

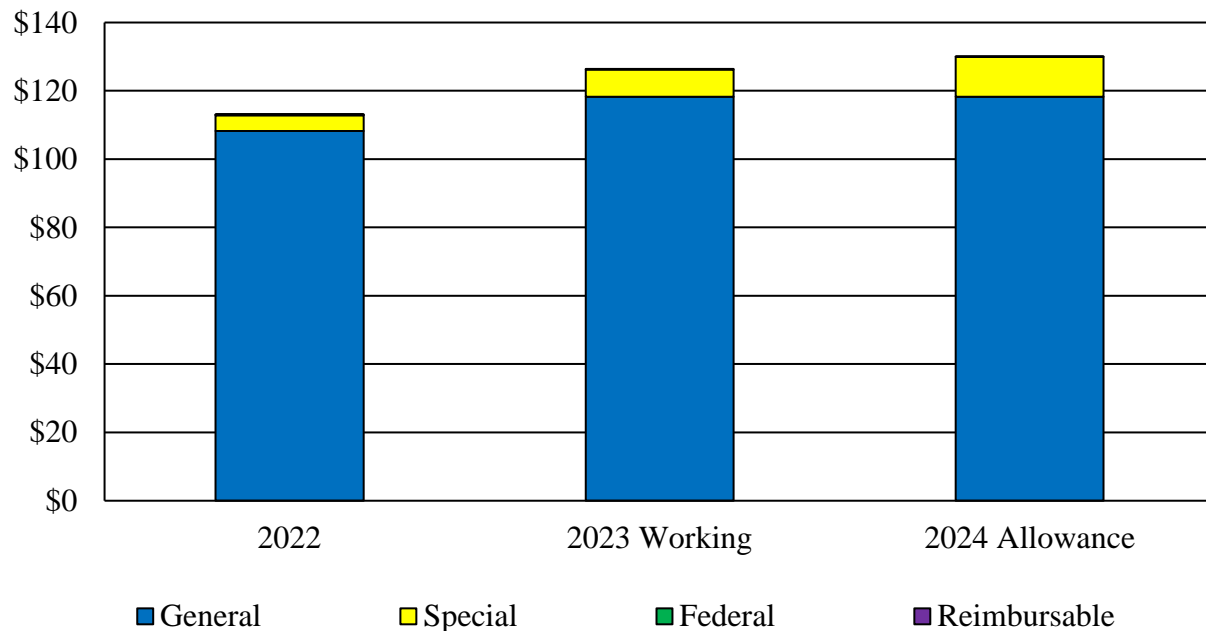
Q00C
Community Supervision
Department of Public Safety and Correctional Services

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 2024 Budget Increases \$3.7 Million, or 2.9%, to \$130 Million
(\$ in Millions)



Note: Numbers may not sum to total due to rounding. The fiscal 2023 working appropriation includes deficiency appropriations including this agency's share of a deficiency appropriation budgeted in the Statewide Account within the Department of Budget and Management (DBM). The fiscal 2024 salary enhancements are budgeted in the Statewide Account within DBM.

