

Q00C01
Maryland Parole Commission
Department of Public Safety and Correctional Services

Operating Budget Data

(\$ in Thousands)

	<u>FY 17</u> <u>Actual</u>	<u>FY 18</u> <u>Working</u>	<u>FY 19</u> <u>Allowance</u>	<u>FY 18-19</u> <u>Change</u>	<u>% Change</u> <u>Prior Year</u>
General Fund	\$5,848	\$6,133	\$6,003	-\$130	-2.1%
Adjustments	0	-109	39	148	
Adjusted General Fund	\$5,848	\$6,024	\$6,041	\$18	0.3%
 Adjusted Grand Total	 \$5,848	 \$6,024	 \$6,041	 \$18	 0.3%

Note: FY 18 Working includes targeted reversions, deficiencies, and across-the-board reductions. FY 19 Allowance includes contingent reductions and cost-of-living adjustments.

- In fiscal 2018, the Maryland Parole Commission (MPC) has a single adjustment, an across-the-board reduction for health insurance, which decreases general funds by \$109,000. There is also a fiscal 2019 cost-of-living adjustment of \$39,000 – also in general funds.
- Overall, the MPC fiscal 2019 allowance is almost exactly level funded at approximately \$6 million, or \$18,000, above the fiscal 2018 working appropriation. This represents a 0.3% increase.

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

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Personnel Data

	<u>FY 17</u> <u>Actual</u>	<u>FY 18</u> <u>Working</u>	<u>FY 19</u> <u>Allowance</u>	<u>FY 18-19</u> <u>Change</u>
Regular Positions	72.00	72.00	72.00	0.00
Contractual FTEs	<u>1.29</u>	<u>0.00</u>	<u>1.77</u>	<u>1.77</u>
Total Personnel	73.29	72.00	73.77	1.77

Vacancy Data: Regular Positions

Turnover and Necessary Vacancies, Excluding New Positions	2.16	3.00%
Positions and Percentage Vacant as of 12/31/17	11.00	15.28%

- The MPC fiscal 2019 allowance has no change in regular positions and a 1.77 increase in contractual full-time equivalents (FTE). The agency currently has 11 vacancies out of 72 regular positions for a vacancy rate of 15.3%, about five times what is needed to meet budgeted turnover. MPC notes that the 1.77 increase in contractual FTEs is an omission in the budget system and that the actual change in these positions is zero.

Analysis in Brief

Major Trends

Parole Commission Workload: MPC conducted 9,486 parole hearings for State and local inmates in fiscal 2017, a 10% increase from the previous fiscal year. The percentage of State inmates granted parole was 29%, matching the 10-year average. The percentage of local inmates granted parole was nearly 9 percentage points higher than fiscal 2016, at 45%.

Parole Releases in Relation to Parole Eligibility: Since MPC began monitoring the number of releases at or within 12 months of parole eligibility, the percentage of parolees released by their eligibility date decreased from 25% in fiscal 2013 to 14% in fiscal 2017. Maintaining the trend since fiscal 2013, the majority of parole releases occur within 12 months after parole eligibility – a range of 60% to 65% each year.

Retake Warrants: MPC has a goal of having at least 35% of retake warrants processed within three business days. During fiscal 2017, 35% were processed in three days, a 14 percentage point decline from the previous fiscal year.

Issues

Justice Reinvestment Act Challenges: Chapter 515 of 2016, the Justice Reinvestment Act (JRA), established Maryland’s path to comprehensive criminal justice reform by altering provisions relating to sentencing, corrections, parole, and the supervision of offenders. MPC is responsible for several initiatives under the Act related to technical violations of parole and probation. Implementation of certain provisions related to these violations is complex because there are differences of interpretation in terms of how violations are counted. **MPC should report on efforts to reconcile legal interpretations of JRA-related provisions by November 30, 2018.**

Operating Budget Recommended Actions

1. Adopt committee narrative requesting a report on clarifying Justice Reinvestment Act-related rules regarding technical violations and revocation caps by November 30, 2018.

