

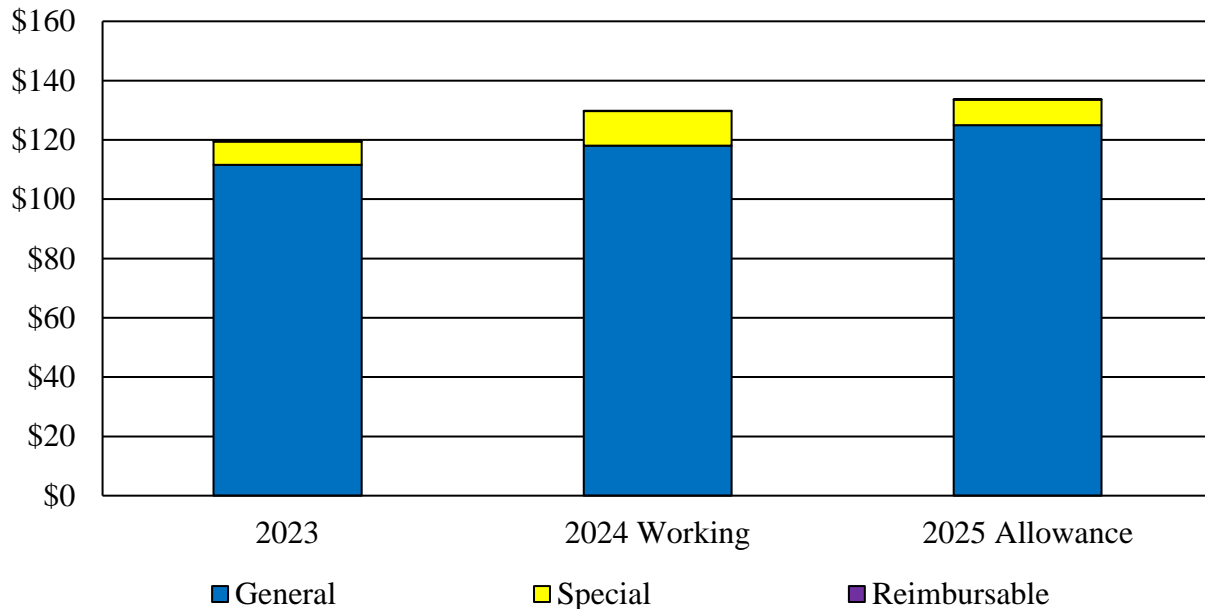
Q00C
Community Supervision
Department of Public Safety and Correctional Services

Program Description

The Community Supervision function within the Department of Public Safety and Correctional Services (DPSCS) consists of the Maryland Parole Commission (MPC) and the Division of Parole and Probation (DPP). MPC hears cases for parole release and revocation and is authorized to parole inmates sentenced to a term of confinement of six months or more from any correctional institution in Maryland except the Patuxent Institution. DPP provides offender supervision and investigation services for probationers assigned by courts, parolees discharged from correctional facilities on mandatory release, parolees approved by MPC, and Drinking Driver Monitor Program (DDMP) participants. DPP agents also collect fees and restitution payments required of supervisees.

Operating Budget Summary

Fiscal 2025 Budget Increases \$3.9 Million, or 3%, to \$133.7 Million
(\$ in Millions)



Note: The fiscal 2024 impacts of statewide salary adjustments appear in the Statewide Account in the Department of Budget and Management (DBM), and adjustments are not reflected in this agency’s budget. The fiscal 2025 impacts of the fiscal 2024 statewide salary adjustments appear in this agency’s budget. The fiscal 2025 statewide salary adjustments are centrally budgeted in DBM and are not included in this agency’s budget.

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Fiscal 2023

Chapter 127 of 2021 required the transfer of the Warrant Apprehension Unit from the reporting structure of DPP to the reporting structure of the Intelligence and Investigative Division (IID) within the Office of the Secretary. The law became effective October 1, 2021, but DPSCS management deferred the budgetary realignment until fiscal 2023. All 32 positions and the associated funding of \$5.6 million were transferred to IID, reducing the DPSCS Community Supervision budget by the same amount.