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Fiscal 2023

Proposed Deficiency

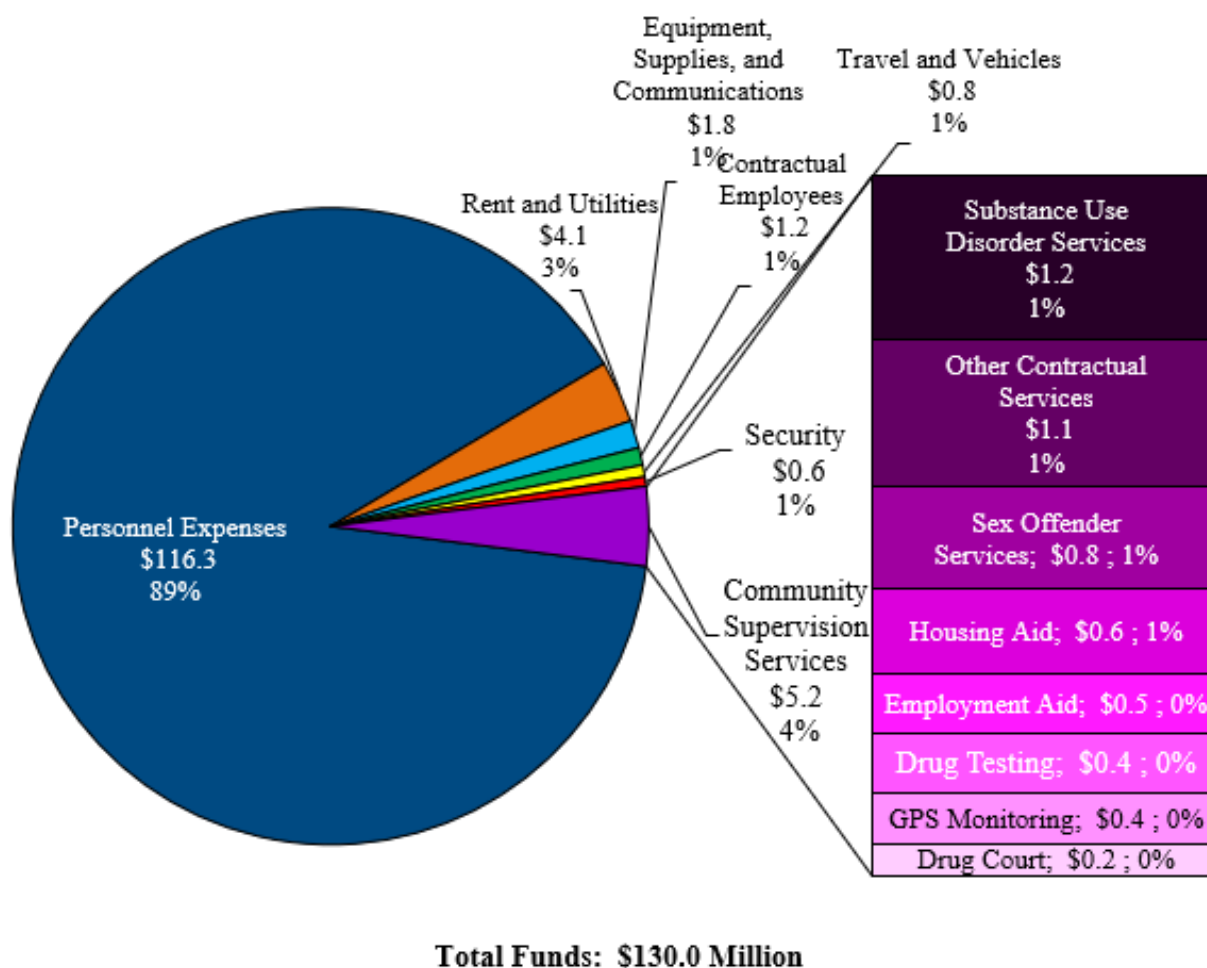
The fiscal 2024 budget as introduced contains two fiscal 2023 deficiency appropriations for DPSCS Community Supervision. The base hiring step for parole and probation agents is increased, adding \$4.3 million in general funds. DDMP special fund revenues were down compared to the budgeted amount, requiring \$1.3 million in general fund deficiencies to cover anticipated costs in the program. DDMP has not collected enough in special funds to fully support the program in several years, partially because cases are declining while employee costs are rising.

The Budget Reconciliation and Financing Act of 2020 (Chapter 538) increased the monthly program fee from \$55 to \$75. However, the expected results of this increase have not been seen. **DPSCS should provide information on DDMP collections, including collection rates, the number and type of exemptions, and the cause of lower-than-expected revenues. DPSCS should discuss possible changes to the collections process that could increase revenues and the consequences of those changes.**

Fiscal 2024 Overview of Agency Spending

Personnel expenses total \$116.3 million, or 89%, of the function's fiscal 2024 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 agency spending by category, totaling \$130.0 million.

Exhibit 1
Overview of Agency Spending
Fiscal 2024 Allowance
(\$ in Millions)



GPS: global positioning system

Note: The fiscal 2024 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 2024 Budget Books

Proposed Budget Change

The fiscal 2024 allowance increases by \$3.7 million from the fiscal 2023 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 2022 Actual	\$108,204	\$4,655	\$142	\$104	\$113,104
Fiscal 2023 Working Appropriation	118,225	8,049	0	107	126,380
Fiscal 2024 Allowance	<u>118,219</u>	<u>11,712</u>	<u>0</u>	<u>111</u>	<u>130,042</u>
Fiscal 2023-2024 Amount Change	-\$6	\$3,663	\$0	\$5	\$3,662
Fiscal 2023-2024 Percent Change	0%	45.5%	0%	4.5%	2.9%

Where It Goes:

Personnel Expenses

Employee and retiree health insurance	\$2,076
Net annualization of fiscal 2023 step increases for parole and probation agents.....	1,307
Net annualization of 4.5% cost-of-living adjustment	1,225
Employee retirement and Social Security contributions.....	399
Overtime earnings	353
Workers' compensation premium assessment	80
Other fringe benefit adjustments.....	25
Regular earnings	-282
End of fiscal 2023 Dedicated Purpose Account funding for DPP reviews of supervisees involved in homicides or nonfatal shootings	-323
Turnover adjustments.....	-1,481

Other Changes

SUD screening, assessment, and treatment services.....	783
Violence reduction and risk assessment trainings.....	300
Cellphone services and other communications.....	204
DPP mobile app pilot program.....	150
Risk assessment tool biennial revalidation	50
Other nonpersonnel changes	-93

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Where It Goes:	<u>Change</u>
Security guard services for DPP offices	-114
Contractual FTEs	-183
Reduction of contract for transitional housing for men	-200
Equipment service contracts	-225
Travel and motor vehicle expenses	-390
Total	\$3,662

DPP: Division of Parole and Probation

DPSCS: Department of Public Safety and Correctional Services

FTE: full-time equivalent

SUD: substance use disorder

Note: Numbers may not sum to total due to rounding. The fiscal 2023 working appropriation includes deficiency appropriations including this agency's share of a deficiency appropriation budgeted in the Statewide Account within the Department of Budget and Management (DBM). The fiscal 2024 salary enhancements are budgeted in the Statewide Account within DBM.

