

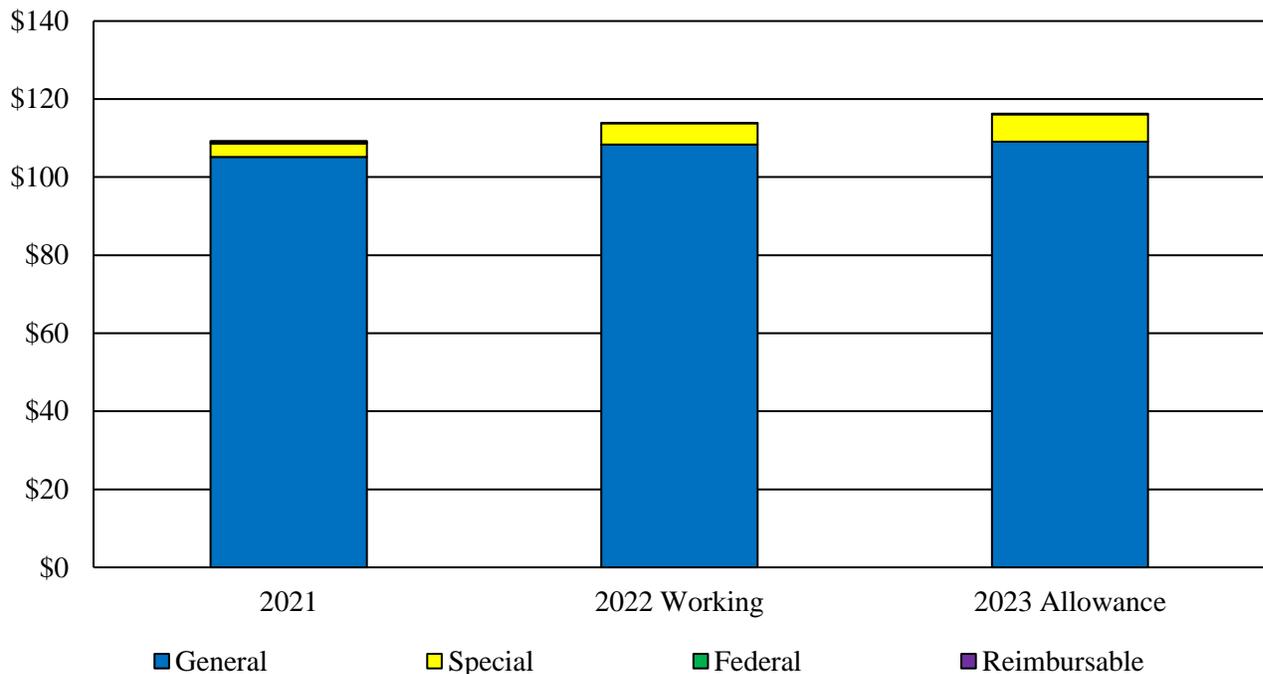
Q00C
Community Supervision
 Department of Public Safety and Correctional Services

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.

Operating Budget Summary

Fiscal 2023 Budget Increases \$2.3 Million, or 2.1%, to \$116.2 Million
 (\$ in Millions)



Note: The fiscal 2022 working appropriation does include deficiencies. The fiscal 2022 working appropriation and fiscal 2023 allowance do not reflect funding for statewide personnel actions budgeted in the Department of Budget and Management, which include cost-of-living adjustments, increments, bonuses, and may include annual salary review adjustments.

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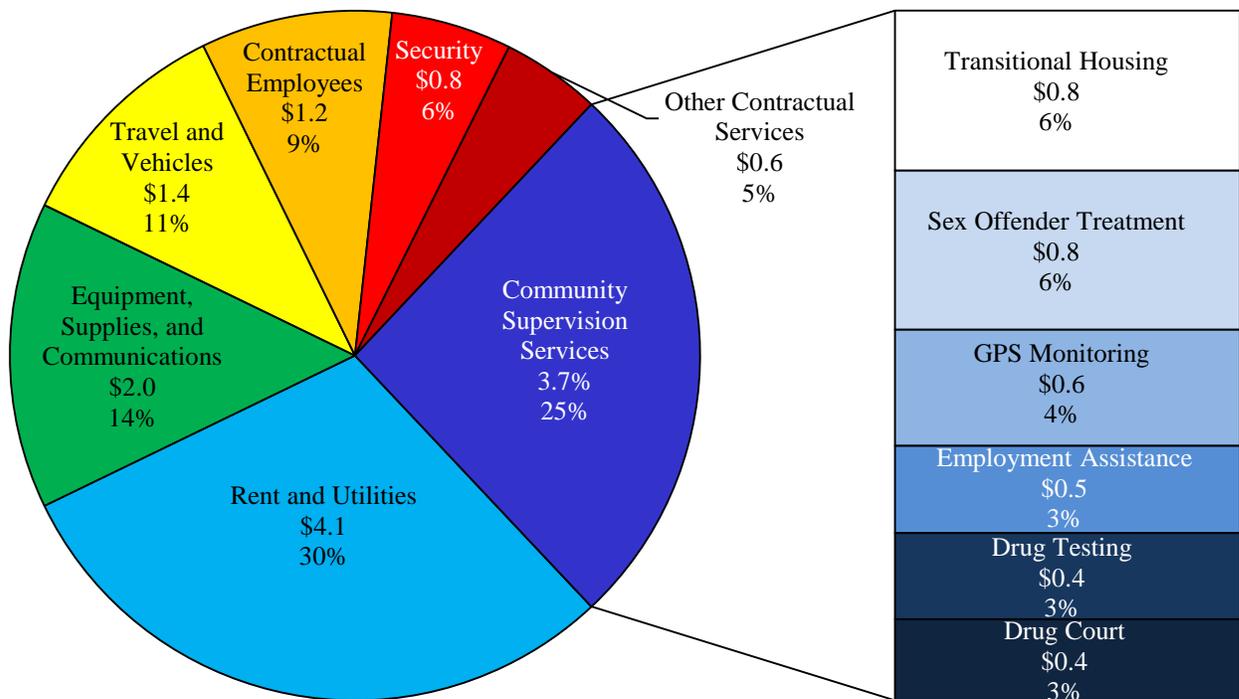
Fiscal 2022

The Governor’s proposed budget includes a fiscal 2022 general fund deficiency appropriation to provide \$433,333 for new vehicle purchases to refresh the fleet used by parole and probation officers to visit supervisees in the field.

