Q00C01 Maryland Parole Commission

Department of Public Safety and Correctional Services

Operating Budget Data

(\$ in Thousands)

	FY 13 Actual	FY 14 Working	FY 15 Allowance	FY 14-15 Change	% Change Prior Year
General Fund	\$5,527	\$5,758	\$6,103	\$345	6.0%
Contingent & Back of Bill Reductions	0	-118	-66	52	
Adjusted General Fund	\$5,527	\$5,639	\$6,037	\$398	7.0%
Special Fund	155	0	0	0	
Adjusted Special Fund	\$155	\$0	\$0	\$0	
Adjusted Grand Total	\$5,682	\$5,639	\$6,037	\$398	7.0%

• The fiscal 2015 allowance for the Maryland Parole Commission (MPC) reflects growth of \$398,000, or 7%, when compared to the fiscal 2014 working appropriation. The majority of the growth is attributable to personnel costs; however, rent and travel expenses are also increasing.

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

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Personnel Data

	FY 13 Actual	FY 14 Working	FY 15 Allowance	FY 14-15 Change	
Regular Positions	76.00	76.00	76.00	0.00	
Contractual FTEs	<u>4.16</u>	<u>3.65</u>	<u>3.65</u>	0.00	
Total Personnel	80.16	79.65	79.65	0.00	
Vacancy Data: Regular Positions					
Turnover and Necessary Vacancies, Exc	cluding New				
Positions	-	2.28	3.00%		
Positions and Percentage Vacant as of 1	2/31/13	6.00	7.89%		

At the end of calendar 2013, MPC had 6.0 positions vacant. This is 3.72 positions beyond what is needed to meet fiscal 2015 budgeted turnover. All of the positions have been vacant for less than 12 months.

Analysis in Brief

Major Trends

Parole Commission Workload: In fiscal 2013, MPC conducted 14,160 parole hearings for State and local inmates. Approximately 4,800 inmates were granted parole. That same year, nearly 1,400 offenders had their release revoked by MPC.

Procedural Changes and Improved Staffing Generate Improved Productivity: In fiscal 2013, MPC received 10 additional positions to handle the increased workload resulting from improvements to the local parole process and enhancements to the parole process for State inmates. The impact of these positions and other improvements made to internal procedures has been an increase in timeliness of scheduling parole hearings and in processing retake warrants.

Issues

Parole Decisions and Risk Assessment Tools: The budget committees have been monitoring parole decisions since new guidelines were implemented in fiscal 2006. In fiscal 2013, parole commissioners followed guidelines for 76% of parole decisions and 83% of revocation decisions. MPC, along with the entire department, is once again shifting to a new risk assessment tool, the Level of Service Inventory-Revised (LSI-R), which will provide a more comprehensive assessment of both the risk level and needs of the offender. The intent of the new tool is to help improve case planning and the provision of services to inmates. The Department of Public Safety and Correctional Services should discuss the conversion to the LSI-R in lieu of the current risk assessment tool, including when a decision will be made regarding how the tool will be administered and the potential fiscal impact. MPC should comment on when parole data will again be available for evaluation under the new assessment tool and how parole commissioners' communicate their expectations with correctional staff and inmates to ensure needs have been addressed by the offender's parole eligibility date.

Earned Release Policy: MPC received 10 additional positions in fiscal 2013 to assist with an anticipated increase in workload resulting from implementation of the department's Earned Release Policy (ERP). The ERP was a policy designed to increase the number of eligible offenders paroled as close to the parole eligibility date as possible by ensuring compliance with their individualized case plan and participation in risk reduction strategies to minimize their likeliness of re-incarceration. The expected impact of the ERP was to parole an additional 1,200 inmates by fiscal 2014. Although the number of paroled offenders increased, the ERP fell far short of the department's estimate, resulting in significant underfunding in fiscal 2014. According to MPC, the ERP failed because the pool of eligible offenders was misestimated. The department has officially ceased the ERP and instead implemented a Parole Case Review (PCR) process for all parole eligible offenders, regardless of crime type or risk level. MPC should comment on how the new PCR process is expected to impact the offender population. The Department of Legislative Services recommends

committee narrative requesting data on how many offenders are paroled by their eligibility date.

