

Q00C01
Maryland Parole Commission
 Department of Public Safety and Correctional Services

Operating Budget Data

(\$ in Thousands)

	<u>FY 09</u> <u>Actual</u>	<u>FY 10</u> <u>Working</u>	<u>FY 11</u> <u>Allowance</u>	<u>FY 10-11</u> <u>Change</u>	<u>% Change</u> <u>Prior Year</u>
General Fund	\$4,989	\$5,110	\$5,256	\$146	2.9%
Contingent & Back of Bill Reductions	0	0	-122	-122	
Adjusted General Fund	\$4,989	\$5,110	\$5,134	\$24	0.5%
Adjusted Grand Total	\$4,989	\$5,110	\$5,134	\$24	0.5%

Note: For purposes of illustration, the Department of Legislative Services has estimated the distribution of selected across-the-board reductions. The actual allocations are to be developed by the Administration.

- The fiscal 2011 allowance for the Maryland Parole Commission (MPC) is approximately \$5.1 million, an increase of \$24,000 in general funds. This increase funds the purchase of a new vehicle and routine in-state travel expenses.

Personnel Data

	<u>FY 09</u> <u>Actual</u>	<u>FY 10</u> <u>Working</u>	<u>FY 11</u> <u>Allowance</u>	<u>FY 10-11</u> <u>Change</u>
Regular Positions	75.00	74.00	74.00	0.00
Contractual FTEs	<u>2.29</u>	<u>2.61</u>	<u>2.61</u>	<u>0.00</u>
Total Personnel	77.29	76.61	76.61	0.00

Vacancy Data: Regular Positions

Turnover and Necessary Vacancies, Excluding New Positions	2.96	4.00%
Positions and Percentage Vacant as of 12/31/09	13.00	17.57%

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

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Analysis in Brief

Major Trends

Timeliness of Scheduling Initial Parole Hearings: In fiscal 2009, 84% of eligible Division of Correction (DOC) inmates had their initial parole hearing scheduled on or before the eligibility date. While this is an improvement from 77% of hearings scheduled within the appropriate timeframe in fiscal 2008, it is still short of the targeted 90%. MPC also fell short of its target for local correctional facility inmates, as well. Only 36% of local inmates had initial parole hearing scheduled within 30 days of MPC receiving the case, a drop of eight percentage points from fiscal 2008. **The agency should comment on why it is unable to meet its goals and what steps will be taken to improve operations.**

Timeliness of Scheduling Revocation Hearings: MPC aims to conduct at least 70% of revocation hearings for alleged technical rule violators within 30 days of the offender’s return to DOC custody. The agency was able to maintain its fiscal 2008 rate of 62% but was unable to make any improvements toward the designated goal of 70% or better. **The agency should comment on why it is unable to meet its goal and what steps will be taken to improve operations.**

Issues

Maryland Is Unable to Accurately Determine Adult Recidivism Rates: In December 2008, the department discovered significant errors in the recidivism data that not only made the impact of technical violators indiscernible, but also call into question the validity of all reported recidivism data. The system has been mistakenly counting returns to incarceration that are, in fact, violations of probation or technical violations, as a “new offense.” This has resulted in an *overcounting* of the number of “new offense” returns. In addition, Department of Public Safety and Correctional Services (DPSCS) believes there has been an *undercounting* of the actual number of new offense admissions as a result of not having the criminal docket information regarding a new offense at the time of intake. **The department should comment on the impact and severity of reporting invalid recidivism data and explain how this situation was able to occur and for how long recidivism data has been misreported. Additionally, DPSCS should comment on the validity of the State’s total three-year recidivism rate and provide a timeline for when it will be able to report recidivism data with accuracy.**

Impact of Parole Risk Assessment Tools on Maryland’s Parole and Return Rates: The current parole guideline system was implemented by MPC in June 2006. MPC initially submitted its report in November 2009, addressing both return rates and recidivism; however, it was discovered that significant flaws exist with the recidivism data system, and a revised report comparing return rates only was submitted in February 2010. Since adoption of the current risk assessment tool, the total number of paroles has declined; at the same time the one-year return rate has increased. Overall, offenders who participated in some type of programming constituted a lesser percentage of total returns than those who received no programming at all. **MPC should comment on why the**

percentage of offenders returned within one year has increased since 2005, despite a decline in the total number paroled. The agency should also discuss what efforts are being made to coordinate with the Divisions of Correction and Parole and Probation to curb returns for technical violations and to improve treatment and programming service provision.