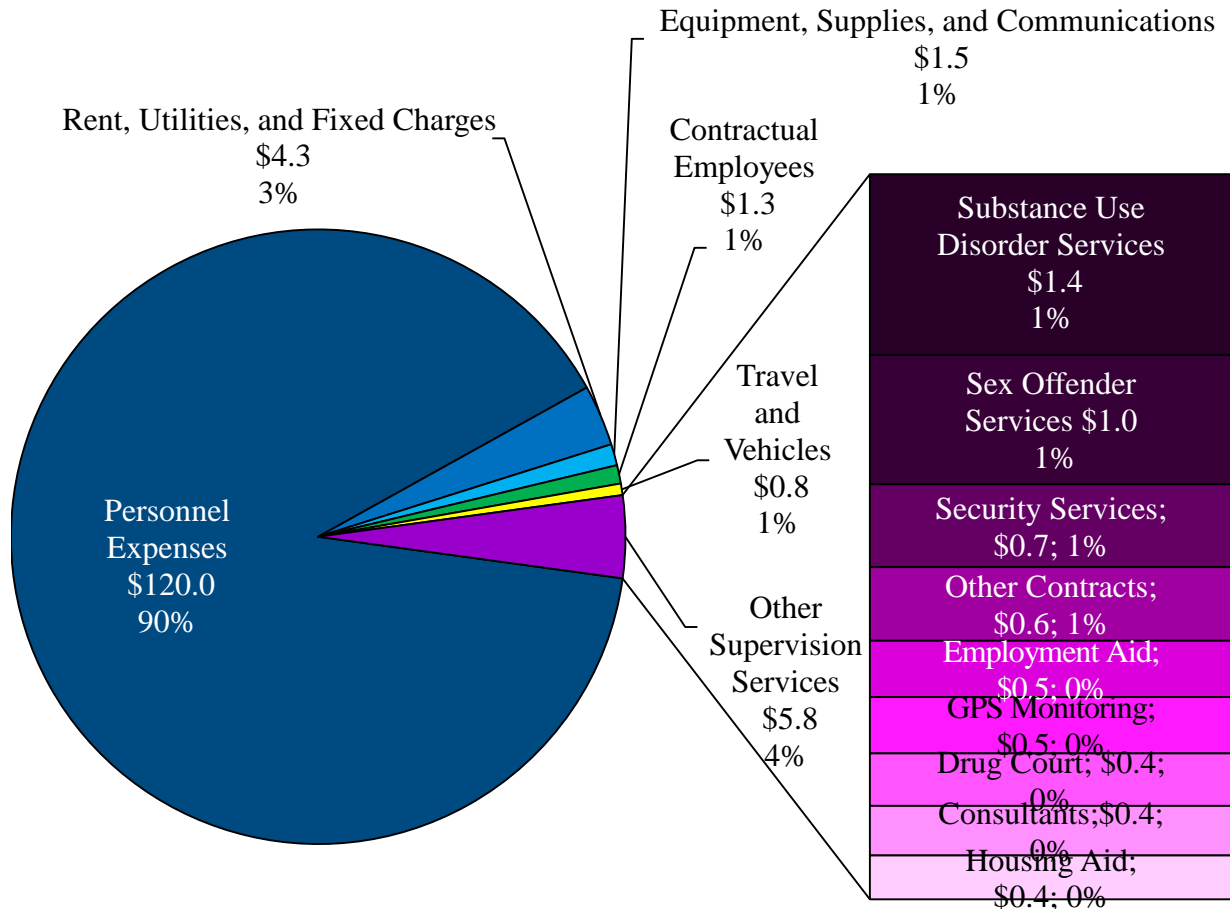
The fiscal 2023 legislative appropriation included \$323,000 in special funds from the Dedicated Purpose Account within the State Reserve Fund. The funds were intended for reviewing cases where offenders under supervision were involved in a homicide or nonfatal shooting. As of the fiscal 2023 budget closeout, these funds were encumbered but not expended. The funds are being used to modify an existing contract with George Mason University, which has been researching the effectiveness of DPP risk and needs assessment tools. The research team is currently reviewing the literature from other jurisdictions, developing a list of variables to collect, identifying sources for data other than DPP, and working on an interview guide.

The first year of research is expected to examine data from DPP regarding the characteristics of those on supervision convicted of violent and personal crimes and the supervision activities associated with each case. In the second year, the team will interview up to 10 individuals to understand the factors that were involved in their crime. The interviews will be used to identify how to prevent such crimes and to develop supervision strategies to oversee the individuals in the community. The third year will see the implementation of specialized intervention and the measuring of the performance of individuals in the intervention. The performance will be compared to other like individuals that are not in the specialized program and the past indicators from the individuals in the study.

Fiscal 2025 Overview of Agency Spending

The DPSCS Community Supervision fiscal 2025 allowance totals \$133.7 million, as shown in **Exhibit 1**. Personnel expenses for the 1,152 regular positions total \$120.0 million, or 90%, of the allowance. Other administrative operating expenses – approximately \$7.9 million – include rent for DPP regional offices, communications, contractual positions, and vehicles. The remaining funds are provided for other services and aid for supervisees, including agreements with the Baltimore City Department of Health and the Baltimore City Mayor’s Office of Employment Development for reentry services and agreements with the Baltimore City State’s Attorney and Office of the Public Defender for drug treatment court.