Recommended Actions

1. Adopt narrative requesting data on the number of inmates paroled by their eligibility date.

O00C01

Maryland Parole Commission

Department of Public Safety and Correctional Services

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 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

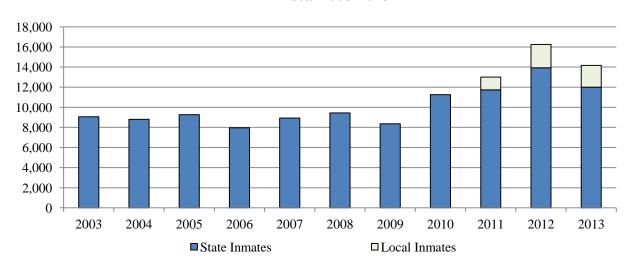
1. Parole Commission Workload

Exhibit 1 shows the number of parole hearings conducted by MPC for both State and local inmates. Workload data specific to local detention centers was first reported in the agency's fiscal 2014 Managing for Results data. In fiscal 2012, MPC held a record number of parole hearings, with 13,929 for State inmates and 2,324 for local inmates. This was primarily due to the implementation and expansion of the use of video teleconferencing to conduct the hearings. In fiscal 2013, MPC conducted 12,003 parole hearings for inmates in State correctional facilities. An additional 2,157 hearings were held for inmates in local detention centers. Nearly 31% of the local parole hearings in fiscal 2013 were conducted via video conference. Fiscal 2013 does reflect a decline in parole hearings for both State (14%) and local (7%) inmates.

Exhibit 2 demonstrates the number of State and local inmates granted parole each year. Consistent with the increase in parole hearings conducted, the number of inmates paroled from State correctional facilities grew significantly between fiscal 2011 and 2012, by 45%, or over 1,000 inmates. This increase continued in fiscal 2013 for State inmates, when 3,600 offenders were granted parole. The number of local inmates granted parole declined by 3% between fiscal 2012 and 2013, with 1,180 local offenders being released by MPC.

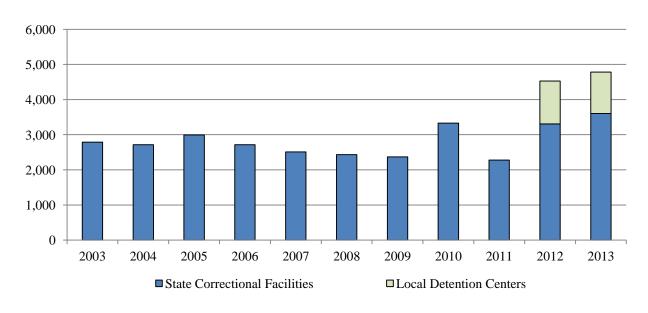
Exhibit 3 shows the number of paroled offenders who have had their released revoked by MPC in each fiscal year. Fiscal 2011 saw the highest number of revocations in more than a decade, with nearly 2,000 inmates having their release revoked. Since then, annual revocations have fallen by 30%, with fewer than 1,400 inmates returned in fiscal 2013.

Exhibit 1
Parole Hearings Conducted
Fiscal 2003-2013



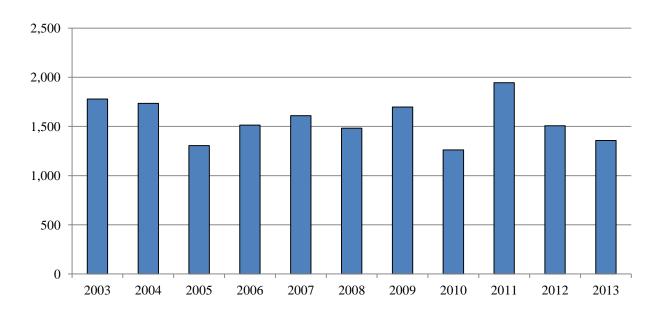
Source: Department of Public Safety and Correctional Services