Updates

Implementing the JRA: The budget committees adopted committee narrative requesting that the department provide a progress report on its implementation of the JRA due on December 1, 2017. This update reviews the report and the expansion of parole in several areas, including early administrative release and medical/geriatric parole.

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Maryland Parole Commission
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Operating Budget Analysis

Program Description

The Maryland Parole Commission (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. The commission is authorized to issue warrants for the return to custody of alleged violators and revoke supervision upon finding that a violation of the conditions of parole or mandatory supervision release has occurred. The commission also makes recommendations to the Governor regarding pardons, commutations of sentences, and parole of inmates sentenced to life imprisonment.

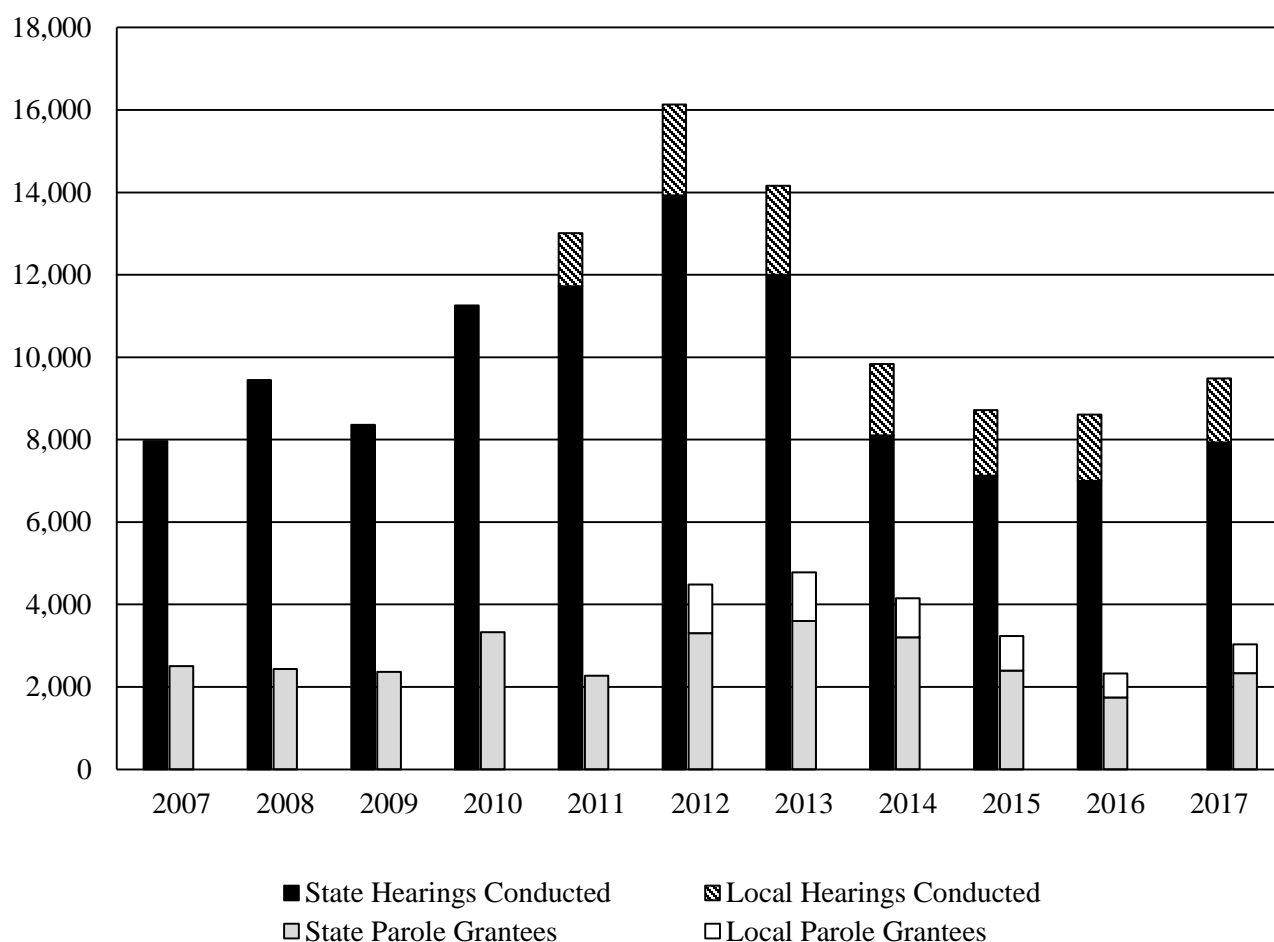
Performance Analysis: Managing for Results

