

**Q00C02**  
**Division of Parole and Probation**  
**Department of Public Safety and Correctional Services**

***Operating Budget Data***

(\$ in Thousands)

|                                      | <b>FY 08</b>         | <b>FY 09</b>          | <b>FY 10</b>            | <b>FY 09-10</b>      | <b>% Change</b>          |
|--------------------------------------|----------------------|-----------------------|-------------------------|----------------------|--------------------------|
|                                      | <b><u>Actual</u></b> | <b><u>Working</u></b> | <b><u>Allowance</u></b> | <b><u>Change</u></b> | <b><u>Prior Year</u></b> |
| General Fund                         | \$87,429             | \$98,727              | \$98,139                | -\$588               | -0.6%                    |
| Contingent & Back of Bill Reductions | 0                    | 0                     | -1,836                  | -1,836               |                          |
| <b>Adjusted General Fund</b>         | <b>\$87,429</b>      | <b>\$98,727</b>       | <b>\$96,303</b>         | <b>-\$2,424</b>      | <b>-2.5%</b>             |
| Special Fund                         | 6,345                | 6,670                 | 6,384                   | -286                 | -4.3%                    |
| Contingent & Back of Bill Reductions | 0                    | 0                     | 1,348                   | 1,348                |                          |
| <b>Adjusted Special Fund</b>         | <b>\$6,345</b>       | <b>\$6,670</b>        | <b>\$7,733</b>          | <b>\$1,063</b>       | <b>15.9%</b>             |
| Reimbursable Fund                    | 286                  | 286                   | 229                     | -56                  | -19.7%                   |
| <b>Adjusted Reimbursable Fund</b>    | <b>\$286</b>         | <b>\$286</b>          | <b>\$229</b>            | <b>-\$56</b>         | <b>-19.7%</b>            |
| <b>Adjusted Grand Total</b>          | <b>\$94,059</b>      | <b>\$105,682</b>      | <b>\$104,265</b>        | <b>-\$1,417</b>      | <b>-1.3%</b>             |

- The fiscal 2010 allowance is approximately \$104.3 million, a net decrease of \$1.4 million, or 1.3%. Reductions in personnel expenses, telephone expenditures, and office equipment purchases are coupled with a \$488,000 across-the-board reduction for the deferred compensation match. There is also a contingent reduction replacing \$1.4 million in general funds with special funds to be generated through an increase in the Drinking Driver Monitor Program fee.

Note: Numbers may not sum to total due to rounding.

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## ***Personnel Data***

|                        | <b><u>FY 08<br/>Actual</u></b> | <b><u>FY 09<br/>Working</u></b> | <b><u>FY 10<br/>Allowance</u></b> | <b><u>FY 09-10<br/>Change</u></b> |
|------------------------|--------------------------------|---------------------------------|-----------------------------------|-----------------------------------|
| Regular Positions      | 1,356.00                       | 1,301.00                        | 1,301.00                          | 0.00                              |
| Contractual FTEs       | <u>90.85</u>                   | <u>129.40</u>                   | <u>129.40</u>                     | <u>0.00</u>                       |
| <b>Total Personnel</b> | <b>1,446.85</b>                | <b>1,430.40</b>                 | <b>1,430.40</b>                   | <b>0.00</b>                       |

### ***Vacancy Data: Regular Positions***

|   |       |       |
|---|-------|-------|
| Turnover and Necessary Vacancies, Excluding New Positions | 86.26 | 6.63% |
| Positions and Percentage Vacant as of 12/31/08            | 88.50 | 6.80% |

## ***Analysis in Brief***

### **Issues**

***Monitoring Tools for Use on High-risk and Sexual Offenders:*** In fiscal 2008, the Governor added \$2.0 million to enhance the oversight of sexual offenders. An additional \$3.1 million was added in fiscal 2009 to create the Violence Prevention Unit to enhance monitoring of high-risk offenders. Some of the tools parole and probation agents were to utilize with these special offender populations included global positioning satellite (GPS) tracking, polygraph testing, monitoring of computer use, and increased treatment services. Despite funding in the budget for the past two years, none of these tools have been utilized to enhance monitoring. **The Department of Public Safety and Correctional Services (DPSCS) should comment on what has caused the delay in implementing enhanced supervision tools, such as GPS tracking, polygraph testing, and computer monitoring for sexual and high-risk offenders, and when it expects these tools to become available. The department should explain what types of enhanced supervision are being utilized in place of these tools.**

***Technical Violators and Community Corrections:*** Across the country, technical violators are contributing significantly to the growth in state prison systems. It is suspected that this is also an issue for Maryland; however, DPSCS cannot differentiate between offenders whose supervision is revoked for a technical violation or new offense. It is possible that at least a portion of the reincarcerated technical violator population could be addressed through the department's new community corrections system. Components of the new system include transferring responsibility of the pre-release system to the Division of Parole and Probation (DPP); developing a half-way back model for intermediate sanctions; and providing increased authority to parole and probation agents to alter conditions of supervision and serve violation of probation warrants. **DPP should identify the steps it is taking to distinguish between revocations for technical violations and new offenses in the future. The agency should also comment on its progress toward developing intermediate sanctions. The Department of Legislative Services (DLS) recommends the department submit a report assessing the impact of technical violators on the supervision and correctional functions.**

**The report should also examine potential alternatives for handling the technical violator population.**

***Violence Prevention Initiative:*** The Violence Prevention Initiative (VPI) is an enhanced criminal supervision program for offenders who indicate a propensity toward violence. It was implemented statewide in August 2007. The purpose of VPI is to provide a containment style of intensive supervision to prevent violent offenders from reoffending and contributing to increased recidivism rates. After more than one year of implementation, VPI has seen significant increases in the number of cases, and the agency is considering altering its criteria for placement in the program. Creation of the VPI and participation in StateStat has improved the agency's communication with other law enforcement agencies, but there are still no clear indicators of the effectiveness of the new supervision model. **DPP should address changes to VPI criteria and explain why VPI cases have increased since August 2008. DLS recommends that DPP submit a report to the budget committees identifying possible outcome measures for determining the effectiveness of using the VPI containment model of intensive supervision.**

## **Recommended Actions**

1. Adopt narrative requiring a report be submitted assessing the impact of technical violators on the correctional system.
2. Add language restricting funds to be used for vehicle purchases for that purpose only.
3. Adopt narrative directing the Division of Parole and Probation to develop outcome measures for the Violence Prevention Initiative.