Exhibit 2 Inmates Granted Parole Fiscal 2003-2013



Source: Department of Public Safety and Correctional Services

Exhibit 3
Releases Revoked
Fiscal 2003-2013



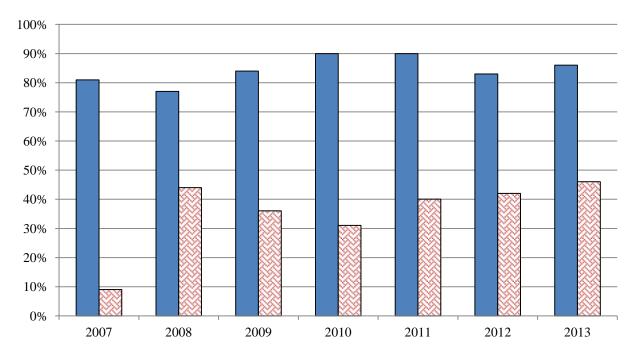
Source: Department of Public Safety and Correctional Services

2. Procedural Changes and Improved Staffing Generate Improved Productivity

In fiscal 2013, MPC received 10 additional positions to handle the increased workload resulting from improvements to the local parole process and enhancements to the parole process for State inmates. The impact of these 4 hearing officers and 6 processing clerks, in addition to closer monitoring by supervisors and other procedural changes within the agency, is demonstrated in **Exhibits 4** and **5**.

Exhibit 4 demonstrates the agency's ability to schedule parole hearings for State and local offenders within a specified timeframe: by the parole eligibility date for State inmates and within 30 days of receipt of the case for local inmates. The 30-day timeframe for local cases has been increased to 45 days beginning in fiscal 2014, at the direction of the budget committees. The percent of local cases scheduled within 30 days of case receipt has been steadily increasing since fiscal 2010. In fiscal 2013, 46% of local cases were scheduled within the targeted timeframe. With regard to schedule parole hearings for State inmates, in fiscal 2012, MPC fell below its goal of having 90% scheduled for a parole hearing by their eligibility date. The agency improved in fiscal 2013, however, with 86% of hearings conducted within the targeted timeframe.

Exhibit 4
Timeliness of Scheduling Parole Hearings
Fiscal 2007-2013



■ State Inmates Scheduled and Docketed on or Before Eligibility Date

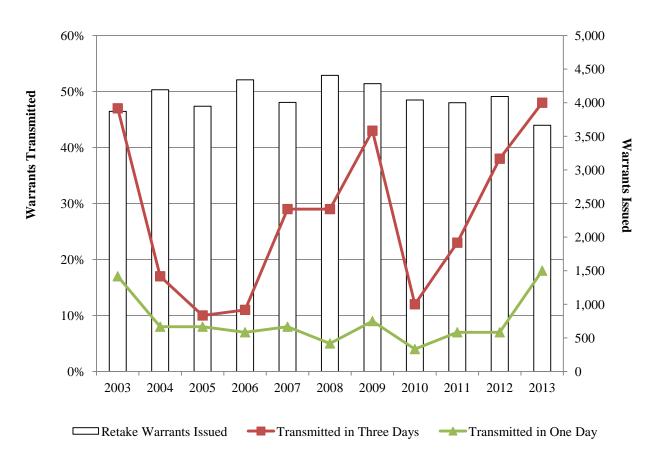
□ Local Inmates Scheduled within 30 Days of Case Receipt

Source: Department of Public Safety and Correctional Services

Exhibit 5 demonstrates the agency's continued efforts to exceed its goal of having at least 35% of retake warrants processed within three business days. 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 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.

MPC first exceeded its target in fiscal 2012, with 38% of retake warrants processed within three business days. The agency continued to improve in fiscal 2013 by processing 48% within the given time period. In addition, the percent of retake warrants processed within one business day also improved significantly, from 7% in fiscal 2012 to 18% in fiscal 2013. MPC has prioritized the processing of warrants for high risk offenders, such as sex offenders or those in the Violence Prevention Initiative, which has resulted in improved processing times.

