

Q00C01
Maryland Parole Commission
Department of Public Safety and Correctional Services

Operating Budget Data

(\$ in Thousands)

	<u>FY 16</u> <u>Actual</u>	<u>FY 17</u> <u>Working</u>	<u>FY 18</u> <u>Allowance</u>	<u>FY 17-18</u> <u>Change</u>	<u>% Change</u> <u>Prior Year</u>
General Fund	\$5,774	\$5,952	\$6,153	\$201	3.4%
Adjustments	0	0	-19	-19	
Adjusted General Fund	\$5,774	\$5,952	\$6,133	\$182	3.1%
 Adjusted Grand Total	 \$5,774	 \$5,952	 \$6,133	 \$182	 3.1%

Note: Includes targeted reversions, deficiencies, and contingent reductions.

- When adjusted for the fiscal 2018 across-the-board reduction for supplemental pension payments, the Maryland Parole Commission's (MPC) fiscal 2018 allowance is \$6.1 million, approximately \$182,000 above the fiscal 2017 working appropriation. This represents an increase of 3.1% in general funds.

Personnel Data

	<u>FY 16</u> <u>Actual</u>	<u>FY 17</u> <u>Working</u>	<u>FY 18</u> <u>Allowance</u>	<u>FY 17-18</u> <u>Change</u>
Regular Positions	72.00	72.00	72.00	0.00
Contractual FTEs	<u>1.27</u>	<u>1.81</u>	<u>1.72</u>	<u>-0.09</u>
Total Personnel	73.27	73.81	73.72	-0.09

Vacancy Data: Regular Positions

Turnover and Necessary Vacancies, Excluding New Positions	2.14	2.97%
Positions and Percentage Vacant as of 12/31/16	6.00	8.33%

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

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- The fiscal 2018 allowance for MPC reflects no change in regular positions and a decrease of 0.09 in contractual full-time equivalents. In addition, the agency currently has 6.0 vacant positions, about three times what is needed on average to meet fiscal 2018 budgeted turnover.

Analysis in Brief

Parole Commission Workload: MPC conducted 8,609 parole hearings for State and local inmates in fiscal 2016, a 1% decrease from fiscal 2015. The percentage of State inmates granted parole was 24%, near the 10-year average of 29%. The percentage of local inmates granted parole was slightly higher, at 36%.

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 13% in fiscal 2016. The majority of parole releases occur within 12 months after parole eligibility, at 60% to 65% each year from fiscal 2013 to 2016.

Retake Warrants: MPC has a goal of having at least 35% of retake warrants processed within three business days, and in fiscal 2016, 49% were processed in three days, exceeding the goal by 14 percentage points.

Issues

Implementing the Justice Reinvestment Act: 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, regarding statewide parole policy and reform. **MPC should provide a progress report on the status of the JRA implementation and how the provisions taking effect on October 1, 2017, will impact the agency.**

Recommended Actions

1. Adopt committee narrative requesting a progress report on the status of the Justice Reinvestment Act implementation and how the provisions taking effect on October 1, 2017, will impact the agency.

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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.