Personnel subobjects saw the greatest change, particularly due to rising health insurance costs and the net annualization of two separate fiscal 2023 salary enhancements. Funding was added to increase the starting salary step for parole and probation agents, which have had high entry-level vacancies. Contracts for substance use disorder (SUD) screening, assessments, and treatment increased by approximately \$0.8 million. This is in relation to the new contract with Westcare Foundation Inc. for providing SUD services across the various divisions of the department.

Personnel Data

	<u>FY 22</u>	<u>FY 23</u>	<u>FY 24</u>	<u>FY 23-24</u>
	<u>Actual</u>	<u>Working</u>	<u>Allowance</u>	<u>Change</u>
Regular Positions	1,179.00	1,146.00	1,145.00	-1.00
Contractual FTEs	<u>21.58</u>	<u>54.87</u>	<u>53.99</u>	<u>-0.88</u>
Total Personnel	1,200.58	1,200.87	1,198.99	-1.88

Vacancy Data: Regular

Turnover and Necessary Vacancies, Excluding New

Positions

118.74

10.37%

Positions and Percentage Vacant as of 12/31/22

190.00

16.58%

Vacancies Above Turnover

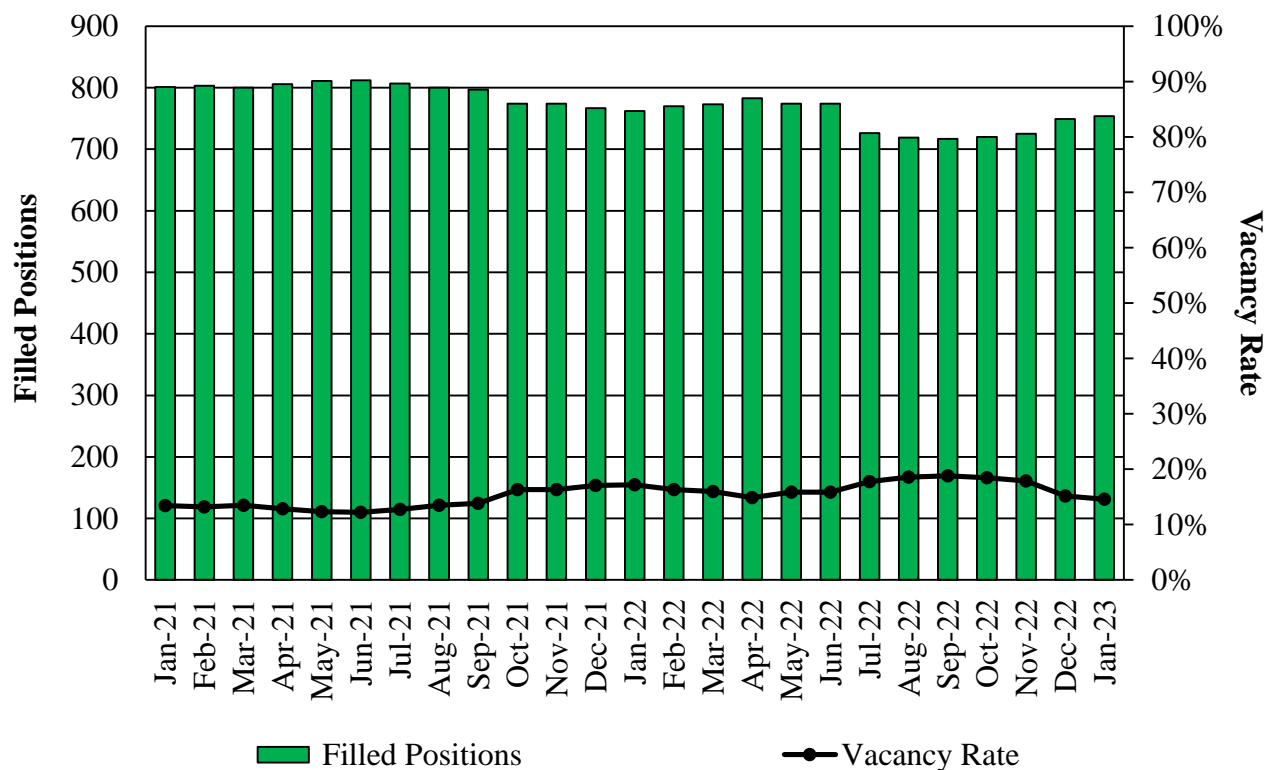
71.26

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- Several PINs are reorganized in fiscal 2024. A designated administrator and architect were transferred out of DPP to the Office of the Deputy Secretary for Operations while a psychologist level II position was transferred from the Patuxent Institution to DPP.
- Approximately 1.8 contractual office clerk FTE positions are eliminated, reducing the central region contractual staff by 7%.
- Turnover expectancy increases from 9% to 10% between the fiscal 2023 working appropriation and the fiscal 2024 allowance. This translates to a decrease of \$1.5 million but only brings the budget moderately closer to actual vacancies. DPP hiring trends will need improvement to fully utilize the funding in the fiscal 2024 budget.

The average vacancy rate for community supervision agents rose during calendar 2022 to approximately 17% compared to 14% in calendar 2021, 13% in calendar 2020, and 12% in calendar 2019. **Exhibit 3** shows the number of filled positions as well as the vacancy rate for January 2021 to January 2023.