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**Division of Parole and Probation**  
**Department of Public Safety and Correctional Services**

## ***Operating Budget Analysis***

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### **Program Description**

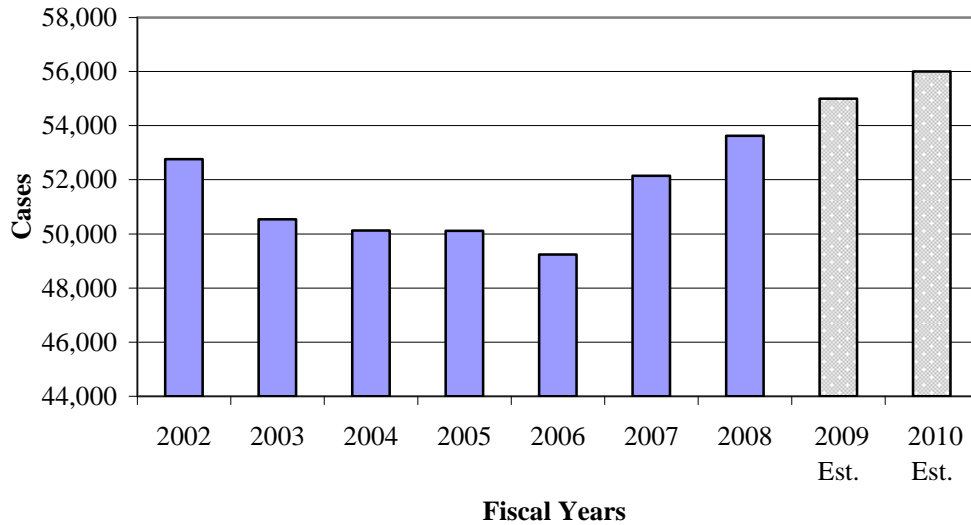
The Division of Parole and Probation (DPP) provides offender supervision and investigation services. DPP's largest workload involves the supervision of probationers assigned to the division by the courts. DPP also supervises inmates released on parole by the parole commission or released from the Division of Correction (DOC) because of mandatory release. Offenders can also be placed under DPP supervision through assignment by drug courts. The Drinking Driver Monitor Program (DDMP) supervises offenders sentenced by the courts to probation for driving while intoxicated or driving under the influence. DPP also supervises offenders in the Correctional Options Program, which diverts offenders from the prison system whose criminal acts result from drug abuse. In addition, in fiscal 2008, the division created the Community Surveillance and Enforcement Program to provide an alternative to incarceration for eligible offenders through the use of electronic monitoring and case management services. This new program includes the Central Home Detention Unit and the Warrant Apprehension Unit. Finally, the Violence Prevention Unit, also created in fiscal 2008, is a statewide program to identify offenders whose risk factors and criminal histories indicate a propensity for violence and then provide those offenders with enhanced supervision.

### **Performance Analysis: Managing for Results**

**Exhibit 1** shows the number of offenders with active cases under supervision at the end of the fiscal year since fiscal 2002. The total number of offenders has increased 8.9%, or by 4,300 offenders, since the most recent low in fiscal 2006. Between fiscal 2002 and 2006, active cases declined by 6.7%, or by 3,500 cases. **DPP should comment on why it believes active cases are again on the rise and how it is managing the increase within its existing supervision resources.**

Given that the agency operates with approximately 80,000 cases annually, of which more than 50,000 are active, it is an important goal for DPP to maintain good management and efficient operations. In order to maintain an accurate reflection of current caseloads and keep track of who is or is not under supervision, DPP tries to expunge all cases that have reached their legal expiration date from their active caseloads in a timely manner. The agency's goal since fiscal 2005 is to ensure that at least 90% of its nondelinquent cases are closed no later than 60 days after they reach their legal expiration. This ensures that reported active caseloads are not artificially inflated. **Exhibit 2** reflects the agency's abilities to meet this objective. Fiscal 2006 was the only year in which the 90% target was achieved. Since fiscal 2006, the percentage of cases closed in a timely fashion has declined, with only 78% of cases closed within 60 days of reaching legal expiration. **DPP should comment on why it is struggling to meet its target and whether this is contributing to the reported increases in active caseloads, as seen in Exhibit 1. The agency should also discuss how the loss of 47 clerical and administrative support positions due to fiscal 2009 cost containment may impact agency operations relating to this measure.**

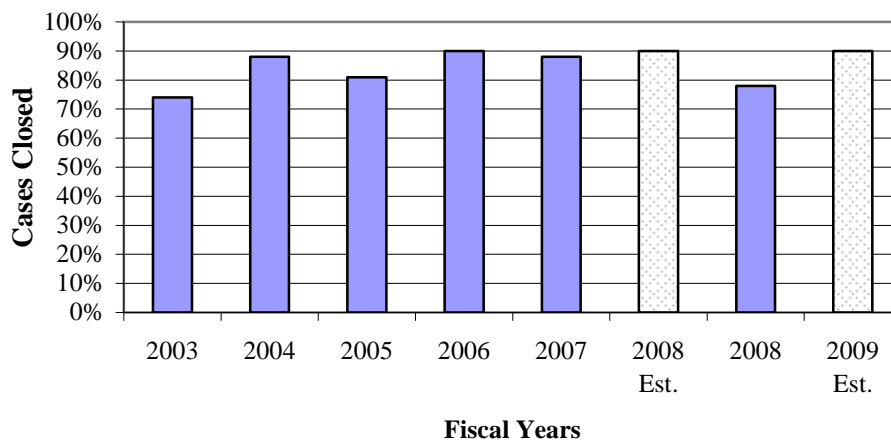
**Exhibit 1**  
**Division of Parole and Probation**  
**Active Cases at End of Fiscal Year**  
**Fiscal 2002-2009 Est.**



Source: Governor’s Budget Books, Fiscal 2010

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**Exhibit 2**  
**Timeliness of Expunging Legally Expired Cases**  
**Fiscal 2003-2009 Est.**



Source: Governor’s Budget Books, Fiscal 2010

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## **Fiscal 2009 Actions**

### **Impact of Cost Containment**

Fiscal 2009 cost containment actions reduced the DPP appropriation by approximately \$4.6 million. The majority of the reduction, \$4.2 million, was personnel related, with the loss of 47 positions and across-the-board reductions to health insurance and Other Post Employment Benefit payments. The abolished positions included 2 administrators responsible for implementing the new community corrections model, 1 case management specialist, and 44 office support positions. DPP believes that the loss of these positions will limit the time parole and probation agents can spend in the field because it will increase their administrative workloads. Additional actions reducing funding for travel, motor vehicle replacements, and urinalysis and psychological testing totaled approximately \$308,000.