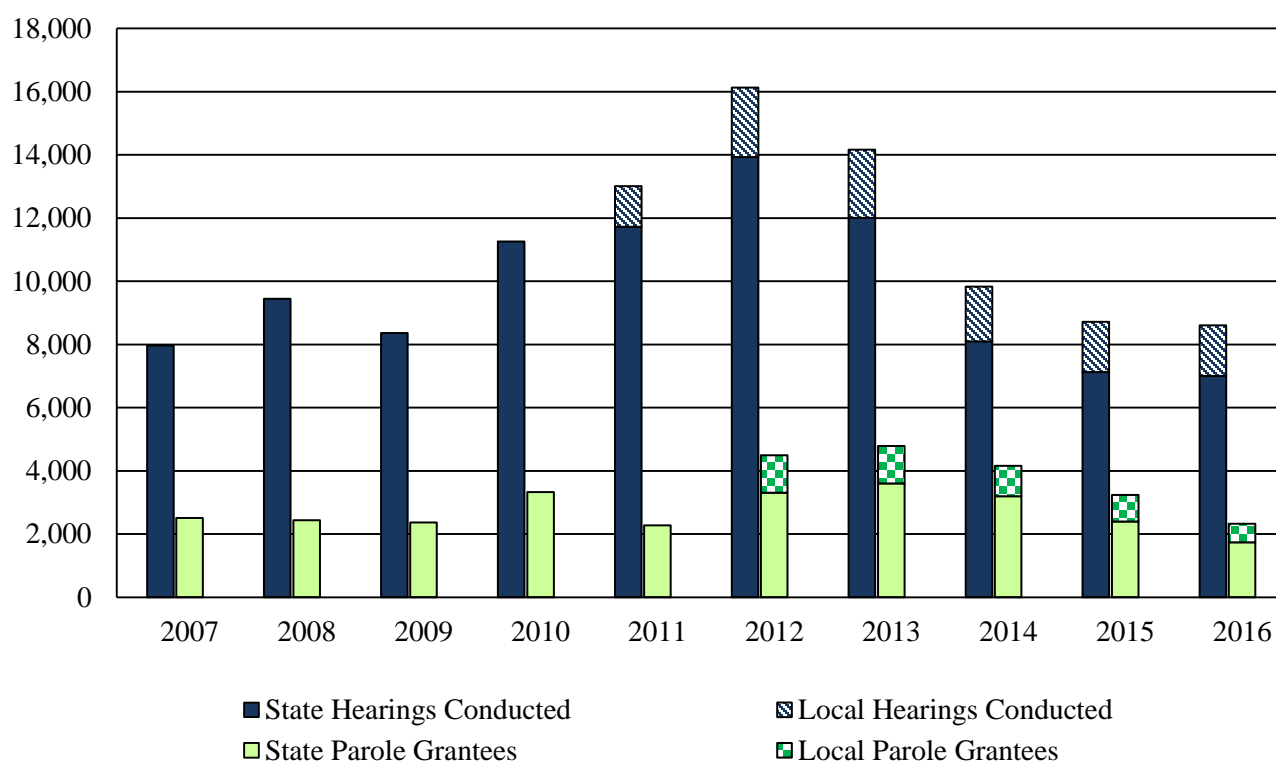
Performance Analysis: Managing for Results

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 a record of 16,253 parole hearings. This was primarily the result of a policy change to schedule parole hearings as soon as administratively possible from offenders with sentences of four years, or fewer, to sentences of five years, or fewer. This created a rise in the number of parole hearings in fiscal 2012 that has since leveled out.

In fiscal 2016, MPC conducted 7,001 hearings for inmates in State correctional facilities and 1,608 hearings in local detention centers. While this is in line with the previous fiscal year, it is a 47% decline from the fiscal 2012 peak. The percentage of State inmates granted parole was 24%, near the 10-year average of 29%. For the years beyond fiscal 2018, the Justice Reinvestment Act (JRA) and related initiatives across the State are expected to contribute to the declining offender population and will likely decrease the number of parole hearings.

Exhibit 1
Parole Hearings Conducted and Inmates Granted Parole
Fiscal 2007-2016



Note: Local parole hearing data first reported for fiscal 2011.

Source: Managing for Results, Department of Public Safety and Correctional Services

While approximately 31% of the local parole hearings in fiscal 2015 were conducted via video conference, nearly 18% were conducted via video in fiscal 2016. MPC acquired a fourth video conferencing unit in August 2015. However, the added equipment was not a factor this fiscal year as the number of onsite parole hearings at local detention centers increased from 69% to 83%. In addition, the department has indicated in the past that weekly scheduling decisions are made to minimize costs associated with offender transportation and maximize the number of cases heard, regardless of what medium the parole hearing uses.

