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Department of Public Safety and Correctional Services
Community Supervision - Q00C
Fiscal Year 2024 Operating Budget
Response to Department of Legislative Services Analysis

Senate Budget and Taxation Committee
Public Safety, Transportation and Environment Subcommittee
Senator Sarah K. Elfreth, Chair
February 9, 2023

Appropriations Committee
Public Safety and Administration Subcommittee
Delegate Tony Bridges, Chair
February 16, 2023

Proposed Deficiency

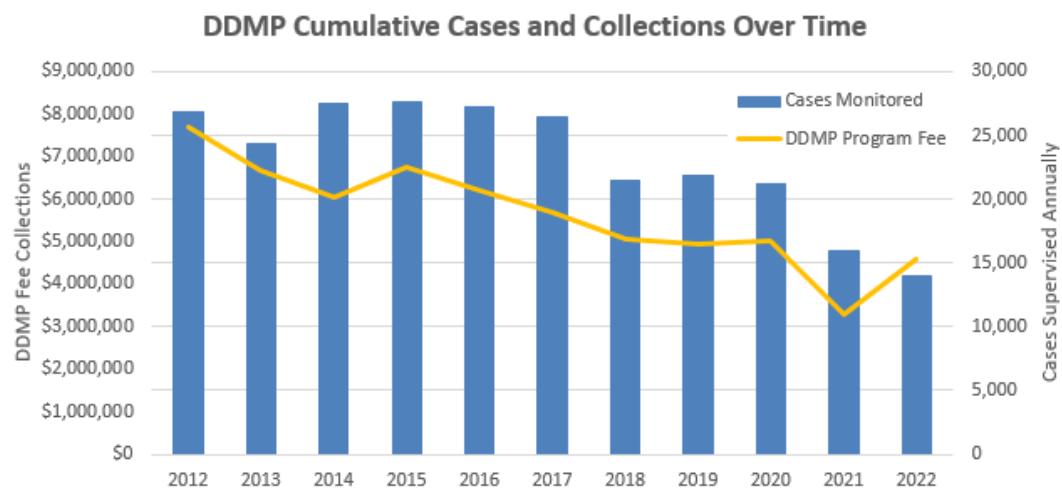
Issue: DPSCS should provide information on DDMP collections, including collection rates, the number and type of exemptions, and the cause of lower-than-expected revenues. DPSCS should discuss possible changes to the collections process that could increase revenues and the consequences of those changes.

Response:

DDMP Collections - The Division of Parole and Probation (DPP) has experienced challenges with the current system of collections. Supervisees who owe monthly program fees are required to provide a certified check or money order as payment. The payments are mailed to a lockbox, where they are received and posted. The payments are often completed with illegible handwriting or missing information which delays the application of the payment to the correct account and the processing of the payment for extended periods of time.

Collection Rates - DDMP fee collections have historically mirrored the size of the supervised population. Collection totals have fallen from their peak 10 years ago in FY 2012 when the supervision

population was 53% higher than it was in FY 2022. While annual cases were elevated between 2014-2017, the population has generally fallen, and fell precipitously in the post JRA and post COVID periods. While FY 2021 was the lowest collection year on record, the impact of the pandemic on courts, economic hardships, and the subsequent 25% decrease in cases supervised played a significant part. DPP has seen a significant change in FY 2022 fee collection, which is in fact a reflection of the increased fee rates, as it marks the first time that collection rates have increased while cases monitored continued to fall. From FY 2021 to FY 2022 cases monitored fell by an additional 12%, meanwhile DDMP program fees collected rose by 39%, a reversal of the prior COVID related decrease, which has put the program back within its prior collection range despite monitoring a population that is 34% smaller than it was in FY 2020.



Number and Type of Exemptions - Pursuant to Correctional Services Article § 6-115, DPP may exempt a supervisee as a whole or in part from the DDMP Program fee imposed if:

- (1) the supervisee has diligently tried but has been unable to obtain employment that provides sufficient income for the supervisee to pay the fee;
- (2) (i) the supervisee is a student in a school, college, or university or is enrolled in a course of vocational or technical training designed to prepare the student for gainful employment; and

- (ii) certification of student status is supplied to the Division by the institution in which the supervisee is enrolled;
- (3) the supervisee has a handicap limiting employment, as determined by a physical or psychological examination accepted by the Division;
- (4) the supervisee is responsible for the support of dependents and the payment of the fee is an undue hardship on the supervisee; or
- (5) other extenuating circumstances exist.

