

**Q00C01**  
**Maryland Parole Commission**  
 Department of Public Safety and Correctional Services

***Operating Budget Data***

(\$ in Thousands)

|                              | <u>FY 11</u><br><u>Actual</u> | <u>FY 12</u><br><u>Working</u> | <u>FY 13</u><br><u>Allowance</u> | <u>FY 12-13</u><br><u>Change</u> | <u>% Change</u><br><u>Prior Year</u> |
|------------------------------|-------------------------------|--------------------------------|----------------------------------|----------------------------------|--------------------------------------|
| General Fund                 | \$4,490                       | \$4,876                        | \$5,147                          | \$271                            | 5.5%                                 |
| <b>Adjusted General Fund</b> | <b>\$4,490</b>                | <b>\$4,876</b>                 | <b>\$5,147</b>                   | <b>\$271</b>                     | <b>5.5%</b>                          |
| <b>Adjusted Grand Total</b>  | <b>\$4,490</b>                | <b>\$4,876</b>                 | <b>\$5,147</b>                   | <b>\$271</b>                     | <b>5.5%</b>                          |

- The fiscal 2013 allowance increases by approximately \$271,000, or 5.5%. The growth is associated with personnel expenses, primarily 10 new positions provided to help the Maryland Parole Commission (MPC) handle an anticipated increase in workload associated with the Department of Public Safety and Correctional Services' (DPSCS) plan to release more inmates annually.

***Personnel Data***

|                        | <u>FY 11</u><br><u>Actual</u> | <u>FY 12</u><br><u>Working</u> | <u>FY 13</u><br><u>Allowance</u> | <u>FY 12-13</u><br><u>Change</u> |
|------------------------|-------------------------------|--------------------------------|----------------------------------|----------------------------------|
| Regular Positions      | 71.00                         | 66.00                          | 76.00                            | 10.00                            |
| Contractual FTEs       | <u>1.22</u>                   | <u>2.76</u>                    | <u>3.56</u>                      | <u>0.80</u>                      |
| <b>Total Personnel</b> | <b>72.22</b>                  | <b>68.76</b>                   | <b>79.56</b>                     | <b>10.80</b>                     |

***Vacancy Data: Regular Positions***

|   |      |       |
|---|------|-------|
| Turnover and Necessary Vacancies, Excluding New Positions | 4.84 | 7.33% |
| Positions and Percentage Vacant as of 12/31/11            | 3.00 | 4.55% |

- The agency receives 10 additional regular positions in the fiscal 2013 allowance, 4 hearing officers and 6 office processing clerks. These positions are provided to address the anticipated workload increase due to the department's new Earned Release Plan.

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

For further information contact: Rebecca J. Ruff

Phone: (410) 946-5530

## *Analysis in Brief*

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### Major Trends

***Agency Attempts to Address Recurrent Problems with Retake Warrant Processing Times:*** Since fiscal 2005, MPC has aimed to process at least 35% of its retake warrants within three business days. Although it has demonstrated improvement, the agency has consistently fallen short of its goal. The number of warrants issued continued to decline in fiscal 2011, falling to approximately 4,000 warrants issued. The agency was able to improve its processing times, transmitting 23% of retake warrants within three business days. MPC is implementing a number of technological and operational changes to help improve retake warrant processing times. **MPC should discuss the reasons for the continued decline in the total number of retake warrants since fiscal 2008. MPC should comment on the status of this merger and whether the retake warrant process will be altered as a result of the departmental reorganization.**

***Technical Violation Revocation Hearings:*** MPC is responsible for conducting revocation hearings for offenders on parole or mandatory release who have allegedly committed a technical violation. Offenders are held in Division of Correction custody until the revocation hearing is conducted, so efficient turnaround and scheduling has a direct impact on correctional resources. The agency's target is to have 70% of hearings conducted in the 30-day time period, and MPC was able to meet its goal for the first time in five years. **MPC should discuss what has contributed to the agency's ability to meet the established target and how staffing has impacted productivity.**

### Issues

***Parole for Locally Sentenced Inmates:*** DPSCS made a number of operational changes to improve efficiency and increase the number of locally sentenced offenders receiving parole hearings and ultimately granted parole. The Division of Parole and Probation (DPP) updated policies and implemented technological upgrades to improve communication with local detention centers and MPC during the pre-parole investigation process. MPC was able to improve the timeliness of scheduling local parole hearings in fiscal 2011, increasing from 31 to 40% of local parole hearings scheduled within 30 days of receiving the pre-parole investigation. In addition, MPC implemented a video conferencing pilot program for conducting local parole hearings in five counties. The agency is on pace to double the number of local hearings scheduled and inmates paroled in fiscal 2012; however, the number of hearings cancelled and inmates denied parole, and inmates waiving the right to a hearing are also increasing. **MPC should discuss the operational issues with the new online reporting system and the improved communication between MPC and DPP. The agency should also comment on why it believes the current target of scheduling and docketing 50% of cases within 30 days of receiving the pre-parole investigation is an unattainable goal. MPC should comment on the status of the video conferencing pilot program and the plans for expansion. The agency should also comment on why the number of hearings cancelled, inmates denied parole, and hearing waivers are also increasing in fiscal 2012. The Department of**

**Legislative Services (DLS) recommends that MPC report local parole statistics as part of its Managing for Results performance measures.**