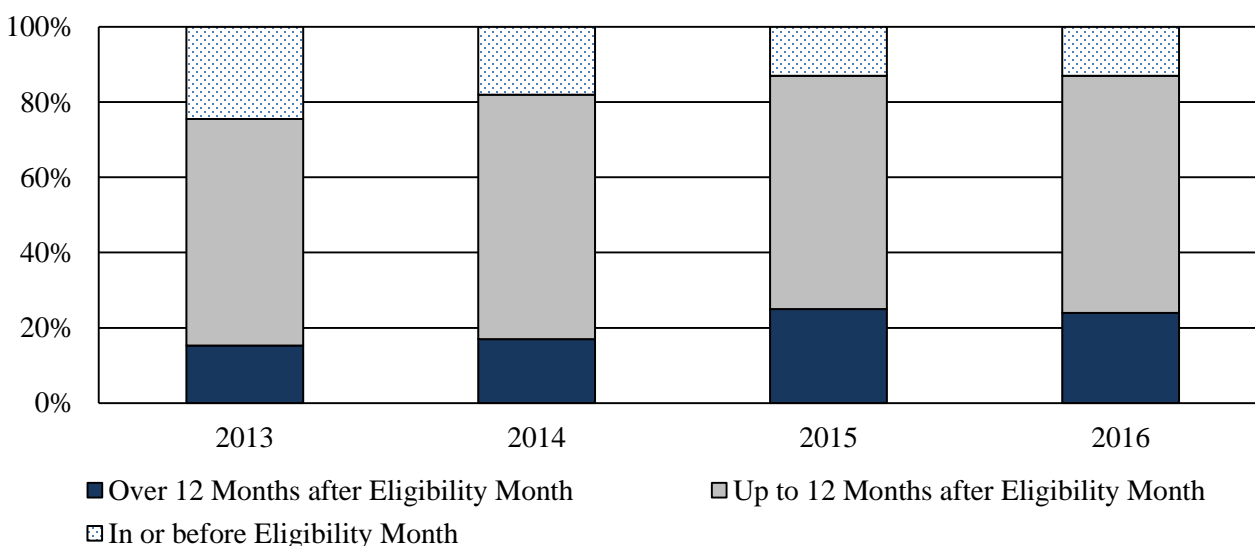
Exhibit 1 also depicts the number of State and local inmates granted parole each year. While over 3,200 total inmates were released on parole in fiscal 2015, 2,328 inmates were released in fiscal 2016, a 28% decline. This is consistent with the fact that the number of parole hearings continue to decrease from fiscal 2012 levels.

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 the offenders that is reviewed and commented upon or approved early by MPC in order to jumpstart the parole review process, and therefore increase the likelihood that participating offenders can be released at their initial parole hearing. The department has found that this process facilitates communication between case management and MPC and provides case management with a clear direction as to how to proceed with programming in each offender's case.

Exhibit 2 shows offenders paroled by MPC in fiscal 2013 through 2016. At the request of the budget committees, MPC now includes this data with its annual Managing for Results submission. In previous years, MPC has testified that it expects only about 20% of the parole releases to occur at parole eligibility. While MPC exceeded this goal in fiscal 2013 by 5 percentage points, the amount of parolees released by the eligibility date has since decreased steadily – the offenders who are released before or on their parole eligibility date are now 13%. Overall, the majority of parole releases occur within a year after parole eligibility, at 60% to 65% each year from fiscal 2013 to 2016.

Exhibit 2
Parole Releases in Relation to Parole Eligibility Month
Fiscal 2013-2016