Exhibit 3
Community Supervision Agent Filled Positions and Vacancy Rate
January 2021 to January 2023



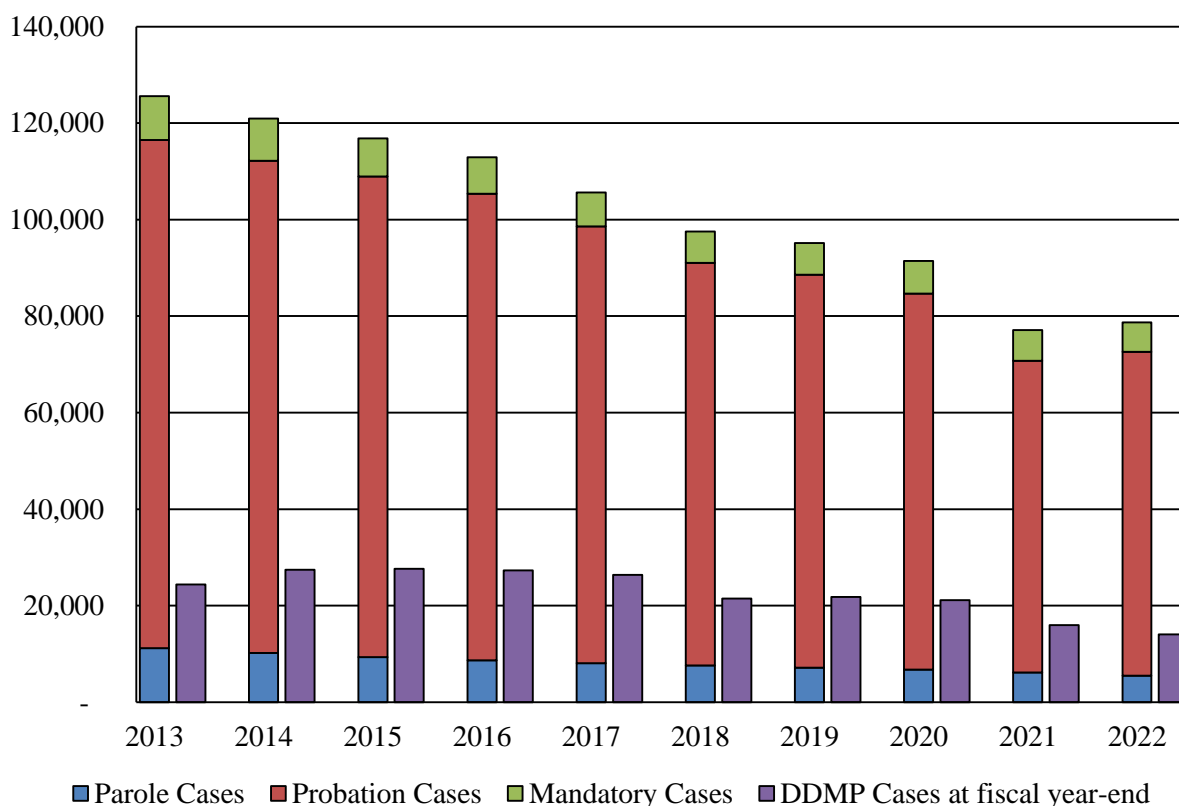
Source: Department of Budget and Management

Key Observations

1. Probation Cases Increased for First Time in Years

During the COVID-19 pandemic, cases referred to probation were down as court closures took effect. This led to a sharp decline in the number of criminal supervision cases for DPP in fiscal 2021 when parole, probation, and mandatory supervision cases all declined by a total of 15.6% in just one year. However, this trend partially reversed, and probation cases rose by 2,440, or 3.8%, in fiscal 2022. The other categories of community supervision continued their rate of decline as they were less impacted by court closures. **Exhibit 4** shows the total number of cases supervised in each category during fiscal 2013 to 2022.

Exhibit 4
Total Community Supervision Cases Supervised During Year
Fiscal 2013-2022