Recommended Actions

	<u>Funds</u>
1. Delete funding for the purchase of a motor vehicle.	\$ 12,629
2. Increase turnover expectancy to 6.0%.	83,821
3. Adopt committee narrative requesting the Maryland Parole Commission to submit a report on the impact parole guidelines are having on rates of return.	
Total Reductions	\$ 96,450

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Q00C01
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 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.

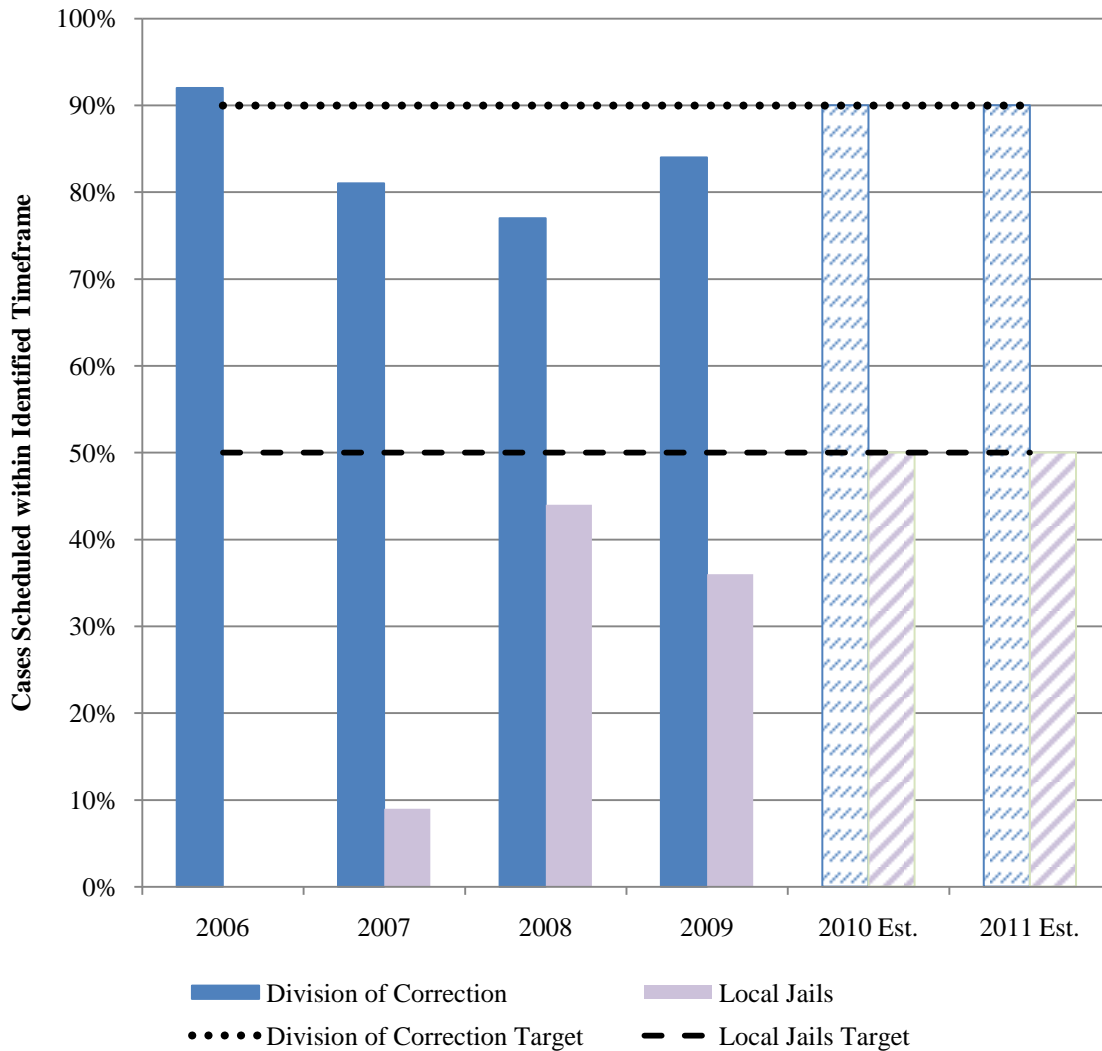
Performance Analysis: Managing for Results

The mission of MPC is to enhance public safety and promote safe communities through sound and timely decisions regarding parole grants and revocations. One key goal of the agency is to maintain good management, ensuring that the commission operates efficiently. The agency reports two performance measures as a way of assessing its progress toward achieving this goal.