1. Parole Commission Workload

Exhibit 1 shows the number of inmates granted parole along with the total number of parole hearings conducted for both State and local inmates. In fiscal 2012, MPC held 16,253 parole hearings. While this was primarily the result of a policy change to schedule parole hearings as soon as administratively possible for offenders with sentences of five years or less, parole hearing totals have since declined. Since fiscal 2012, hearings for State inmates have declined nearly 41%.

Overall, the percentage of State inmates granted parole was 29% in fiscal 2017, which matches the 10-year average. The percentage of local inmates granted parole rose nearly 9 percentage points, to 45%. While the Justice Reinvestment Act (JRA) and related initiatives will likely contribute to a declining offender population, MPC estimates for fiscal 2018 and 2019 are in line with current totals.

Exhibit 1
Parole Hearings Conducted and Inmates Granted Parole
Fiscal 2007-2017



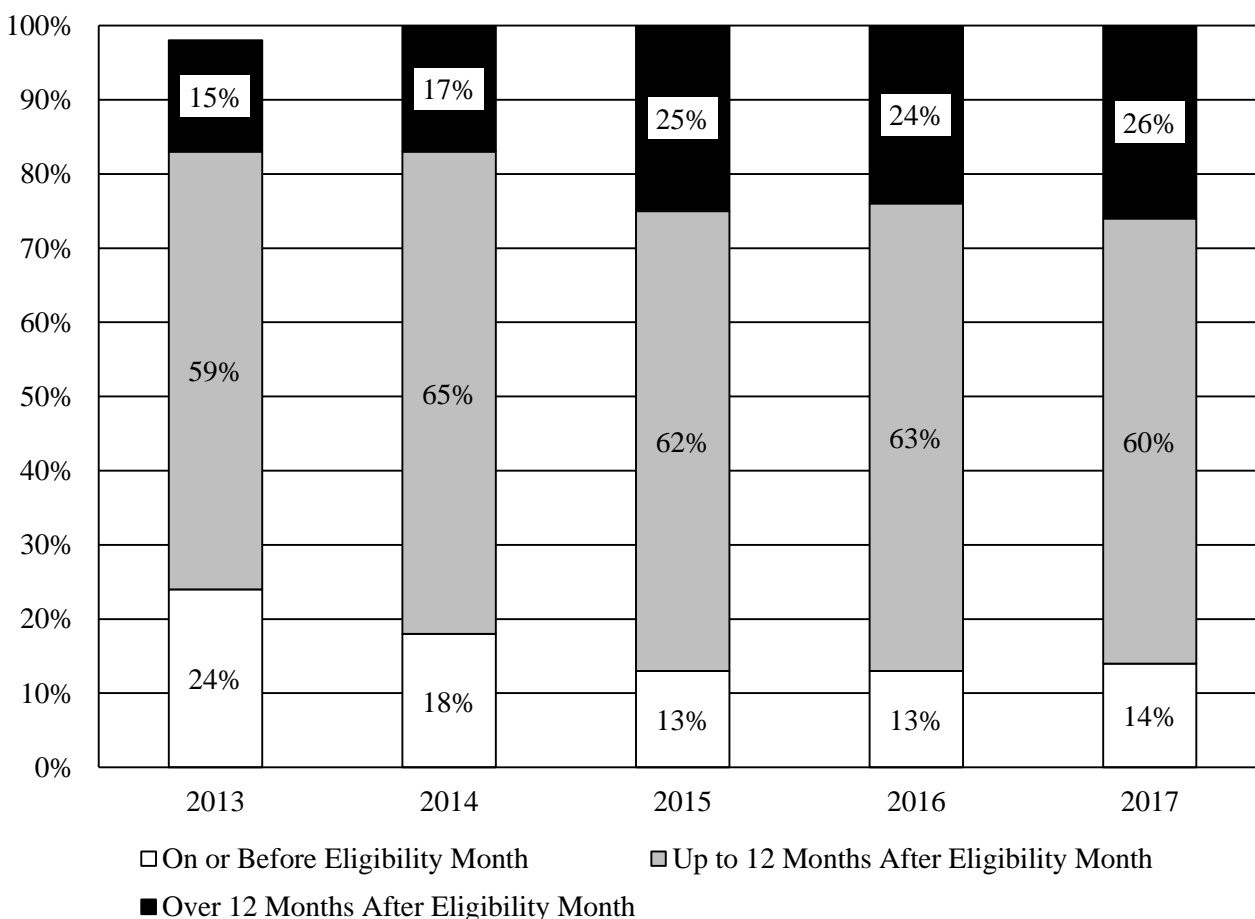
Source: Fiscal 2019 Managing for Results