DDMP Fee Waivers FY 2022			
Q1	Q2	Q3	Q4
13	14	18	16

Cause of Low Collection Rates - Collection rates may be impacted by a variety of factors. For example, higher cost of living due to inflation being at its highest level in 40 years may be a contributing factor in lower rates of collection as offenders seek to prioritize payment of other obligations such as housing and food. In addition, DPP does not seek Violation of Probation (VOP) proceedings based on the lack of payment of monthly program fees. When an individual has satisfied all of the conditions of their probation except for payment of fees, the unpaid fees are turned over to the Central Collection Unit.

Possible Changes to the Collections Process - DPSCS is currently working on the business requirements for the Offender Case Management System (OCMS) to add a collections system of record for costs, fines, fees and restitution. This will be in conjunction with an electronic web-based collection banking system which will allow for additional payment options to replace the current money order/certified check system which requires the supervised individual to mail their payment obligations to a lockbox for subsequent retrieval and posting. An online collection option would allow greater flexibility in collection by allowing the use of common payment applications such as Zelle, credit/debit cards, and electronic funds transfer as well as the elimination of data submission errors which causes delays in posting funds to the appropriate accounts. Potential consequences of moving to an online payment system are costs borne to maintain the system by third party

vendors are often passed along to the supervised individual potentially leading to a reduced amount collected.

Recommended Action:

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.

Response:

The Division of Parole and Probation (DPP) is strongly committed to evaluating caseload populations and making any necessary adjustments as needed. There are limitations to making outcome comparisons based purely on regional distributions statewide. The limitations in making broad assertions across the State are similar in nature to the limitations outlined in the 2022 DPP Caseload Joint Chairmen's Report submitted in September.

- Not all offenders are alike – they vary in ages, gender, offense severity, risk factors, and service needs. For this reason, the use of validated risk screening tools is now a near universal practice in community supervision. These dynamically assess the most appropriate level of supervision for successful case resolution. The results of these screeners allow DPP to compare acuity in the community supervision population across regions. While the overall caseloads in some regions exceed the average caseload target of 82, the average cases per supervision level are within the ratios recommended by the American Probation & Parole Association (APPA) and are even below the thresholds cited in the study of Ohio's outcomes. In Maryland's western region at the start of FY 2023, cases per agent were below 20 for high and VPI supervision, below 20 for low-moderate to moderate, and below 36 for low supervision. Management of the acuity of caseloads is an important event and especially when overall caseloads are impacted by vacancies. Overall caseloads for DPP's most demanding cases, such as domestic

violence, specialty drug court programs, and sex offenders, are lower, in accordance with national standards.

- Not all Court/Parole Orders are the same – Judges and releasing authorities vary widely in terms of the conditions they place on offenders, which in turn affects workload demands on the supervising officer.
- Not all jurisdictions are the same. Statute and policies vary significantly among different jurisdictions
 - Sentencing practices vary from jurisdiction to jurisdiction, as well as among judges in the same jurisdiction. Some jurisdictions, such as Talbot, Dorchester and Wicomico, sentence a similar number of individuals to probation per capita than Baltimore City, despite significantly smaller court dockets and fewer community service providers. Although technical violations are handled similarly statewide as a result of the Justice Reinvestment Act 2017, Violation of Probation sentencing practices due to new offenses are still at the behest of the sentencing authority which could result in variances from jurisdiction to jurisdiction. Probation cases remain DPP's highest population of offenders under supervision.
- Cases in Maryland tend to be concentrated in the Baltimore Metro and Capital region. At FY 2022 end, the Baltimore and Eastern regions were below the national average, and only the Western region had caseloads that were well beyond the national average. However, less than 12% of active cases supervised in the West required supervision levels of moderate or higher, as dictated by DPP's evidence-based risk screening tool. Compared to the Capital region, more cases were classified as low, which comprised 39.23% of active cases. While temporary staffing changes in the West created short term vacancies, the overall caseload of that region is less acute than other regions.
- DPP along with the Department's Human Resource Division has been consistently recruiting and hiring Parole and Probation Agents and Drinking Driver Monitors. The most recent Drinking Driver Monitor Academy Class had 15 monitors who have completed the practicum and are now assigned to their respective field offices until the combined graduation with the agents on April 10, 2023.

- On February 1, 2023, there were 30 agents starting the Parole and Probation Agent Academy, and a second academy will follow on March 30, 2023.
- The Maryland Police and Correctional Training Commissions (MPCTC) provisionally certify new agent and monitor hires prior to the academy completion. This practice assists agents and monitors in supervising individuals who are under criminal supervision and in the Drinking Driver Monitor Program
- DPP instituted a Retirement Longevity Incentive Program to assist with staffing levels. As of February 6, 2023, over 151 agents have enrolled in this program.

Recruitment

The Department increased the minimum starting salary for Parole and Probation Agents by nearly 17% from 2021 to \$51,724 in 2022, which has reduced the frequency of job offer declination for salary considerations.