### **Proposed Budget**

As seen in **Exhibit 3**, the Governor's fiscal 2010 allowance for DPP decreases by approximately \$1.4 million. Reductions in personnel expenses account for approximately 90.6%, or \$1.2 million. This is largely the result of increased budgeted turnover expectancy and a \$488,000 reduction due to an across-the-board deletion of the deferred compensation match. Currently, DPP only has two more vacancies than the number needed to meet budgeted turnover. DPSCS has made a departmentwide effort in fiscal 2009 to improve its hiring abilities, particularly for correctional officer and parole and probation agent positions. The increased turnover rate will prohibit the agency from hiring any additional personnel to handle its caseloads and continue implementation of its community corrections plan or Violence Prevention Initiative. DPP could also see an additional decrease in vacancies if positions are lost as a result of the Back of the Bill reduction of 400 DPSCS vacancies. It is not yet clear which DPSCS agencies will lose positions, but any significant losses for DPP would place the agency below budgeted turnover. This would require either additional funding to cover current salary costs or DPP would have to hold positions open as they became vacant over the course of the fiscal year. **DPP should comment on how the high budgeted turnover and potential loss of additional positions will impact the agency's operations and agent caseloads.**

The fiscal 2010 allowance does include slight increases for specific areas within the agency. Growth for the inmate medical contracts totals \$359,000, reflective of DPP's assuming responsibility of the Central Home Detention Unit in fiscal 2008. The division's share of inmate medical costs, a total of \$2.0 million, represents approximately 1.3% of the entire inmate medical contracts. The allowance also includes \$351,000 for the purchase of new vehicles for parole and probation agents, an increase of \$117,000 over the fiscal 2009 working appropriation. Fiscal 2010 is scheduled to be the final year of a five-year plan to increase the division's fleet in order to better equip agents with reliable transportation while in the field and reduce the agency's mileage reimbursement expenditures. In both fiscal 2008 and 2009, however, the division had to defer the scheduled purchase of motor vehicles because of other fiscal priorities and cost containment reductions. **DPP should comment on the reliability of its current vehicles and whether it is still on schedule for completing its fleet enhancement plan in fiscal 2010. The Department of Legislative Services (DLS) recommends language restricting the appropriation for motor vehicle purchases to that purpose only.**

**Exhibit 3**  
**Proposed Budget**  
**DPSCS Division of Parole and Probation**  
**(\$ in Thousands)**

| <b>How Much It Grows:</b>  | <b>General<br/>Fund</b> | <b>Special<br/>Fund</b> | <b>Reimb.<br/>Fund</b> | <b>Total</b>   |
|----------------------------|-------------------------|-------------------------|------------------------|----------------|
| 2009 Working Appropriation | \$98,727                | \$6,670                 | \$286                  | \$105,682      |
| 2010 Allowance             | <u>98,139</u>           | <u>6,384</u>            | <u>229</u>             | <u>104,753</u> |
| Amount Change              | -\$588                  | -\$286                  | -\$56                  | -\$930         |
| Percent Change             | -0.6%                   | -4.3%                   | -19.7%                 | -0.9%          |
| Contingent Reductions      | -\$1,836                | \$1,348                 | 0                      | -\$488         |
| Adjusted Change            | -\$2,424                | \$1,063                 | -\$56                  | -\$1,417       |
| Adjusted Percent Change    | -2.5%                   | 15.9%                   | -19.7%                 | -1.3%          |

**Where It Goes:**

**Personnel Expenses**

|  |        |
|--|--------|
| Increments and other compensation .....                      | \$54   |
| Overtime .....   | 87     |
| Employee and retiree health insurance .....                  | 1,327  |
| Workers' compensation premium assessment .....               | 212    |
| Back of Bill reduction for deferred compensation match ..... | -488   |
| Turnover adjustments .....                                   | -2,543 |
| Other fringe benefit adjustments .....                       | 67     |

**Other Changes**

|  |      |
|--|------|
| Inmate medical care for Central Home Detention inmates .....                   | 359  |
| Motor vehicle purchases for field agents .....                                 | 117  |
| Global positioning satellite tracking for sexual and high-risk offenders ..... | 112  |
| Increase contractual turnover expectancy .....                                 | -193 |
| Reduce phone expenditures in line with fiscal 2008 actual spending .....       | -185 |
| Cost containment action to eliminate CSAFE management study .....              | -175 |
| One-time office equipment purchases .....                                      | -143 |
| Other .....  | -24  |

**Total** **-\$1,417**

CSAFE: Collaborative Supervision and Focused Enforcement

Note: Numbers may not sum to total due to rounding.

The Governor's allowance also includes \$477,000 for global positioning satellite (GPS) tracking of sexual offenders and targeted high-risk offenders. The \$112,000 increase restores the reduction taken for fiscal 2009 cost containment. This is the third year of funding GPS tracking, yet there have been no expenditures in fiscal 2008 or 2009.

### **Impact of Cost Containment**

Fiscal 2009 cost containment actions specific to agency operations generate \$2.4 million in ongoing savings for fiscal 2010. This is largely the result of the 47 abolished positions. Fiscal 2010 identified cost containment actions total approximately \$663,000. The allowance is reduced by approximately \$488,000 as a result of across-the-board deletion of the deferred compensation match. The additional \$175,000 reduction is due to the elimination of a management study conducted by the University of Maryland on the Collaborative Supervision and Focused Enforcement program. The purpose of the study was to evaluate the efforts of state and local public safety agencies, along with community organizations, to reduce crime and recidivism in targeted areas. DPP does not believe there will be any impact on agency operations targeting offender supervision.

### **Fiscal 2010 Contingent Reduction**

The fiscal 2010 budget bill includes a \$1.4 million contingent general fund reduction for DPP. The reduction is contingent on the enactment of legislation eliminating the sunset provision of the DDMP fee and increasing the monthly fee by \$10 per month. Currently, DDMP participants are required to pay a \$45 monthly fee, in addition to the \$40 monthly supervision fee assessed to all DPP supervisees. The DDMP fee is scheduled to sunset at the end of fiscal 2010. Enactment of the legislation would make the fee permanent and increase it from \$45 to \$55 per month. Coupled with the \$40 monthly supervision fee, the legislation would increase total DDMP participant payments to \$95 per month.

The DDMP program fee was created through legislation in fiscal 2006 as a special fund to help support the operations of the program. Since implementation of the fee, the special funds collected have funded the majority of the program's operations. On average, \$6.3 million in special funds is collected annually. The program's operating budget expends approximately \$7.8 million. General fund deficiency appropriations and special fund cancellations have been required in prior years to cover shortfalls in DDMP fee collections. The \$1.4 million reduction in general funds is based on a special fund increase of the same amount generated through the increase in the DDMP program fee. The current general fund appropriation in the fiscal 2010 allowance for DDMP is \$2.7 million. Even with the fee increase, the program would still require an additional \$1.5 million in general funds or a significant reduction in supervision resources. Furthermore, if the sunset provision were to remain in place, it would also mean that after fiscal 2010, DDMP would need to be fully supported through general funds.