2. Parole Releases in Relation to Parole Eligibility

In fiscal 2013, MPC began monitoring the number of releases at or within 12 months of parole eligibility, in part to determine the impact of the Parole Case Review (PCR) policy. PCR calls for identifying low- to moderate-risk offenders (excluding ineligible crimes), placing those offenders in programming as soon as possible, and developing a case plan for offenders that is reviewed and approved early by MPC to expedite the parole review process.

Exhibit 2 shows offenders paroled by MPC in fiscal 2013 through 2017. Overall, 60% to 65% of parole releases occur within a year past parole eligibility, a trend that has remained consistent since fiscal 2012. MPC expects about 20% of parole releases to occur at parole eligibility; in fiscal 2017, the number of parolees released on or before their eligibility date was 14%, in line with the last two fiscal years.

Exhibit 2
Parole Releases in Relation to Parole Eligibility Month
Fiscal 2013-2017

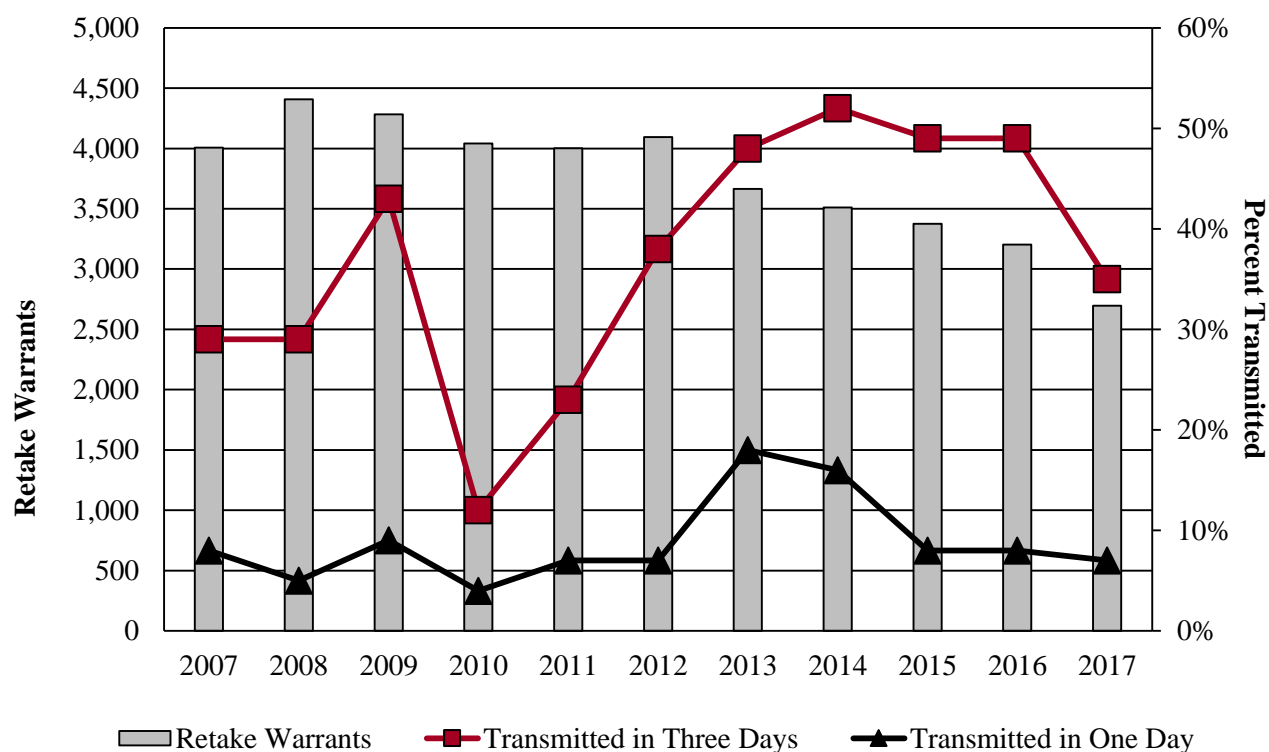


Source: Fiscal 2019 Managing for Results

3. Retake Warrants

Retake warrants are processed by MPC when a parolee violates the terms of parole. Once MPC has been notified of the violation by the community supervision agent, MPC transmits a warrant to the Central Home Detention Unit for the parolee's arrest, so a determination can be made as to whether the parolee will return to the correctional institution from where they were released. **Exhibit 3** depicts the number of retake warrants issued by MPC. The agency goal is to have at least 35% of retake warrants processed within three business days. Faster processing times mean that offenders who should not be in the community could be apprehended for parole violations more quickly.