Exhibit 5
Retake Warrant Processing
Fiscal 2003-2013



Source: Department of Public Safety and Correctional Services

Fiscal 2014 Actions

Cost Containment

There are three across-the-board withdrawn appropriations that offset the increase in deficiency appropriations. This includes reductions to employee/retiree health insurance, funding for a new Statewide Personnel information technology system, and retirement reinvestment. These actions are fully explained in the analyses of the Department of Budget and Management (DBM) – Personnel, the Department of Information Technology, and the State Retirement Agency (SRA), respectively.

Proposed Budget

Total

The Governor's fiscal 2015 allowance reflects a \$398,000 increase when compared to the fiscal 2014 working appropriation, as shown in **Exhibit 6**.

Exhibit 6 Proposed Budget DPSCS – Maryland Parole Commission (\$ in Thousands)

	General		
How Much It Grows:	<u>Fund</u>	<u>Total</u>	
2014 Working Appropriation	\$5,639	\$5,639	
2015 Allowance	<u>6,037</u>	<u>6,037</u>	
Amount Change	\$398	\$398	
Percent Change	7.0%	7.0%	
Where It Goes:			
Personnel Expenses			
Turnover and other adjustment	s		\$292
Annualization of general salary increase and increments			
Contractual employment			
Workers' compensation premium assessment			
Employee retirement system			-1
Employee and retiree health insurance			-65
Other Changes			
In-state travel			6
Rent			5
Other			
Utilities			
Video conferencing charges			

Note: Numbers may not sum to total due to rounding. The fiscal 2014 working appropriation reflects negative deficiencies and contingent reductions. The fiscal 2015 allowance reflects back of the bill and contingent reductions.

\$398

Personnel expenses increase by approximately \$385,000. The growth is primarily reflective of the fiscal 2014 cost-of-living adjustment and merit increase being annualized in fiscal 2015. The agency does experience some turnover relief; budgeted turnover for fiscal 2015 is 3.0% compared to

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6.6% in fiscal 2014. Currently, the agency has 6 vacant positions, all of which have been vacant for less than 12 months. The additional funding in the fiscal 2015 allowance will allow the agency to address some of the existing vacancies. Across-the-board and contingent reductions for employee health insurance and retirement result in net decreases of \$65,000 and \$1,000, respectively. MPC also receives an additional \$17,000 for contractual employment, which provides for an improved turnover rate based on the agency's current contractual complement.

Outside of personnel expenses, MPC receives additional funding in fiscal 2015 for in-state routine travel and rent. Offsetting these increases are reductions for utilities and video conferencing expenses. These expenses are all budgeted based on prior year actual spending.

Cost Containment

There is one across-the-board reduction and one contingent reduction reflected in the Governor's spending plan for the fiscal 2015 allowance. This affects funding for employee/retiree health insurance and retirement reinvestment. These actions are fully explained in the analyses of DBM – Personnel and SRA.

Issues

1. Parole Decisions and Risk Assessment Tools

The budget committees have been monitoring parole decisions since new guidelines were implemented in fiscal 2006. Since then, MPC has developed two risk assessment tools and a technical violation matrix to assist in making those decisions. MPC, along with the entire department, is once again shifting to a new risk assessment tool, the Level of Service Inventory-Revised (LSI-R), which will provide a more comprehensive assessment of both the risk level and needs of the offender. The intent of the new tool is to help improve case planning and the provision of services to inmates.

Parole and Revocation Decisions

Source: Maryland Parole Commission

Exhibit 7 illustrates fiscal 2011 through 2013 data regarding parole and revocation decisions. These decisions were made using the current risk assessment, which includes select static and dynamic risk factors to evaluate the level of security necessary for the offender and the behavior and conduct while incarcerated.