When this action was first introduced during the 2008 session, one area of concern was the impact to the general fund because of the supervision fee waiver rate for DDMP participants. Since the DDMP program fee is not court-ordered, it cannot be waived. However, the \$40 monthly supervision fee is court-imposed, and DPP has estimated it is waived in approximately 46% of DDMP cases. Supervision fees are currently paid into the general fund. If the DDMP fee were to

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increase, it is possible that if the higher DDMP fee is seen as an increased burden on DDMP participants, the waiver rate for the supervision fee might increase, thus reducing available general funds.

## ***Issues***

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### **1. Monitoring Tools for Use on High-risk and Sexual Offenders**

Enhanced community supervision of sexual and other high-risk offenders has been a major initiative of the current administration. In fiscal 2008, the Governor added \$2 million to enhance the oversight of sexual offenders. An additional \$3.1 million was added in fiscal 2009 to create the Violence Prevention Initiative (VPI) to enhance monitoring of high-risk offenders with a propensity toward violence. Some of the tools parole and probation agents were to utilize with these special offender populations included global positioning satellite tracking, polygraph testing, monitoring of computer use, and increased treatment services. The fiscal 2010 allowance includes nearly \$750,000 to support the use of these tools. Despite two years of funding in the budget, none of these enhanced supervision tools have been utilized to provide stricter monitoring. The department indicates that it has been encountering significant issues with regard to its approach for expediting the Request for Proposal (RFP) process.

As it currently stands, the RFP for computer monitoring is currently under review by the Department of Information Technology, and the RFP for polygraph testing is under review by the DPSCS Procurement Office. Both of these RFPs have anticipated issue dates of February 2009. Because there are currently no contracts in place to provide these services, eligible sexual offenders are not subject to these supervision conditions. DPP estimates that in fiscal 2010, if a contract is awarded, approximately 175 offenders will be assigned to computer monitoring and 300 offenders will receive an average of two polygraph examinations as part of their supervision plans.

DPP began enrolling offenders in its GPS tracking system in January 2009, nearly two years after the administration began appropriating funds for it. DPP is focusing the majority of its efforts on sexual and VPI offenders who are returning to Baltimore City upon release from incarceration. DPP has identified approximately 312 offenders who meet the criteria for being assigned GPS supervision, but currently there are no offenders actually being monitored. The agency hopes to have offenders under actual GPS supervision by the end of fiscal 2009 and expand in fiscal 2010.

The department has been estimating the number of offenders eligible for enhanced supervision conditions since new sexual offender legislation was passed during the 2006 session. Funds have been appropriated to support these programs, and yet they have not been provided. In addition, fiscal 2008 closeout for DPP revealed that the agency lost approximately \$7.2 million due to general fund realignment throughout the department. A portion of the funds used for realignment were available because these enhanced supervision tools, such as GPS tracking, were not being utilized.

**DPSCS should comment on what has caused the delay in implementing enhanced supervision tools, such as GPS tracking, polygraph testing, and computer monitoring for sexual and high-risk offenders, and when it expects these tools to become available. The department should explain what types of enhanced supervision are being utilized in place of these tools.**

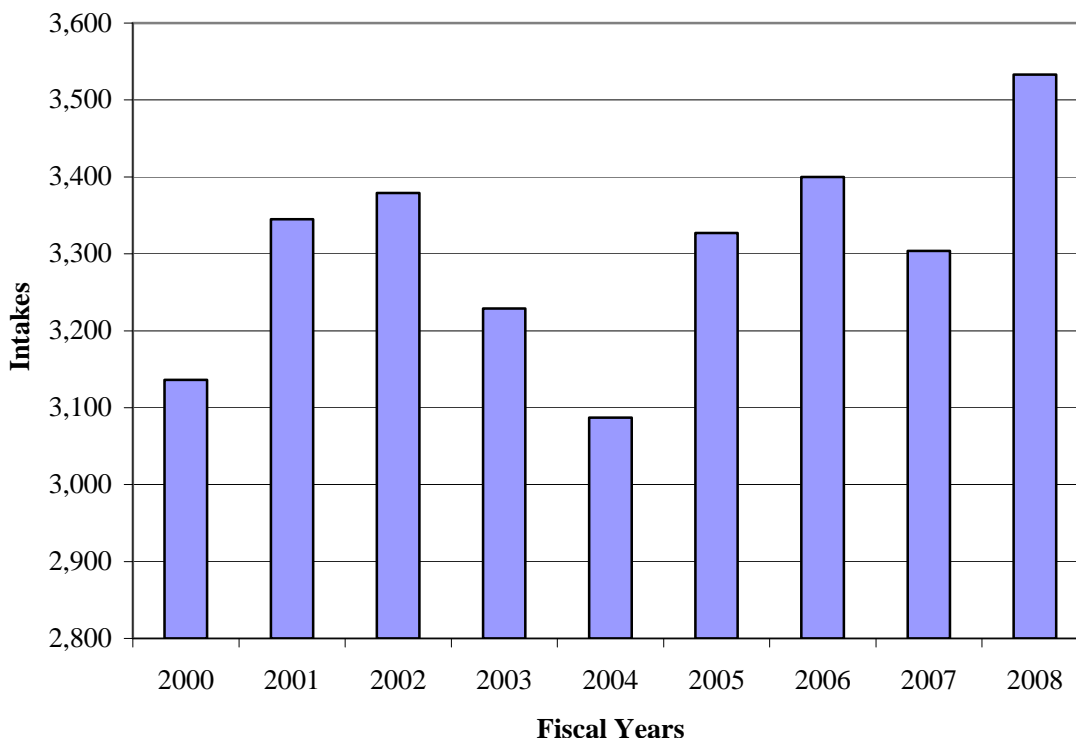
## 2. Technical Violators and Community Corrections

### Technical Violators

Across the country, technical violators are contributing significantly to the growth in state prison systems. According to the U.S Department of Justice, in fiscal 2006, 35.0% percent of all state prison admissions across the country were the result of offenders returned to incarceration for parole violations, not new convictions. This may also be an issue for Maryland. **Exhibit 4** shows the growth in the number of intakes into DOC due to a revocation of parole or mandatory release status. These intakes have accounted for at least 20.0% of the annual total intake population since fiscal 2001. Intakes due to parole/mandatory release status have increased 14.4% since the most recent low in fiscal 2004, and accounted for approximately 24.0% of all intakes in fiscal 2008.