Exhibit 3
Retake Warrant Processing
Fiscal 2007-2017



Source: Fiscal 2019 Managing for Results

After a significant decrease in fiscal 2010, processing times rebounded to exceed targets, due to the agency's expediting warrants for high-risk offenders, including sex offenders or offenders classified in the higher risk Violence Prevention Initiative group. Recently, retake warrants processed within three days dropped from 49% in fiscal 2016 to 35% in fiscal 2017. Despite this large percentage

point drop, the results are still within the agency's target goal. The number of retake warrants issued dropped 16%, and warrants processed within one business day were at 7%, in line with the previous fiscal year and the 14-year average of 9%.

Fiscal 2019 performance measures indicate that MPC is seeing (1) a decrease in parole hearings conducted; (2) an increase in parole releases after 12 months of eligibility; and (3) a decline in the number of retake warrants issued. MPC should comment on why these measures are changing and if the changes are related to reduced average daily population, staffing levels, the JRA, or other factors.

Fiscal 2018 Actions

Across-the-board Employee and Retiree Health Insurance Reduction

The budget bill includes an across-the-board reduction for employee and retiree health insurance in fiscal 2018 to reflect a surplus balance in the fund. MPC's share of this reduction is \$109,437 in general funds.

Proposed Budget

Exhibit 4 shows the Governor's fiscal 2019 allowance for MPC increases by \$18,000, or 0.3%, over the fiscal 2018 working appropriation. Personnel expenses grow by \$21,000 due to the cost-of-living adjustment (COLA) and restoration of health insurance, offset by reductions in turnover (to 3%) and retirement expenses.