***Impact of Parole Risk Assessment Tools on Maryland’s Parole Rate:*** In July 2010, MPC implemented the new Public Safety Risk Assessment tool, in part because of the finding that the commission often went “above the guidelines” in decisionmaking. MPC conducted two random sample analyses to compare the number of times in fiscal 2010 and 2011 decisions made by MPC have fallen outside of the guidelines identified by the decisionmaking tools. As the tools used in the decisionmaking process became more evidence based in fiscal 2011, the confidence in the recommendations increased. However, the analysis revealed that recommendations are still overridden in a significant number of initial parole and parole revocation hearings, and the majority of those override decisions are stronger than necessary. This has the potential to result in an excessive commitment of supervision resources for offenders who are granted parole or having offenders remain in a correctional facility for longer than necessary. In theory, the policy shift behind the Earned Release Plan should reduce the number of override decisions that are stronger than the recommendations of the risk assessment tool. **DLS recommends that MPC continue to track and report the number of times a parole commissioner overrides the parole decision guidelines and technical violation matrix.**

## **Recommended Actions**

1. Adopt committee narrative directing the Maryland Parole Commission to report local parole statistics as part of its Managing for Results performance measures.
2. Adopt committee narrative directing the Maryland Parole Commission to provide decisionmaking data for parole and revocation hearings.

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**Maryland Parole Commission**  
**Department of Public Safety and Correctional Services**

## ***Operating Budget Analysis***

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### **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.

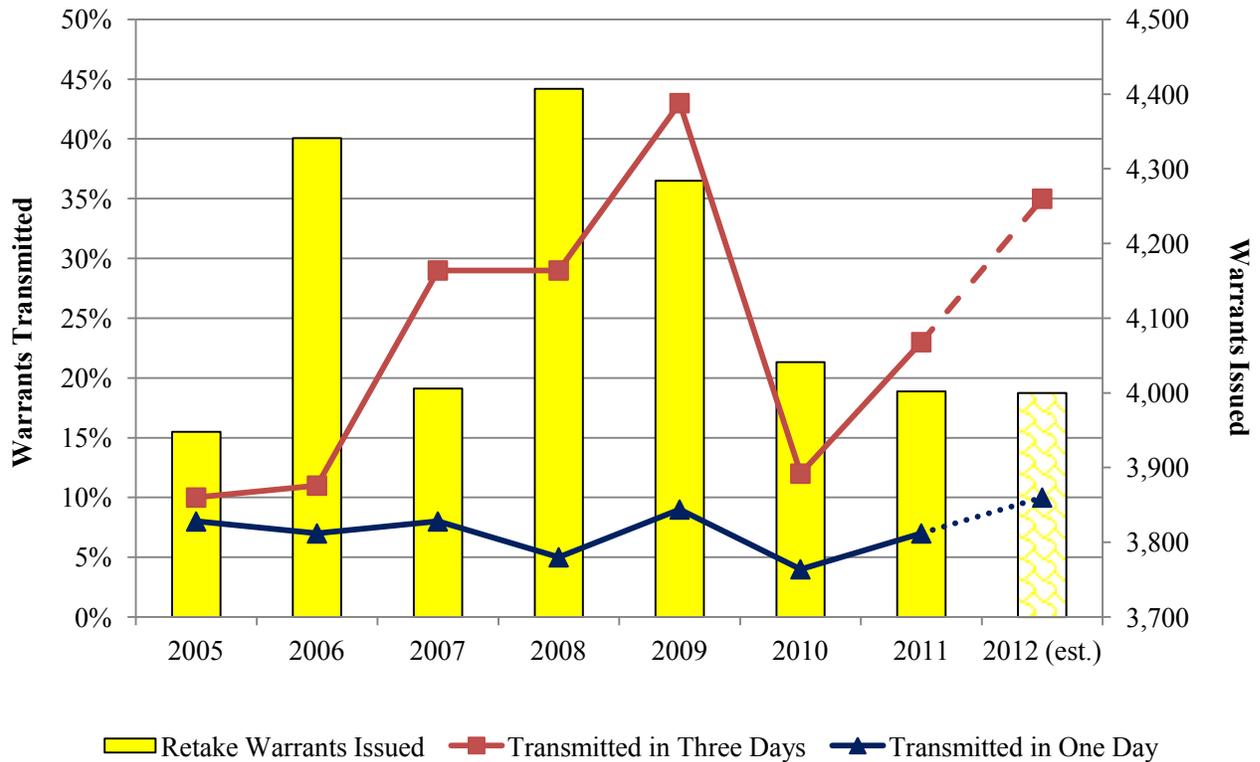
### **Performance Analysis: Managing for Results**

As part of its mission to enhance public safety and promote safe communities, MPC has aimed to expedite its retake warrant processing time. When a parolee violates the terms of parole, the parole and probation agent who works in the Division of Parole and Probation (DPP) notifies MPC. Once notice has been received, MPC transmits a warrant to the Central Home Detention Unit/Community Surveillance Enforcement Program (CHDU/CSEP) for the parolee's arrest, so that a determination can be made as to whether the parolee will return to the correctional institution from which the parolee was released. A faster process time means that offenders who should not be in the community may be apprehended for parole violations more quickly.