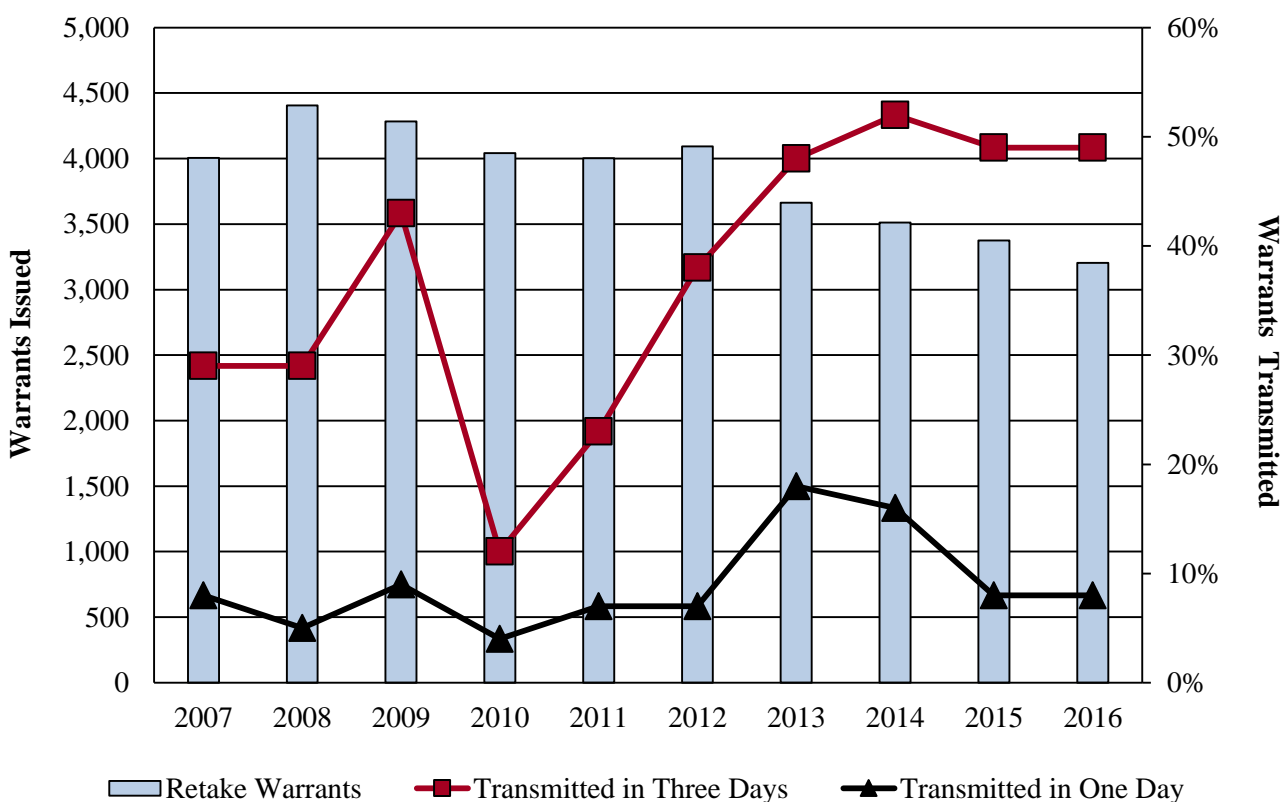


Source: Managing for Results, Department of Public Safety and Correctional Services

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 that a determination can be made as to whether the parolee will return to the correctional institution from which 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 may be apprehended for parole violations more quickly. **Given that there are fewer retake warrants issued, the agency should comment on steps taken to improve retake warrant processing time.**

Exhibit 3
Retake Warrant Processing
Fiscal 2007-2016



Source: Managing for Results, Department of Public Safety and Correctional Services

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After a significant decrease in fiscal 2010, MPC first exceeded its target in fiscal 2012, with 38% of retake warrants processed within three business days. The agency continued to improve over fiscal 2013 and into fiscal 2014 by processing 53% within the given time period. During fiscal 2015 and 2016, 49% of retake warrants were processed in three days, exceeding the goal by 14 percentage points. The agency attributes the improvements to expediting warrants for high-risk offenders, such as sex offenders or those classified in the Violence Prevention Initiative risk group. The percentage of retake warrants processed within one business day was at 8%, with no change from the previous fiscal year. While this number is down from the 2013 high of 18%, it is in line with the 13-year average of 9%.

Fiscal 2017 Actions

Section 20 Position Abolitions

Section 20 of the fiscal 2017 budget bill required the Governor to abolish 657 vacant full-time equivalent (FTE) positions and reduce the fiscal 2017 budget by \$25.0 million. The impact to the Department of Public Safety and Correctional Services (DPSCS) was the loss of \$7.8 million in general funds, \$100,000 in special funds, and 58 regular positions. MPC had 2 of the 58 abolished positions with salary and fringe benefit savings of \$119,971.

Proposed Budget

As shown in **Exhibit 4**, the Governor's fiscal 2018 allowance for MPC increases by \$182,000, or 3.1%, over the fiscal 2017 working appropriation. Virtually all of the increase is due to a \$178,000 increase in personnel expenses. In addition, this budgetary change includes an across-the-board contingent reduction for supplemental pension payments in fiscal 2018.