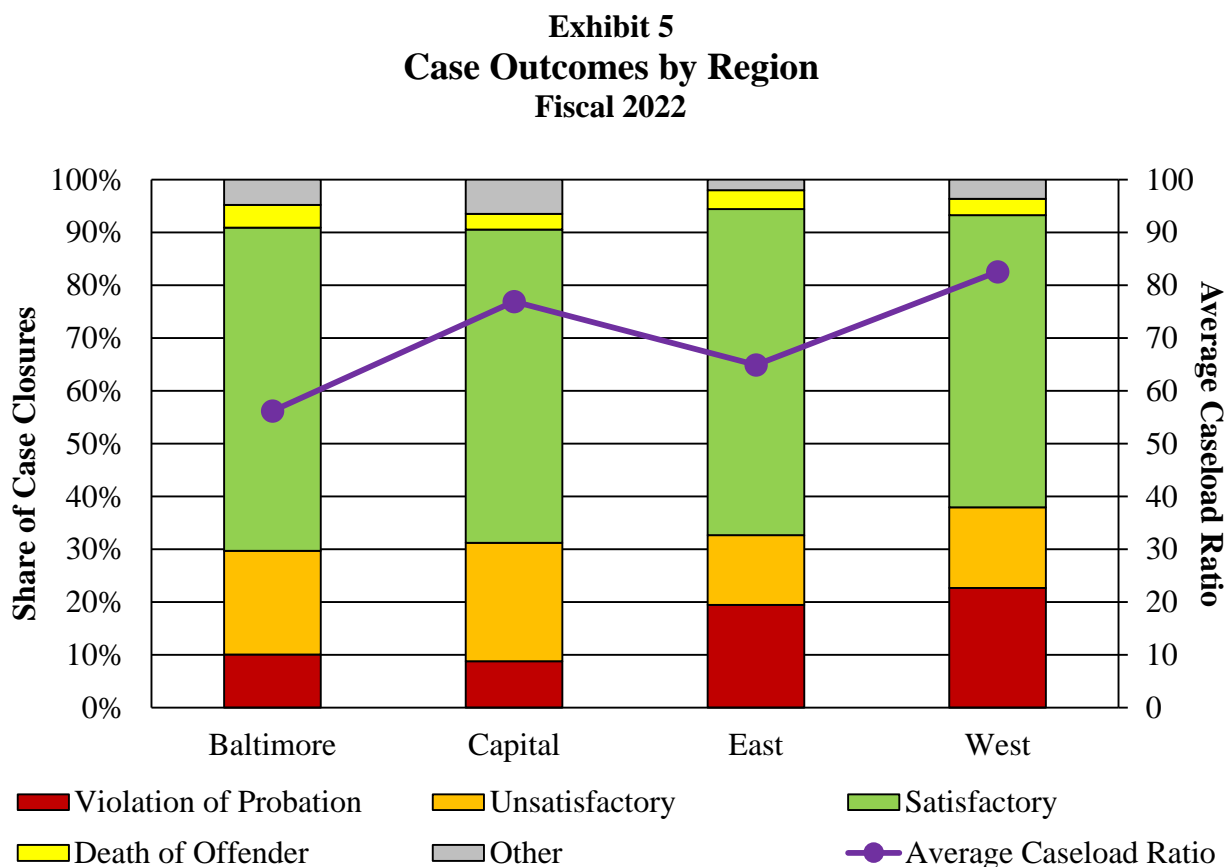
DDMP: Drinking Driver Monitor Program

Source: Fiscal 2024 Managing for Results; Department of Public Safety and Correctional Services

2. Regions with Higher Caseload Ratios Have Worse Outcomes

In calendar 2021, the state of Ohio conducted a multi-site study to better understand the effects of caseload sizes. The researchers found that agents with smaller caseloads made more frequent contacts with offenders, had more time to spend during those contacts, and were more likely to utilize effective correctional interventions. Offenders supervised by agents with smaller caseloads also tended to have lower recidivism rates.

This pattern is borne out in Maryland’s data. DPP submitted a response to a request in the 2022 *Joint Chairmen’s Report* (JCR) that contained outcomes data at the office- and region-level for the first time. Case outcomes are worst in the West and East regions. A violation of probation was confirmed for 23% of offenders in the West and 19% in the East, compared to an average of 14% for the State as a whole. **Exhibit 5** compares case closure results and average caseload ratios in fiscal 2022.



Note: Cases closed in an unsatisfactory status are those where some conditions of supervision were not met, but a violation was not confirmed.