**Exhibit 1** reveals the agency's ongoing struggle to process retake warrants in a timely fashion. Since fiscal 2005, MPC has aimed to process at least 35% of its retake warrants within three business days. Although it has demonstrated improvement, the agency has consistently fallen short of its goal. Fiscal 2010 saw a significant decrease in productivity, when the percentage of warrants transmitted within three business days fell from 43% in fiscal 2009 to 12% in fiscal 2010. The total number of retake warrants issued also declined by nearly 6%. The number of warrants issued continued to decline in fiscal 2011, falling to approximately 4,000 warrants issued. The agency was able to improve its processing times, transmitting 23% of retake warrants within three business days. **MPC should discuss the reasons for the continued decline in the total number of retake warrants since fiscal 2008.**

MPC is implementing a number of technological and operational changes to help improve retake warrant processing times. In August 2011, scanners were added to diminish the amount of paperwork faxed between the commission and CHDU/CSEP. In September 2011, electronic retrieval of mandatory release certificates became available to MPC staff, eliminating the need to request the information necessary for preparing warrants from the Division of Correction (DOC). MPC staff also

**Exhibit 1  
Maryland Parole Commission  
Retake Warrant Processing  
Fiscal 2005-2012 (Est.)**

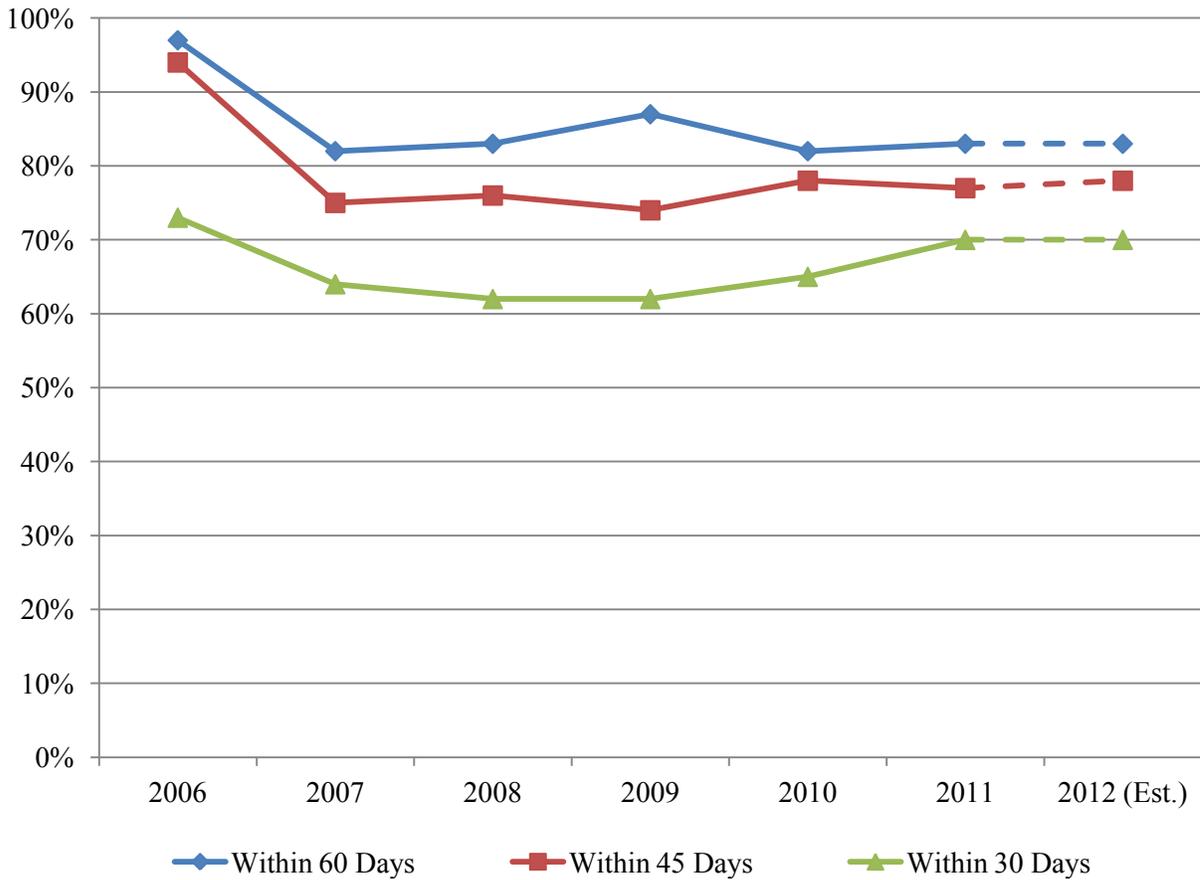


Source: Department of Public Safety and Correctional Services; Governor’s Budget Books, Fiscal 2013

began preparing local jail retake warrants electronically instead of manually typing them on an electronic typewriter. Operationally, DPP and MPC are in the process of merging the warrant units from the CHDU and MPC into one unit. According to MPC, this merger would eliminate the multiple communications between the units gathering information, duplication of information, transporting of warrants between the units, and the number of days accrued for warrant preparation from start to finish. **MPC should comment on the status of this merger and whether the retake warrant process will be altered as a result of the departmental reorganization.**

MPC is also responsible for conducting revocation hearings for offenders on parole or mandatory release who have allegedly committed a technical violation. Offenders are held in DOC custody until the revocation hearing is conducted, so efficient turnaround and scheduling has a direct impact on correctional resources. **Exhibit 2** shows the percentage of revocation hearings for alleged

**Exhibit 2**  
**Maryland Parole Commission**  
**Timeliness of Scheduling Revocation Hearings**  
**Fiscal 2006-2012 (Est.)**



Source: Department of Public Safety and Correctional Services; Governor’s Budget Books, Fiscal 2013

technical violations conducted within 30 days of the offenders’ return to custody. The agency’s target is to have 70% of hearings conducted in the 30-day time period. The agency was able to meet its goal for the first time in five years, by having 70% of revocation hearings scheduled within 30-days of a return to custody. **MPC should discuss what has contributed to the agency’s ability to meet the established target and how staffing has impacted productivity.**

## **Fiscal 2012 Actions**

Section 47 of the fiscal 2012 budget bill required the Governor to abolish 450 positions as of January 1, 2012. This agency's share of the reduction was 5 positions. The annualized salary savings due to the abolition of these positions is expected to be \$134,324 in general funds.