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

How Much It Grows:	General Fund	Total
Fiscal 2016 Actual	\$5,774	\$5,774
Fiscal 2017 Working Appropriation	5,952	5,952
Fiscal 2018 Allowance	<u>6,133</u>	<u>6,133</u>
Fiscal 2017-2018 Amount Change	\$182	\$182
Fiscal 2017-2018 Percent Change	3.1%	3.1%

Q00C01 – DPSCS – Maryland Parole Commission

Where It Goes:

Personnel Expenses

Turnover expectancy	\$209
Employee and retiree health insurance.....	23
Workers' compensation premium assessment.....	3
Accrued leave payout	3
Employee retirement system	-60

Other Changes

Utilities – electricity	8
Office equipment.....	6
Rent	4
In-state travel.....	-2
Office supplies.....	-6
Cell phone expenditures	-7
Other.....	1

Total **\$182**

DPSCS: Department of Public Safety and Correctional Services

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

Across-the-board Reductions

The fiscal 2018 budget bill includes a \$54.5 million (all funds) across-the-board contingent reduction for a supplemental pension payment. Annual payments are mandated for fiscal 2017 through 2020 if the Unassigned General Fund balance exceeds a certain amount at the close of the fiscal year. MPC's share of these reductions is \$19,497 in general funds. This action is tied to a provision in the Budget Reconciliation and Financing Act of 2017.

Personnel and FTEs

Personnel expenses increase by a total of \$178,116 when adjusted for the fiscal 2018 across-the-board contingent reduction for supplemental pension payments. The majority of the increase is due to turnover expectancy (\$209,000) and increases in employee and retiree health insurance (\$23,000). Relatively small increases of \$3,000 each were allocated for accrued leave payout and workers' compensation. These increases were offset by a decrease of \$60,000 in employee retirement expenditures.

Other Expenses

Additional expenses are mainly office-related, with \$8,000 of increases for utilities, \$6,000 in office equipment, and \$4,000 in rent. These increases are offset by decreases of \$6,000 in office supplies, \$2,000 for in-state travel, and a decrease of \$7,000 for cell phones.

Issues

1. Implementing the Justice Reinvestment Act

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, regarding statewide parole policy and reform. In collaboration with multiple statewide agencies, including MPC, the Governor's Office of Crime Control and Prevention has initiated several portions of the JRA including an Oversight Board and key recommendations for compliance. The recommendations and initiatives related to MPC are presented as follows.

Revised Release Policies

The JRA requires the establishment of administrative release, when an offender is parole eligible, for certain offenders convicted of drug offenses and misdemeanor property crimes who have satisfied specific criteria and complied with an individualized case plan. It also expands the use of diminution credits and the use of medical and geriatric parole.

Medical Parole and Geriatric Parole

- It requires inmates to be chronically disabled in order to be released on medical parole.
- It enables an inmate or their designee, to request a separate medical evaluation conducted by a medical professional independent from the Division of Correction, at no cost to the inmate.
- If medical parole is granted, the Governor has 180 days to deny an MPC-approved medical parole before the release is automatically effective.

Administrative Release

This initiative will establish an administrative release category that allows inmates to be released on parole without a hearing, after serving one- fourth of their sentence, if the inmate satisfies the following criteria:

- complies with their individualized case plan;
- has not committed a category one rule violation;
- a victim has not requested a hearing; or

- the commission finds a hearing unnecessary considering the inmate’s history, progress, and compliance.

For the inmate to qualify for administrative release (1) the inmate must have a sentence of six months or longer; (2) their most serious offense is a low- level drug crime or a misdemeanor property crime; (3) they do not have a previous conviction for a violent crime or a registerable sex offense; (4) they do not have two or more convictions for low- level commercial drug crimes; and (5) if the inmate is serving a mandatory minimum and has served the mandatory portion of the sentence, MPC should investigate to determine the inmate’s eligibility and conditions under which he or she may be released and calculate a tentative release date.

MPC Participation in DPSCS Innovation Teams

DPSCS has established 10 implementation teams, referred to as Innovation Teams, to identify and develop the specific policy, procedure, and programmatic changes necessary to implement each provision of the legislation. **Exhibit 5** highlights the JRA provisions that pertain to MPC along with the policy modifications necessary for implementation. While some of the following recommendations have already been presented in this section, the following are listed in Exhibit 5 as they will be subject to additional oversight and input from DPSCS and the pertinent Innovation Team staff.