Source: Department of Public Safety and Correctional Services

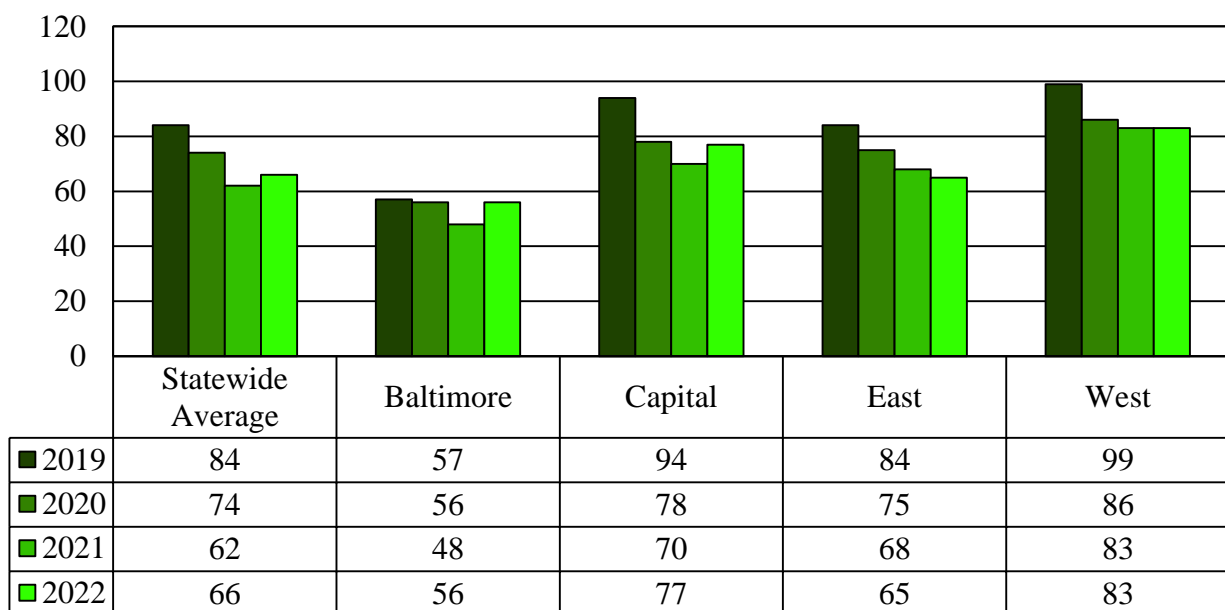
Caseload Standards and Outcomes

The American Parole and Probation Association recommends a case-to-agent ratio not to exceed 20:1 for intensive supervision clients, 50:1 for moderate/high supervision clients, and 200:1 for low-risk supervision clients. DPP believes that the current caseload average target of 82 cases per agent remains a viable number of cases. However, this only considers the not-to-exceed level.

In the previously mentioned report from Ohio, the ideal supervision ratios were 20:1 for high and moderate levels, 50:1 for low levels, and 200:1 for the administrative levels. When applying the standards recommended in the Ohio report on caseload sizes to regional data provided by DPP, the average recommended ratio for Maryland should be approximately 50 offenders per agent. This can be seen as a potential goal for the department, which may be improved upon by increasing hiring and lowering entry-level parole and probation agent vacancies.

The recommended caseload ratio of 50:1 slightly varies but is mostly consistent across regions in fiscal 2022. While none of the regions met this recommended ratio, the Baltimore region was closest, with 56 offenders per agent. The West region was the furthest from this recommended ratio with 83 offenders per agent. Cases and agent vacancies rose in fiscal 2022, leading to a higher ratio of offenders to agents in all but the East region. In fiscal 2021, the statewide average number of cases to agents was 62. In fiscal 2022, the average was 66. This increase is seen primarily in the Baltimore and Capital regions, as shown in **Exhibit 6**.

Exhibit 6
Average Cases Per Agent by Region
Fiscal 2019-2022



Source: Department of Public Safety and Correctional Services

The regions with more cases per agent and more cases per support staff have the most revocations as a share of their case closures. The East region has the most support staff vacancies while the West region has a fiscal 2022 caseload ratio furthest from what is recommended. **The Department of Legislative Services (DLS) recommends the adoption of committee narrative requesting a report on DPP caseloads for its parole and probation agents. In addition, considering the disparate state of caseload ratios and outcomes across regions despite similar caseload goals, DPSCS should comment on future steps to reduce caseload sizes, improve case outcomes, and improve overall compliance with supervision conditions.**

3. Offender Safety and Violence Reduction

In recent years, increased attention has been placed on the involvement of DPP supervisees in acts of violence, primarily nonfatal shootings and homicides. The DLS Office of Performance Evaluation and Government Accountability (OPEGA) found that in January and February 2020, 37% of all victims and suspects of homicides or nonfatal shootings in Baltimore City were under DPP supervision at the time of the incident. OPEGA noted that the group involved in shootings and homicides were less likely to comply with conditions of supervision compared to the control group of DPP supervisees. Finally, OPEGA found that DPP did not follow their own after-action review requirements, only completing and documenting the after-action review in one-third of cases.

Following the OPEGA report, the budget committees restricted funds pending additional information in fiscal 2022 about the DPP after-action review process and implications of expanding the risk-management tool to include risk of victimization. These funds were released following consideration of the completed report. Upon review of this data, along with the caseload outcomes data, a broader discussion emerges on offender safety during supervision.

DPP reported that 876 total offenders, or 1.8%, died while under DPP supervision in fiscal 2022. **Exhibit 7** shows that 141 offenders died of an overdose, while 83 died of homicide. The estimated death rate for DPP supervisees is approximately 1.8 times the 2020 crude death rate for Maryland, which was determined to be 992 deaths in every 100,000 residents by the Maryland Department of Health. Taking into account the circumstances of individuals in the correctional population, one would anticipate that those under criminal supervision would have a higher mortality rate than the overall population.

Exhibit 7
Offender Mortality While Under DPP Supervision
Fiscal 2022

<u>Category</u>	<u>Count</u>	<u>Estimated Rate</u>
Total Individuals Supervised	49,930	
Total Offender Deaths	876	Death Rate Estimate: 1.8%
Overdose Deaths	141	Overdose Rate Estimate: 0.3%
Homicide Deaths	83	Homicide Rate Estimate: 0.2%

Source: Department of Public Safety and Correctional Services

Legislative Action

The General Assembly took three actions during the 2022 session to address this issue:

- First, Chapter 141 of 2022 requires DPSCS to report each December 1, beginning in 2022, to the Senate Judicial Proceedings Committee and the House Judiciary Committee on:
 - measures it will take to improve oversight of offenders under the supervision of the division who are involved in homicides; and
 - the number of offenders supervised by the division that were shooting victims, homicide victims, or charged with homicide, nonfatal shooting, rape, police-involved shooting, or any crime involving the offender's use of a firearm.
- Second, fiscal 2023 Budget Bill language withheld \$250,000 in general funds pending additional information on the following:
 - activities taken by DPSCS to reduce the number of murders involving offenders who are supervised by DPP;
 - actions taken by DPSCS to examine and review murders involving offenders who are supervised by DPP;
 - the policies and programs recommended to prevent such murders; and
 - the number of offenders supervised by DPP that were shooting victims, homicide victims, or charged with or identified as suspects in a homicide, nonfatal shooting,

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robbery, rape, police-involved shooting, or any crime involving the offender's use of a firearm.