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**Exhibit 4**  
**Division of Correction**  
**Intakes Due to Return from Parole/Mandatory Release**  
**Fiscal 2000-2008**



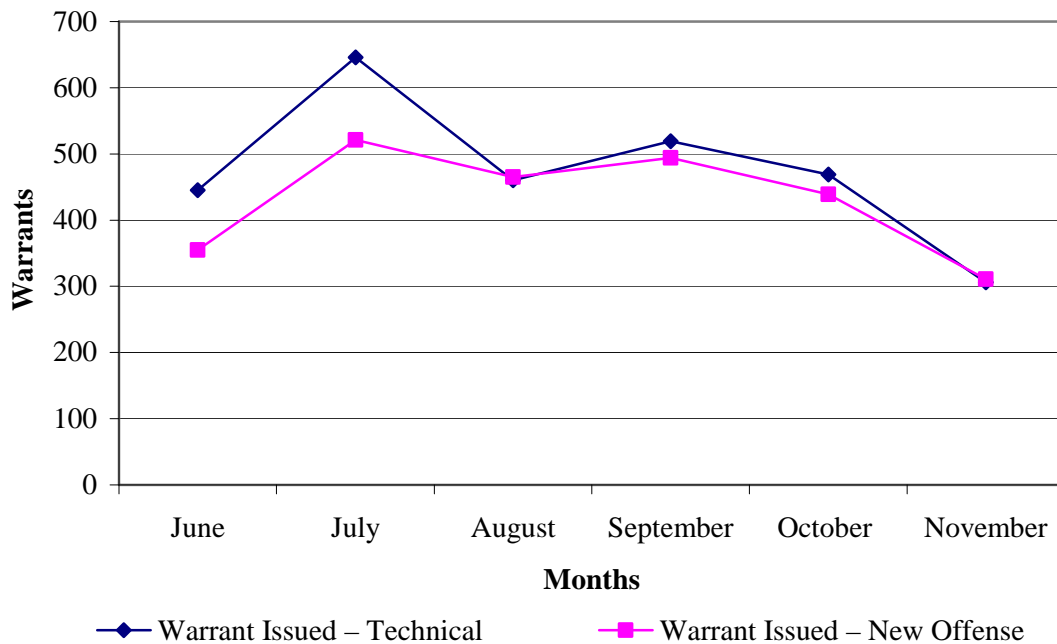
Source: Division of Correction Fiscal 2008 Annual Report

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DPSCS cannot currently differentiate between offenders whose supervision is revoked for a technical violation versus a new offense. The intake due to revocation data also does not include intakes that have had probation status revoked. In June 2008, DPP began reporting, as part of StateStat participation, the number of warrants issued for technical and new offenses to DPP supervisees. **Exhibit 5** provides the first six months worth of data which indicates that more warrants are being issued for technical violations than for new offenses. It is important for the State to understand the magnitude of the technical violator issue in Maryland because it has significant population and fiscal impacts. **DPP should identify what steps it is taking to be able to track revocations for technical violations versus a new offense in the future.**

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**Exhibit 5**  
**Division of Parole and Probation**  
**New Warrants Issued**  
**Technical vs. New Offense**  
**2008**



Source: Division of Parole and Probation StateStat

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## Community Corrections Model

Under the current system, when an offender commits a technical violation, the options are to continue under supervision or be reincarcerated for the remainder of the offender's sentence. This

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decision is made by the courts or the Maryland Parole Commission, depending on the type of supervision. It is possible that at least a portion of the reincarcerated technical violator population could be addressed through the department's new community corrections system. The new model includes three main components:

- transfer responsibility of the DOC pre-release system to DPP in order to create a smoother transition from incarceration to community supervision;
- develop a “halfway in/out” model for intermediate sanctions; and
- provide increased authority to parole and probation agents to alter conditions of supervision and execute violation of probation warrants.

The first component, transfer of the pre-release system, began in January 2008 with coordinated evidence-based training and town hall meetings between DPP and DOC staff. The agencies have created a joint internal transition team to oversee the implementation of the new model. The transfer will be accomplished in five phases and is anticipated to take approximately three years to complete. DPP assumed management and oversight of three Community Adult Rehabilitation Centers and the Baltimore Pre-release facilities at the start of fiscal 2009. The remainder of the Baltimore facilities will be transferred by the end of fiscal 2010. Transfer of the western region facilities will begin and end during fiscal 2010, and the eastern and southern facilities transfers will occur during fiscal 2011. Funding and positions associated with the operation of the pre-release facilities will be transferred to the DPP budget once all phases are complete.

The second element, creating intermediate sanctions and a method for using pre-release facilities as “halfway in/out” community sanction sites, is still in the early stages of development. The agency has referenced several states as potential examples of intermediate sanctioning models. Texas operates a pre-release facility specifically designed for inmates with substance abuse problems who are within seven months of parole. Virginia operates diversion centers which hold parole and probation violators for 24 weeks for noncompliant behavior, as opposed to returning them to prison for the remainder of their sentence. Washington has 15 work release centers that target inmates without a stable home environment or family to return to when they are released. Iowa implements a shock probation program, giving first-time offenders a 90-day incarceration sentence followed by community supervision. The goal is to shock the offender with the harsh conditions of incarceration in the hope of deterring them from reoffending.

DPP has not provided a timeline for developing and implementing a sanctioning model for Maryland because the primary objective is to transfer the pre-release system. The agency continues to explore its options with regard to intermediate sanctions. Depending on what model is chosen, it is not clear whether statutory changes or interagency agreements would be required in order to accomplish such significant changes in supervision. Additional concern exists with whether the department can accommodate an influx of inmates for shorter sentences within existing resources. Halfway in/out sanctioning would likely increase the traffic flow within secured facilities, unless certain institutions were dedicated for specific purposes. It is not clear that adequate bed space exists to accommodate that type of a system. **DPP should comment on its progress toward developing intermediate sanctions and a “halfway in/out” model of sanctioning. The agency should also**

*Analysis of the FY 2010 Maryland Executive Budget, 2009*

**identify any statutory changes or agreements with other governmental entities that would be required in order to implement the model.**

The final component of implementing the new community corrections model would provide increased authority to parole and probation agents to alter conditions of supervision and serve violation of probation warrants. Under the current system, DPP agents have the authority to serve warrants for mandatory release and parole supervision violations; however, agents must utilize the court system in order to get a warrant for probation violators. In addition, conditions of supervision are set either by the Maryland Parole Commission (MPC) or the courts. This does not provide an agent with any authority to impose or vary sanctions depending on the circumstances of a case, which might change in the course of supervision. In some instances, especially when monitoring offenders who require intensive supervision, reaction to noncompliant behavior needs to be immediate; however, changing the supervision order requires an appearance before the court or MPC, which can slow the process and increase caseloads for these entities. In addition, the lack of intermediate sanctions may be increasing revocations because agents have no other alternative for reprimanding an offender.

