

**DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES  
FY 2017 BUDGET DIVISION OF PAROLE AND PROBATION**

**Staffing**

**Issue:** DPSCS should comment on the effect the high vacancy rate has had on its ability to carry out its mission, as well as the plan to fill vacant positions.

**Response:** As mentioned in previous budget hearings, the Department is fully committed to filling vacant positions. Specifically, the Department has taken the following actions:

- In late September of 2015, the Department reorganized its Human Resources Services Division (HRSD) without losing any employees. The reorganization centralized recruitment and created uniformity in the recruitment processes. Since the reorganization, agency recruitments have increased from 23 to 90, representing an increase of almost 400 percent.
- The Department created a Recruitment Unit – staffed with three professional recruiters – that will be fully operational by the end of February 2016. The Department has established a recruitment plan to address all phases of recruitment within the organization. The plan focuses on Correctional Officer and Parole and Probation positions and technical positions that are typically challenging to fill. The Department has also partnered with colleges that offer Criminal Justice and Correctional programs or other programs such as psychology, nursing, etc. In addition to partnering with higher education institutions, the Department has established a relationship with the military, veterans groups and retired military veterans associations in hopes of tapping into this great pool of talent.
- The Department is currently in the process of implementing a new, validated test for Correctional Officer recruitments that reduces the testing time from approximately five and a half (5.5) hours to two (2) hours.

In regards to the Division of Parole and Probation (DPP), the Department plans to hire thirty-five (35) agents for an entry-level training academy starting in late April, early May 2016. Additionally, the Department is planning to schedule another entry-level training academy in July of 2016. Lastly, the Department is about to deploy a very aggressive recruitment campaign that will include job fairs, radio and television marketing.

### **DPP Support Services**

**Issue: DPSCS should comment on whether assuming responsibility of polygraph testing for sex offenders within the DPSCS Polygraph Unit could achieve operational or cost efficiencies in future years.**

**Response:** The Department began administering polygraph examinations in September 2015, in anticipation of the October 2015 statutory mandate; however, it was not until January 2016 that all six (6) of the polygrapher positions were filled. The Department is interested in exploring operational and cost efficiencies wherever possible. The Department's priority at the moment is to hire and fill correctional officer vacancies, but as additional experience is gained with this workload, the Department will evaluate whether additional operational or cost efficiencies can be achieved.

### **Day Reporting Center**

**Issue: DPSCS should comment on the size and characteristics of the particular offender population to be served by the pilot program.**

**Response:** As indicated in the analysis, the day reporting center is a result of a recommendation contained in the Governor's Heroin and Opioid Emergency Task Force. Day reporting centers are non-residential hubs that provide on-site wrap around services, which can include substance abuse treatment, cognitive behavioral therapy, employment training and mental health counseling.

The recommendation states that the Department shall collaborate with the Judiciary and with the Governor's Office of Crime Control and Prevention in establishing and operating the day reporting centers. However, given the intended mission of the centers, the population best includes those offenders who have a special condition imposed by the sentencing court or Maryland Parole Commission for drug, alcohol or mental health evaluation and/or treatment.

### **Staffing Analysis**

**Issue: DPP should comment on the projected impact of JRI recommendations on the number of agents that it will need to handle the supervision population.**

**Response:** DPP is in the process of implementing a model of community supervision that is based upon research and empirical data, which has identified practices and strategies proven to be effective at reducing negative supervision outcomes. This model, the National Institute of Correction's Integrated Model, incorporates equal focus on evidence-based practices (EBP), organizational development, and collaboration with community supervision stakeholders.

The underlying principle of evidence-based practice is the Risk-Need-Responsivity principle (RNR).

- Risk: Assess offenders and prioritize supervision and treatment resources for the offenders most likely to reoffend (who).
- Need: Target interventions to the needs of the offender that directly relate to criminal behavior (what).
- Responsivity: Be responsive to temperament, learning style, motivation, culture, and gender when assigning offenders to services/programs (how).

