

**DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES  
FY 2019 BUDGET DIVISION OF PAROLE AND PROBATION**

**Cases Closed Due to Revocation for a New Offense**

**Issue:** 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

**Response:** Supervision cases that are closed due to revocation are done so either on the basis of technical violations of supervision committed by the supervisee or on the basis of a new offense incurred by the supervisee. Under the Justice Reinvestment Act (JRA), the Division of Parole and Probation (DPP) is mandated to impose graduated sanctions in response to *technical violations* of the conditions of community supervision. By law, a “new offense” is not a technical violation and, therefore, not subject to graduated sanctions.

Technical violations of supervision encompass behaviors such as failing to report to a Parole and Probation Agent or Drinking Driver Monitor, failing to attend substance abuse treatment as ordered, or failing to pay restitution. These behaviors are now addressed through graduated responses before any formal action may be taken with regard to them by the sentencing court or Maryland Parole Commission. Graduated sanctions must occur prior to any final action so the Division anticipates a reduction in the number of individuals whose supervision is revoked based on technical violations. The Department will continue monitoring the data and evaluating the impact of JRA-related provisions on the number of cases closed due to revocation and will continue to provide updates to the Justice Reinvestment Oversight Board.

**Collections (Restitution, Fines, and Fees)**

**Issue:** 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.

**Response:** Generally speaking the current process for collecting restitution begins once the court has ordered restitution payments as part of a criminal sentence. The Division of Parole and Probation (DPP) will collect the restitution from the offender once they are under supervision within the community. Typically, an offender’s agent or monitor will set up a payment plan so that offenders can make restitution payments throughout the course of their supervision. When the offender pays DPP, the money is posted to the offender’s account and a disbursement file is sent monthly to the Maryland Treasury, which in turn mails all restitution payment checks directly to victims. As part of the Justice Reinvestment Act (JRA) sentenced offenders to the Division of Correction (DOC) or local detention centers with a court

order for restitution must now begin to pay restitution if earning a wage while incarcerated.

The Department has made considerable progress toward implementation of this expanded responsibility. Specifically, a percentage of inmate earnings will automatically be collected through the existing inmate banking system (MOBS II) from those inmates who are working and have an order to pay restitution. These payments will be coordinated along with the monthly disbursement process already in place for DPP offenders.

For inmates housed in local detention centers who have a court order for restitution, a percentage of inmate earnings will be collected through a newly created process that has been developed in partnership with those local facilities through a Memorandum of Understanding (MOU) with each facility. As part of this process local facilities will collect restitution payments and submit those payments to DPSCS. DPSCS will coordinate restitution payments received and transmit these to the Maryland Treasury to be disbursed for payments to victims.

The Department is actively working with the MOBS II vendor for programming and testing of these new automated processes and disbursements and anticipates implementation within the next several months. As a result of these new processes a more uniform and standardized process for restitution collection will be implemented.

### **Caseload Analysis By Region**

**Issue: DPP should comment on the possibility of realigning staff to alleviate high caseloads in the North and South Regions.**

**Response:** The Department believes the current number of agent positions is sufficient to bring the average caseload size in all regions below the national average of 80 cases per agent. The average caseload sizes in both the North and South Regions are currently being disproportionately impacted by vacancies. The Department is actively recruiting to fill these vacancies. Once the vacancies are filled the caseload ratios will improve and be comparatively stabilized across the Department.

**Issue: The division should comment on the possibility that the JRA may increase DPP caseload ratios.**

**Response:** As indicated in prior Departmental testimony, JRA was implemented on October 1, 2017. JRA is meant to be a slow and phased in process over 10-years or more. Therefore, with only four months of actual implementation, the Department lacks sufficient data to comment and predict future DPP caseload ratios. However, staffing requirements will likely decrease over time as caseloads decrease. As noted by the Department of Legislative Services' analysis, the

Department has experienced a continuous decline in the number of caseloads which has negated the need for additional positions. The Department will continue to carefully monitor caseload ratios.

### **Ignition Interlock Violation Cases**

**Issue:** DPP should comment on the next steps needed to include a camera component in IISP in conjunction with MVA and whether legislation is necessary.

**Response:** The Ignition Interlock System Program (IISP) is administered by the Maryland Motor Vehicle Administration (MVA). The Department is not responsible for IISP implementation so it would be inappropriate to comment on how this program should be administered. Should the MVA decide to move forward with IISP implementation, the Department would be willing to provide assistance and collaboration in the integration of mandating this technology with the ignition interlock systems approved for use by MVA.