Exhibit 1
Overview of Agency Spending
Fiscal 2025 Allowance
(\$ in Millions)



Source: Governor’s Fiscal 2025 Budget Books; Department of Budget and Management

Proposed Budget Change

The fiscal 2025 allowance increases by \$3.9 million from the fiscal 2024 working appropriation. Most of the increase is in personnel, with small changes seen in other spending areas that cumulatively account for a decrease of less than \$25,000. The detailed changes are listed in **Exhibit 2**.

Exhibit 2
Proposed Budget
DPSCS – Community Supervision
(\$ in Thousands)

How Much It Grows:	General Fund	Special Fund	Reimb. Fund	Total
Fiscal 2023 Actual	\$111,629	\$7,809	\$104	\$119,541
Fiscal 2024 Working Appropriation	118,020	11,695	111	129,827
Fiscal 2025 Allowance	<u>125,008</u>	<u>8,587</u>	<u>109</u>	<u>133,704</u>
Fiscal 2024-2025 Amount Change	\$6,988	-\$3,108	-\$3	\$3,877
Fiscal 2024-2025 Percent Change	5.9%	-26.6%	-2.3%	3.0%
Where It Goes:				<u>Change</u>
Personnel Expenses				
Salary increases and associated fringe benefits including fiscal 2024 cost-of-living adjustments and increments				\$4,978
7 positions transferred on net into the agency from other units of DPSCS				525
Overtime earnings.....				50
Accrued leave payout.....				14
Workers’ compensation insurance premiums reduced to align with Injured Workers’ Insurance Fund need				-397
Turnover expectancy increases from 10.6% to 11.8%				-1,270
Other Changes				
Rental agreements for DPP field offices.....				176
Contractual employees.....				145
Polygraph testing of sex offenders under community supervision				91
GPS monitoring				75
Insurance paid to State Treasurer’s Office				61
Motor vehicles				33
Communications				-23
Electricity and fuel.....				-55
Grounds maintenance and janitorial services at DPP field offices				-88
Various contracts for substance use disorder services				-133
Elimination of funding for contract with Threshold, Inc. for transitional housing services for men returning to Baltimore City				-275
Other changes				-33
Total				\$3,877

DPP: Division of Parole and Probation

DPSCS: Department of Public Safety and Correctional Services

Note: Numbers may not sum to total due to rounding. The fiscal 2024 impacts of statewide salary adjustments appear in the Statewide Account in the Department of Budget and Management (DBM), and adjustments are not reflected in this agency’s budget. The fiscal 2025 impacts of the fiscal 2024 statewide salary adjustments appear in this agency’s budget. The fiscal 2025 statewide salary adjustments are centrally budgeted in DBM and are not included in this agency’s budget.