The first measure relates to the timeliness of scheduling initial parole hearings for inmates incarcerated at either the Division of Correction (DOC) or a local correctional facility. MPC aims to have at least 90% of initial parole hearings for DOC inmates scheduled on or before the parole eligibility date. For inmates at local facilities, the target is to have 50% of initial parole hearings scheduled within 30 days of MPC receiving the case. **Exhibit 1** demonstrates the agency's ability to meet these targets.

In fiscal 2009, 84% of eligible DOC inmates had their initial parole hearing scheduled on or before the eligibility date. While this is an improvement from 77% of hearings scheduled within the appropriate timeframe in fiscal 2008, it is still short of the targeted 90%. MPC also fell short of its target for local correctional facility inmates, as well. Only 36% of local inmates had initial parole hearing scheduled within 30 days of MPC receiving the case, a drop of eight percentage points from fiscal 2008.

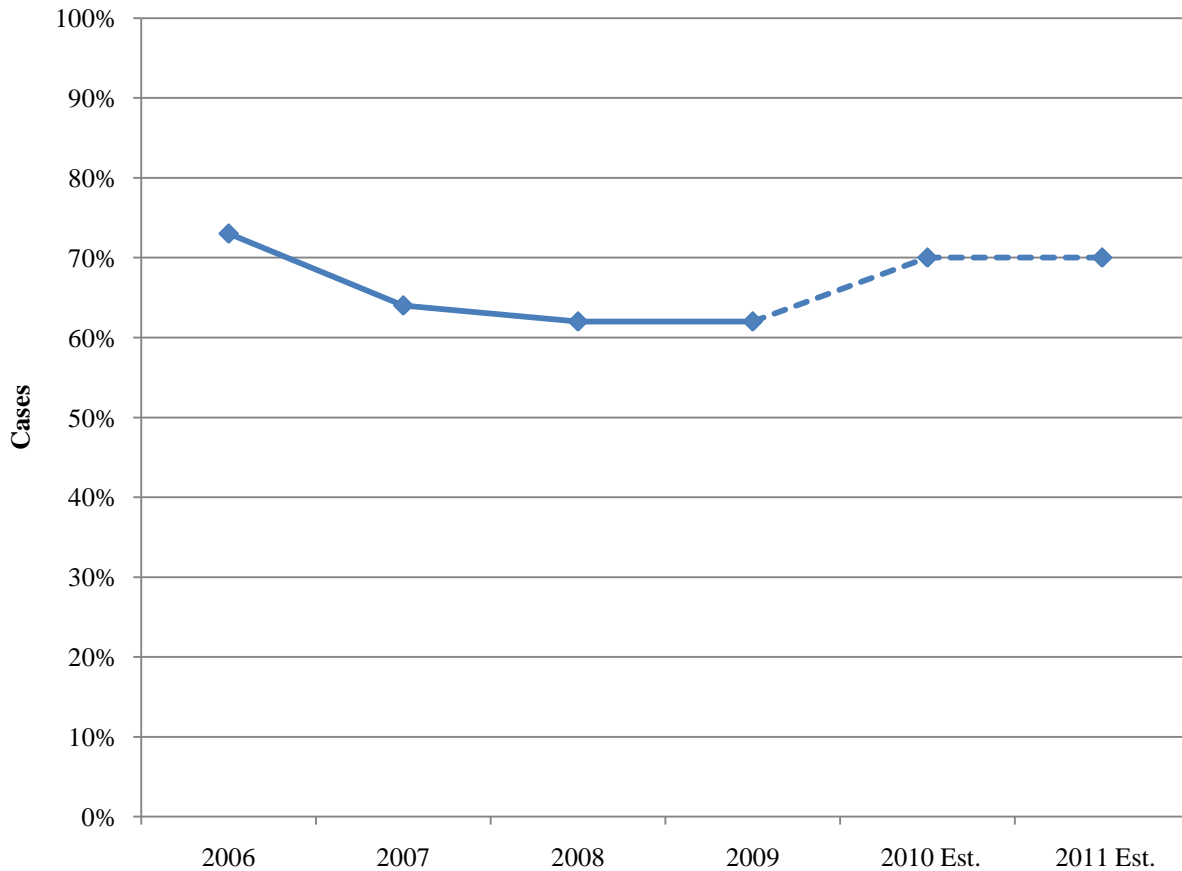
**Exhibit 1
Timeliness of Initial Parole Hearings
Fiscal 2006-2011 Estimate**



