

**DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES
FY 2020 BUDGET DIVISION OF PAROLE AND PROBATION**

Technical Violation Data

Issue: The Department of Legislative Services (DLS) recommends the addition of committee narrative requesting that DPP provide this information along with the type of new offenses and technical violations that its offenders committed for the most recent fiscal year. Finally, DPP should comment on the number of DDMP cases closed due to revocation (which should be under the DPP target of 0.7%) because there is no data for this category in the fiscal 2020 Managing for Results report.

Response: The Department has provided an attachment (see Appendix I) containing a breakdown of supervision case closures in fiscal year (FY) 2018 including the type of supervision – criminal or Drinking Driver Monitor Program (DDMP) – and the reason the case was closed.

With regard to the lack of data contained in the Managing for Results Report (MFR), the Department has not been able to include a breakdown of certain revocation data, including a breakdown of the specific reason for which a technical violation was issued or the crime associated with the revocation due to a new arrest or conviction. The Department transitioned from its old electronic offender record system to its newer system, called the Offender Case Management System (OCMS). This transition occurred in 2012 so this data has not been reported in the MFR for approximately five years.

Offender Data

Issue: DPP should provide details on what percentage of its offender population has SUD issues as well as a breakdown of crimes that its offender population was convicted for in fiscal 2018.

Response: In fiscal year (FY) 2018 there were 12,421 cases that were opened with a substance abuse related special condition. This represents 32.81% of the 37,857 total open cases. DPP is currently working with the Department's Information Technology and Communication Division (ITCD) to update the Offender Case Management System (OCMS) so the system can capture more comprehensive data related to substance use disorders for the offenders under supervision.

Please see attached, a separate document (Appendix II) that provides a detailed breakdown of the number of offenders, by offense, identified with a substance use disorder.

Offender Post-Supervision Employment

Issue: DPP should comment on current offender employment data as well as the programs that it offers to assist offenders in securing and maintaining employment. DPP should also comment on the relatively low number of offenders who applied for the Certificate of Rehabilitation program to enhance their job market employability. In addition, the division should comment on whether the benchmark of 30% for offender employment is sufficient or whether it should be raised.

Response: DPP is established in statute under the Correctional Services Article, Section 6-104 of the Correctional Services Article, which stipulates the primary duties and responsibilities of DPP:

(a) Subject to the authority of the Secretary and in addition to any other duties established by law, the Division:

(1) shall:

(i) administer a validated screening tool on each individual on parole or mandatory supervision under the supervision of the Division;

(ii) administer a risk and needs assessment and develop an individualized case plan for each individual on parole or mandatory supervision who has been screened as moderate or high risk to reoffend;

(iii) supervise an individual on parole or mandatory supervision based on the results of a validated screening tool or risk and needs assessment conducted under items (i) or (ii) of this item;

(iv) supervise an individual under mandatory supervision until the expiration of the individual's maximum term or terms of confinement;

(v) regularly inform the Commission of the activities of offenders who are supervised by the Division, including, if requested by the Commission, any graduated sanctions imposed under § 6-121 of this subtitle;

(vi) issue a warrant for the retaking of an offender charged with a violation of a condition of parole or mandatory supervision, if this authority is delegated by the Commission to the Director of the Division; and

(vii) administer the Drinking Driver Monitor Program, collect supervision fees, and adopt guidelines for collecting the monthly program fee assessed in accordance with § 6–115 of this subtitle; and

(2) may recommend:

(i) that the Commission modify any condition of parole or mandatory supervision; and

(ii) that the Commission issue a warrant for the retaking of an offender.

(b) Funding for the Drinking Driver Monitor Program shall be as provided in the State budget.