Personnel Data

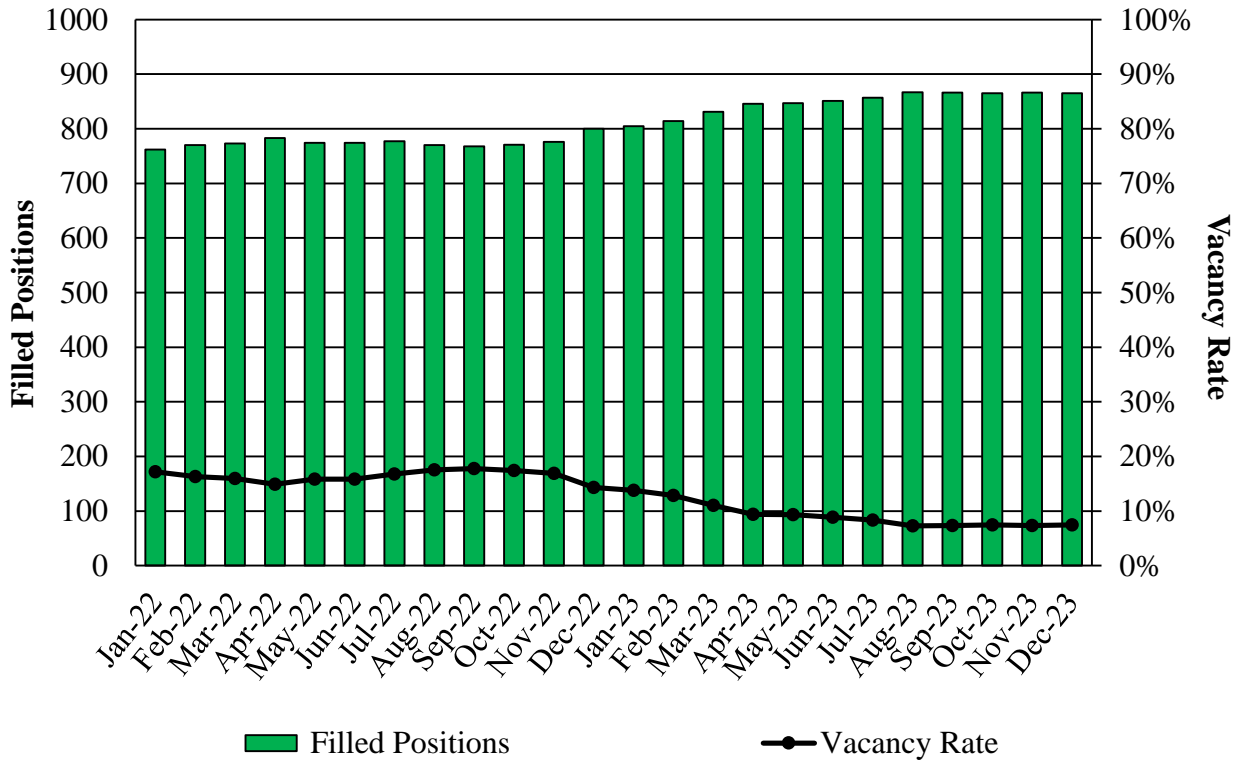
	<u>FY 23 Actual</u>	<u>FY 24 Working</u>	<u>FY 25 Allowance</u>	<u>FY 24-25 Change</u>
Regular Positions	1,146.00	1,145.00	1,152.00	7.00
Contractual FTEs	<u>24.35</u>	<u>53.43</u>	<u>53.84</u>	<u>0.41</u>
Total Personnel	1,170.35	1,198.43	1,205.84	7.41

Vacancy Data: Regular Positions

Turnover and Necessary Vacancies, Excluding New Positions	136.28	11.83%
Positions and Percentage Vacant as of 12/31/23	97.00	8.47%
Vacancies Below Turnover	39.28	

- Units of this agency gain a net of 7 positions in the fiscal 2025 allowance. The positions transferred into DPSCS Community Supervision include 8 social workers and 2 supervisory social workers. The transfers are spread throughout the East, West, and Central regions. Of the positions transferred out of the agency into other units of the department, 2 are administrative positions from DPP Headquarters, and 1 is a registered nurse from the East region.
- DPSCS Community Supervision is operating at lower vacancy rates than provided for in the fiscal 2024 working appropriation and fiscal 2025 allowance. While turnover is budgeted at 11.8% in fiscal 2024 and 10.6% in fiscal 2025, the actual vacancy rate is at 8.5%, which translates to an estimated shortfall of \$2.0 million in fiscal 2024 and \$3.4 million in fiscal 2025 using the average salary and turnover expectancy for all positions in the agency. While salaries may be realigned between departmental units by way of budget amendment, there have been recent shortfalls in other departmental budget items such as food and electricity. The medical and mental health care procurement is also forthcoming in fiscal 2025, which may limit budgetary flexibility for the growing personnel base.
- Vacancy rates greatly improved from 16.6% in January 2023 to 8.5% in January 2024. When looking solely at community supervision agents, including DPP parole and probation agents and DDMP monitors, vacancies improved from 13.8% in January 2023 to 7.8% in January 2024. The number of filled positions and monthly vacancy rate for community supervision agents are shown in **Exhibit 3** for calendar 2022 and 2023.

Exhibit 3
Community Supervision Agent Filled Positions and Vacancy Rate
January 2022 to December 2023