Exhibit 5

Justice Reinvestment Act – Innovation Teams for Implementation

JRA Provision

Policy Requirements

Medical and Geriatric Parole	Modifies current policies regarding eligibility for medical and geriatric parole to include offenders with chronic disabilities and those aged 60 or older, allows for a separate medical evaluation conducted by an independent professional, and provides the Governor with 180 days to deny an MPC-approved medical parole before the release is automatically effective.
DPP Graduated Sanctions	Requires the statewide use of graduated sanctions in response to technical violations of conditions of supervision, establishes revocation caps on sentences resulting from a technical violation but does allow the opportunity for departure from the limit for public safety reasons, and requires notification of technical violations and graduated sanctions to the courts and MPC when imposed by DPP.
DPSCS Evidence-based Practices Training	Requires annual evidence-based practices training for parole and probation agents, MPC members, and hearing officers.

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JRA Provision

Policy Requirements

Administrative Release

Allows an inmate to be released on parole, without a hearing, after serving one-fourth of his/her sentence if certain conditions are met; requires eligibility investigations by MPC and calculation of release dates; and requires State and local correctional facilities to develop individual case plans with regular progress reviews and reports.

DPP: Division of Parole and Probation

DPSCS: Department of Public Safety and Correctional Services

JRA: Justice Reinvestment Act

MPC: Maryland Parole Commission

Source: Department of Public Safety and Correctional Services; Department of Legislative Services

The Department of Legislative Services recommends the adoption of committee narrative requesting that MPC provide a progress report on the status of the JRA implementation, including an update on which provisions set to begin in October 2017 have in fact started, performance data, and costs/needs related to implementation by December 1, 2017.

Recommended Actions

1. Adopt the following narrative:

Implementing the Justice Reinvestment Act: 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. The Maryland Parole Commission (MPC) is responsible for several initiatives under the Act, regarding statewide parole policy and reform. The budget committees request that MPC provide a progress report on the status of the JRA implementation, including an update on which provisions set to begin in October 2017 have in fact started, performance data, and costs/needs related to implementation by December 1, 2017.

Information Request	Author	Due Date
Implementing the Justice Reinvestment Act	MPC	December 1, 2017

Appendix 1
Object/Fund Difference Report
DPSCS – Maryland Parole Commission

<u>Object/Fund</u>	<u>FY 16 Actual</u>	<u>FY 17 Working Appropriation</u>	<u>FY 18 Allowance</u>	<u>FY 17 - FY 18 Amount Change</u>	<u>Percent Change</u>
Positions					
01 Regular	72.00	72.00	72.00	0.00	0%
02 Contractual	1.27	1.81	1.72	-0.09	-5.0%
Total Positions	73.27	73.81	73.72	-0.09	-0.1%
Objects					
01 Salaries and Wages	\$ 5,407,144	\$ 5,562,296	\$ 5,759,909	\$ 197,613	3.6%
02 Technical and Spec. Fees	51,124	61,638	60,989	-649	-1.1%
03 Communication	29,588	38,336	32,200	-6,136	-16.0%
04 Travel	22,968	32,000	30,000	-2,000	-6.3%
06 Fuel and Utilities	34,196	28,039	35,946	7,907	28.2%
07 Motor Vehicles	22,831	9,380	8,880	-500	-5.3%
08 Contractual Services	18,098	20,230	19,850	-380	-1.9%
09 Supplies and Materials	22,497	34,300	28,300	-6,000	-17.5%
10 Equipment – Replacement	1,612	0	6,923	6,923	N/A
13 Fixed Charges	163,669	165,402	169,717	4,315	2.6%
Total Objects	\$ 5,773,727	\$ 5,951,621	\$ 6,152,714	\$ 201,093	3.4%
Funds					
01 General Fund	\$ 5,773,727	\$ 5,951,621	\$ 6,152,714	\$ 201,093	3.4%
Total Funds	\$ 5,773,727	\$ 5,951,621	\$ 6,152,714	\$ 201,093	3.4%

DPSCS: Department of Public Safety and Correctional Services

Note: Does not include targeted reversions, deficiencies, and contingent reductions.