Fiscal 2023 Overview of Agency Spending

Personnel totals \$102.5 million, or 88% of the function’s fiscal 2023 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 \$13.7 million.

Exhibit 1
Overview of Agency Nonpersonnel Spending
Fiscal 2023 Allowance
(\$ in Millions)



GPS: global positioning system

Note: The fiscal 2023 allowance does not reflect funding for statewide personnel actions budgeted in the Department of Budget and Management, which includes cost-of-living adjustments, increments, bonuses, and may include annual salary review adjustments.

Source: Governor’s Fiscal 2023 Budget Books

Proposed Budget Change

The fiscal 2023 allowance increases by \$2.3 million from the fiscal 2022 working appropriation. **Exhibit 2** details where these changes are made.

Exhibit 2					
Proposed Budget					
DPSCS – Community Supervision					
(\$ in Thousands)					
How Much It Grows:	<u>General Fund</u>	<u>Special Fund</u>	<u>Federal Fund</u>	<u>Reimb. Fund</u>	<u>Total</u>
Fiscal 2021 Actual	\$105,181	\$3,446	\$444	\$173	\$109,245
Fiscal 2022 Working Appropriation	108,329	5,468	0	98	113,895
Fiscal 2023 Allowance	<u>109,070</u>	<u>7,065</u>	<u>0</u>	<u>98</u>	<u>116,232</u>
Fiscal 2022-2023 Amount Change	\$741	\$1,597	\$0	\$0	\$2,337
Fiscal 2022-2023 Percent Change	0.7%	29.2%			2.1%
Where It Goes:					<u>Change</u>
Personnel Expenses					
Employee and retiree health insurance					\$1,626
Turnover adjustments					965
Workers’ compensation premium assessment					328
Retirement contributions.....					38
Other fringe benefit adjustments.....					3
Regular earnings					-729
Other Changes					
Travel and vehicles					219
Communications					126
Rent and utilities					56
Office supplies and materials.....					-93
Contractual services.....					-99
Contractual employee turnover.....					-101
Total					\$2,337

Note: Numbers may not sum to total due to rounding. The fiscal 2022 working appropriation does include deficiencies. The fiscal 2022 working appropriation and fiscal 2023 allowance do not reflect funding for statewide personnel actions budgeted in the Department of Budget and Management, which include cost-of-living adjustments, increments, bonuses, and may include annual salary review adjustments.

Q00C – DPSCS – Community Supervision

- The DDMP Fund is appropriated \$7.1 million in fiscal 2023 to support DDMP monitor salaries but only generated \$3.3 million in revenues in fiscal 2021 (compared to about \$5 million from fiscal 2018 to 2020). The fee was recently increased during the 2021 session, but fee collections were suspended for a time during the COVID-19 pandemic. General funds should be sufficient to cover the shortfall based on actual spending in prior years.

Personnel Data

	<u>FY 21 Actual</u>	<u>FY 22 Working</u>	<u>FY 23 Allowance</u>	<u>FY 22-23 Change</u>
Regular Positions	1,188.00	1,179.00	1,178.00	-1.00
Contractual FTEs	<u>19.45</u>	<u>57.46</u>	<u>57.46</u>	<u>0.00</u>
Total Personnel	1,207.45	1,236.46	1,235.46	-1.00

Vacancy Data: Regular Positions

Turnover and Necessary Vacancies, Excluding New Positions	117.80	10.00%
Positions and Percentage Vacant as of 12/31/21	212.00	17.98%
Vacancies Above Turnover	94.20	

- Budgeted turnover expectancy decreases from 12% to 10%, adding \$1 million to the allowance compared to the working appropriation. Current vacancies are elevated and are higher than budgeted by almost 100 positions, meaning approximately \$7 million in personnel funds are available to increase filled positions in fiscal 2023.