Therefore, DPP's primary task is to ensure that offenders under its supervision comply with the terms of supervision as ordered by the courts and the Maryland Parole Commission; not to act as a social services agent or administer employment readiness programs. However, DPP understands that employment significantly reduces recidivism, or the rate of re-offense. As such, DPP does routinely refer clients to resources within the community that provide employment assistance and placement along with other reentry services. The Department has provided a copy of the Reentry Resource Guide (see Appendix III) which contains a list of community programs and services from the United States Attorney's Office in Maryland (USAO-MD). DPP continues to meet its goal of having 30% of offenders employed at case closing in five of the last eight fiscal years and believes this goal is appropriate.

The JRA established a process by which an offender can apply for and receive a Certificate of Rehabilitation. Specifically, the applicant must meet the following criteria in order to be eligible to receive a Certificate of Rehabilitation.

1. The applicant cannot be convicted of a crime of violence as defined in § 14-101 of the Criminal Law Article OR of a sexual offense that requires the individual to register as a sexual offender under Title 11, Subtitle 7 of the Criminal Procedure Article;
2. The applicant was supervised by the Division of Parole and Probation under conditions of parole, probation, or mandatory release supervision;

3. The applicant has completed all special and general conditions of supervision including paying all required restitution, fines, fees and other payment obligations; and
4. The applicant is no longer under the jurisdiction of the Division of Parole and Probation.

A breakdown of the number of Certificates of Rehabilitation DPP received, approved and denied since October 1, 2017 is provided below.

- A total of nine applications for Certificates of Rehabilitation were received.
- Five applications were approved, resulting in the issuance of Certificates of Rehabilitation.
- Four applications were denied because the offender had an underlying disqualifying crime of violence or sexual crime; or had failed to pay all required restitution, fines, fees and other obligations at the time of the investigation.

DPP provides offenders with written information about the Certificate of Rehabilitation during the intake process and throughout the course of an offender's supervision. In addition, the Department has posted information about Certificates of Rehabilitation on its website including an option for an online application which can be submitted immediately to the Director's Office for processing and investigation.

In addition to the specifically identified criteria the Department would note that not all prospective employers require a previously supervised individual to present a Certificate of Rehabilitation in order to enhance their opportunity for employment. Many prospective employers and recruiters with the Armed Services need only official proof that an individual is no longer under active supervision to DPP and/or that the underlying sentence has expired. In these circumstances DPP provides letters upon request to or on behalf of formerly supervised individuals that indicate the start and end dates of supervision and certifies that the individual is not currently under supervision of the DPP (known as "letters of completion"). While only nine applications for Certificates of Rehabilitation have been received to-date, DPP issued 79 letters of completion since October 1, 2017.

DPP Parolees Returned to Prison

Issue: DPP should discuss the types of violations committed by the parolees that returned to prison.

Response: The Department of Public Safety and Correctional Services reports that 2,107 offenders were returned to the Division of Correction based on a violation of parole or mandatory release supervision. Of those 2,107 offenders, the bases for violation are as follows:

Reason for Return to DOC (FY 2018)	Parole	Mandatory Release	Total
New sentence	111	95	206
Technical Violation(s)	922	979	1,901
Total	1,033	1,074	2,107

DPP Vacancies

Issue: DPP should comment on the recent difficulty in filling parole and probation agent positions, particularly as 43% of the vacant positions have been unfilled for over a year, and the average salary for vacant DPP agent positions is over \$56,000.

Response: The Department strongly believes that DLS’s analysis is misleading as the Department has experienced significant success in filling vacant DPP positions. In FY 2016, the Department hired 69 new employees in DPP; 67 of which were DPP agents. In FY 2018, the Department hired 97 new employees in DPP; 26 were DDMP monitors, and 67 were DPP agents. Unfortunately, these new employees were not placed into the personnel identification numbers (PINs) that had been vacant for the longest duration of time. Instead, these new employees were placed into PINs that had been recently vacated at the time of the employees’ hiring dates. As a result, this may incorrectly give the impression that these positions are difficult to recruit for.

The Department is currently holding an entry-level training academy for seven new DPP agents and three new DDMP monitors. The Department is also currently testing 450 applicants in order to fill its vacancies. The Department believes it will be in a position to send 30 new DPP agents to the May 2019 entry-level training academy.