Exhibit 4
Proposed Budget
DPSCS – Maryland Parole Commission
(\$ in Thousands)

How Much It Grows:	General <u>Fund</u>	<u>Total</u>
Fiscal 2017 Actual	\$5,848	\$5,848
Fiscal 2018 Working Appropriation	6,024	6,024
Fiscal 2019 Allowance	<u>6,041</u>	<u>6,041</u>
Fiscal 2018-2019 Amount Change	\$18	\$18
Fiscal 2018-2019 Percent Change	0.3%	0.3%

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Where It Goes:

Personnel Expenses

Health insurance.....	\$109
General salary increase	39
Accrued leave payouts	11
Workers' compensation premium assessment	4
Employee retirement system.....	-40
Turnover.....	-102

Other Changes

Maintenance and repairs	8
Rent.....	5
Office equipment	2
Gas and oil	-1
Communications costs	-2
In-state routine operations.....	-5
Utilities – electricity.....	-8

Other	-1
Total	\$18

DPSCS: Department of Public Safety and Correctional Services

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

General Salary Increase

The fiscal 2019 allowance includes funds for a 2% general salary increase for all State employees, effective January 1, 2019. These funds are budgeted in the Department of Budget and Management's statewide program and will be distributed to agencies during the fiscal year. This agency's share of the general salary increase is \$38,637 in general funds. In addition, employees will receive another 0.5% increase and a \$500 bonus effective April 1, 2019, if actual fiscal 2018 general fund revenues exceed the December 2017 estimate by \$75 million. These funds have not been budgeted. The Administration will need to process a deficiency appropriation if revenues are \$75 million more than projected.

Personnel Expenses

Personnel expenses increase by a total of approximately \$21,000 when adjusted for the fiscal 2018 across-the-board health insurance reduction. Increases of \$39,000 for the COLA, \$11,000 in accrued leave payouts, and \$4,000 in workers' compensation are offset by decreases that include \$40,000 for employee retirement costs and \$102,000 for turnover.

Other Expenses

Changes in nonpersonnel-related operating expenses place the agency's fiscal 2019 allowance in line with prior year actual expenditures. Additional expenses include increases of \$8,000 for maintenance and repairs, \$5,000 for rent, and \$2,000 for office equipment and supplies. There are approximately \$16,000 in decreases that include \$8,000 for electricity, \$5,000 for in-state routine operations, \$2,000 for communications costs, and \$1,000 for gas and oil.

Issues

1. Justice Reinvestment Act Challenges

Chapter 515 of 2016, the JRA, established Maryland's path to comprehensive criminal justice reform by altering provisions relating to sentencing, corrections, parole, and the supervision of offenders. MPC is responsible for several initiatives under the Act related to technical violations of parole and probation. Implementation of certain provisions related to these violations is complex because there are differences of interpretation in terms of how violations are counted.

Introduction

In November 2015, the Justice Reinvestment Coordinating Council stated that 58% of State prison admissions were for nonviolent offenses, and 58% of admissions to community supervision (parole, probation, mandatory supervisions) were failures of probation. Of the probation violations, 46% were for technical violations. Overall, the JRA seeks to reduce the number of offenders sent back to prison, particularly for these kinds of violations, so key provisions of the JRA relate to graduated sanctions. When an offender violates the conditions of supervision, graduated sanctions focus on noncustodial or nonjail options. For example, missing a meeting with a parole officer could be considered a minor infraction rather than a full violation resulting in jail time.

In terms of parole and probation violations, the Division of Parole and Probation (DPP) is using a new graduated sanctions matrix that will determine the sanction when an offender violates the conditions of supervision and introduce gradually harsher punishments without taking an offender back into custody. Once the agent has exhausted the noncustodial options in this process, the offender will be referred to MPC or court for additional sanctions. These may include revocation of probation, parole, or mandatory supervision. In addition, the JRA established revocation caps that limit how long an offender can be incarcerated for technical violations.