DDMP monitors

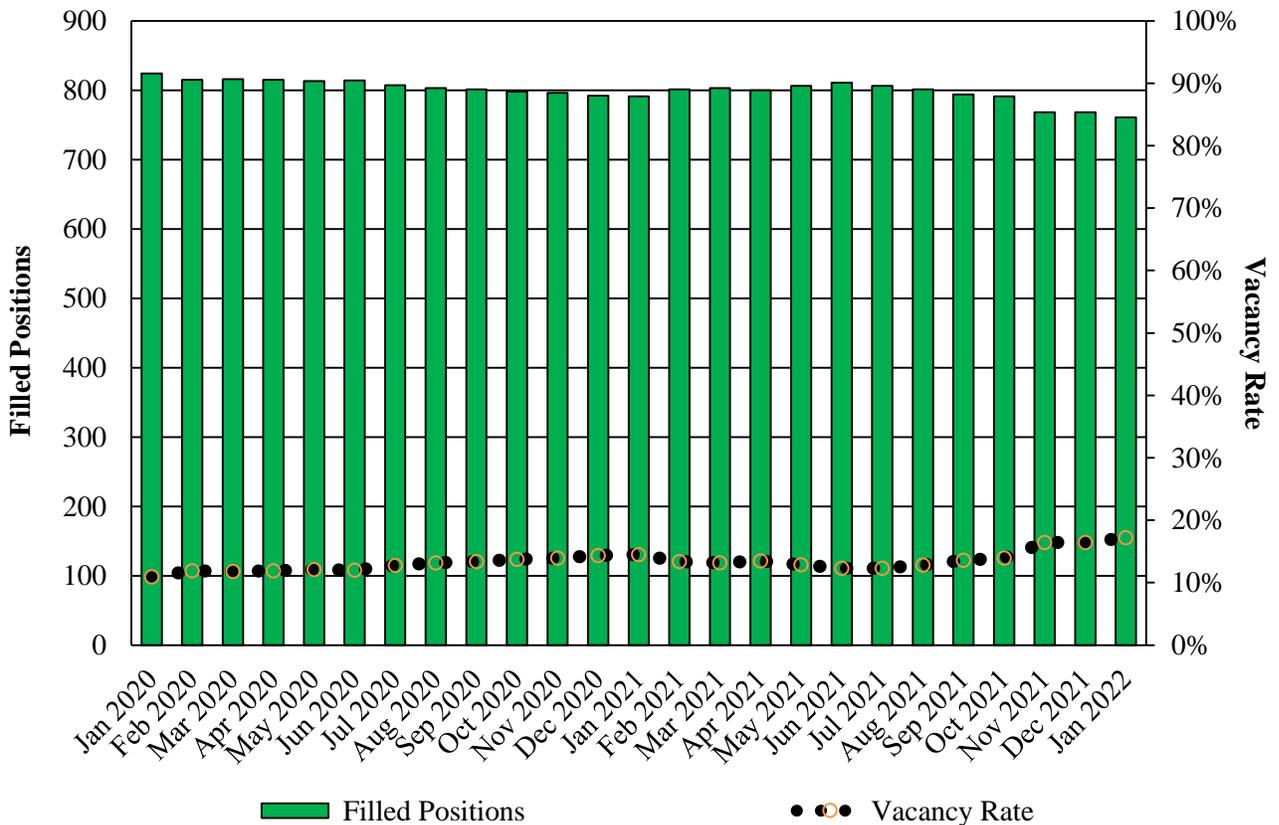
- A statewide hiring freeze prevented DPP from filling critical vacancies for DDMP monitors, resulting in higher than tenable caseload averages in some offices. DPP criminal supervision agents have been used in the interim to ease caseloads.
- DPP successfully requested a hiring exemption at the end of fiscal 2021 to begin actively recruiting for 16 vacant DDMP monitor positions. DPP tentatively scheduled an Entry-level DDMP monitor academy for October 2021, expecting to fill the monitor positions prior to that point and start them on the job shortly thereafter.

Key Observations

1. Staffing Remains a Concern, Despite Lower Caseloads

In fiscal 2022, DPP was originally authorized a total of 925 DPP agents and DDMP monitors with the expectation that about 113 of these positions would not be filled (budgeted turnover). As of January 1, 2022, however, at least 158 agent and monitor positions are vacant, or a third higher than budgeted. The vacancy rate for these employees jumped from 14% in October 2021 to 16% in November 2021, representing a decline of 23 filled positions. **Exhibit 3** shows the number of DPP agents and DDMP monitors employed by the department during the past two years.

Exhibit 3
Community Supervision Agent Vacancies
 January 2020 to January 2022

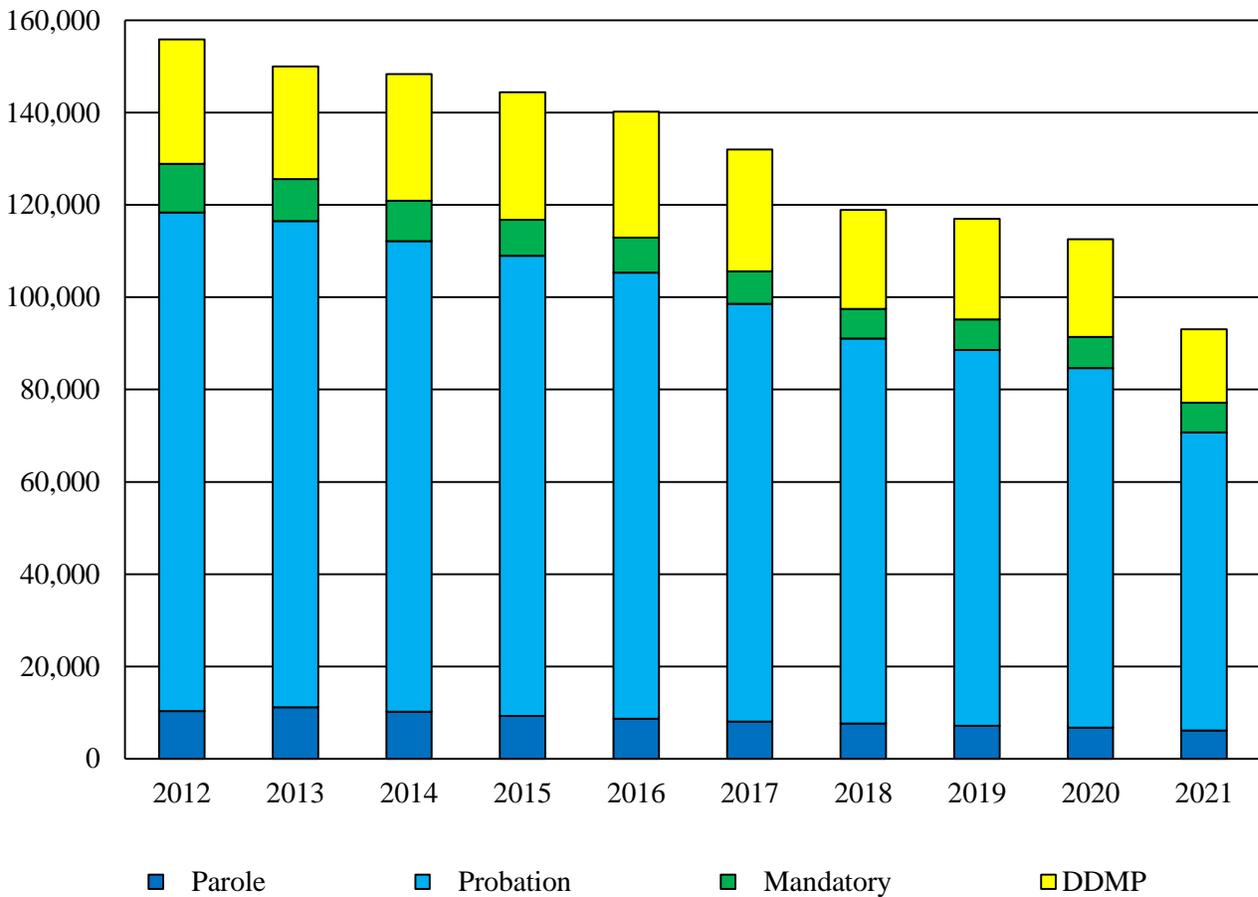


Source: Department of Budget and Management; Department of Legislative Services

Caseload Totals

It should be noted that cases referred to DPP have significantly declined in recent years. The total number of criminal supervision cases decreased 4% from 95,167 in fiscal 2019 to 91,402 in fiscal 2020 and now 77,117 in fiscal 2021, as seen in **Exhibit 4**. Parole, probation, and mandatory supervision cases all declined by a total of 15.6% in just one year.