## **Proposed Budget**

As seen in **Exhibit 3**, the Governor's fiscal 2013 allowance increases by approximately \$271,000, or 5.5%. This growth is attributable to increases in personnel expenses. Employee retirement and health insurance costs increase by approximately \$100,000 in fiscal 2013, offset by the elimination of the one-time \$750 employee bonus provided in fiscal 2012 and a reduction in salaries to align the fiscal 2013 budget with the actual positions abolished through the Voluntary Separation Program. Funding for contractual full-time equivalents (FTE) also increases by \$25,000. As a whole, the department is reducing its reliance on contractual temporary office assistance in the agencies, believing that contractual FTEs will be better equipped to meet workload demands. MPC receives 0.8 additional FTE as a result of this policy shift.

## **Earned Release Plan**

The most significant change in the agency's budget is the addition of 10 new positions, 4 additional hearing officers and 6 office processing clerks, which increase the allowance by approximately \$334,000. The additional positions are primarily needed to accommodate an increased workload associated with the Department of Public Safety and Correctional Services (DPSCS) new Earned Release Plan (ERP) but will also assist with the increased workload from improvements made in the local parole process, as well.

The ERP reflects a shift in departmental policy and focus to increase compliance with case plans and essentially allow inmates who were not deemed eligible for parole at their initial parole hearing a second chance at achieving parole release. Prior MPC policy dictated that if an inmate was determined to be ineligible for parole at the initial parole hearing, the only option for release after that was to wait for the mandatory supervision release (MSR) date. An analysis of fiscal 2011 release data showed that the average length of stay (ALOS) for MSR inmates was 19 months past the parole eligibility date (PED). Similarly, for inmates who were eligible for parole, but not compliant enough with the case plan to be paroled at the initial parole hearing, the ALOS was 9 months past PED until the inmate completed the necessary conditions for release.

Under the ERP, MPC hearing officers will coordinate with case management in the corrections function to monitor inmates' progress in meeting the requirements of the case plan. Compliance with the case plan lowers risk level, making candidates more attractive for parole. The case plan review will happen prior to the inmate's PED to make offenders better candidates for release at the initial parole hearing. More significantly, for inmates not granted parole at the initial hearing, MPC will work with case management to identify what goals need to be met for the offender

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**Exhibit 3**  
**Proposed Budget**  
**DPSCS – Maryland Parole Commission**  
**(\$ in Thousands)**

| <b>How Much It Grows:</b>  | <b>General<br/>Fund</b> | <b>Total</b> |
|----------------------------|-------------------------|--------------|
| 2012 Working Appropriation | \$4,876                 | \$4,876      |
| 2013 Allowance             | <u>5,147</u>            | <u>5,147</u> |
| Amount Change              | \$271                   | \$271        |
| Percent Change             | 5.5%                    | 5.5%         |
| <br>                       |                         |              |
| Contingent Reductions      | \$0                     | \$0          |
| Adjusted Change            | \$271                   | \$271        |
| Adjusted Percent Change    | 5.5%                    | 5.5%         |

**Where It Goes:**

**Personnel Expenses**

|   |       |
|---|-------|
| New positions.....  | \$334 |
| Increments and other compensation.....                      | -131  |
| Employee and retiree health insurance.....                  | 72    |
| Employees' retirement system .....                          | 28    |
| Workers' compensation premium assessment .....              | 43    |
| Turnover adjustments.....                                   | -38   |
| Elimination of one-time fiscal 2012 employee bonus.....     | -42   |
| Other fringe benefit adjustments .....                      | -9    |
| Increased contractual full-time equivalent employment ..... | 25    |

**Other Changes**

|   |    |
|---|----|
| In-state routine travel expenses.....   | -4 |
| Decreased telephone expenses in line with prior year actual expenditures..... | -6 |
| Other.....  | -1 |

**Total** **\$271**

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

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to be reconsidered for parole, and the department will target programs and services at those offenders to assist them in gaining an earlier release.

With the ERP changes, the department anticipates releasing an additional 1,200 DOC inmates annually. In fiscal 2013, however, DPSCS is only anticipating a partial implementation of the plan, as some start-up time will be required to identify eligible inmates and coordinate agency operations and programming. The department is anticipating releasing 200 to 400 additional inmates in fiscal 2013, allowing for the closure of Southern Maryland Pre-release Unit, which has an average daily population of 175 inmates, generating savings of \$1.8 million in facility operating costs. Although the ERP is still in its infancy in terms of implementation, when fully implemented in fiscal 2014, DPSCS believes the potential exists for closing three pre-release facilities and dormitory housing in two additional facilities, generating up to \$5.2 million in savings.