Source: Department of Public Safety and Correctional Services

Similarly, the agency also struggled to improve and meet its other good management performance measurement goal: conducting technical rule violation hearings within a specific timeframe. MPC aims to conduct at least 70% of revocation hearings for alleged technical rule violators within 30 days of the offender’s return to DOC custody. **Exhibit 2** shows the agency was able to maintain its fiscal 2008 rate of 62% but was unable to make any improvements toward the designated goal of 70% or better.

Exhibit 2
Timeliness of Revocation Hearings
Fiscal 2006-2011 Estimate



Source: Department of Public Safety and Correctional Services

MPC should provide an explanation for why the agency is continuously unable to meet the goal for scheduling initial parole and revocation hearings, what steps are being taken to improve the efficiency of operations, and whether the current target is realistic.

Fiscal 2010 Actions

Impact of Cost Containment

Fiscal 2010 cost containment actions within the MPC totaled \$126,266. The majority of the reduction was to personnel expenses, including employee furloughs and health insurance. The

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agency's appropriation for travel expenses was also reduced by \$3,580 as part of an across-the-board action. These actions are ongoing in the fiscal 2011 allowance.

Proposed Budget

As demonstrated in **Exhibit 3**, the fiscal 2011 allowance increases by approximately \$24,000. Personnel expenses increase by \$9,000, net of estimated across-the-board reductions. The majority of the increase, approximately \$13,000, is for the purchase of a new motor vehicle. A \$7,000 increase in routine travel expenses, based on prior year actual expenditures, is offset by cost containment actions, eliminating funding in fiscal 2011 for in-state and out-of-state conference travel.

The fiscal 2011 budget reflects several across-the-board actions to be allocated by the Administration. This includes a combination of employee furloughs and government shut-down days, similar to the plan adopted in fiscal 2010; a reduction in overtime based on accident leave management; streamlining of State operations; hiring freeze and attrition savings; a change in the injured workers' settlement policy and administrative costs; and a savings in health insurance to reflect a balance in that account. For purposes of illustration, the Department of Legislative Services has estimated the distribution of selected actions relating to employee furloughs, health insurance, and Injured Workers' Insurance Fund cost savings. These illustrated actions reduce the MPC allowance by approximately \$122,000.

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

How Much It Grows:	General Fund	Total
2010 Working Appropriation	\$5,110	\$5,110
2011 Allowance	<u>5,256</u>	<u>5,256</u>
Amount Change	\$146	\$146
Percent Change	2.9%	2.9%
Contingent Reductions	-\$122	-\$122
Adjusted Change	\$24	\$24
Adjusted Percent Change	0.5%	0.5%

Where It Goes:

Personnel Expenses

Employee and retiree health insurance	-72
Employee retirement system.....	84
Workers' compensation premium assessment	-34
Regular and contractual employee turnover adjustments, net of furloughs.....	24
Unemployment Compensation	6

Other Changes

New vehicle purchase	13
In-state routine travel expenses based on prior year actual expenditures	7
Eliminated funding for in-state and out-of-state conference travel expenses.....	-6
Other	2

Total **\$24**

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

Issues

1. Maryland Is Unable to Accurately Determine Recidivism Rates

In the 2009 *Joint Chairmen's Report* (JCR), the budget committees directed the Department of Public Safety and Correctional Services (DPSCS) to submit reports on the impact of risk assessment tools on parole rates and recidivism and the impact of technical violators on the supervision and correctional functions. During the course of researching these requests, the department discovered significant errors in the recidivism data that not only make the impact of technical violators indiscernible, but also call into question the validity of all reported recidivism data.