Exhibit 4
Total Community Supervision Cases
Fiscal 2012-2021



DDMP: Drinking Driving Monitor Program

Source: Fiscal 2023 Managing for Results; Department of Public Safety and Correctional Services

Caseload Ratios

The ratio of agents to supervisees is improving, not worsening, despite the recent increase in vacancies. The caseload ratio more directly represents the capacity of DPP to manage their cases, and the department is making improvements on that front each year, decreasing from 84 cases per agent in fiscal 2019 to 62 in fiscal 2021. **Exhibit 5** shows these improving caseload ratios regionally. The American Parole and Probation Association recommends at least a ratio of 1:20 for intensive supervision clients, 1:50 for moderate/high supervision clients, and 1:200 for low-risk supervision clients. **The Department of Legislative Services (DLS) recommends the adoption of committee narrative requesting a report on DPP caseloads for its parole and probation agents.**

Exhibit 5
Average Cases Per Agent by Region
Fiscal 2019-2021



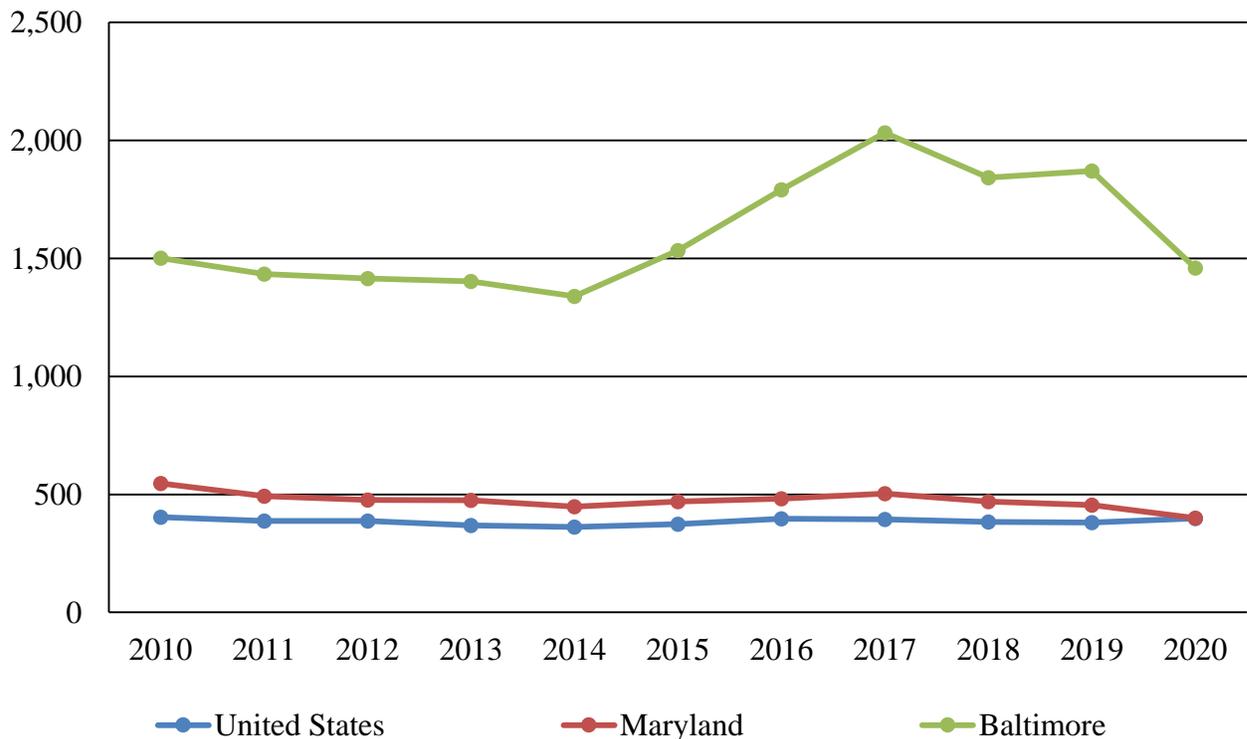
Source: Department of Public Safety and Correctional Services; Department of Legislative Services

2. Violent Crime Is Elevated, but Not Increasing

For the purposes of reporting and comparing crime statistics, the Federal Bureau of Investigation (FBI) defines violent crime as four offenses: homicide (murder and nonnegligent manslaughter); rape; robbery; and aggravated assault. Property crime is composed of burglary, larceny-theft, motor vehicle theft, and arson.