DPP Agent Caseloads

Issue: DPP should comment on the potential of staff realignments to alleviate higher caseloads in the East and West regions.

Response: The Department believes filling its DPP vacancies is its best option in terms of alleviating higher caseloads in the East and West regions as opposed to realigning staff as there are many complications in realigning staff and the

Department making significant progress in filling its vacancies. State law prohibits State Agencies from transferring or reassigning an employee involuntarily to a work site that is more than 50 miles from the worksite that an employee is currently assigned. The Department does maintain a voluntary transfer list for all field offices, but there are currently too few agents who are actively seeking transfer to those field offices experiencing vacancies.

Realigning vacant positions between regions proves just as challenging. The Department currently leases private space for over 40 offices. These leases all have different leasing periods and space limitations as dictated by the terms of each lease. Adding additional positions to these locations will necessitate additional work space and impact the Department's capital budget. In addition, lease agreements must be reviewed and approved by the Department of General Services so it could take up to two years to secure additional leases. Office relocations also tend to be challenging as the Department must seek buy-in and obtain approval from the community surrounding the proposed DPP office site in order for the relocation to take place. Based on these factors the best method for handling caseload ratios is to fill existing vacancies within the regions.

Evidence-Based Training

Issue: Given that DPP has one year of JRA-related evidence-based training, DPP should comment on these efforts, the percentage of agents in each office that have successfully received the training, and the effect on caseloads and case closures.

Response: Every DPP agent has completed mandatory JRA training. The Department has also offered refresher courses on the administration of the risk and needs assessment, known as the Level of Service Inventory-Revised (LSI-R). In the fall of 2018, with the assistance of the Crime and Justice Institute, three LSI-R webinars were produced. These webinars assist first-line supervisors in increasing their proficiency with the tool. Additionally, in conjunction with the Crime and Justice Institute, DPP continues to offer training sessions on "Principles of Effective Interventions" and "Graduated Responses."

Although JRA became effective October 1, 2017, the reform is still in its early stages of implementation. DPP has experienced a decrease in the number of technical revocations. For example, technical revocations accounted for 7.62% of all DPP case closures from October 1, 2016 – October 1, 2017. Over the following year, this figure decreased to 6.23%. At this time, the Department does not believe JRA has had a direct impact on DPP caseloads. The Department will continue to monitor data closely and provide requisite statistics to the Governor's Office of Crime Control and Prevention in order to track performance objectives.

Recommended Actions

1. Increase turnover to 10%. The agency has maintained vacancy rates at or above the 10% level for more than four years. If additional funds are needed to fill positions, the agency can transfer funds resulting from correctional officer vacancies to this agency.

Reduction Amount: \$3,700,000 GF

Response: The Department strongly disagrees with the proposed reduction as the recommended action is mathematically inaccurate and fails to adjust for positions that are paid for by special funds; it directly conflicts with DLS's prior analyses; and unfairly forces the Department to choose between filling critical CO positions or DPP positions.

- **The recommended action is mathematically inaccurate and fails to adjust for vacancies paid for by special funds.**

DLS's recommendation is mathematically inaccurate as their estimated budgeted turnover is based on the average salary for all DPP staff as opposed to the actual salaries of the vacant positions. For example, if a DPP Agent I position making \$52,645 (grade 13 step 14) becomes vacant and remains vacant, the salary for that vacant position resets to its base level salary, which in this case would be \$41,512 (grade 13 step 3). Therefore, their calculation of budgeted turnover is grossly overestimated.

Additionally, DLS's recommended action fails to adjust for current vacancies that are non-general funded positions, including DDMP monitors. The salaries for these positions come from special funds – not general funds. Including the average salary of these positions in calculating budgeted turnover is inappropriate and inaccurately inflates the general fund restriction, placing further strain on the Department's ability to fill those positions that are paid for by general funds.