### **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.

**Response:** The Department concurs. However, the Department is able to provide the following information regarding the funding for the purposes of establishing a contract with second CARC.

The Department currently contracts with one Community Adult Rehabilitation Center (CARC) that houses male offenders who, in the judgement of the courts and appropriate correctional personnel, can be best rehabilitated in community facilities without substantial danger to the community. The CARC provides its offender population with case review and treatment planning that includes a comprehensive

intake, orientation and assessment; job readiness training; substance abuse treatment, educational programming; introductions/connections with community resources; rehabilitative services aimed at strengthening the family and mental health; and social and recreational opportunities. In addition to the programs and services offered by the CARC, the CARC also maintains a Work Release Program for those offenders deemed eligible. The CARC is staffed and operated by a Contractor that performs all work and services as specified in the contract agreement with DPSCS to provide pre-release services.

The \$1.18 million in the fiscal year 2019 budget will enable the Department to expand its ability to rehabilitate offenders in the community, which is an essential component of the JRA. The new CARC will be a 50-bed unit capable of housing both male and female offenders. The facility will be staffed and operated by a contractual vendor and will provide pre-release and transitional services to include, but not limited to, those services currently offered in the existing CARC.

In terms of the CARC's location, it would not be possible to locate the second CARC within the Baltimore City Jail complex. As previously stated, the Department intends to issue a request for proposals to establish a contract with a preexisting vendor at a preexisting location. Additionally, there would be liability issues and a lack of space as the Department is moving to demolish these incredibly old buildings. Therefore, it would be counterintuitive to incorporate this within the Jail Complex.

Based on estimates received the projected costs would be about \$65/day per offender:

Facility Capacity:	50
Per Day Estimate:	\$65.00
Per Day Estimate:	(50) x \$3,250.00
Annual Estimate:	\$1,186,250

It is important to note that eligibility for participation in CARCs is determined primarily by the Correctional Services Article, Title 11, subtitle 3, as follows:

§ 11-303. Legislative findings.

The General Assembly finds that:

(1) there is a need for centers for the housing and rehabilitation of individuals who have been convicted of crimes but who, in the judgment of the courts and appropriate correctional personnel, can best be rehabilitated without substantial danger to the community in a local community facility;

§ 11-307. Establishment; capacity.

(g) Maximum capacity - A center may not be established or expanded beyond a capacity of 108 beds without the approval of the Secretary and:

§ 11-316. Placement of individuals sentenced to or detained in State correctional system.

(a) In general. - Except as provided in subsection (c) of this section, the Commissioner may place an inmate in a center if the inmate:

(1) is a resident of:

- (i) the county in which the center is located; or
- (ii) for a regional center, one of the counties in the region;

(2) has:

- (i) less than 6 months remaining on a sentence;
- (ii) less than 6 months remaining until a determined parole date; or
- (iii) a sentence of 3 years or less; and

(3) has been screened by a center staff member and approved by the center director as provided under subsection (b) of this section.

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.

**Response:** The Department concurs.

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 the information from DPP on how it plans to measure 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.

**Response:** The Department disagrees as the Division of Parole and Probation is unable to provide this information. The Department is not in a position to conduct a qualitative evaluation of the LSI-R and subsequent case planning process. The goal of the LSI-R is to develop a case plan that addresses the risks and needs of the supervised individual with the goal of successful outcomes to supervision. Additionally, the Department is unable to provide data on the number of COR holders who secure employment within one year of receiving a COR. The Department is currently in the process of implementing a change in the Offender Case Management System (OCMS) that will allow DPP to track the number of COR applicants and the number of CORs issued. However, the Department will not be able to track employment data for individuals that are no longer under the Department's jurisdiction, accordingly all approved COR individuals will no longer be under the Department's jurisdiction.

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 Ignition Interlock System Program.

**Response:** The Department disagrees. Currently, OCMS does not collect the level of detail required to complete this report. OCMS does not collect violation data on the basis of the specific underlying violation. OCMS only captures whether the violation was technical or a new offense. The Department is working to add additional reporting criteria in OCMS that would allow DPP to track the underlying basis of the technical violation, but this is currently still in production and won't be ready prior to the deadline of this report.

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 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.

**Response:** The Department concurs.