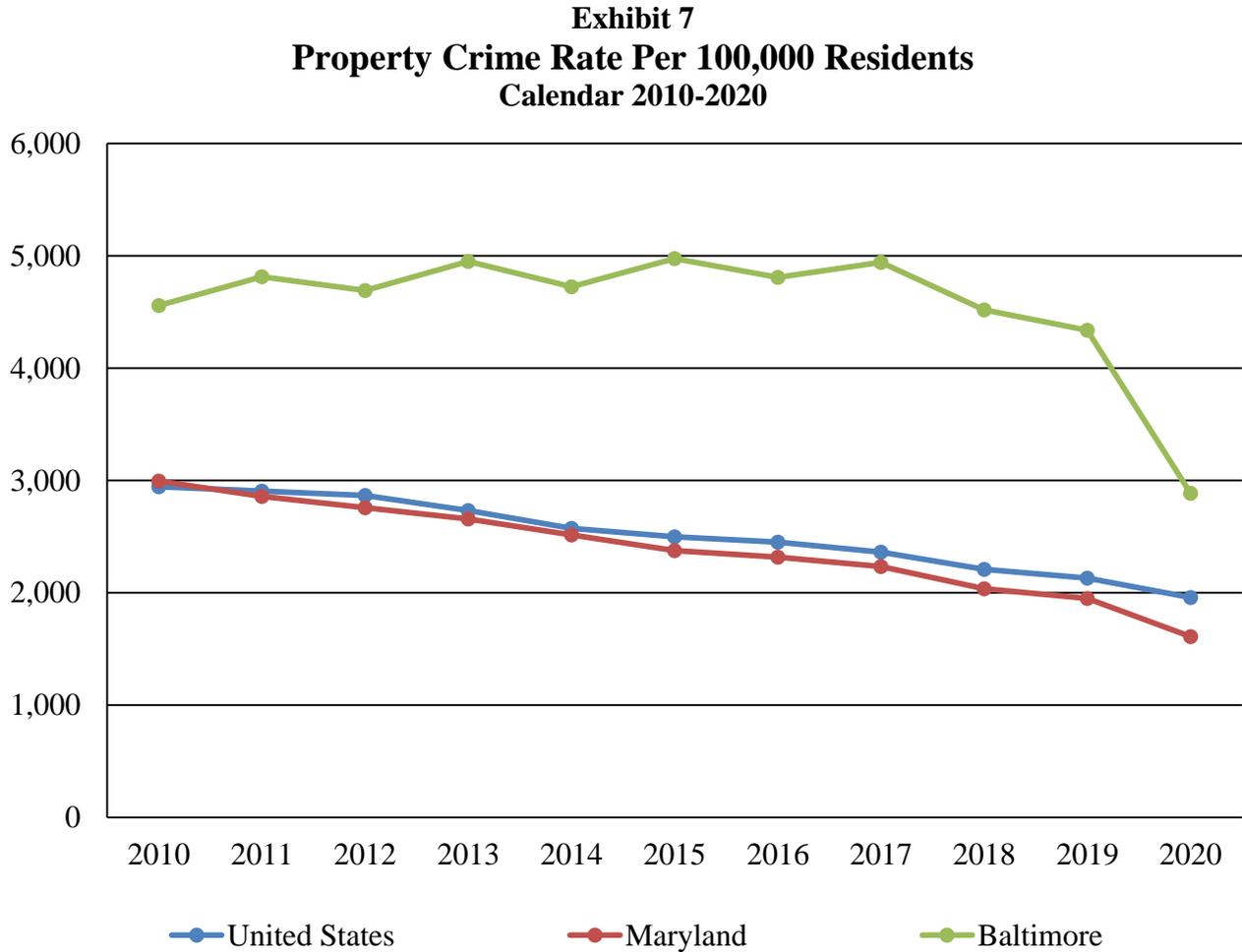
According to the most recently reported official data, the FBI *Uniform Crime Report* (UCR), from calendar 2019 to 2020, violent crime, property crime, and homicides decreased in Baltimore City and in Maryland overall. Violent crime decreased to pre-2015 levels, while property crime decreased to the lowest rate on record. Homicides in Baltimore City remain alarmingly elevated at levels above 50 homicides reported per 100,000 residents but decreased by 13% from 2019 to 2020 compared to the 27% increase in the national homicide rate in that same time. The data show an overall improvement in crime rates in 2020 compared to 2019 and the few years prior, as seen in **Exhibit 6**.

Exhibit 6
Violent Crime Rate Per 100,000 Residents
Calendar 2010-2020



Source: Federal Bureau of Investigation *Uniform Crime Report*

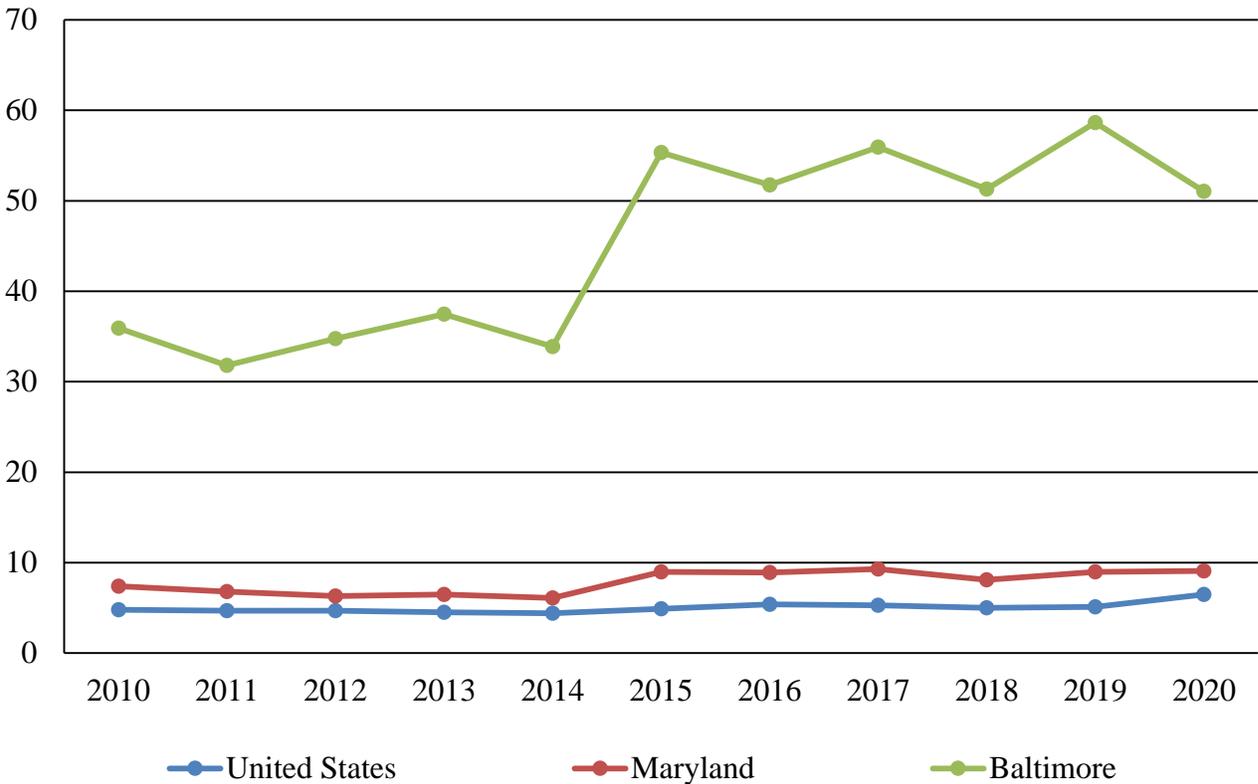
Property crime has been improving annually in Maryland and recently declined dramatically for Baltimore City. **Exhibit 7** shows the rate of property crimes per 100,000 residents.



