,307	191,388	-73,919	-27.9%
06 Fuel and Utilities	267,302	277,000	288,600	11,600	4.2%
07 Motor Vehicles	497,357	662,140	605,519	-56,621	-8.6%
08 Contractual Services	4,629,363	5,923,807	5,220,942	-702,865	-11.9%
09 Supplies and Materials	165,796	331,900	231,200	-100,700	-30.3%
10 Equipment – Replacement	113,147	205,078	125,390	-79,688	-38.9%
11 Equipment – Additional	2,629	37,000	15,000	-22,000	-59.5%
12 Grants, Subsidies, and Contributions	648,292	450,000	450,000	0	0%
13 Fixed Charges	4,213,844	4,814,348	3,746,990	-1,067,358	-22.2%
Total Objects	\$ 111,203,302	\$ 108,428,067	\$ 111,729,078	\$ 3,301,011	3.0%
Funds					
01 General Fund	\$ 106,008,928	\$ 102,713,941	\$ 106,264,216	\$ 3,550,275	3.5%
03 Special Fund	5,092,274	5,628,493	5,366,966	-261,527	-4.6%
09 Reimbursable Fund	102,100	85,633	97,896	12,263	14.3%
Total Funds	\$ 111,203,302	\$ 108,428,067	\$ 111,729,078	\$ 3,301,011	3.0%

Note: The fiscal 2021 appropriation does not include deficiencies, targeted revenues, or across-the-board reductions. The fiscal 2022 allowance does not include contingent reductions or cost-of-living adjustments.