Exhibit 7 Maryland Parole Commission Decisions

Fiscal Year	Total Decisions Reviewed	Within (<u>Guidelines</u>	Outside	Guidelines		
Parole Decisions							
2011 2012 2013	752 750 752	547 570 568	(73%) (76%) (76%)	205 180 184	(27%) (24%) (24%)		
Revocation Decisions							
2011 2012 2013	386 541 217	296 442 181	(77%) (82%) (83%)	90 99 35	(23%) (18%) (16%)		

The data suggests that MPC follows the recommendation of the risk assessment instrument in three-quarters of its parole decisions. For the remaining one-quarter of parole decisions that fall

outside of the guidelines, MPC has not identified whether those decisions were above or below the recommendation. Typically, an evaluation of why the recommendation of the risk assessment instrument was not followed would be warranted in order to evaluate the appropriateness of the current risk assessment and how well the expectations of the parole commissioners are being communicated with the offender and/or Corrections case management staff who help prepare the offender for parole consideration. The Department of Public Safety and Correctional Services (DPSCS), however, has indicated that the use of the current risk assessment is being discontinued and will be phased-out as offenders already evaluated under this policy are paroled or released on mandatory supervision. New intakes are being administered the LSI-R upon entrance into a State correctional facility. As such, analysis of parole decision data will not be possible in the immediate future, until the new instrument has been fully implemented and utilized for an extended period of time.

With regard to revocation decisions, MPC has increasingly adhered to the recommendation of the technical violation matrix. This allows for more continuity in the decisionmaking process and suggests that this assessment tool is effective. However, the total number of revocation cases where the tool is administered declined considerably between fiscal 2012 and 2013. According to MPC, this is the result of an increase in the number of exclusionary or sensitive cases for which the tool cannot be used. These cases have always included sex offenders, violence prevention initiative cases, absconders, and those with new offenses. As of fiscal 2013, offenders who have been identified as having high risk cases by the War Room and Watch Center have also been excluded. For these cases, parole commissioners utilize the discretion granted to them by law in making decisions. Factors influencing their decisions can include the nature and circumstance of the supervised offense and new violation, the current risk level of the offender, victim impact from the previous offense, amount of time on supervision before the violation, and current age of the offender. MPC lacks the ability to track return rates for violators who are eligible for consideration under the technical violation matrix versus those who are not.

Level of Service Inventory-Revised

DPSCS intends to implement the use of the LSI-R as both a risk assessment tool and a needs assessment instrument. The current tool used by MPC and other units within the department assessed risk only and required the use of several other instruments to assess treatment needs for each offender. The LSI-R provides an assessment of both risk and needs for each offender along 10 different continuums that have been linked with criminal behavior. In addition to criminal history, these areas of assessment include the offender's education/employment history; financial, marital, and housing status; relationships with family and other companions; alcohol/drug problems; recreational activities; and other personal opinions held by the offender. The LSR-I is used by seven states in the United States and Canada.

DPSCS began administering the LSI-R to all new intakes into State correctional facilities beginning in November 2013. Data from the first 1,000 male offenders was evaluated by Multi-Health Systems, Inc, the creator of the instrument, to ensure that the risk levels assigned to offenders are specific to and reflective of Maryland's population. A similar analysis will be

conducted for the female population once the instrument has been administered to 1,000 new female intakes.

With its reorganization, DPSCS has established a policy to target treatment resources for offenders who have been designated as low-medium or high-medium risk. The department does not target its resources toward the lowest or highest risk offenders because research has shown that these offenders do not benefit as greatly from treatment programming while incarcerated. Under the current risk assessment utilized by DPSCS, 20% of the inmate population was identified as low risk and 40% of the population was deemed to be high risk. The evaluation of data using the LSI-R suggests that only 14% of the population is low risk and 3% is high risk. The result is that 83% of the population becomes eligible for receiving some level of services, as opposed to 40%. In addition to assessing the risk levels of the population, DPSCS claims that the needs evaluation component of the LSI-R will assist in the Parole Case Review (PCR) process. PCR involves developing a coordinated treatment plan designed to specifically remediate the criminogenic factors identified by the tool in an effort to increase the likelihood of parole.

DPSCS is currently in the process of determining if administration of the LSI-R, which requires approximately 30 to 45 minutes per offender, will be completed by a private vendor or if the task can be accomplished utilizing departmental staff. An evaluation of potential performance measures to ensure that the tool is having the desired impact of coordinating the delivery of appropriate clinical services to offenders based on the identified needs is also underway.