- Third, funding in Fiscal 2023 Supplemental Budget No. 5 provided \$323,000 in special funds from the Dedicated Purpose Account to provide DPP with the resources necessary to complete after-action reviews in accordance with the relevant processing standards.

In October 2022, DPSCS submitted a report in satisfaction of the first two requirements. Regarding the third requirement, DPSCS has reported that none of the \$323,000 in special funds have been utilized thus far as existing resources have been adequate to perform the required activities.

After-action Review Process

DPP receives a notification from the Maryland Coordination and Analysis Center via intelligence liaisons when a supervisee has been involved in criminal activity. The liaisons inform the appropriate DPP agent and leadership if/when a supervisee is allegedly involved in certain criminal activity. Within one business day, DPP regulation requires the initiation of a critical incident analysis.

The critical incident analysis is a review of supervision information and supervisee behavior to learn the strengths and weaknesses of supervision in that case. While all cases requiring a critical incident analysis are currently up to date in the department's records, at the time of the OPEGA report, only 13% of homicide-involved cases had a critical incident analysis entered timely into the system, while another 19% were entered late. While additional funds were added in fiscal 2023 to ensure that this work is completed, funds were not likely to be necessary, as the work in the first six months of fiscal 2023 has been completed with existing resources. The ongoing reporting requirement established in Chapter 141 of 2022 may provide an adequate level of oversight for this issue.

The department utilizes a neutral screening tool to assist agents in placing individuals under the most appropriate level of supervision for their specific circumstances. A third-party validates the tool every three years to ensure that it produces results that are consistent with real-world crime statistics and avoids systematic bias. Adjustments to the tool are made based on the validation results. Risk assessment tools that are validated in this manner would be more accurately described as predicting future justice involvement.

Of the offenders involved as suspects of homicides or nonfatal shootings, 54% were under low or moderate supervision based on the risk assessment. There is a level of unpredictability for all criminal behaviors, including for individuals under criminal supervision. DPP found the factors most associated with involvement were gender (98% of involved individuals were men) and proximity to densely populated metropolitan areas. For illustration, Baltimore City and Baltimore County offenders were the most likely to be involved, making up 74% and 11%, respectively. Overall, noncompliance with release conditions was associated with criminal involvement, but noncompliance was not predictable by the current risk assessment process.

Measures Taken to Improve the Oversight of Offenders Under DPP Supervision

DPP has reported a strategic plan for improving the oversight of offenders under DPP supervision. DPP efforts geared toward encouraging compliance with supervision include:

- an increased focus on intelligence and interagency information sharing;
- prioritization of violent repeat offenders identified by State’s attorneys;
- expansion of the Warrant Apprehension Unit to serve high risk offenders and open warrants in Baltimore City not typically under its jurisdiction;
- partnerships with law enforcement to perform home visits for offenders exhibiting threatening behavior;
- highest risk supervision for offenders with new gun charges that did not result in a violation of probation by the sentencing authority;
- participation in the Maryland Criminal Intelligence Network of 13 local coalitions; and
- the May 2022 establishment of Gun Violence Orientations, which provides interactive sessions primarily to new offenders placed on parole/probation.

DPP also partners with programs that work with high-risk individuals to provide avenues away from violence. One example is the DPP partnership with ROCA, Inc. Baltimore. ROCA, Inc. serves the highest risk young men ages 16 to 24 years old who are not ready, willing, or able to participate in job, education, or other programs. DPP also partners with the Baltimore City Mayor’s Office of Neighborhood Safety and Engagement on their gun violence reduction strategy. Using a group violence intervention strategy, individuals who are engaged in violence or possess risk factors that increase their potential to become victims of violence are targeted for intervention. **DPSCS should comment on the extent to which any of these initiatives require additional funding, reallocation of resources, or impact the workload of agents.**

Additionally, in fiscal 2024, DPSCS is increasing the funding for SUD treatment by approximately \$783,000 due to their new departmentwide contract and providing \$675,000 (\$225,000 of which is found in the DPSCS Office of the Secretary allowance) in budgetary initiatives that include:

- \$150,000 for a mobile pilot program for DPP agents to remotely access the case management system while making visits in the community;

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- a community correction training module to better classify individuals under supervision based on risk; and
- a violence reduction training orientation for all new DPP supervisors. This is an open dialogue between supervisees and DPP team members with discussions focusing on gun violence and how to avoid situations that could turn violent.

Evaluation of Involvement Data

On average, each year from fiscal 2019 to 2022, DPP supervised 46,500 individuals. Out of those, DPP supervised about 142 cases on average each year wherein the individual became a suspect in a homicide or nonfatal shooting, and about 340 cases on average each year wherein the individual became a victim. **Exhibit 8** breaks down annual supervisee involvement for the past four years. The average percent involvement was 1.0% for all four years.