Legislation to allow certain DPP staff to serve violation of probation warrants was introduced during the 2008 legislative session but was not passed. The department is hoping to reintroduce the legislation during the 2009 session as part of its plan to further enhance public safety by giving the director of DPP the power to authorize certain staff that are trained and certified in law enforcement to execute bench warrants for violation of probation, in addition to the current authority to serve warrants for mandatory/parole supervision violations. DPP is also working with MPC to revise the conditions of parole and mandatory supervision release to enable DPP to refer offenders who have identified needs and meet specific criteria to treatment services, testing, and electronic monitoring, and/or impose restrictions that will contain the offender's behavior and support the supervision case plan. Providing this type of authority for probationers would require cooperation of the courts. Giving agents increased authority and flexibility to alter conditions of supervision works best however, when set intermediate sanctioning guidelines are in place. DPP has not yet developed such guidelines.

**DLS recommends that DPSCS be required to submit a report to the budget committees assessing the impact of technical violators on the supervision and correctional functions. The report should estimate the impact of technical violators on both the population and the department's budget. The department should also analyze and report on possible alternatives for handling technical violators, specifically looking into statutory restrictions for reincarceration, dedicating programs or facilities specifically to technical violator populations, and providing rewards or good time credits for compliant offenders.**

### **3. Violence Prevention Initiative**

VPI is a statewide program to identify offenders whose risk factors and criminal histories indicate a propensity for violence and then provide those offenders with enhanced supervision. The initiative was implemented in Baltimore City in July 2007 and throughout the State in August 2007.

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The estimated fiscal 2010 cost of the VPI program is \$7.2 million, or 7.3% of the agency's general fund budget.

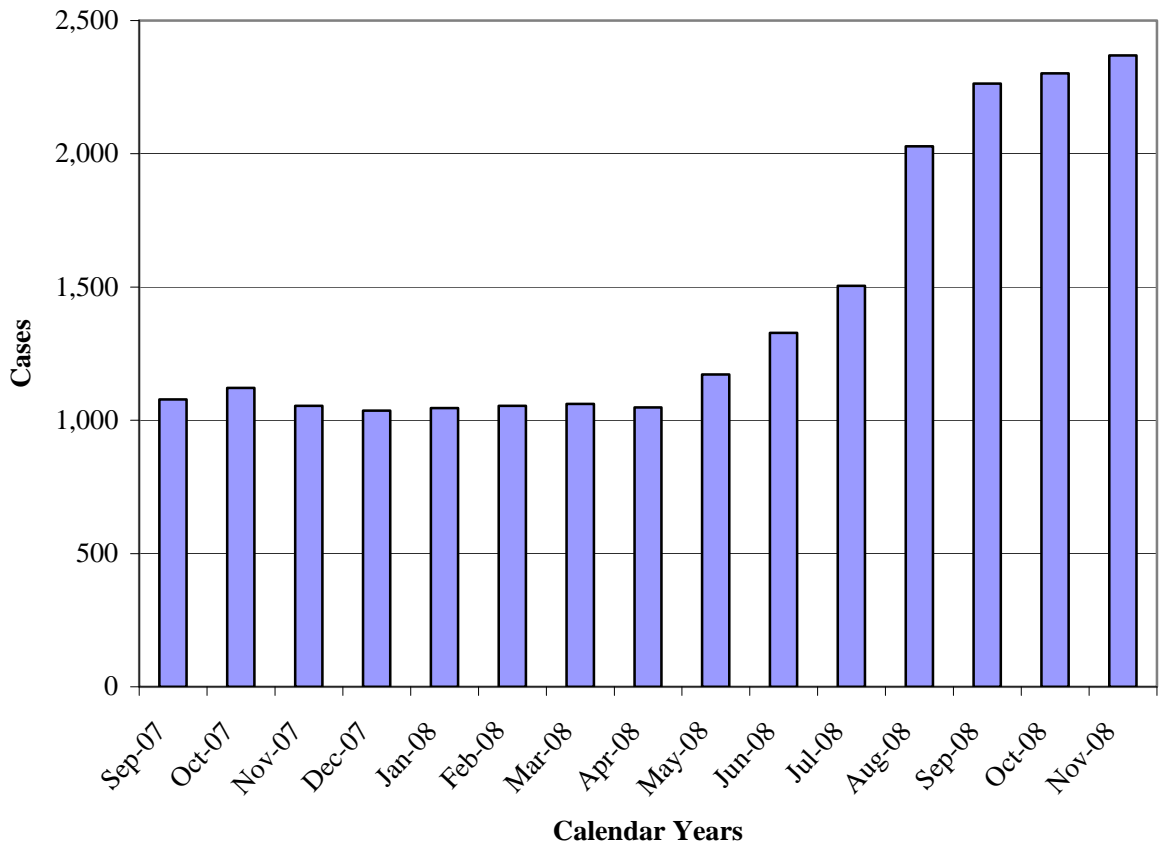
Every offender who is assigned to supervision with the division is screened for referral to VPI. When the program was first implemented, criteria for being placed into VPI included:

- If the offender meets the criteria set forth in (a), (b), and (c) or meets (a) and (b) and has been the victim of a shooting, the offender must be referred to VPI:
  - (a) 29 years or younger;
  - (b) current offense is for felony drug; felony assault; armed robbery; possession of handgun; carjacking; kidnapping, or murder;
  - (c) has seven or more prior arrests – including juvenile arrests;
- certification as a high ranking gang member;
- release to parole from administrative segregation and/or assaulted staff or inmates resulting in serious injury while incarcerated; and
- recommendation for placement in VPI by DOC, Maryland Parole Commission, DPP, police department, or State's Attorney.

After one year of implementation, DPP has indicated that it is revising its criteria for inclusion in VPI. **The agency should address how and why the criteria are changing and whether that will impact current VPI caseloads.**

**Exhibit 6** shows the growth in VPI cases since the agency began tracking data in September 2007. The number of VPI cases was relatively steady (near 1,100 cases) for the first nine months of implementation. Since August 2008, VPI has seen a significant increase in cases dedicated to the program, from 1,500 in August to more than 2,300 in November 2008. The agency has 71 agents who are assigned VPI cases and has not received additional positions to support VPI. This would provide caseload to agent ratios of approximately 32:1, slightly above the targeted 30:1 ratio. **DPP should comment on why it has seen a spiked increase in the number of VPI cases since August 2008.**

**Exhibit 6**  
**Violence Prevention Initiative Cases**  
**September 2007-November 2008**



Source: Division of Parole and Probation StateStat

Being one of the major initiatives of this Administration and representing a significant amount of DPP general fund resources, **DLS recommends that the division submit a report to the budget committees identifying possible outcome measures for determining the effectiveness of using the VPI containment model of intensive supervision.**

The most noteworthy impact of the creation of the VPI and the division's participation in StateStat has been improved communication between DPP and other law enforcement agencies. Maryland, Virginia, and the District of Columbia are now sharing daily arrest data of offenders on parole and probation. Names of VPI offenders are being shared with local law enforcement and warrant prioritizing and accountability systems are being put in place. Aside from this, however, there are still no clear indicators of the effectiveness of the new supervision model. DPP notes that in 2004, 32% of homicide suspects were under DPP supervision at the time of arrest, and since the start of VPI, only eight supervisees have been rearrested for murder. At the same time, the average number

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of warrants issued for all new offenses since the start of the program equates to one warrant for every 19 VPI offenders. This indicates that while offenders might not be arrested for murder, they are still contributing to recidivism by committing other new offenses.