During 2022, the Department actively recruited for entry-level community supervision positions, resulting in 106 new Parole and Probation Agents hires and 14 Drinking Driving Monitor I hires. As we continue our efforts to reduce vacancies, the Department will be conducting new recruitments during the second half of 2023; ensuring active lists of qualified candidates remain available to fill vacancies occurring throughout the year.

Working with the Department of Budget and Management, the Human Resources Division has implemented a streamlined recruitment and selection process for several community supervision administrative positions. This has and will continue to reduce the length of time a position remains vacant after a resignation or retirement.

The Department continues to expand its collaboration with universities and the military to market employment opportunities for community supervision and administrative positions for college graduates and veterans. The recent addition of a Military Recruiter to the Human Resources Division is expected to increase employment prospects for veterans.

Enhanced recruitment and marketing strategies through the use of social media, paid advertisements, and the assistance of a professional marketing

and advertisement agency – the Maryland State Ad Agency, will continue to expand our ability to reach a diverse applicant pool.

Retirement Longevity Program Incentive (RLPI)

Retirement eligible DPP employees in designated job classifications can enter into a 4-year continued employment agreement with DPSCS and receive three bonus payments totalling \$37,500. The program took effect on July 1, 2022 and, as of February 6, 2023, 151 enrollees were approved.

Measures Taken to Improve the Oversight of Offenders Under DPP Supervision

Issue: DPSCS should comment on the extent to which any of these initiatives require additional funding, reallocation of resources, or impact the workload of agents.

Response: Some initiatives such as the Anti Gun Violence Orientations in Baltimore City, Prince George's call in, Maryland Criminal Intelligence Network (MCIN), joint home visits with law enforcement, along with problem solving courts and other initiatives, do have a direct impact on the workload of Agents. Increasing supervision for offenders charged with a new gun offense that did not result in a VOP by the sentencing authority directly affects the workload of the Agent through increased contacts and home visits as these individuals are moved into DPP's highest supervision level which requires weekly contact and monthly home verifications.

DPP instituted the Anti Gun Violence Orientations in the Baltimore City Field Offices. These sessions are conducted monthly in the evenings after 5:00 p.m. to prevent them from interfering with work, school, or other programming obligations. Evening programming also allows for space to conduct these orientations without interfering with other operational aspects such as intake and supervision activities. The DPP Director, agents and supervisors attend these orientations as facilitators and to offer support to those in attendance. Additionally, faith based and service provider partners also attend to offer services and insight about how to make better life choices and become a productive member of Maryland communities. This orientation has allowed for robust conversations in regard to changing the thinking of those in attendance.

In Prince George's County, DPP collaborated with criminal justice partners, including the U.S. Attorney, State's Attorney, Prince George's County Police, County Executive's Office for Reentry, Bridge Reentry Center, faith based programs and other reentry services to host a forum for individuals with gun charges and who have been identified as repeat violent offenders. Nineteen participants considered to be high risk for reoffending participated in the forum held on December 6, 2022. The forum allowed participants to have direct connections with attending service providers to address their needs and to speak about positive pathways that lead to desistance from violence. Individuals who attended were contacted by the DPP Director, and each participant provided positive feedback and found the services offered were beneficial to them. The U.S. Attorney's office discussed that if a pattern of criminal behavior continued, federal charges would be filed, including mandatory sentences without the possibility of parole. Faith based service providers, mental health and substance abuse services, housing, employment and workforce development services were provided.

Agents also attend intelligence meetings with the Maryland Criminal Intelligence Network (MCIN). Agents directly contribute to these meetings by providing information about offenders supervised by DPP. Participation in these types of intelligence sharing events is key as Agents are able to provide information about supervisees and explain complex supervision terms in real time.

Throughout the state of Maryland there are agents who work closely with law enforcement agencies by sharing information and conducting joint home visits. An example of this partnership includes the supervision of sexual offenders by conducting home visits on Halloween. DPP agents, along with various law enforcement partners conduct this event annually.

- DPP is currently working to hire Social Workers, which will supplement the agents work by providing more in-depth assessments and support to the clients while under supervision. The addition of social workers is expected to be able to target and address the needs of our offenders thereby increasing compliance and positive outcomes.
- DPP is currently collaborating with George Mason University (GMU) in reviewing our current Violence Prevention Initiative policy for suggested changes as well as implementing fidelity measures regarding our current risk/needs assessment process. This would allow DPP to identify potential gaps in our case planning process and

develop training measures to address those potential gaps. Addressing these gaps could improve case planning therefore increasing compliance with the conditions of supervision.

Recommended Action:

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

Response: We concur with this recommended action.

Recommended Action: Operating Budget

- 1. Adopt committee narrative requesting a report on Division of Parole and Probation Caseloads.**

Response: We concur with this recommended action.