The fiscal 2013 allowance includes 4 hearing officers and 6 office processing clerks for MPC, budgeted at 50% turnover expectancy based on the partial implementation of ERP in fiscal 2013. When fully implemented, MPC is anticipating that the ERP will require scheduling for an additional 3,000 DOC hearings. The improvements in local parole processing are also estimated to generate an additional 2,500 local parole hearings annually. Currently, 1 full-time office processing clerk can schedule 6,300 DOC hearings or 2,300 local parole hearings annually, and each hearing officer can handle an average of 2,100 hearings annually. MPC believes the increased scheduling demands will require 3 additional processing clerks and 3 additional hearing officers. The agency also estimates that the number of local paroles processed will double to approximately 1,000 annually, and DOC parole releases will increase by 1,200. This will require an additional 2 processing clerk positions. The remaining processing clerk position will be tasked with handling the increased data entry into the Offender Case Management System (OCMS). The fourth hearing officer will be responsible for tracking offender's compliance with case plans and coordinating with correctional case managers. The department is also currently looking into securing funding for a program analyst to evaluate the effectiveness of the ERP, including review programming and services, coordination of placement with services, recidivism, estimated savings, etc.

## ***Issues***

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### **1. Parole for Locally Sentenced Inmates**

During the 2011 session, a number of concerns were raised regarding the parole process for locally sentenced offenders. The small hearing dockets and poor communication between State agencies and local correctional facilities had resulted in a costly and inefficient system that limited the number of locally sentenced inmates who received parole hearings in a timely manner. In response to the legislature's concerns, DPSCS made a number of operational changes to improve efficiency and increase the number of locally sentenced offenders receiving parole hearings and ultimately granted parole.

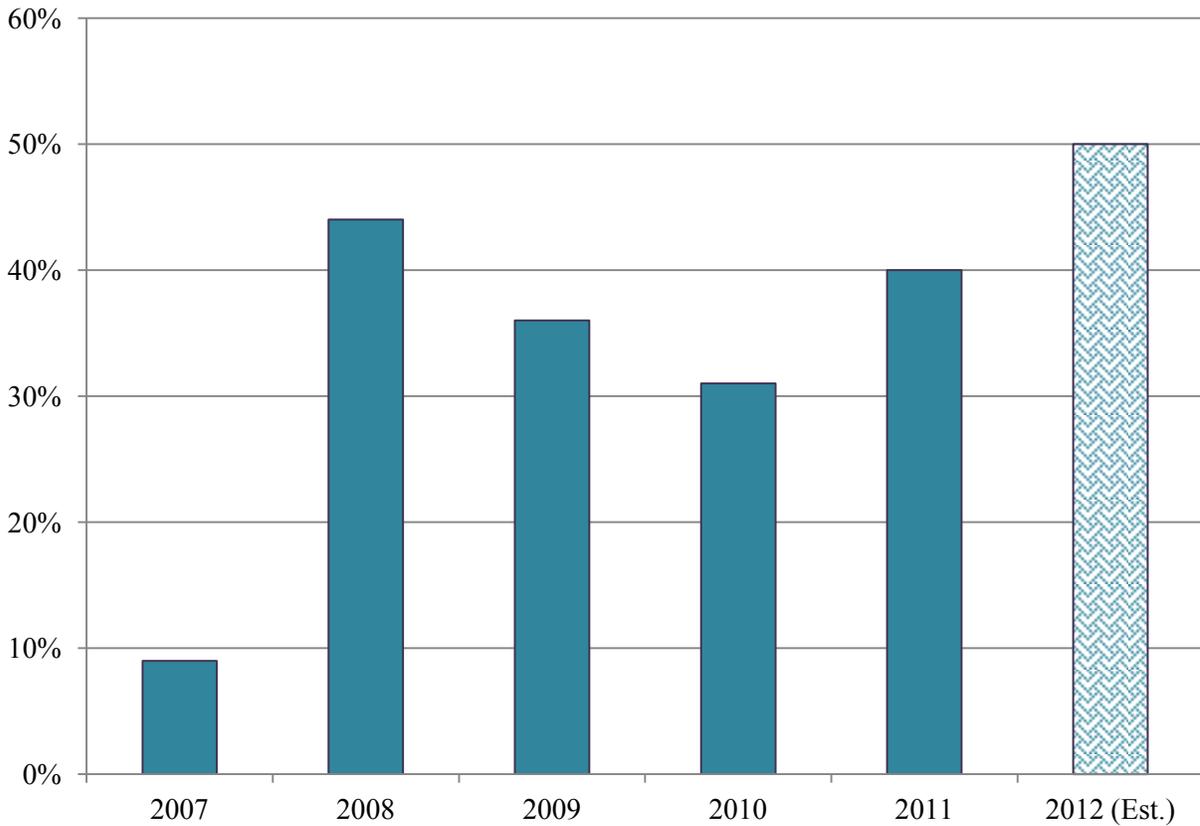
#### **Pre-parole Investigation Process**

On the front end of the process, DPP has improved its pre-parole investigation process by altering the way it communicates with local correctional facilities and MPC. Previously, there had been no requirement for local correctional facilities to notify DPP of an offender's incarceration within a specific timeframe, and likewise, DPP did not have a policy in place for assigning the investigation to an agent within a specific timeframe. DPP has now established a goal that requires local correctional facilities to provide the agency with notification of an inmate's confinement within 5 days of commitment. Currently, local detention centers are providing DPP with all necessary documentation within 10 days. Also, it is now division policy that all investigations are assigned to a DPP agent on the same date the commitment order is received. Investigators will have 10 working days to complete an investigation, as opposed to 30 working days under the previous policy.