## ***Recommended Actions***

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1. Adopt the following narrative:

***Technical Violator Impact Assessment:*** The committees direct the Department of Public Safety and Correctional Services to submit a report assessing the impact of technical violators on the supervision and correctional functions. The report should specifically estimate the population and fiscal impact on the Division of Correction and Division of Parole and Probation. The report should also analyze possible alternatives for handling the technical violator population, specifically examining statutory restrictions for reincarceration, dedicating programs or facilities specifically to the technical violator population, and providing rewards or good time credits for compliant offenders. The report shall be submitted to the budget committees no later than December 1, 2009.

| <b>Information Request</b>           | <b>Author</b> | <b>Due Date</b>  |
|--------------------------------------|---------------|------------------|
| Technical Violator Impact Assessment | DPSCS         | December 1, 2009 |

2. Add the following language to the general fund appropriation:

, provided that \$351,414 of this appropriation made for the purpose of purchasing motor vehicles may only be expended for that purpose. Funds not expended for this restricted purpose may not be transferred by budget amendment or otherwise to any other purpose, and shall revert to the general funds.

**Explanation:** This language restricts the Division of Parole and Probation's (DPP) appropriation for the purchase of motor vehicles for that purpose only. During the 2004 session, the budget committees expressed concern about the safety of DPP employees while working out in the field. As a result, DPP developed a five-year plan for enhancing its vehicle fleet for parole and probation agents. Fiscal 2010 was to be the final year of the enhancement. For the past two years, however, DPP has deferred vehicle purchases in order to fund other competing priorities. The committees continue to believe that the safety of field agents is of great importance; this language ensures that the division will provide the necessary vehicles to support that.

3. Adopt the following narrative:

***Measuring the Effectiveness of the Violence Prevention Initiative:*** The committees direct the Division of Parole and Probation (DPP) to submit a report identifying potential outcome measures for determining the effectiveness of using the Violence Prevention Initiative (VPI) containment model of intensive supervision. VPI has been a major initiative of the current administration, yet after one year of implementation, there are no clear indicators of its effectiveness. Development and careful monitoring of VPI outcome measurements will assist DPP and the General Assembly in ensuring that the focused dedication of resources for this

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program is producing the desired outcome of preventing violent offenders from reoffending and contributing to increased recidivism rates. The report shall be submitted to the committees no later than September 1, 2009.

| <b>Information Request</b> | <b>Author</b> | <b>Due Date</b>   |
|----------------------------|---------------|-------------------|
| VPI Outcome Measures       | DPP           | September 1, 2009 |

***Current and Prior Year Budgets***

**Current and Prior Year Budgets**  
**Division of Parole and Probation**  
(\$ in Thousands)

| <b>Fiscal 2008</b>               | <b><u>General<br/>Fund</u></b> | <b><u>Special<br/>Fund</u></b> | <b><u>Federal<br/>Fund</u></b> | <b><u>Reimb.<br/>Fund</u></b> | <b><u>Total</u></b> |
|----------------------------------|--------------------------------|--------------------------------|--------------------------------|-------------------------------|---------------------|
| Legislative<br>Appropriation     | \$84,999                       | \$8,173                        | \$0                            | \$393                         | \$93,565            |
| Deficiency<br>Appropriation      | 1,500                          | -1,500                         | 0                              | 0                             | 0                   |
| Budget<br>Amendments             | 930                            | 400                            | 0                              | 0                             | 1,330               |
| Cost Containment                 | 0                              | 0                              | 0                              | 0                             | 0                   |
| Reversions and<br>Cancellations  | 0                              | -728                           | 0                              | -107                          | -835                |
| <b>Actual<br/>Expenditures</b>   | <b>\$87,429</b>                | <b>\$6,345</b>                 | <b>\$0</b>                     | <b>\$286</b>                  | <b>\$94,060</b>     |
| <b>Fiscal 2009</b>               |                                |                                |                                |                               |                     |
| Legislative<br>Appropriation     | \$102,513                      | \$6,658                        | \$0                            | \$286                         | \$109,457           |
| Cost Containment                 | -4,631                         | -64                            | 0                              | 0                             | -4,695              |
| Budget<br>Amendments             | 845                            | 76                             | 0                              | 0                             | 921                 |
| <b>Working<br/>Appropriation</b> | <b>\$98,727</b>                | <b>\$6,670</b>                 | <b>\$0</b>                     | <b>\$286</b>                  | <b>\$105,683</b>    |

Note: Numbers may not sum to total due to rounding.

## **Fiscal 2008**

General fund spending for fiscal 2008 was approximately \$87.4 million, an increase of \$2.4 million over the legislative appropriation.

- A \$1.5 million deficiency appropriation was needed to cover shortfalls in the collection of fees used to support the Drinking Driver Monitor Program.
- Budget amendments increased the appropriation by approximately \$930,000. The realignment of funds throughout the department combined for a \$7.2 million decrease. Funds were available for realignment because of overbudgeted salaries and wages in relation to actual turnover, telephone, in-state travel, and urinalysis testing expenditures. The deferral of vehicle replacements and implementation of sex offender monitoring practices such as global positioning system tracking, computer monitoring, and polygraph testing also made funds available for realignment. These reductions were offset by a \$1.2 million increase from the cost-of-living adjustment (COLA) amendment that was budgeted centrally in the Department of Budget and Management; a \$707,000 increase from available funds due to the closure of the Maryland House of Correction; and a \$6.3 million increase from the departmental reorganization to transfer the Home Detention Unit from the Division of Correction to the Division of Parole and Probation.

Special fund expenditures totaled approximately \$6.3 million in fiscal 2008, a decrease of approximately \$1.8 million below the legislative appropriation.

- DPP's attempt to fund the DDMP solely through program fees fell short by approximately \$1.5 million. As a result, there was a deficiency appropriation which increased general funds and decreased special funds by \$1.5 million correspondingly due to the underattainment of revenue from the DDMP fees.
- The division had two budget amendments totaling approximately \$400,000. The COLA amendment increased the appropriation by approximately \$118,000 and \$282,000 was provided from the transfer of the Home Detention Unit from the DOC.
- The division also cancelled approximately \$728,000 due to lower than anticipated revenues from DDMP, administrative, and home detention monitoring fee collections.

Reimbursable fund spending in fiscal 2008 was approximately \$286,000. The division cancelled nearly \$107,000 due to the expiration of grant funding from the High Intensity Drug Trafficking Areas program.