DPSCS should discuss the conversion to the LSI-R in lieu of the current risk assessment tool, including when a decision will be made regarding how the tool will be administered and the potential fiscal impact.

MPC should comment on when parole data will again be available for evaluation under the new assessment tool and how parole commissioners' communicate their expectations with correctional staff and inmates to ensure needs have been addressed by the offender's parole eligibility date.

2. Earned Release Policy

MPC received 10 additional positions in fiscal 2013 to assist with an anticipated increase in workload resulting from implementation of the department's Earned Release Policy (ERP). The ERP was a policy designed to increase the number of eligible offenders paroled as close to their parole eligibility date as possible by ensuring compliance with individualized case plans and participation in risk reduction strategies to minimize the likeliness of re-incarceration. The expected impact of the ERP was to parole an additional 1,200 inmates during fiscal 2014.

The ERP Process

DPSCS first identifies the low-medium and medium-high risk offenders within the population using the departmental risk assessment tool. The policy does not target the lowest or highest risk

offenders because research has shown that these offenders do not benefit as greatly from treatment programming while incarcerated. Next, offenders with ineligible crimes are excluded from the potential ERP population. In designing the policy, certain crimes were deemed to be inappropriate for consideration, regardless of the offender's risk level. These crimes include:

- murder;
- attempted murder;
- manslaughter;
- all sex offenses;
- use of a weapon in commission of the crime;
- distribution of drug charges;
- armed robbery;
- arson; and
- kidnapping.

Offenders with ineligible crimes are scheduled for parole consideration as required by statute.

Once the eligible population has been established, inmates are targeted for placement in programming as soon as possible to increase the likelihood of receiving parole at the initial parole hearing. An individual case plan is created for each offender by case management. The case plan is reviewed by MPC, which has the ability to approve, deny, or request changes for the plan. To the extent that an offender adheres to the case plan, it is anticipated that parole will be granted by the eligibility date. As a result of the ERP, parole commissioners now conduct initial parole hearings six months prior to the parole eligibility date to assist with scheduling programming and release planning.

Impact of the ERP

DPSCS evaluated offenders paroled by MPC between August 2012 and June 2013. **Exhibit 8** reveals that the majority of paroles in fiscal 2013 occurred after an offender's parole eligibility date and that fiscal 2013 paroles increased by 206 over fiscal 2012. Only 22% of fiscal 2013 paroles occurred by an inmate's parole eligibility date. Nearly 53% of paroles in fiscal 2013 occurred within 12 months after an inmate's parole eligibility date.

Exhibit 8 Parole Releases in Relation to Parole Eligibility Date

Fiscal 2012 Total Paroles	2,335
Released by Parole Eligibility Date	560 (22%)
Released within 12 Months After Parole Eligibility	1,344 (53%)
Released More Than 12 Months After Parole Eligibility	346 (14%)
Not ERP-eligible or Released via Revocation Hearing	291 (11%)
Fiscal 2013 Total Paroles	2,541

ERP: Earned Release Policy

Source: Maryland Parole Commission

The ERP has fallen short of the department's goals. The reduction in population during the first year of the new policy was 206 offenders, which is far less than the 1,200 anticipated when the policy was introduced and the fiscal 2014 operating budget was formulated. The total estimated savings in fiscal 2013 was approximately \$1.3 million, after accounting for the \$300,000 and 10 positions provided to MPC to support the policy. The fiscal 2014 shortfall is approximately \$8.5 million.

Evaluation of the Policy

An analysis of fiscal 2012 data cannot be conducted to know how this compares to parole data prior to the ERP implementation, as the department did not begin collecting this data prior to fiscal 2013. DPSCS has indicated that 22% of the population paroled by their eligibility date is in line with risk levels of the population, as only low-risk offenders would expect to be paroled by the eligibility date, and 20% of the department's population is currently categorized as low risk. According to DPSCS, any increase in the percentage of offenders paroled at their eligibility date would reflect parole commissioners making parole decisions outside of the recommended parole guidelines. However, this explanation for why less than one-quarter of paroles occur by the eligibility date is somewhat counterintuitive if the purpose of implementing the policy was to increase the likelihood of being paroled at or near the eligibility date. Furthermore, this line of reasoning calls into question what the impact will be under the new LSI-R risk assessment tool, which identifies only 14% of the inmate population as being low risk.