At the present time, using the current data systems, MPC is unable to track the number of purely technical violators who are returned to DOC, or to conduct analysis of recidivism rates by risk levels or population subsets to help determine what type of offender is recidivating. As such, the number of reported returns often differs from the reported recidivism and the usefulness of the recidivism rate is limited. In past years, the budget committees have asked for information on the effectiveness of program participation on lessening the likelihood of recidivating. This data is apparently not available to provide an accurate assessment.

Since 1981, the department's recidivism rates have been reported from the *Repeat Incarceration Supervision Cycle* (RISC) system. In December 2008, DPSCS discovered there were programming issues that may be impacting the validity of these recidivism rates. The system has been mistakenly counting returns to incarceration that are, in fact, violations of probation or technical violations, as "new offense." This has resulted in an *overcounting* of the number of "new offense" returns. In addition, DPSCS believes there has been an *undercounting* of the actual number of new offense admissions as a result of not having the criminal docket information regarding a new offense at the time of intake.

DPSCS believes the only way to correct the problems would be to conduct case-by-case analysis of all of the returns to incarceration, which would be prohibitively costly and time-consuming. The department believes that the implementation of the Offender Case Management System will significantly improve data and analysis regarding technical violators and the recidivating offender population.

Recidivism is a key measure that is commonly used to evaluate the progress of a state's criminal justice system. Maryland's reported three-year recidivism rate has been near 50% for years. **The department should comment on the impact and severity of reporting invalid recidivism data and explain how this situation was able to occur and for how long recidivism data has been misreported. Additionally, DPSCS should comment on the validity of the State's total three-year recidivism rate and provide a timeline for when it will be able to report recidivism data with accuracy. Finally, given that MPC is responsible for conducting technical rule violation hearings, the agency should explain why it is unable to tally and report this data in an attempt to assess the impact of technical violators on the criminal justice system.**

2. Impact of Parole Risk Assessment Tools on Maryland’s Parole and Return Rates

The current parole guideline system was implemented by MPC in June 2006. The guidelines, used for initial parole hearings, do not apply to life sentences, sex offenses, or certain types of loss of life cases. MPC has been reporting to the budget committees since the guidelines were put in place to determine the impact the new risk assessment tool might be having on parole rates and recidivism. Most recently, MPC was asked to report on the one-year parole return rates for fiscal 2005 through 2007, and compare the recidivism rates of parolees who did and did not receive programming services.

MPC initially submitted its report in November 2009 addressing both return rates and recidivism; however, it was discovered that significant flaws exist with the recidivism data system and a revised report comparing return rates only was submitted in February 2010. The definition the department uses for a one-year parole return rate is the percentage of offenders granted discretionary parole release that returns to the DOC within one-year of release, for any reason, to include technical violations and/or new offenses.

Exhibit 4 provides a comparison of the number of paroles and the one-year return rate for fiscal 2005 through 2007. Since adoption of the current risk assessment tool, the total number of paroles has declined; at the same time the one-year return rate has increased.