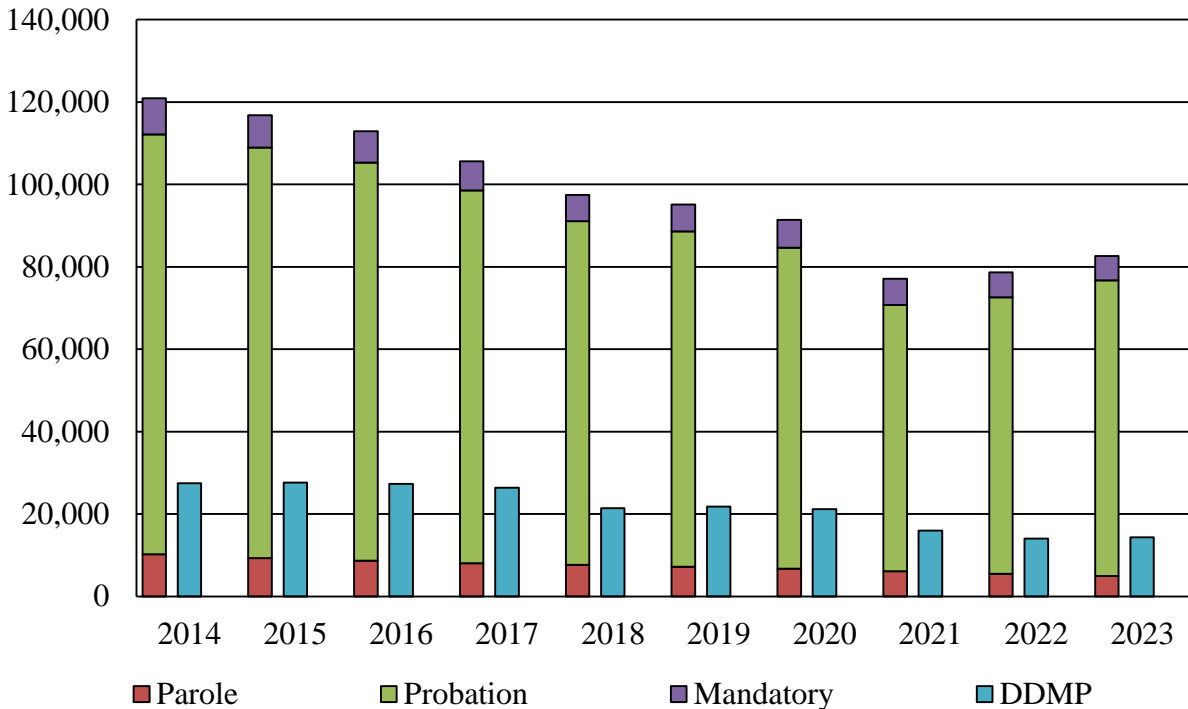
Source: Department of Budget and Management; Department of Legislative Services

Key Observations

1. Probation Cases Increase but Remain Below Prepandemic Levels

During the COVID-19 pandemic, cases referred to probation were down as court closures took effect. This led to a sharp decline in the number of criminal supervision cases for DPP in fiscal 2021 when parole, probation, and mandatory supervision cases all declined by a total of 15.6% in just one year. However, this trend partially reversed when probation cases rose by 2,440, or 3.8%, in fiscal 2022. Probation cases also rose in fiscal 2023 by 4,665, or 7.0%. The other categories of community supervision continued their rate of decline. This is mostly because parolees and mandatory releases are driven by the incarcerated population, which declined before and during the pandemic. **Exhibit 4** shows the total number of cases supervised in each category during fiscal 2014 to 2023. DDMP monitors are responsible for DDMP cases, while DPP parole and probation agents are responsible for criminal supervision cases.

Exhibit 4
Community Supervision Cases Supervised During Year
Fiscal 2014-2023



DDMP: Drinking Driver Monitor Program

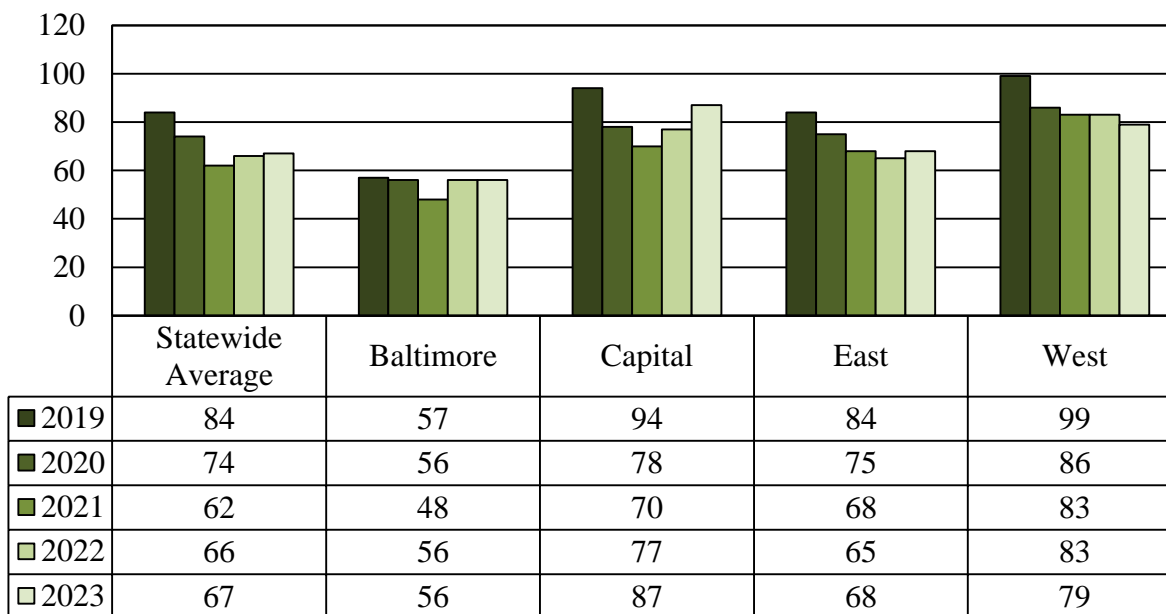
Source: Governor’s Fiscal 2025 Budget Books; Department of Public Safety and Correctional Services