In its report to the General Assembly, MPC states that there are specific challenges regarding graduated sanctions and revocation caps. The terms of incarceration for technical violations of parole and mandatory supervision release are 15 days for the first violation, 30 days for the second violation, and 45 days for the third violation. MPC reports that the issue is whether sanctions should be applied to each technical violation or to each occurrence of a revocation hearing. For example:

- the sanctions apply to individual violations in one report from DPP. This means that an offender found guilty of three technical violations would be incarcerated for 90 days ($15 + 30 + 45 = 90$); or
- the first 15-day sanction applies at the first revocation hearing, no matter how many violations the offender has committed, the 30-day sanction applies at the second revocation hearing, and the 45-day sanction applies at the third revocation hearing.

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In addition, MPC reports that the JRA does not clarify whether the sanctions start from the date of the revocation hearing or the date that the offender was returned to custody.

There is a lack of clarity over whether the sanctions should begin after a finding of guilt or at the time of reincarceration. **The Department of Legislative Services recommends the adoption of committee narrative requesting that MPC submit a report to the budget committees by November 30, 2018, on efforts to clarify JRA-related rules regarding technical violations and revocation caps.**

Operating Budget Recommended Actions

1. Adopt the following narrative:

Justice Reinvestment Act Rule Clarification Report: Provisions in the Justice Reinvestment Act (JRA) introduce graduated (nonjail) sanctions to reduce the number of offenders sent to jail or prison due to parole/probation violations. In addition, revocation caps limit the length of incarceration time imposed for these violations. Currently, there are varying interpretations regarding the rules that govern how long an offender will remain incarcerated for violations. The budget committees request that the department submit a report by November 30, 2018, on efforts to clarify JRA-related rules regarding technical violations and revocation caps. This report should recommend proposed statutory changes, if needed.

Information Request	Author	Due Date
JRA rule clarification report	Maryland Parole Commission	November 30, 2018

Updates

1. Implementing the JRA

The budget committees adopted committee narrative requesting that the department provide a progress report on its implementation of the JRA due on December 1, 2017. In its *Maryland Parole Commission JRA Progress Report*, MPC provided information on its involvement with other Department of Public Safety and Correctional Services (DPSCS) agencies and JRA implementation efforts, as shown in **Exhibit 5**.

Exhibit 5 Justice Reinvestment Act: MPC-related Provisions

Provision	Current Status
Administrative Release	<p>Allows inmates convicted of certain offenses after October 1, 2017, to be released on parole after serving one-fourth of their sentence. Victims are notified of the early release and may request a regular parole hearing.</p> <ul style="list-style-type: none"> • The Maryland Parole Commission (MPC) hearing officers received training in August 2017. • MPC is working with the Department of Information Technology to create a dashboard to manage offenders and their compliance with the new release procedures by January 2018.
Geriatric Parole	<p>Offenders age 60 and up who were sentenced under Section 14-101 of the Criminal Law Article (which deals with mandatory minimum sentences) can petition for geriatric parole.</p> <ul style="list-style-type: none"> • To date, only three inmates have petitioned. The impact of this provision is expected to be minimal.
Graduated Sanctions and Revocation Caps	<p>Supervision agents use a matrix to determine the proper sanction against an offender who has violated parole. Noncustodial (nonjail) sanctions are considered. Revocation caps limit the length of incarceration time imposed for violations of parole or probation to:</p> <ul style="list-style-type: none"> • 15 days for the first violation; • 30 days for the second violation; • 45 days for the third violation; and • allows departure from these limits for public safety reasons.