DPP also worked with MPC and the department's Information Technology and Communications Division to create an online reporting system that allows investigating agents to electronically store the investigator's report and supporting documents. When the report is completed, MPC receives an electronic notification that the report is available and a hearing can be scheduled accordingly. The new system became available for use in August 2011, although there were some initial operational issues which required DPP to continue providing MPC with hard copies of the investigations, in addition to the electronic reports.

**Exhibit 4** shows the agency's progress toward achieving its goal of having 50% of local parole hearings scheduled and docketed *within 30 days* of receipt of the pre-parole investigation. Some improvement was made in fiscal 2011, when the percent of hearings scheduled within the targeted timeframe increased from 31 to 40%. Despite the improvement, MPC has indicated that the current target is unattainable and will be modified for fiscal 2012 and thereafter to scheduling and docketing 50% of local parole hearings *within 60 days* of the pre-parole investigation.

**Exhibit 4**  
**Maryland Parole Commission**  
**Scheduling Local Parole Hearings within 30 Days of Receipt**  
**Fiscal 2007-2012 (Est.)**



Source: Maryland Parole Commission; Department of Public Safety and Correctional Services

**MPC should discuss whether all of the operational issues with the new online reporting system have been addressed and how that has impacted communication between MPC and DPP. The agency should also comment on why it believes the current target of scheduling and docketing 50% of cases within 30 days of receiving the pre-parole investigation is an unattainable goal.**

**Video Conferencing Pilot Program**

On the back end of the process, the utilization of video conferencing for conducting parole hearings was proposed as a potential solution to the low number of local parole hearings actually conducted. Video conferencing eliminates the need for parole commissioners to travel to county

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detention centers for small dockets, which should improve time management for MPC and potentially generate cost savings for both MPC and the local facilities. At the direction of the legislature, DPSCS entered into memorandums of understanding with five counties, Allegany, Baltimore, Frederick, Prince George’s, and Washington, to implement a video conferencing pilot program.

Three of the five counties (Allegany, Frederick, and Prince George’s) did not require new equipment to establish the video conferencing connection. The two counties that did require equipment, Baltimore and Washington, were able to purchase the necessary equipment for \$35,300 and \$12,552, respectively. Ongoing maintenance costs are relatively low, ranging from no annual cost to \$10,000 annually. All five counties are currently operational; however, video conference hearings have only been conducted in three jurisdictions. Video equipment for Prince George’s and Washington counties only came online recently; therefore, MPC had to conduct onsite hearings in November and December 2011. According to MPC, as of January 2012, parole hearings will be conducted via video conferencing with all of the pilot jurisdictions.

**Exhibit 5** compares local parole data for fiscal 2010 through the first 6 months of fiscal 2012. The number of hearings conducted in the first 6 months of fiscal 2012 is on pace to nearly double the number of hearings conducted in the 12 months of fiscal 2011. The same trend appears true for the number of inmates granted parole. At the same time, however, hearings cancelled, inmates denied parole, and the waiver rates are also on track to outpace fiscal 2011. To date, only 81 hearings have been conducted via video conference, which might be one reason why MPC has yet to see an impact on the number of hearings cancelled.

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**Exhibit 5**  
**Maryland Parole Commission**  
**Local Parole Statistics – Statewide**  
**Fiscal 2010-2012 Year-to-date**

|                        | <u>2010</u> | <u>2011</u> | <u>YTD</u><br><u>2012</u> |
|------------------------|-------------|-------------|---------------------------|
| Hearings Conducted     | 1,280       | 1,463       | 1,352                     |
| Hearings via Video     |             |             | 81                        |
| Hearings Cancelled     | 227         | 269         | 265                       |
| Inmates Denied Parole  | 336         | 421         | 382                       |
| Inmates Granted Parole | 652         | 697         | 674                       |
| Inmates Waived Right   | 856         | 974         | 426                       |

YTD: year-to-date

Source: Maryland Parole Commission, Department of Public Safety and Correctional Services

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**MPC should comment on the status of the video conferencing pilot program and the department’s plans to expand the use of video conferencing for conducting local parole hearings in other jurisdictions. The agency should also comment on why the number of hearings cancelled, inmates denied parole, and hearing waivers are also increasing in fiscal 2012.**

**The Department of Legislative Services (DLS) recommends that the MPC report local parole statistics as part of its Managing for Results performance measures.**

## **2. Impact of Parole Risk Assessment Tools on Maryland’s Parole Rate**

MPC has been using some form of guidelines to structure the outcomes of its parole decisionmaking process since 1979. In July 2010, under the direction of Dr. James Austin of the JFA Institute, MPC implemented the new Public Safety Risk Assessment tool, in part because of the finding that the commission often went “above the guidelines” in decisionmaking. This was largely due to inmates either having not received programming the commission felt was needed prior to release, or not having had time to finish a program. The tool includes two components. The Static Risk Instrument predicts the level of security necessary for the offender at the time of admission to prison or placement on probation. The Dynamic Instrument modifies the Static Risk Instrument based on the offender’s behavior and conduct, *i.e.*, compliance with the case management plan. The Dynamic Instrument is applied every 6 months for probationers and every 12 months or before the offender’s appearance before MPC.

The tool was developed using the entire 2004 parole and probation population, split into two cohorts (one for use in developing the model and one used to validate the model). A bivariate analysis was conducted to determine the appropriate predictors of recidivism (gender, current offense, age at admission, prior total arrests, *etc.*), followed by a multivariate analysis to eliminate redundancy among the predictors. Finally, a weighting scheme was developed to reflect the contribution of each predictor toward the final score. The final weighting scheme was developed using the entire data set and sensitivity tests were conducted to ensure that inferences were not too different from the random split sample design.