2. Caseload Ratios Slightly Increase

The American Parole and Probation Association (APPA) recommends active case-to-agent ratios not exceed 20:1 for intensive supervision clients, 50:1 for moderate/high supervision clients, or 200:1 for low-risk supervision clients. Lower caseload ratios are associated with improved outcomes, particularly for high- and moderate-risk clients. The recommended caseload ratio for Maryland community supervision agents has been approximately 82 cases per agent using the APPA metrics.

While most of the regions met this recommended ratio, the Capital region was higher than the recommended rate with 87 offenders per agent, as shown in **Exhibit 5**. It is important to note that the recommended ratio differs by region, and the estimated recommended ratio for the Capital region is 65:1 based on fiscal 2023 active case totals in each risk category. The Capital region overcame the West as the region with the highest caseload ratios, breaking historical trends. The Capital region is the only region to have increases in the caseload ratios for the past two years. Total active cases rose from 33,380 in fiscal 2022 to 34,933 in fiscal 2023, leading to a higher ratio of offenders to agents in all but the West region. In fiscal 2022, the statewide average number of cases to agents was 66. In fiscal 2023, the average increased to 67. **The Department of Legislative Services (DLS) recommends adopting committee narrative requesting that the annual report on DPP caseloads for parole and probation agents be submitted by September 15, 2024.**

Exhibit 5
Average Cases Per Agent by Region
Fiscal 2019-2023



Source: Department of Public Safety and Correctional Services

3. Restructuring of Risk and Needs Assessments

DPP is required by statute to utilize an evidence-based risk and needs assessment tool to assess and classify individuals who are brought under DPP supervision. The agents working for DPP have used two tools in the past: the Initial Risk Screening (IRS); and the Level of Service Inventory – Revised (LSI-R). The most recent independent validation of the LSI-R, which occurs every three years, recommended in September 2022 that the tools should be updated to provide more accurate results in risk classification and needs assessment. The department then contracted with partner researchers at George Mason University to provide a comprehensive review of the LSI-R and received recommendations in January 2024.

IRS Tool

The first tool is the initial screener – a short, fact-based questionnaire that sorts individuals based on risk of violating the conditions of supervision, a process known as risk assessment. The IRS tool is implemented at first intake and sets aside those individuals who require further risk and needs assessments. The tool historically has only determined if an individual is minimal risk or not. Those who are not minimal risk are subject to the LSI-R and supplementary risk and needs assessments. The lowest risk individuals are not subject to the LSI-R.