- **DLS's recommended action directly conflicts with their analysis of the Department's Administration budget.**

Over the past several years, DLS and the legislature has stressed the need for the Department to prioritize the recruitment and hiring of correctional officers (COs), requiring the Department to submit numerous Joint Chairmen's Reports (JCR) to fill vacant CO positions. The Department took this directive very seriously and focused its efforts on hiring COs, which slowed down recruitment efforts for the rest of the vacant positions across the Department. The Department's efforts in recruiting and hiring are starting to come to fruition as the number of new COs has continued to increase. More recently, DLS has turned

its attention to the number of vacant administration positions throughout the Department. This was one of the primary focuses of DLS's analysis of the Department's FY 2020 Administration budget. The proposed reduction by DLS to further increase DPP's budgeted turnover absolutely contradicts their previously stated concerns on filling administrative vacancies.

- **DLS's recommended action would be like robbing Peter to pay Paul by requiring the Department to use CO funds to pay for DPP positions.**

The Department has experienced success in hiring DPP agents and is on track to fill its vacant positions with little issue; however, the recommended action would result in the Department having to choose between filling DPP vacancies and CO vacancies. DLS's recommended action would prohibit the Department from using DPP funds for filling DPP vacancies and require the Department to use funds from CO vacancies. This recommended action is confusing given DLS's prior analyses directing the Department to fill both its CO vacancies and DPP vacancies and requiring the Department continue to submit reports on its hiring efforts. The Department should not be placed in a position of having to choose between filling critical CO vacancies or critical DPP vacancies.

For the reasons stated, the Department respectfully requests that the committee reject the DLS recommended action.

2. Adopt the following narrative:

Division of Parole and Probation Regional and National Caseload Report: 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. In fiscal 2018, caseloads per agent were 81.4 – just under the national average of 82. However, some offices have over 100 cases per agent. The budget committees request a report due by November 30, 2019, from DPP on the following:

- efforts to maintain uniform caseloads in each region that are under the national average;
- the exact breakdown of general supervision caseloads by office into DPP categories (low, moderate, high risk, administrative, and Violence Prevention Initiative (VPI)) for fiscal 2016 to 2018;

- an explanation of why VPI caseload numbers are dramatically lower than during the time of the fiscal 2016 workload and staffing study;
- an evaluation of staff realignment to move regions with surplus agents to regions that are far above the national average, as well as an evaluation of whether the relatively low Central Region Operations caseload of 64 per agent is manageable given the prevalence of violent offenders and very low agent to support staff ratios; and
- an evaluation of the agent to support staff ratios in the fiscal 2018 DPP Caseloads and Vacancies Report with the goal of determining how many support staff members are needed for each office in each region.

Response: The Department concurs with the recommended action.

3. Adopt the following narrative:

Division of Parole and Probation Collections and Restitution Report:

The Division of Parole and Probation (DPP) collections are labor-intensive and continue to decline in recent years. Transferring collection duties to the State's Central Collection Unit (CCU) could save money and reduce parole and probation agent workloads. The budget committees request a joint report from DPP and the Department of Budget and Management (DBM) on the collection process and continued decline in restitution fees, as well as the advantages and impediments of transferring collection authority to CCU and DPP coordination with the new Victim Services Unit. This report should be submitted to the committees by August 1, 2019.

Response: The Department concurs with the recommended action.

4. Adopt the following narrative:

New Offense and Technical Violation Information: The Division of Parole and Probation (DPP) reports the number of new offenses committed when cases are closed for revocation. In addition, it reports the number of new intakes at its facilities each year who are classified as

returned from parole. To better understand this data and why offenders are returning to prison, the budget committees request that DPP submit a report that outlines how many cases were closed in fiscal 2018 due to new offenses, how many were closed due to technical violations, and what types of offenses and violations were committed. The report should be submitted to the committees by July 1, 2019.

Response: The Department concurs with the recommended action.