During the 2011 session, MPC was asked to provide an evaluation of how consistently the guidelines were adhered to by the parole commissioners and hearing officers. Specifically, the agency was to analyze data from initial parole hearings and revocation hearings in fiscal 2010 and 2011. Ultimately, DPSCS is unable to provide complete data on the number of times decisions made by MPC have fallen outside of the guidelines identified by the decisionmaking tools. MPC did, however, conduct two random sample analyses. It should be noted that in fiscal 2010, MPC was still utilizing the Revised Uniform Assessment Policy. The new and validated Public Safety Risk Assessment tool has been in place since fiscal 2011. The findings of the analyses are presented in **Exhibit 6**.

**Exhibit 6**  
**Maryland Parole Commission**  
**Consistency of Implementing Decisionmaking Tool Recommendations**  
**Fiscal 2010-2011**

|   | <u>Adhered to Guidelines</u> | <u>Overrides</u>                |                               | <u>Percent Overrides</u> |
|---|------------------------------|---------------------------------|-------------------------------|--------------------------|
|   |                              | <u>Stronger Than Guidelines</u> | <u>Weaker Than Guidelines</u> |                          |
| <i>First Analysis: January – May (n=60)</i> |                              |                                 |                               |                          |
| <b>2010</b>                                 | 15 (50%)                     | 11 (37%)                        | 4 (13%)                       | 50%                      |
| <b>2011</b>                                 | 20 (67%)                     | 9 (30%)                         | 1 (3%)                        | 33%                      |
| <i>Second Analysis: April – May (n=40)</i>  |                              |                                 |                               |                          |
| <b>2010</b>                                 | 11 (55%)                     | 8 (40%)                         | 1 (5%)                        | 45%                      |
| <b>2011</b>                                 | 15 (75%)                     | 4 (20%)                         | 1 (5%)                        | 25%                      |

Source: Department of Legislative Services

In the first analysis, MPC reviewed a random sample of 60 initial parole hearing decisions from hearings conducted between January and May of 2010 and 2011 (30 cases from each fiscal year). As seen in the chart, the recommendation of the risk assessment was overridden 50% of the time in fiscal 2010. Of the 15 override decisions, approximately 73% were stronger than what was recommended by the decisionmaking guidelines. In fiscal 2011, compliance with the decision-making tool improved, with nearly 67% of the decisions falling within the recommended guidelines. However, of the 10 override decisions, 90% were stronger than the recommendation of the validated risk assessment tool.

The second analysis reviewed 40 additional cases from April and May of 2010 and 2011 (20 cases from each fiscal year). In fiscal 2010, 55% of decisions were in line with the risk assessment guidelines. Of the 9 override decisions, nearly 89% were more severe than what was recommended. Compliance with the tool improved in fiscal 2011 with this cohort, as well, with 75% of decisions in line with the instrument’s recommendations. In this sample, as well, however, the majority of override decisions are stronger than what is deemed necessary by the validated decisionmaking tool.

Finally, MPC provided data on the consistency with which its recommendations were adhered to by the hearing officers for the technical violation matrix used at parole revocation hearings. In fiscal 2010, the matrix was used in 280 parole revocation hearings. The matrix’s decision was overridden 40% of the time. In fiscal 2011, the matrix was used in 319 parole revocation hearings. The matrix’s recommendation was overridden in 24% of the cases.

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Clearly, as the tools used in the decisionmaking process become more evidence-based, the confidence in the recommendations has increased. However, the recommendations are still overridden in a significant number of initial parole and parole revocation hearings, and the majority of those override decisions are stronger than necessary. This has the potential to result in an excessive commitment of supervision resources for offenders who are granted parole or having offenders remain in a correctional facility for longer than necessary.

According to the agency, the MPC Chairman and DPSCS Secretary monitor parole commissioners' compliance rates monthly, and OCMS will have the capability of tracking and reporting this data. In theory, the policy shift behind the ERP should also reduce the number of override decisions that are stronger than the recommendations of the risk assessment tool. **DLS recommends that the MPC continue to track and report the number of times a parole commissioner overrides the parole decision guidelines and technical violation matrix.**

## ***Recommended Actions***

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1. Adopt the following narrative:

**Local Parole Statistics:** The budget committees direct the Maryland Parole Commission (MPC) to report local parole statistics as part of its Managing for Results performance measures. The reported statistics should include the number of hearings conducted, hearings conducted via video conference, hearings cancelled, inmates denied parole, inmates granted parole, and inmates who waived their right to a parole hearing. Continuing improvement of the local parole process will benefit both MPC and local detention centers, and reporting of this information will help the committees monitor the agency’s performance.

| <b>Information Request</b> | <b>Author</b> | <b>Due Date</b>                   |
|----------------------------|---------------|-----------------------------------|
| Local Parole Statistics    | MPC           | With the annual budget submission |

2. Adopt the following narrative:

**Consistency of Implementing Decisionmaking Tools:** The budget committees direct the Maryland Parole Commission (MPC) to submit a report providing fiscal 2011 and 2012 data on the number of times a parole commissioner overrides a decision derived from a risk assessment tool, either at the point of initial parole or at a revocation hearing. Recommendations are overridden in a significant number of initial parole and parole revocation hearings, and the majority of those override decisions are stronger than necessary. This has the potential to result in offenders remaining incarcerated for longer than necessary or an excessive commitment of supervision resources for inmates who are ultimately granted parole. The department’s new Earned Release Plan and use of a validated risk assessment instrument should address this problem; however, it is still an issue that should be closely monitored. The report shall be submitted to the budget committees no later than November 1, 2012.