According to the department, the challenges with the policy were largely the result of a limited pool of eligible offenders. After the initial policy was developed, additional crimes were

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included for exclusion, including weapons offenses and drug distribution charges. This significantly reduced the eligible population. In addition, the original population estimates were calculated using only the offenders' primary offense. After further examination, DPSCS realized that, while a number of offenders may qualify based on the primary offense, subsequent offenses may result in exclusion, which further limited the eligible population.

DPSCS believes there is some value in the new policy. It has resulted in improved case planning and review. There is also increased coordination and communication between MPC and the Corrections case management staff to provide more comprehensive service delivery for the inmates. The department has officially ceased the ERP and instead implemented a PCR process for all parole eligible offenders, regardless of crime type or risk level.

MPC should comment on how the new PCR process is expected to impact the offender population.

The Department of Legislative Services recommends committee narrative requesting data on how many offenders are paroled by their eligibility date.

Recommended Actions

1. Adopt the following narrative:

Parole Releases in Relation to the Parole Eligibility Date: The budget committees are interested in continuing to monitor the percentage of offenders' who are paroled at or near their parole eligibility date. The Maryland Parole Commission (MPC) reports that only 22% of offenders were paroled by their eligibility date in fiscal 2013 and that comparison data is not available for fiscal 2012. The Department of Public Safety and Correctional Services misestimated the number of offenders who would be paroled by their eligibility date under its Earned Release Policy, which has resulted in significant underfunding in fiscal 2014. The budget committees direct MPC to provide parole data for fiscal 2014 including the total number of paroles, the number paroled by the eligibility date, within 12 months, and beyond 12 months of the eligibility date. MPC should also evaluate whether this would be an appropriate performance measure for inclusion in the agency's Managing for Results submission. The data shall be provided to the budget committees no later than November 1, 2014.

Information Request	Author	Due Date
Parole Releases in Relation to the Parole Eligibility Date	MPC	November 1, 2014

Object/Fund Difference Report DPSCS – Maryland Parole Commission

FY 14					
	FY 13	Working	FY 15	FY 14 - FY 15	Percent
Object/Fund	<u>Actual</u>	Appropriation	Allowance	Amount Change	Change
Positions					
01 Regular	76.00	76.00	76.00	0.00	0%
02 Contractual	4.16	3.65	3.65	0.00	0%
Total Positions	80.16	79.65	79.65	0.00	0%
Objects					
01 Salaries and Wages	\$ 5,188,523	\$ 5,324,233	\$ 5,657,379	\$ 333,146	6.3%
<u> </u>					
02 Technical and Spec. Fees	125,355	73,150	89,839	16,689	22.8%
03 Communication	28,088	39,880	32,880	-7,000	-17.6%
04 Travel	29,027	22,000	28,000	6,000	27.3%
06 Fuel and Utilities	31,601	41,430	33,200	-8,230	-19.9%
07 Motor Vehicles	10,893	11,140	10,690	-450	-4.0%
08 Contractual Services	45,525	17,050	17,350	300	1.8%
09 Supplies and Materials	35,522	37,800	37,000	-800	-2.1%
10 Equipment – Replacement	2,435	974	974	0	0%
13 Fixed Charges	185,212	190,111	195,745	5,634	3.0%
Total Objects	\$ 5,682,181	\$ 5,757,768	\$ 6,103,057	\$ 345,289	6.0%
Funds					
01 General Fund	\$ 5,527,053	\$ 5,757,768	\$ 6,103,057	\$ 345,289	6.0%
03 Special Fund	155,128	0	0	0	0.0%
Total Funds	\$ 5,682,181	\$ 5,757,768	\$ 6,103,057	\$ 345,289	6.0%

Note: The fiscal 2014 appropriation does not include deficiencies. The fiscal 2015 allowance does not include contingent reductions.