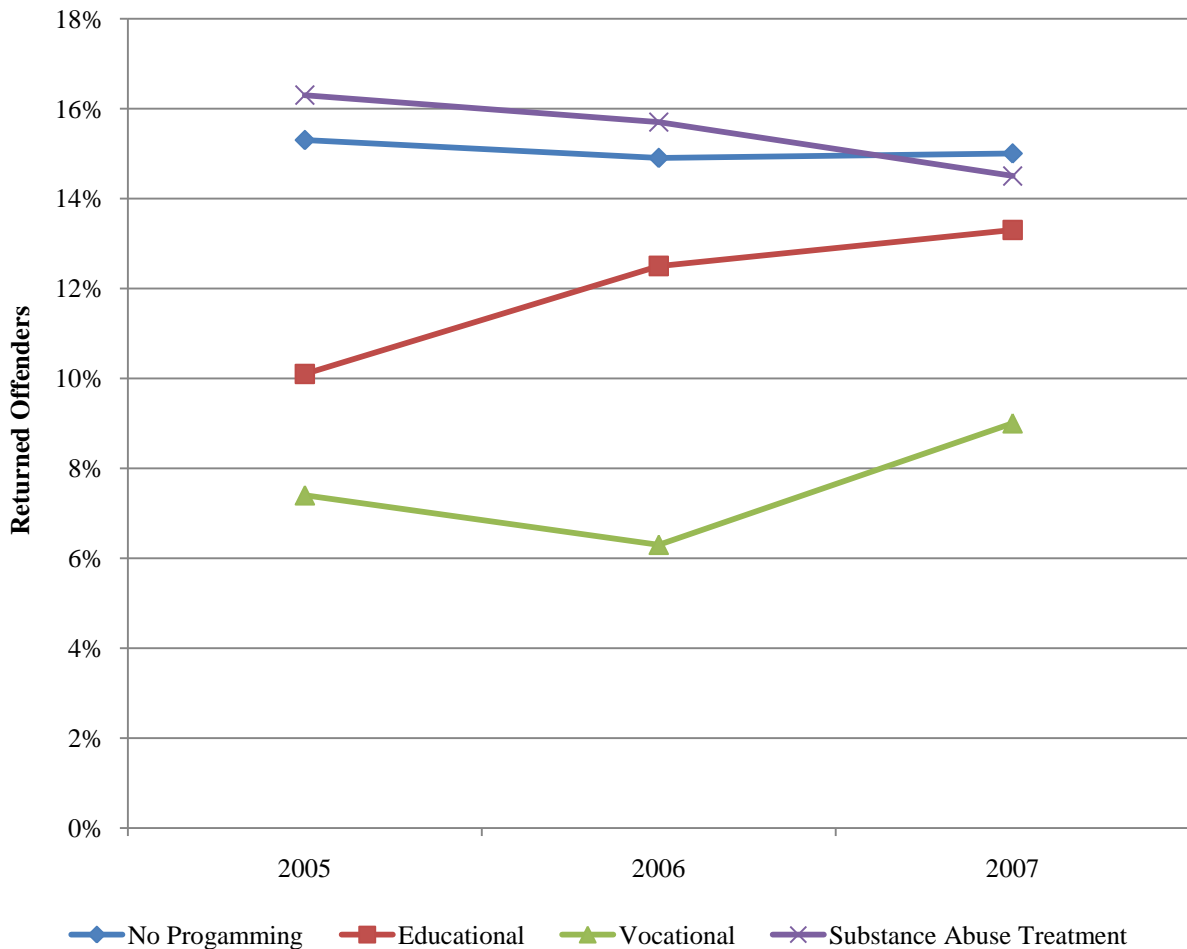
Exhibit 4
Parole Releases and One-year Return Rates
Fiscal 2005-2007

<u>Fiscal Year</u>	<u>Total Parole Releases</u>	<u>One-year Return Rate</u>
2005	2,580	13.3%
2006	2,330	13.6%
2007	2,132	13.9%

Source: Maryland Parole Commission

Exhibit 5 delineates the one-year return rates based on the type of programming the offender received prior to release. Overall, offenders who participated in some type of programming constituted a lesser percentage of total returns than those who received no programming at all. Of the three types of programming offered, offenders who participated in vocational training had the lowest rate of return. However, the return rate for offenders who participated in substance abuse treatment was the only rate to have declined between fiscal 2005 and 2007, declining from 16.3 to 14.5% over the three-year period.

Exhibit 5
Parole Return Rates by Program Participation
Fiscal 2005-2007



Source: Maryland Parole Commission

MPC should comment on why the percentage of offenders returned within one year has increased since 2005, despite a decline in the total number paroled, and what impact this will have on the Division of Correction population. The agency should also discuss what efforts are being made to coordinate with the Division of Correction and Parole and Probation to curb returns for technical violations and to improve treatment and programming service provision.