## **Fiscal 2009**

The fiscal 2009 general fund working appropriation is approximately \$98.7 million. This is a decrease of \$3.8 million from the legislative appropriation.

- Cost containment actions reduced the appropriation by approximately \$4.6 million. The majority of the reduction, \$4.2 million, was personnel related, with the loss of 47 positions and across-the-board reductions to health insurance and Other Post Employment Benefit payments. Additional actions were taken to reduce travel, motor vehicle replacements, and urinalysis and psychological testing.
- Budget amendments impacted the legislative appropriation by a net \$845,000. A nearly \$1.4 million cost-of-living adjustment was offset by a \$521,000 reduction resulting from the transfer of parole and probation agent training responsibilities to the Professional Development Training Division in the Office of the Secretary.

**Object/Fund Difference Report  
DPSCS Division of Parole and Probation**

| <u>Object/Fund</u>                      | <u>FY08<br/>Actual</u> | <u>FY09<br/>Working<br/>Appropriation</u> | <u>FY10<br/>Allowance</u> | <u>FY09 - FY10<br/>Amount Change</u> | <u>Percent<br/>Change</u> |
|---|------------------------|---|---------------------------|--------------------------------------|---------------------------|
| <b>Positions</b>                        |                        |   |                           |                                      |                           |
| 01 Regular                              | 1356.00                | 1301.00                                   | 1301.00                   | 0                                    | 0%                        |
| 02 Contractual                          | 90.85                  | 129.40                                    | 129.40                    | 0                                    | 0%                        |
| <b>Total Positions</b>                  | <b>1446.85</b>         | <b>1430.40</b>                            | <b>1430.40</b>            | <b>0</b>                             | <b>0%</b>                 |
| <b>Objects</b>                          |                        |   |                           |                                      |                           |
| 01 Salaries and Wages                   | \$ 78,389,573          | \$ 86,918,302                             | \$ 86,122,504             | -\$ 795,798                          | -0.9%                     |
| 02 Technical and Spec. Fees             | 2,776,105              | 3,088,136                                 | 2,895,046                 | -193,090                             | -6.3%                     |
| 03 Communication                        | 1,058,512              | 1,223,308                                 | 1,037,545                 | -185,763                             | -15.2%                    |
| 04 Travel                               | 416,571                | 513,250                                   | 451,800                   | -61,450                              | -12.0%                    |
| 06 Fuel and Utilities                   | 259,444                | 209,572                                   | 311,040                   | 101,468                              | 48.4%                     |
| 07 Motor Vehicles                       | 903,500                | 762,999                                   | 860,476                   | 97,477                               | 12.8%                     |
| 08 Contractual Services                 | 4,575,239              | 6,603,510                                 | 6,883,818                 | 280,308                              | 4.2%                      |
| 09 Supplies and Materials               | 896,579                | 1,038,550                                 | 1,041,577                 | 3,027                                | 0.3%                      |
| 10 Equipment – Replacement              | 14,524                 | 29,063                                    | 26,970                    | -2,093                               | -7.2%                     |
| 11 Equipment – Additional               | 423,560                | 260,900                                   | 40,500                    | -220,400                             | -84.5%                    |
| 12 Grants, Subsidies, and Contributions | 500,000                | 500,000                                   | 500,000                   | 0                                    | 0%                        |
| 13 Fixed Charges                        | 3,563,255              | 4,534,879                                 | 4,581,343                 | 46,464                               | 1.0%                      |
| 14 Land and Structures                  | 282,534                | 0   | 0                         | 0                                    | 0.0%                      |
| <b>Total Objects</b>                    | <b>\$ 94,059,396</b>   | <b>\$ 105,682,469</b>                     | <b>\$ 104,752,619</b>     | <b>-\$ 929,850</b>                   | <b>-0.9%</b>              |
| <b>Funds</b>                            |                        |   |                           |                                      |                           |
| 01 General Fund                         | \$ 87,428,604          | \$ 98,726,898                             | \$ 98,138,933             | -\$ 587,965                          | -0.6%                     |
| 03 Special Fund                         | 6,344,931              | 6,669,734                                 | 6,384,225                 | -285,509                             | -4.3%                     |
| 09 Reimbursable Fund                    | 285,861                | 285,837                                   | 229,461                   | -56,376                              | -19.7%                    |
| <b>Total Funds</b>                      | <b>\$ 94,059,396</b>   | <b>\$ 105,682,469</b>                     | <b>\$ 104,752,619</b>     | <b>-\$ 929,850</b>                   | <b>-0.9%</b>              |

Note: The fiscal 2009 appropriation does not include deficiencies. The fiscal 2010 allowance does not include contingent reductions.

**Fiscal Summary  
DPCS Division of Parole and Probation**

| <u>Program/Unit</u>                                  | <u>FY08<br/>Actual</u> | <u>FY09<br/>Wrk Approp</u> | <u>FY10<br/>Allowance</u> | <u>Change</u>      | <u>FY09 - FY10<br/>% Change</u> |
|--|------------------------|----------------------------|---------------------------|--------------------|---------------------------------|
| 01 General Administration                            | \$ 4,675,127           | \$ 4,838,695               | \$ 4,633,432              | -\$ 205,263        | -4.2%                           |
| 02 Field Operations                                  | 81,103,297             | 91,893,130                 | 90,681,147                | -1,211,983         | -1.3%                           |
| 03 Community Surveillance and Enforcement<br>Program | 8,280,972              | 8,950,644                  | 9,438,040                 | 487,396            | 5.4%                            |
| <b>Total Expenditures</b>                            | <b>\$ 94,059,396</b>   | <b>\$ 105,682,469</b>      | <b>\$ 104,752,619</b>     | <b>-\$ 929,850</b> | <b>-0.9%</b>                    |
| General Fund   | \$ 87,428,604          | \$ 98,726,898              | \$ 98,138,933             | -\$ 587,965        | -0.6%                           |
| Special Fund   | 6,344,931              | 6,669,734                  | 6,384,225                 | -285,509           | -4.3%                           |
| <b>Total Appropriations</b>                          | <b>\$ 93,773,535</b>   | <b>\$ 105,396,632</b>      | <b>\$ 104,523,158</b>     | <b>-\$ 873,474</b> | <b>-0.8%</b>                    |
| Reimbursable Fund                                    | \$ 285,861             | \$ 285,837                 | \$ 229,461                | -\$ 56,376         | -19.7%                          |
| <b>Total Funds</b>                                   | <b>\$ 94,059,396</b>   | <b>\$ 105,682,469</b>      | <b>\$ 104,752,619</b>     | <b>-\$ 929,850</b> | <b>-0.9%</b>                    |

Note: The fiscal 2009 appropriation does not include deficiencies. The fiscal 2010 allowance does not include contingent reductions.