Exhibit 8 DPP Supervisees Involved in Homicides or Nonfatal Shootings Fiscal 2019-2022

	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>
Homicide Suspects	56	88	70	62
Homicide Victims	117	117	122	83
Nonfatal Shooting Suspects	73	78	68	72
Nonfatal Shooting Victims	249	268	249	150
Total Suspects/Victims	496	562	509	361
DPP Total Supervised	49,743	47,157	39,506	49,930
Percent Involvement	0.99%	1.17%	1.29%	0.72%

DPP: Division of Parole and Probation

Source: Department of Public Safety and Correctional Services

Victims and suspects for homicides and nonfatal shootings went down from fiscal 2021 to 2022. This appears to indicate that DPP has made progress in monitoring its offenders who are at risk of involvement. However, additional information is needed to better understand and address the factors that lead to involvement in homicide and nonfatal shootings. It is possible that the steps taken by DPP since the release of the OPEGA report will have a continuing positive impact on criminal involvement, insofar as they continue to be prioritized. Heightened levels of information

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sharing and the assignment of dedicated personnel to intelligence-sharing tasks is the most promising tactic in the DPP strategic plan. To assess this issue going forward, DLS and the relevant policy and budget committees should continue to annually review the figures reported in accordance with Correctional Services Article § 6-122.

Fiscal 2023 Budget Bill language restricted \$250,000 in general funds until DPSCS submitted the *Report on Supervisee Victimization*. Having reviewed the data and used it in development of the fiscal 2024 budget analyses, DLS recommends these withheld funds be released to DPSCS upon conclusion of the budget hearings.

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 worsened in fiscal 2022. The budget committees request a report due by September 15, 2023, from DPP on the following:

- the exact breakdown of support staff and general supervision caseloads by office into DPP supervision levels for fiscal 2023;
- the exact breakdown of case closures by reason, region, and office;
- an evaluation of staff realignment between regions; and
- a review and analysis of monthly fiscal 2023 DPP agent and Drinking Driver Monitor Program new hires, separations, and vacancies.

Information Request	Author	Due Date
DPP caseload report	DPP	September 15, 2023

Appendix 1
2022 Joint Chairmen’s Report Responses from Agency

The 2022 JCR requested that DPP prepare two reports. Electronic copies of the full JCR responses can be found on the DLS Library website.

- ***Parole and Probation Caseload Report:*** DPP provided caseload, outcomes, and support staff data by office and region. This is the first report that allows for comparison between caseload data and outcomes such as supervision revocation, offender death, and unsatisfactory closures. Initial analysis indicates that compliance with conditions of supervision is associated with lower agent-to-offender ratios and support staff-to-offender ratios. Further discussion of this data can be found in Key Observation 2 of this analysis.
- ***Supervisee Victimization 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 2022. An in-depth discussion of this data can be found in Key Observation 3 of this analysis.

Appendix 2
Object/Fund Difference Report
Department of Public Safety and Correctional Services – Community Supervision

<u>Object/Fund</u>	<u>FY 22 Actual</u>	<u>FY 23 Working Appropriation</u>	<u>FY 24 Allowance</u>	<u>FY 23 - FY 24 Amount Change</u>	<u>Percent Change</u>
Positions					
01 Regular	1,179.00	1,146.00	1,145.00	-1.00	-0.1%
02 Contractual	21.58	54.87	53.99	-0.88	-1.6%
Total Positions	1,200.58	1,200.87	1,198.99	-1.88	-0.2%
Objects					
01 Salaries and Wages	\$ 101,082,674	\$ 104,911,705	\$ 116,330,731	\$ 11,419,026	10.9%
02 Technical and Spec. Fees	1,005,535	1,299,402	1,152,182	-147,220	-11.3%
03 Communication	1,242,908	1,037,132	1,264,812	227,680	22.0%
04 Travel	130,439	115,500	63,000	-52,500	-45.5%
06 Fuel and Utilities	225,429	257,300	252,842	-4,458	-1.7%
07 Motor Vehicles	1,002,595	1,044,069	707,046	-337,023	-32.3%
08 Contractual Services	4,272,851	5,107,992	5,405,383	297,391	5.8%
09 Supplies and Materials	235,117	134,000	448,000	314,000	234.3%
10 Equipment – Replacement	143,711	108,890	102,590	-6,300	-5.8%
11 Equipment – Additional	0	15,000	15,000	0	0%
12 Grants, Subsidies, and Contributions	318,043	450,000	450,000	0	0%
13 Fixed Charges	3,444,448	3,823,711	3,850,674	26,963	0.7%
Total Objects	\$ 113,103,750	\$ 118,304,701	\$ 130,042,260	\$ 11,737,559	9.9%
Funds					
01 General Fund	\$ 108,203,789	\$ 110,310,735	\$ 118,218,958	\$ 7,908,223	7.2%
03 Special Fund	4,654,514	7,887,456	11,712,000	3,824,544	48.5%
05 Federal Fund	141,687	0	0	0	0.0%
09 Reimbursable Fund	103,760	106,510	111,302	4,792	4.5%
Total Funds	\$ 113,103,750	\$ 118,304,701	\$ 130,042,260	\$ 11,737,559	9.9%

Note: The fiscal 2023 appropriation does not include deficiencies. The fiscal 2024 allowance does not include contingent reductions or cost-of-living adjustments.