Source: Federal Bureau of Investigation *Uniform Crime Report*

Maryland and Baltimore City both outpaced the nation in decreasing crime from calendar 2019 to 2020. While these standardized data provided through the UCR are not yet available for calendar 2021, preliminary UCR data for Baltimore City show that certain violent crimes did increase slightly from 333 homicides in 2020 to 336 in 2021 and from 720 nonfatal shootings in 2020 to 729 in 2021. However, violent crime and property crime totals decreased by 3%. Baltimore City has seen over 300 homicides each year since 2015, or over 50 homicides per 100,000 residents as shown in **Exhibit 8**.

Exhibit 8
Homicide Rate Per 100,000 Residents
Calendar 2010-2020

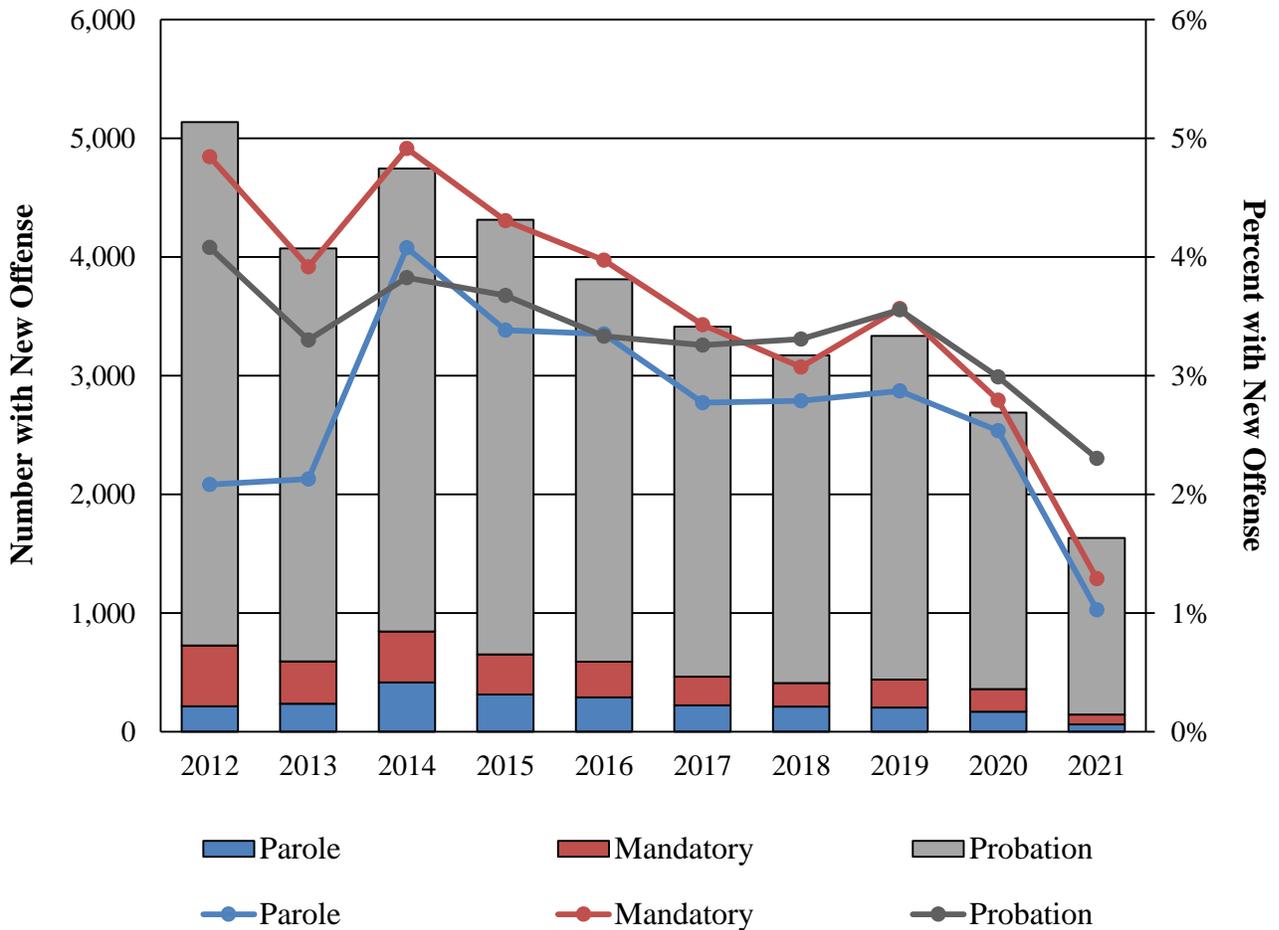


Source: Federal Bureau of Investigation *Uniform Crime Report*

3. Supervised Offender Crime Is Not Increasing

While the Justice Reinvestment Act of 2016 changed the assessment tools and sanctions used by DPP agents, there is no indication that has led to increased crime committed by DPP-supervised individuals. Supervisees are monitored for criminal justice involvement, and supervision is revoked if a new charge is filed. For fiscal 2020 and 2021, DPP reported record lows in both raw numbers and in the rate of supervision revocation among all supervision classifications: parole; probation; and mandatory release. **Exhibit 9** shows this trend over the last decade.