Recommended Actions

	<u>Amount Reduction</u>	
1. Delete funding for the purchase of a motor vehicle.	\$ 12,629	GF
2. Increase turnover expectancy to 6.0%. This would place the fiscal 2011 turnover rate more in line with historical vacancy rates.	83,821	GF
3. Adopt the following narrative:		

Impact of Parole Guidelines on Parole Rates and Rates of Return: The committees direct the Maryland Parole Commission to conduct and report the findings of a comparative assessment of its current parole guidelines after three years of implementation. The report should provide a comparison of the number of paroles and parolee return rates for fiscal 2005 through 2008. The report should also compare the one- and two-year return rates of parolees who had an education, substance abuse, or vocation program completion versus those who did not. The report shall be submitted to the budget committees no later than November 1, 2010.

Information Request	Author	Due Date
Impact of parole guidelines on parole rates and rates of return	Maryland Parole Commission	November 1, 2009

Total General Fund Reductions	\$ 96,450
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Current and Prior Year Budgets

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

	<u>General Fund</u>	<u>Special Fund</u>	<u>Federal Fund</u>	<u>Reimb. Fund</u>	<u>Total</u>
Fiscal 2009					
Legislative Appropriation	\$5,538	\$0	\$0	\$0	\$5,538
Deficiency Appropriation	0	0	0	0	0
Budget Amendments	-191	0	0	0	-191
Cost Containment	-358	0	0	0	-358
Reversions and Cancellations	0	0	0	0	0
Actual Expenditures	\$4,989	\$0	\$0	\$0	\$4,989
Fiscal 2010					
Legislative Appropriation	\$5,236	\$0	\$0	\$0	\$5,236
Cost Containment	-126	0	0	0	-126
Budget Amendments	0	0	0	0	0
Working Appropriation	\$5,110	\$0	\$0	\$0	\$5,110

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

Fiscal 2009

General fund spending for fiscal 2009 was approximately \$5 million. This was a reduction of approximately \$549,000 from the legislative appropriation.

- Budget amendments reduced the appropriation by a net \$191,000. An \$81,000 increase from the cost-of-living adjustment that was centrally budgeted in the Department of Budget and Management was offset by a \$272,000 reduction as a part of a departmentwide amendment that realigned funds in accordance with actual expenditures.
- Cost containment reductions totaled \$358,000. The majority of the reductions, approximately \$344,000, were personnel related and included employee furloughs, as well as the loss of three support positions in the Parole Services and Release units. Additional reductions were taken from travel expenses and motor vehicle replacement funds.

Fiscal 2010

The fiscal 2010 general fund working appropriation is approximately \$5.1 million. This reflects cost containment reductions taken by the Board of Public Works totaling \$126,000. Reductions were taken across-the-board for health insurance, new vehicle purchases, and travel expenses. The majority of the funding decrease, however, was attributable to employee furloughs.

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

<u>Object/Fund</u>	<u>FY09 Actual</u>	<u>FY10 Working Appropriation</u>	<u>FY11 Allowance</u>	<u>FY10 - FY11 Amount Change</u>	<u>Percent Change</u>
Positions					
01 Regular	75.00	74.00	74.00	0	0%
02 Contractual	2.29	2.61	2.61	0	0%
Total Positions	77.29	76.61	76.61	0	0%
Objects					
01 Salaries and Wages	\$ 4,532,403	\$ 4,691,381	\$ 4,820,388	\$ 129,007	2.7%
02 Technical and Spec. Fees	58,535	53,919	60,182	6,263	11.6%
03 Communication	52,433	55,592	54,777	-815	-1.5%
04 Travel	28,309	25,650	27,000	1,350	5.3%
07 Motor Vehicles	7,296	8,275	22,129	13,854	167.4%
08 Contractual Services	17,034	22,250	22,325	75	0.3%
09 Supplies and Materials	34,371	35,800	35,800	0	0%
10 Equipment – Replacement	2,780	6,352	2,324	-4,028	-63.4%
11 Equipment – Additional	1,472	0	0	0	0.0%
13 Fixed Charges	254,045	210,799	210,904	105	0%
Total Objects	\$ 4,988,678	\$ 5,110,018	\$ 5,255,829	\$ 145,811	2.9%
Funds					
01 General Fund	\$ 4,988,678	\$ 5,110,018	\$ 5,255,829	\$ 145,811	2.9%
Total Funds	\$ 4,988,678	\$ 5,110,018	\$ 5,255,829	\$ 145,811	2.9%

Note: The fiscal 2010 appropriation does not include deficiencies.