In order to implement the RNR principle, the Division will utilize an initial risk screener during its initial offender intake process to help identify the most low-risk individuals. Research indicates that lower risk offenders actually reoffend at lower rates when they have reduced contact with criminal justice interventions and higher risk populations; it is important for lower risk individuals to maintain their positive relationships. Therefore, these individuals will be placed in larger caseloads specialized in serving lower risk parolees/probationers.

DPP will conduct an in-depth risk and needs assessment of the offenders who are not identified as low-risk individuals during the initial risk screener process. These offenders will be placed into smaller caseloads where they will receive more attention and individualized case plans that take into account an individual's risk, needs, and responsivity to appropriate intervention.

Currently, there are approximately 43,500 parolees and probationers assigned to criminal supervision caseloads. Following the RNR principles, it is anticipated that approximately one-third of the parolees and probationers will be screened as low-risk and assigned to caseloads of one agent to approximately 150-250 offenders since they will require minimal supervision services. The other two-thirds of the supervised population will be assessed as moderate- to high-risk to reoffend and will be assigned to caseloads of approximately less than 100 offenders to each agent, or specialized sexual offender and repeat, violent offender caseloads of less than 50 offenders to each agent.

### **Recommended Actions**

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

,provided that \$540,000 of this appropriation made for the purpose of establishing a day reporting center may be expended only 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 Fund.

**Response:** The Department disagrees with the recommended action. As indicated in the Legislative analysis the funds are budgeted to implement a day reporting center pilot program in Baltimore City as recommended by the Heroin and Opioid Emergency Task Force. As per the tasks force recommendation the Department along with the Governor's Office for Crime Control and Prevention (GOCCP) and Judiciary are tasked with collaborating to establish a day reporting center pilot program aimed at integrating treatment into offender supervision. Since these funds have been specifically identified for this purpose, the Department disagrees with that restrictive language.

2. Adopt the following narrative:

**General Supervision Caseload Size:** Identifying the appropriate caseload for parole and probation agents has been an area of ongoing concern. Review of Division of Parole and Probation (DPP) caseload data indicates that Maryland's average general caseload size of 116 is well above the national average of 82. It is the intent of the General Assembly that DPP reduces the average general caseload size to the national average of 82.

**Response:** The Department appreciates the budget committees concern regarding DPP caseload sizes. As discussed in the early response on the impact of JRI on staffing, DPP is already in the process of implementing an evidence-based practice model known as the Risk-Need-Responsivity (RNR) principle. Following the principles of the RNR the Department estimates that caseloads will be adjusted accordingly, resembling more closely the national caseload average and therefore the adoption of this narrative is not needed.

3. Adopt the following narrative:

**Drug Testing Contract:** Drug Testing Contract: The budget committees are concerned that the current urinalysis vendor does not provide technicians to testify regarding urinalysis testing results, as required under the current contract. The current urinalysis contract ends at the close of September 2016. It is therefore the intent of the General Assembly that the Department of Public Safety and Correctional Services (DPSCS) consider implementing an enforcement mechanism, such as a penalty, in an effort to ensure technicians can be available to testify at revocation hearings. A provision expressing this preference should be added to the forthcoming drug testing procurement request. The budget committees also request that DPSCS submit the final drug testing procurement request.

Report Date Deadline: September 30, 2016.

**Response:** The current contract scope of work requires the Contractor to provide a chemist or analyst as a prosecution witness upon the request of the Department, or a subpoena from a Maryland court.

While the focus group may have provided the researchers with anecdotal information on issues surrounding availability of technicians, the Department's Procurement Office has received no formal complaints on which to act on. The Department is, however, working with the vendor on issues relating to the certification process. It is important to note that the certification issue is distinct and distinguishable from the issue described above.

The Department plans on including the same scope of work language within the new solicitation, along with a liquidated damage clause.

4. Adopt the following narrative:

**Funding for Urinalysis Testing Kits:** The budget committees are concerned that there is not enough funding to purchase a sufficient amount of urinalysis testing kits for all Division of Parole and Probation jurisdictions. It is therefore the intent of the General Assembly that a sufficient level of funding be provided in future fiscal years for urinalysis testing kits.