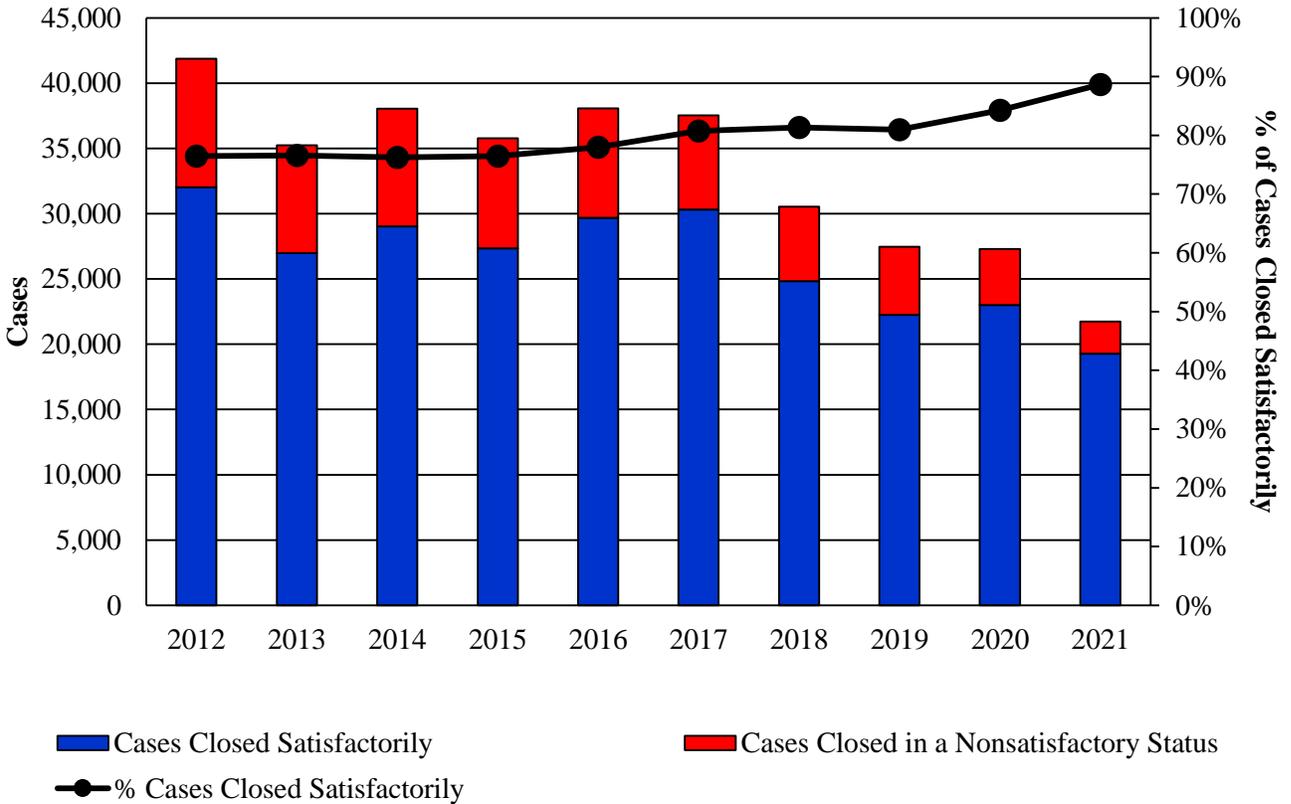
**Exhibit 9
Supervision Cases Revoked Due to New Crimes
Fiscal 2012-2021**



Source: Fiscal 2023 Managing for Results; Department of Public Safety and Correctional Services

Furthermore, 89% of DPP supervision cases were closed in a satisfactory status in fiscal 2021, the best rate on record, as shown in **Exhibit 10**. This is not likely due to the lack of supervisory activities, as more supervisees were drug tested in fiscal 2020 and 2021 than 2018 and 2019. At the same time, homicide clearance rates improved for the Baltimore Police Department (BPD) from 32% in 2019 to 39% in 2020 and to 42% in 2021. BPD arrests also declined in this period from 24,450 in 2019 to 19,529 in 2020 and 14,312 in 2021. As a whole, this data indicates that DPP is keeping up with the releases under their jurisdiction and utilizing graduated sanctions when necessary to counter criminogenic behavior.

Exhibit 10
Supervision Cases Closed Satisfactorily
Fiscal 2012-2021



Source: Fiscal 2023 Managing for Results; Department of Public Safety and Correctional Services

Supervisees Involved in Homicides or Nonfatal Shootings

DPP recently submitted a report finding that 0.3% of supervisees were involved in a homicide or nonfatal shooting as a suspect from July 2018 to July 2021 for an average of 144 each year, regardless to the result of the investigation. The report found that Baltimore City (64%) had the highest share of those involved as either a suspect or victim followed by Prince George’s County (16%), Baltimore County (6.5%), and the remainder of the State combined (12%). Active DPP supervisees made up 8.5% of all individuals involved in homicides and nonfatal shootings as either a suspect or victim in those years.

Future Steps

While there is little evidence linking current DPP performance to crime rate trends, it remains a fact that violent crime is elevated in certain parts of the State, and homicides and nonfatal shootings in Baltimore City, specifically, have not substantially improved since increasing in 2015. It appears the socioeconomic conditions that led to the increase in homicides in 2015 continue to persist and were likely worsened by high joblessness during the COVID-19 pandemic. The incoming data for 2021 show comparable numbers to 2020, which are similar to past years for violent crime. However, for property crime, the cases continue to decline each year. Additionally, Maryland and Baltimore City are both outpaced by the increase in violent crime nationally, which jumped substantially during the pandemic.