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Provision	Current Status
Medical Parole	<p>Inmates may petition to seek a recommendation (at no cost) from a medical professional, who may request that the offender be paroled for medical reasons. The Governor has 180 days to deny any approved request.</p> <ul style="list-style-type: none">● MPC has a medical contractor in place.● 50 requests have come in and are being reviewed.
Department of Public Safety and Correctional Services Evidence-based Practices Training	<p>Requires annual evidence-based practices training for parole and probation agents, MPC members, and hearing officers. All MPC training is complete.</p>

Source: Department of Public Safety and Correctional Services

The remainder of the report outlines MPC involvement with other DPSCS agencies in administering JRA-related provisions and provides information about several challenges regarding interpretation of the rules for graduated sanctions and revocation caps. These items are discussed earlier in this analysis in the Issues section.

Appendix 1
Current and Prior Year Budgets
DPSCS – Maryland Parole Commission
(\$ in Thousands)

	<u>General Fund</u>	<u>Special Fund</u>	<u>Federal Fund</u>	<u>Reimb. Fund</u>	<u>Total</u>
Fiscal 2017					
Legislative Appropriation	\$5,891	\$0	\$0	\$0	\$5,891
Deficiency Appropriation	0	0	0	0	0
Cost Containment	0	0	0	0	0
Budget Amendments	61	0	0	0	61
Reversions and Cancellations	-104	0	0	0	-104
Actual Expenditures	\$5,848	\$0	\$0	\$0	\$5,848
Fiscal 2018					
Legislative Appropriation	\$6,133	\$0	\$0	\$0	\$6,133
Cost Containment	0	0	0	0	\$0
Budget Amendments	0	0	0	0	\$0
Working Appropriation	\$6,133	\$0	\$0	\$0	\$6,133

DPSCS: Department of Public Safety and Correctional Services

Note: The fiscal 2018 appropriation does not include deficiencies, targeted reversions, or across-the-board reductions. Numbers may not sum to total due to rounding.

Fiscal 2017

General Fund

General fund expenditures for fiscal 2017 were approximately \$5.8 million, a \$43,000 decrease from the legislative appropriation. Fiscal 2017 budget amendments increased the appropriation by a net \$60,520 in general funds allocated for employee salary increments.

Appendix 2
Object/Fund Difference Report
DPSCS – Maryland Parole Commission

<u>Object/Fund</u>	<u>FY 17 Actual</u>	<u>FY 18 Working Appropriation</u>	<u>FY 19 Allowance</u>	<u>FY 18 - FY 19 Amount Change</u>	<u>Percent Change</u>
Positions					
01 Regular	72.00	72.00	72.00	0.00	0%
02 Contractual	1.29	0.00	1.77	1.77	N/A
Total Positions	73.29	72.00	73.77	1.77	2.5%
Objects					
01 Salaries and Wages	\$ 5,475,395	\$ 5,740,403	\$ 5,613,547	-\$ 126,856	-2.2%
02 Technical and Spec. Fees	51,321	60,989	60,191	-798	-1.3%
03 Communication	26,205	32,200	30,200	-2,000	-6.2%
04 Travel	24,702	30,000	25,500	-4,500	-15.0%
06 Fuel and Utilities	27,851	35,946	28,100	-7,846	-21.8%
07 Motor Vehicles	19,888	8,880	15,280	6,400	72.1%
08 Contractual Services	13,075	19,850	18,900	-950	-4.8%
09 Supplies and Materials	40,090	28,300	35,000	6,700	23.7%
10 Equipment – Replacement	2,041	6,923	1,703	-5,220	-75.4%
13 Fixed Charges	167,078	169,717	174,399	4,682	2.8%
Total Objects	\$ 5,847,646	\$ 6,133,208	\$ 6,002,820	-\$ 130,388	-2.1%
Funds					
01 General Fund	\$ 5,847,646	\$ 6,133,208	\$ 6,002,820	-\$ 130,388	-2.1%
Total Funds	\$ 5,847,646	\$ 6,133,208	\$ 6,002,820	-\$ 130,388	-2.1%

DPSCS: Department of Public Safety and Correctional Services

Note: The fiscal 2018 appropriation does not include deficiencies, targeted reversions, or across-the-board reductions. The fiscal 2019 allowance does not include contingent reductions or cost-of-living adjustments.