**Response:** The Department believes the budget includes sufficient funding for urinalysis testing kits and therefore respectfully requests that this narrative not be adopted. The decrease in urine samples noted in the analysis is primarily attributable to two specific changes: (1) a revision to the Department's drug testing policy; and, (2) the approval of a contract modification with Phamatech.

In 2012, the Department revised its drug testing policy based upon the determination that 80% of urine samples were negative and some offenders (supervisees) were being tested at higher rates and longer than required. The urinalysis collection drug testing was reduced by 30%. Regular substance abuse screening is only conducted on the high risk offender population: violent offender, sex offenders and domestic violence offenders. The 30% decrease did not derogatorily impact the operations in any way.

It is also important to note that, in July 2013, the Board of Public Works approved a modification of the contract between the Department and Phamatech. The modification increased reliability of the urinalysis as it added testing for Gas Chromatography/Mass Spectrometry (GCMS) testing for benzodiazepines, opiates and PCP. The inclusion of testing for these elements was important because Benzodiazepines, Opiates and PCP screens were causing a high number of false positives, resulting in the need to run court-ordered second tests. Therefore, this

modification decreased the number of false positives and the need to run court-ordered second tests.

5. Adopt the following narrative:

**Supervision Fee and Restitution Collection:** The budget committees are concerned that fee and restitution collection is more appropriately handled by the Central Collection Unit (CCU) within the Department of Budget and Management, rather than by offender supervision agents. It is therefore the intent of the General Assembly that the Department of Public Safety and Correctional Services submit legislation during the 2017 session transferring the authority for collections from the Division of Parole and Probation to CCU.

**Response:** The Department appreciates the budget committees concern and will discuss this issue with the Department of Budget and Management. It should be noted that the Department previously has submitted legislation to transfer this responsibility to CCU, however the bills died in committee.

6. Adopt the following narrative:

**Kiosk Program and Supervision Reporting Options:** Division of Parole and Probation's (DPP) kiosk system is intended to reduce the number of personal interactions between supervision agents and low-risk offenders and to provide off-site reporting capability for offenders during nonbusiness hours. However, a December 2015 DPP supervision agent focus group study indicates that the program may not be meeting these goals. The budget committees, therefore, request that DPP submit an analysis of the value and utility of the kiosk system and alternative supervision reporting options. The report should include annual costs associated with operating the kiosk program and offender kiosk reporting statistics. The report should also consider the feasibility and utility of implementing other electronic reporting systems, such as a web-based or mobile systems.

Report Date Deadline: December 1, 2016

**Response:** The Department concurs with the recommendation for a report on the kiosk program and supervision reporting options.

7. Adopt the following narrative:

**Remote Access to Electronic Records and Databases:** A December 2015 Division of Parole and Probation (DPP) focus group study indicates that supervision agents and Warrant Apprehension Unit (WAU) officers do not have remote access to the Offender Case Management System (OCMS) and other electronic databases while in the field. When an agent or officer wants to access electronic information in the field, they must go to a field office or call back to the office in order to do so. The budget committees are concerned that this process creates inefficiencies. The budget committees, therefore, request that DPP submit a report analyzing the feasibility of providing remote access to the OCMS and other electronic databases for supervision agents and WAU officers to facilitate field work capabilities. The submitted report should include any estimated costs associated with providing laptops or other mobile electronic devices to agents and officers, as well as adjustments to that may need to be made to the OCMS to allow for remote access.

Report Date Deadline: December 1, 2016

**Response:** The Warrant Apprehension Detectives have remote access to Offender Case Management System (OCMS) through the departmental laptops that have been assigned to the detectives for use in the field. Additionally, rugged laptops were installed in each vehicle assigned to the Home Detention Unit so that officers assigned to that unit can remotely access OCMS as well while in the field. DPP will troubleshoot whatever issues may remain that are inhibiting detectives and officers from accessing OCMS while in the field.

Additionally, one field office is piloting remote access to OCMS by agents through the use of mobile tablets. If the pilot outcome suggests there is utility in this approach, then the Department will assess the feasibility of expanding this pilot program to other field offices.