Overall, it is not fully understood what is causing elevated crime in Baltimore City or an elevation in other parts of Maryland during the pandemic. However, it is clear that more can be done to lower the crime rate. DPP appears to be performing effectively, but there are some areas that could be addressed, including:

- Vacancies could be lowered among agents, supervisors, and administrative staff for higher quality and efficiency of supervision.
- Supervisees, especially those in Baltimore City, who are at risk of being the victim of a homicide or shooting should be identified and provided more attention from DPP. Risk of victimization is not a featured component of the current DPP risk and intake assessment tools.
- In addition to the number of DPP supervisees whose supervision was violated due to committing a new offense, DPP should report on the number of supervisees who were victimized in crimes during supervision and the number who were charged for crimes after release from supervision.
- Formal structures for ensuring regular collaboration and oversight among federal, State, local, and community-based criminal justice partners should be reestablished. The Governor Martin J. O'Malley Administration supported several opportunities for the evaluation and collaborative review of criminal justice data and concerns from across the State, with a focus on impacting Baltimore City. Two examples include the Baltimore City Criminal Justice Coordinating Council and State Stat, both of which were ceased during the Governor Lawrence J. Hogan, Jr. Administration. These types of entities offer the opportunity to bring together various arms of the criminal justice system to frequently request and evaluate data points, specific case reviews, and other information to understand real-time problems and have the necessary decision makers available to readily respond with potential solutions.
- Enhanced assistance services, including employment and housing assistance as well as having more case managers and social workers on staff, is an evidence-based way to prevent criminogenic behaviors in those who are criminal justice-involved.

Operating Budget Recommended Actions

1. Adopt the following narrative:

Division of Parole and Probation (DPP) Caseload Report: In recent fiscal years, 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 2021. The budget committees request a report due by September 15, 2022, from DPP on the following:

- the recommended average caseload ratio in each region based on American Parole and Probation Association standards;
- the exact breakdown of support staff and general supervision caseloads by office into DPP supervision levels for fiscal 2022;
- an evaluation of staff realignment between regions; and
- a review and analysis of monthly fiscal 2022 DPP agent and Drinking Driver Monitor Program new hires, separations, and vacancies.

Information Request	Author	Due Date
DPP caseload report	DPP	September 15, 2022

Appendix 1
2021 Joint Chairmen’s Report Responses from Agency

The 2021 *Joint Chairmen’s Report* (JCR) requested that DPP prepare three reports. Electronic copies of the full JCR responses can be found on the DLS 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 and now is 62 cases per agent in fiscal 2021. DPP lost 6 community supervision agents, but the number of active cases declined by over 4,000. 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 for the second year running. The West Region remains the most concerning with five of eight offices and the regional average at a higher ratio than the national average. However, the typical office with higher caseload ratios has an offender population with lower acuity. Additional discussion of community supervision cases and agents can be found in the Key Observations section of this analysis.
- ***Murder-involved Supervisees Report:*** DPSCS provided a summary of data regarding the number of DPP supervisees involved as a suspect or victim in a homicide or shooting from fiscal 2019 to 2021. In total, supervisees are about twice as likely to be victims compared to suspects of these two violent crimes. There was an average of 71 homicide suspects, 119 homicide victims, 73 shooting suspects, and 255 shooting victims per year who were on active DPP supervision, totally 1.15% of DPP supervisees.
- ***DDMP Monitor Classification Report:*** DDMP monitors are limited to grades 11 and 12, whereas criminal supervision agents are able to advance to grade 13 as a senior agent. The budget committees are concerned that level II DDMP monitors may accept other positions as a result of the limited opportunities for career growth and upward mobility. DPP reported that a new classification is not needed to match DDMP monitors with DPP agents due to the nature of work and the data showing 61% of level II monitors stay on with the department for over 15 years before leaving.

**Appendix 2
Object/Fund Difference Report
DPSCS – Community Supervision**

<u>Object/Fund</u>	<u>FY 21 Actual</u>	<u>FY 22 Working Appropriation</u>	<u>FY 23 Allowance</u>	<u>FY 22 - FY 23 Amount Change</u>	<u>Percent Change</u>
Positions					
01 Regular	1,188.00	1,179.00	1,178.00	-1.00	-0.1%
02 Contractual	19.45	57.46	57.46	0.00	0%
Total Positions	1,207.45	1,236.46	1,235.46	-1.00	-0.1%
Objects					
01 Salaries and Wages	\$ 97,303,355	\$ 100,292,071	\$ 102,522,348	\$ 2,230,277	2.2%
02 Technical and Special Fees	1,022,859	1,330,143	1,229,391	-100,752	-7.6%
03 Communication	1,127,817	964,713	1,090,232	125,519	13.0%
04 Travel	54,142	191,388	174,700	-16,688	-8.7%
06 Fuel and Utilities	227,628	288,600	267,700	-20,900	-7.2%
07 Motor Vehicles	724,586	1,038,853	1,274,101	668,582	22.6%
08 Contractual Services	3,940,000	5,220,942	5,121,492	-99,450	-1.9%
09 Supplies and Materials	235,743	231,200	139,900	-91,300	-39.5%
10 Equipment – Replacement	174,418	125,390	123,890	-1,500	-1.2%
11 Equipment – Additional	145	15,000	15,000	0	0%
12 Grants, Subsidies, and Contributions	431,579	450,000	450,000	0	0%
13 Fixed Charges	4,002,663	3,746,990	3,823,711	76,721	2.0%
Total Objects	\$ 109,244,935	\$ 113,895,290	\$ 116,232,465	\$ 2,770,509	2.1%
Funds					
01 General Fund	\$ 105,181,388	\$ 108,329,163	\$ 109,069,697	\$ 1,173,868	0.7%
03 Special Fund	3,446,294	\$5,468,231	7,064,872	1,596,641	29.2%
05 Federal Fund	443,797	\$-	0	0	0%
09 Reimbursable Fund	173,456	\$97,896	97,896	0	0%
Total Funds	\$ 109,244,935	\$ 113,895,290	\$ 116,232,465	\$ 2,770,509	2.1%

Note: The fiscal 2022 appropriation includes deficiencies. The fiscal 2022 working appropriation and fiscal 2023 allowance do not reflect funding for statewide personnel actions budgeted in the Department of Budget and Management, which include cost-of-living adjustments, increments, bonuses, and may include annual salary review adjustments.