| <b>Information Request</b>                       | <b>Author</b> | <b>Due Date</b>  |
|--|---------------|------------------|
| Consistency of Implementing Decisionmaking Tools | MPC           | November 1, 2012 |

***Current and Prior Year Budgets***

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**Current and Prior Year Budgets  
Maryland Parole Commission  
(\$ in Thousands)**

|                                  | <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> |
|----------------------------------|--------------------------------|--------------------------------|--------------------------------|-------------------------------|---------------------|
| <b>Fiscal 2011</b>               |                                |                                |                                |                               |                     |
| Legislative<br>Appropriation     | \$4,991                        | \$0                            | \$0                            | \$0                           | \$4,991             |
| Deficiency<br>Appropriation      | 0                              | 0                              | 0                              | 0                             | 0                   |
| Budget<br>Amendments             | -500                           | 0                              | 0                              | 0                             | -500                |
| Reversions and<br>Cancellations  | -1                             | 0                              | 0                              | 0                             | -1                  |
| <b>Actual<br/>Expenditures</b>   | <b>\$4,490</b>                 | <b>\$0</b>                     | <b>\$0</b>                     | <b>\$0</b>                    | <b>\$4,490</b>      |
| <b>Fiscal 2012</b>               |                                |                                |                                |                               |                     |
| Legislative<br>Appropriation     | \$4,834                        | \$0                            | \$0                            | \$0                           | \$4,834             |
| Budget<br>Amendments             | 42                             | 0                              | 0                              | 0                             | 42                  |
| <b>Working<br/>Appropriation</b> | <b>\$4,876</b>                 | <b>\$0</b>                     | <b>\$0</b>                     | <b>\$0</b>                    | <b>\$4,876</b>      |

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

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## **Fiscal 2011**

General fund spending for fiscal 2011 was approximately \$4.5 million. This was a reduction of approximately \$501,000 from the legislative appropriation. This reduction is primarily the result of one budget amendment realigning funds across the department in accordance with actual expenditures. Funds were available for transfer due to higher than budgeted turnover rates within the agency.

## **Fiscal 2012**

The fiscal 2012 general fund working appropriation for MPC reflects an increase of approximately \$42,000 associated with the one-time \$750 employee bonus.

**Object/Fund Difference Report  
DPSCS – Maryland Parole Commission**

| <u>Object/Fund</u>          | <u>FY 11<br/>Actual</u> | <u>FY 12<br/>Working<br/>Appropriation</u> | <u>FY 13<br/>Allowance</u> | <u>FY 12 - FY 13<br/>Amount Change</u> | <u>Percent<br/>Change</u> |
|-----------------------------|-------------------------|--|----------------------------|--|---------------------------|
| <b>Positions</b>            |                         |  |                            |  |                           |
| 01 Regular                  | 71.00                   | 66.00                                      | 76.00                      | 10.00                                  | 15.2%                     |
| 02 Contractual              | 1.22                    | 2.76                                       | 3.56                       | 0.80                                   | 29.0%                     |
| <b>Total Positions</b>      | <b>72.22</b>            | <b>68.76</b>                               | <b>79.56</b>               | <b>10.80</b>                           | <b>15.7%</b>              |
| <b>Objects</b>              |                         |  |                            |  |                           |
| 01 Salaries and Wages       | \$ 3,901,968            | \$ 4,483,060                               | \$ 4,739,865               | \$ 256,805                             | 5.7%                      |
| 02 Technical and Spec. Fees | 31,310                  | 44,210                                     | 72,238                     | 28,028                                 | 63.4%                     |
| 03 Communication            | 39,951                  | 48,450                                     | 42,815                     | -5,635                                 | -11.6%                    |
| 04 Travel                   | 13,027                  | 22,000                                     | 18,000                     | -4,000                                 | -18.2%                    |
| 07 Motor Vehicles           | 26,683                  | 10,050                                     | 10,710                     | 660                                    | 6.6%                      |
| 08 Contractual Services     | 202,294                 | 19,725                                     | 18,025                     | -1,700                                 | -8.6%                     |
| 09 Supplies and Materials   | 36,586                  | 32,900                                     | 33,000                     | 100                                    | 0.3%                      |
| 10 Equipment – Replacement  | 1,022                   | 5,816                                      | 2,435                      | -3,381                                 | -58.1%                    |
| 13 Fixed Charges            | 236,998                 | 209,856                                    | 209,539                    | -317                                   | -0.2%                     |
| <b>Total Objects</b>        | <b>\$ 4,489,839</b>     | <b>\$ 4,876,067</b>                        | <b>\$ 5,146,627</b>        | <b>\$ 270,560</b>                      | <b>5.5%</b>               |
| <b>Funds</b>                |                         |  |                            |  |                           |
| 01 General Fund             | \$ 4,489,839            | \$ 4,876,067                               | \$ 5,146,627               | \$ 270,560                             | 5.5%                      |
| <b>Total Funds</b>          | <b>\$ 4,489,839</b>     | <b>\$ 4,876,067</b>                        | <b>\$ 5,146,627</b>        | <b>\$ 270,560</b>                      | <b>5.5%</b>               |

Note: The fiscal 2012 appropriation does not include deficiencies.