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Fiscal Year 2025 Operating Budget

Response to Department of Legislative Services Analysis

**House Appropriations Committee
Public Safety & Administration Subcommittee Delegate Jazz Lewis, Chair
February 21, 2024**

**Senate Budget and Taxation Committee
Public Safety, Transportation & Environment Subcommittee
Senator Sarah K. Elfreth, Chair
February 26, 2024**

Thank you for the opportunity to appear before the Subcommittee today as you review the proposed operating budget for the Governor's Office of Crime Prevention and Policy (GOCPP), formerly known as the Governor's Office of Crime Prevention, Youth, and Victim Services, for fiscal year 2025. We thank our assigned DLS analyst, Ms. Madelyn Miller, for her thoughtful and thorough analysis.

As you know, the Governor recently issued an executive order, creating GOCPP and Governor's Office of Children (GOC), as two separate agencies. This allows GOCPP to focus on public safety, including justice involved children, and allows GOC to focus on ending child poverty. As we move forward with this hearing, please note that our answers regarding previous years' activities and finances are reflective of both GOC and GOCPP. As we begin to discuss FY25, I am speaking on behalf of GOCPP.

I would like to start by introducing the panel with me today and our auditor and communications director. I am grateful to our management team who are all committed to rebuilding GOCPP and serving as a coordinating office that advises the Governor on criminal justice strategies.

A significant part of GOCPP's work is making grant awards to law enforcement, victims, and children serving organizations. We are committed to awarding these funds fairly, equitably, and in accordance with the Governor's public safety priorities. We are also committed to grant transparency. Towards that end, GOCPP developed an interactive map posted on our website that shows all of our grant awards by the name of the grant, the awardee, the amount, what the funds are used for, and how to contact the awardee.

Agency Responses

Youth Placement Data: Page 10

Across all agencies, 6,037 youth experienced at least one out-of-home placement (OOHP) in fiscal 2023, compared with 6,334 in fiscal 2022, a 4.7% decrease. Exhibit 6 details OOHP per 1,000 youth by jurisdiction. Additional discussion of this report can be found in the budget analysis for D18 – GOC and N00B – DHS – Social Services Administration. However, GOCPP, DHS, DJS, DDA, and MSDE have substantively fulfilled the requirements set forth by the budget language. **The Department of Legislative Services (DLS) therefore recommends that \$100,000 in withheld funds for each of GOCPP, DHS, DJS, DDA, and MSDE be released and will process a letter to this effect if no objections are raised during the hearing.**

Agency Response: GOCPP has no objection.

State Aid for Police Protection: Page 19

In fiscal 2023 and 2024, a SAPP enhancement of \$45,878,143 was included in the budget. That figure was calculated based on a modification of the SAPP formula, which has not been made through legislation. The \$45.9 million was set by adding \$975 per sworn officer in the recipient agency, \$6.46 per jurisdictional resident, and an \$8.0 million grant to Baltimore City. The fiscal 2025 allowance provides an additional \$5.0 million in enhancement funding, for a total of \$50,878,143. It is not clear why the additional enhancement funding is needed. **DLS recommends deleting the \$5.0 million in additional SAPP enhancement funds.**

Agency Response: GOCPP disagrees. GOCPP supports the Governor's proposed budget. SAPP is a very flexible funding source for local law enforcement. Due to its less restrictive criteria and reporting requirements, SAPP allows local law enforcement agencies, large or small, to put the money to its highest use.

Personnel Data: Page 21

The fiscal 2025 allowance reflects the reduction of 5.25 contractual full-time equivalents (FTE), including 4.4 FTE from the Administrative Headquarters and 0.85 FTE from VSU. The agency reports that these are contractual conversions and that those within the Administrative Headquarters program are currently filled.

Though the agency receives 20 new positions, only 16 should be considered vacant. Funding for the 16 vacant positions does not reflect the standard 25% turnover rate that is typically applied to account for time to hire new staff. **Therefore, DLS recommends increasing turnover expectancy for the 21.0 new positions to 25%.**

Agency Response: GOCPP concurs.