LSI-R

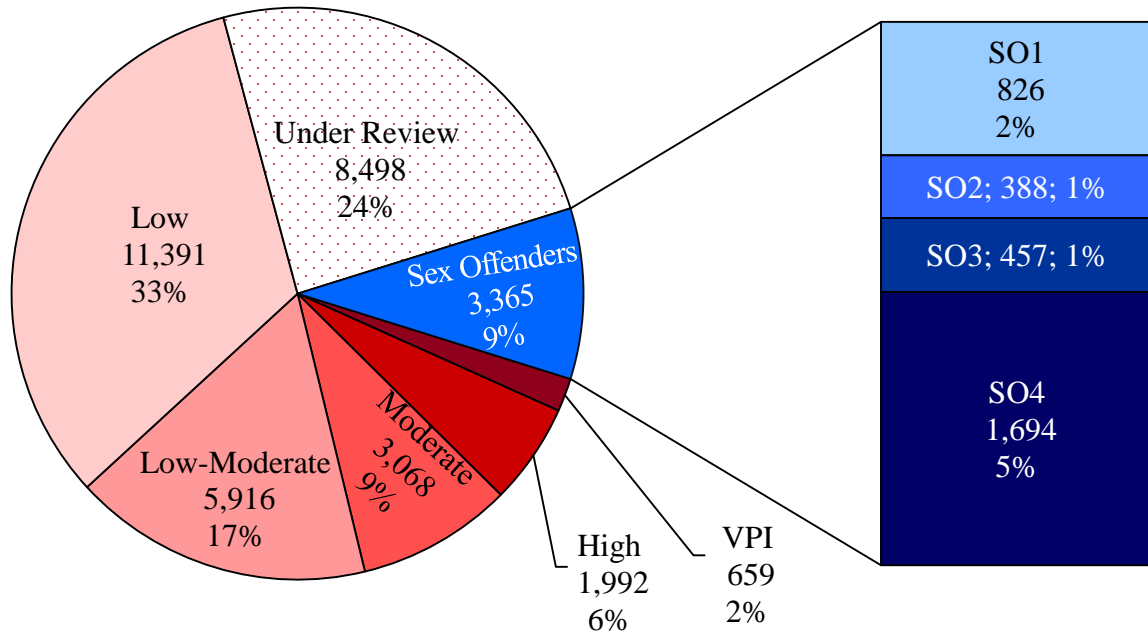
The LSI-R is an actuarial tool that identifies an offender’s risk of reoffending and needs through 54 questions across 10 subsections. Agents collect information in semi-structured interviews, reviews of case records, and collateral verification. The tool is designed to identify major factors that contribute to the individual’s criminal behavior so that case plans may be developed to address problems and hopefully reduce the possibility that the individual may reoffend. One limitation of the LSI-R is that assessors must possess advanced training, certification and experience in psychological assessment or a related discipline, or satisfactorily complete a training course certified by the publishers. Without both initial and continuing training, it is possible for the quality of assessment to drop over time.

Discontinuation

The LSI-R is no longer in use by DPP agents as a risk assessment tool but is still being used for case planning at the recommendation of contracted researchers at George Mason University. The IRS tool was adjusted on January 1, 2023, to ascertain level of risk rather than simply determining if an individual is minimal risk or not. It is being used as the only risk assessment, as it was found to have more reliable results than the LSI-R. The most recently available case data from fiscal 2023 indicate that this change potentially shifted more individuals into the “moderate” risk category as those levels increased 287% from fiscal 2022 to 2023 compared to only slight changes in other categories. **Exhibit 6** shows these current distributions of risk assessment results. Supervision levels are indicative of risk and needs. “high” indicates the highest risk and progressively reduces in intensity to “low”. As individuals are compliant, they

progressively move down in supervision intensity. Sexual offenders are also supervised based on risk and needs. Sex offender supervision level 1 represents the highest risk, while sex offender supervision level 4 represents the lowest risk. The Violence Prevention Initiative is intensive supervision ordered by Maryland sentencing authorities.

Exhibit 6
Active Community Supervision Cases by Risk Level
Fiscal 2023



SO: sex offender
VPI: Violence Prevention Initiative

Source: Department of Public Safety and Correctional Services

While the more in-depth interview-based LSI-R was valuable for case planning, the researchers found several deficiencies that led to the decision to cease its use as a risk assessment tool. The researchers determined that LSI-R was an older generation tool that tends to overemphasize problems in certain areas of the assessment, mostly in the areas involving substance abuse. The researchers also found inconsistencies in relation to supervision plans properly addressing the needs identified in subsections of the LSI-R. The inconsistencies are driven in part by the length of interviews, which reportedly fall far short of the 45-minute target in most cases.

Replacement

DPP hopes to replace the LSI-R with a commercially available or in-house tool by the end of fiscal 2024. The process is expected to start in February 2024 beginning with a plan for procurement, training, and implementation. In the meantime, DPP agents are not using the LSI-R for any risk assessment processes as far as determining final supervision level and only use it for case planning. While no tool can seamlessly integrate all variables into consistently coherent case plans, there is room for improvement and DPP is pursuing those options. With a new tool comes the possibility of collaboration with the Judiciary to complete the risk and needs assessment prior to sentencing, which, while challenging, would provide the added benefit of informing the conditions of supervision set by the courts, thus lowering the burden on supervision agents. **DLS recommends adopting committee narrative requesting that DPSCS report on the transition to new risk and needs assessment tools by November 1, 2024.**

Operating Budget Recommended Actions

1. Adopt the following narrative:

Division of Parole and Probation (DPP) Caseload Report: In recent fiscal years, DPP has been working to reduce supervision caseloads to a manageable level for its parole and probation agents. Caseload ratios increased by one case per agent in fiscal 2023. The committees request a report due by September 15, 2024, from DPP on the following:

- the exact breakdown of support staff and general supervision caseloads by office into DPP supervision levels for fiscal 2023;
- the exact breakdown of case closures by reason, region, and office; and
- a description of strategies that DPP is using to reduce caseload ratios and prevent agents from taking on too many cases.