Criminal Injuries Compensation Program: Page 26

According to GOCPP, no CICF balance is anticipated at the end of fiscal 2024. GOCPP notes that, as of February 2023, it has received \$312,000 in revenues from the Judiciary but processed claims valued at \$800,000. No general fund support of CICB is provided in fiscal 2025. As noted in the CICB Fiscal 2023 Annual Report, resource needs are dire. GOCPP should comment on its ability to compensate victims of crime in the remainder of fiscal 2024 and how it will resolve the negative balance. The most recent Office of Legislative Audits fiscal compliance audit of CICB was published in November 2018 and covered the period when CICB was part of DPSCS.

Though statute requires the publication of an annual report on the CICB expenditure, there is no prescribed due date. The fiscal 2022 version of the report was published on November 1, 2022, and the fiscal 2023 version was published on December 11, 2023. **In order to ensure that information about CICB's operations and budgetary concerns are promptly reported to the General Assembly, DLS recommends that \$100,000 in general funds be withheld pending the publication of the CICB Fiscal 2024 Annual Report by November 1, 2024.**

Agency Response: CICB will continue to compensate victims of crime in the remainder of fiscal 2024. GOCPP is continuing to monitor the situation and will work with DBM to address any issues that arise. GOCPP concurs with the recommendation to submit a report, but we respectfully disagree with the restriction of funds.

Victims of Crime Act Awards: Page 28 - 29

Funding in the fiscal 2025 allowance suggests that the general fund contribution to the \$60.0 million mandate will remain at exactly \$35.0 million. **GOCPP should comment on what it expects the precise dollar figure to be and whether the \$60.0 million is inclusive of administrative costs, or if \$60.0 million is the precise amount to be provided as grant funding.**

Agency Response: For FY25, GOCPP expects to provide \$60 million in grant funding to sub-recipients. This is possible by using prior years deobligated funds. GOCPP will use 5% of the federal award as administrative costs.

Additional language in the fiscal 2024 Budget Bill required the office to submit two reports on VOCA grant award data and a letter to the budget committees; \$1.5 million in general funds from the office's Administrative Headquarters was withheld for those purposes. Most of the materials were provided to the legislature on time, and the information largely met the requirements of the budget language. Accordingly, \$1.25 million in funding was already released to the agency. Some funding, \$250,000, remains withheld pending the submission of information on the competitively awarded grants by February 1, 2024. **The agency provided the requested information to the budget committees on that date, and DLS therefore recommends the release of withheld funds and will process a letter to this effect if no objections are raised during the budget hearings.**

Agency Response: GOCPP has no objection.

As VOCA funding and expenditures remain of great importance, DLS recommends adding budget language restricting funds pending the submission of two reports and a letter on the program's proposed awards, actual expenditures, available funding, and program outcomes.

Agency Response: GOCPP concurs with the recommendation to report but respectfully disagrees on the reporting requirements and the restriction of funds. With the VOCA NOFA Competitive release for FY25, much of the data requested in the three reports recommended is no longer needed. Additional reporting requirements take critical time away from awarding and monitoring sub-recipients. GOCPP is requesting to submit one comprehensive annual report, due November 1, 2024, that includes the most important and relevant data as noted below:

1. Comprehensive list of the awards made on 7/1/24: The Subrecipient Name, Award Amount, grant dates, and funding source (VOCA federal or state general)
2. Comprehensive list of the awards made in FY24: The Subrecipient Name, Award Amount, grant dates, and funding source (VOCA federal or state general)
3. The total amount awarded from VOCA federal and state general funds on 7/1/24.
4. The total funds available from prior years and the amount held in reserve for each prior year

Providing one comprehensive report provides the transparency GOCPP is committed to and allows staff to focus on core functions of administering funds and providing technical assistance to ensure compliance. It will help to ensure NOFAs and awards are made on a timely basis and staff are available to support funded projects.