Information Request	Author	Due Date
DPP caseload report	DPP	September 15, 2024

2. Adopt the following narrative:

Report on Assessment Tools: The Division of Parole and Probation (DPP) has begun the process of replacing the assessment tools used to classify offenders placed on community supervision and the role of these tools in case management. This issue is of particular concern with regard to maintaining proper caseloads for agents as well as providing agents with a reliable framework for addressing the individual needs of each offender. The committees request that DPP submit a report, due November 1, 2024, on the transition to new screening tools used in community supervision. The report should include the following:

- a description of the new tools and process;
- areas in the current process that represent improvements over the previous processes;
- the transition timeline;
- challenges to implementation;
- alternatives considered, including the reasons for deciding against alternatives; and

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- an analysis of the reliability of the new screening tools to predict security risk and/or compliance with conditions of supervision.

Information Request	Author	Due Date
Report on assessment tools	DPP	November 1, 2024

Appendix 1
2023 Joint Chairmen’s Report Responses from Agency

The 2023 *Joint Chairmen’s Report* (JCR) requested that DPSCS Community Supervision prepare two reports. Electronic copies of the full JCR responses can be found on the DLS Library website.

- ***DPP Screening Tools:*** DPP notified the budget committees during the fiscal 2024 session that the risk and needs assessment tools were undergoing changes. In the report, DPP expounded on issues with the current screening and assessment tools, including findings that the existing tools showed a weak association with risk. The longer LSI-R was shown to have inaccurate results correlated to interviews falling short of the recommended 45 minutes. The IRS tool was updated to allow for risk classification rather than just screening for minimal risk. The longer LSI-R was discontinued as a risk classification tool but continues to be used in case management. Further discussion of this data can be found in Key Observation 3 of this analysis.
- ***DPP Caseload Report:*** DPP provided caseload, outcomes, and support staff data by office and region. DPP supervision average caseloads per agent increased from 66 in fiscal 2022 to 67 in fiscal 2023. There remain regional differences, with the Baltimore region at 56 cases per agent and the Capital region at 87 cases per agent. Further discussion of this data can be found in Key Observation 2 of this analysis.

Appendix 2
Object/Fund Difference Report
Department of Public Safety and Correctional Services – Community Supervision

<u>Object/Fund</u>	<u>FY 23</u> <u>Actual</u>	<u>FY 24</u> <u>Working</u> <u>Appropriation</u>	<u>FY 25</u> <u>Allowance</u>	<u>FY 24 - FY 25</u> <u>Amount Change</u>	<u>Percent</u> <u>Change</u>
Positions					
01 Regular	1,146.00	1,145.00	1,152.00	7.00	0.6%
02 Contractual	24.35	53.43	53.84	0.41	0.8%
Total Positions	1,170.35	1,198.43	1,205.84	7.41	0.6%
Objects					
01 Salaries and Wages	\$ 106,433,436	\$ 116,115,377	\$ 120,016,486	\$ 3,901,109	3.4%
02 Technical and Special Fees	1,159,434	1,152,182	1,297,060	144,878	12.6%
03 Communication	1,160,177	1,264,812	1,242,087	-22,725	-1.8%
04 Travel	67,697	63,000	70,300	7,300	11.6%
06 Fuel and Utilities	196,377	252,842	197,900	-54,942	-21.7%
07 Motor Vehicles	1,188,691	707,046	740,462	33,416	4.7%
08 Contractual Services	4,806,121	5,705,383	5,342,493	-362,890	-6.4%
09 Supplies and Materials	147,996	148,000	151,000	3,000	2.0%
10 Equipment – Replacement	177,658	102,590	92,590	-10,000	-9.7%
11 Equipment – Additional	2,804	15,000	15,000	0	0%
12 Grants, Subsidies, and Contributions	290,942	450,000	450,000	0	0%
13 Fixed Charges	3,910,041	3,850,674	4,088,485	237,811	6.2%
Total Objects	\$ 119,541,374	\$ 129,826,906	\$ 133,703,863	\$ 3,876,957	3.0%
Funds					
01 General Fund	\$ 111,629,050	\$ 118,020,145	\$ 125,008,089	\$ 6,987,944	5.9%
03 Special Fund	7,808,564	11,695,459	8,587,033	-3,108,426	-26.6%
09 Reimbursable Fund	103,760	111,302	108,741	-2,561	-2.3%
Total Funds	\$ 119,541,374	\$ 129,826,906	\$ 133,703,863	\$ 3,876,957	3.0%

Note: The fiscal 2024 appropriation does not include deficiencies, targeted reversions, or across-the-board reductions. The fiscal 2025 allowance does not include contingent reductions or cost-of-living adjustments.