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The Honorable James E. DeGrange, Sr., Chairman
Senate Public Safety, Transportation and Environment Subcommittee
Room 101, James Senate Office Building
Annapolis, Maryland 21401-1991

RE: Maryland Parole Commission – Operating Budget Analysis Response

Dear Senator DeGrange:

Thank you for the opportunity to respond to the analysis of the Commission's fiscal year 2016 budget report provided by the Department of Legislative Services. The attached will address the specific issues that the analyst indicated in the report to the Committee.

I hope this information is responsive to the issues and concerns that were raised in the budget analysis. Let me extend my sincere thanks to the Subcommittee and you for your continued support for this agency. I welcome the opportunity to provide additional information and assistance should you have any questions.

Sincerely,

David R. Blumberg

Chairman

Members of the Public Safety, Transportation, and Environment
Subcommittee

Mr. Matthew Bennett, Staff, Senate Budget & Taxation Committee

Ms. Hannah Dier, Policy Analyst, DLS

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**DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES
FY 2016 BUDGET MARYLAND PAROLE COMMISSION**

Parole Commission Workload/Hearings:

Issue: MPC should comment of whether these issues have been resolved, as well as the anticipated level of State and local parole hearings in future years.

Response: The Maryland Paroled Commission (MPC) had a record number of hearings in 2012 due to internal procedural changes. However, MPC experienced some challenges when the agency implemented the Offender Case Management System (OCMS) in May 2013, including data migration issues and a lack of user familiarization with the new system. ITCD has been working diligently with MPC over the past year to resolve the data issues and to assist users in becoming acclimated with OCMS. Additionally, MPC conducted an audit of hearings held with State offenders to verify that most of the data challenges had been corrected. MPC examined the hearings conducted from October 2013 – January 2014 and compared it to the hearings conducted from October 2014 – January 2014. MPC found that there was only a slight increase in the number of hearings held between the two timeframes audited. The Maryland Parole Commission does anticipate a more significant increase in the number of hearings in the future.

It is also important to note that the process by which MPC prepares for hearings for local jail offenders is distinguishable from how MPC prepares for State offender hearings. Preparing for local jail offender hearings is more complicated than preparing for State offender hearings. Specifically, for local detention center cases, the MPC clerk must initiate the process upon receipt of the investigative case summary from the Division of Parole and Probation. Once the data from the Division of Parole and Probation is received, the clerk enters the data into the system, determines the offender's eligibility, ensures that the pretrial credits are appropriately applied, and then schedules the offender for a parole hearing. Unlike the hearing process for local jail offenders, information on each State offender is entered into the database during the pretrial or reception process. Therefore, the data entry process for State offenders is much less involved than the data entry process for local detention center offenders.

In FY 2014, there were 500 cases waived or cancelled in the local detention centers compared to 392 during FY 2013. The Commission does not believe there will be a dramatic increase in the number of hearings conducted at local detention centers for the following reasons. Pre-trial credit and the accumulation of diminution credits significantly shorten incarceration in local detention centers. The total population of local detention facilities has remained about the same for the last two years and inmates serving sentences of 18 months or less are released by expiration of sentence and are not required to be supervised by Parole & Probation.

Issue: MPC should comment on the reason for the increase in State paroles.

Response: The number of State paroles has increased only marginally over the past four years. For example, the number of parole releases for the past several fiscal years include: 1,795 releases in FY11; 2,468 releases in FY 12; 2,675 releases in FY13; and, 2,432 releases in FY14. The increase in the percentage of parole releases is due to a decrease in

the Average Daily Population (ADP) and a reduction in the number of hearings conducted. The ADP in FY2011 was 21,226 inmates. In contrast, the ADP in FY2014 was 20,889 inmates. In 2012, the MPC altered the method by which parole hearings were scheduled. Initially, this resulted in a significant increase in the number of hearings conducted, but that figure has since leveled out.

As previously mentioned, OCMS was implemented in May, 2013, which replaced the Parole Information System (PARIS). Prior to implementation, data was migrated from PARIS to OCMS. After the conversion, MPC discovered that information regarding some future hearings did not appear on the validation list. If an inmate was approved for a rehear in 7-2014 in PARIS and the information did not migrate over to OCMS it would not have appeared on the validation list. Therefore, we had no way of knowing that he needed to be scheduled for a hearing. Rescheduling hearings is a difficult process, generally delaying a hearing date by several months. This is because dockets are compiled in advance due to the need to conduct file review and complete victim notification, if required. As a short term solution, it was necessary to reestablish a link through OCMS to the validation function of PARIS to obtain this information. Since that time, the issue has been resolved through a technical software change and the validation list can now be retrieved from OCMS.

Parole Releases in Relation to Parole Eligibility Date

Issue: Since a goal of the PRC policy is to increase the likelihood that participating offenders can be released at their initial parole hearing, MPC should comment on the rationale for having a goal of on 20% of parole releases at parole eligibility.

Response: The parole eligibility date (PED) is the statutory minimum amount of time an inmate must serve to be eligible for parole. Inmates serving sentences for non-violent offenses must serve a minimum of twenty-five percent of the sentence. Inmates sentenced to the DOC after being convicted of a violent crime must serve at least fifty percent of the sentence for the violent crime to be eligible for parole. Violent crimes are defined in statute as all the crimes of violence and 1st, 2nd, and 3rd degree burglary. The risk assessment used by MPC looks at the risk of reoffending. The assessment has four risk levels, including: (1) low; (2) low-moderate; (3) moderate; and, (4) high. Each risk level has a corresponding range of sentence to be served. Only low risk offenders would be recommended for parole at eligibility under this assessment. The remaining categories of risk would serve proportionally more of the sentence. Since it was implemented in July of 2010, about 20% of the inmate population has consistently been scored as low risk. It is important to note that parole is discretionary. Occasionally, other factors outside of the risk assessment impact decision making. The Maryland Parole Commission's goal is to make decisions that are consistent with guidelines. Increasing the percentage of inmates paroled at eligibility would require making more decisions below the recommended guidelines of the risk assessment.

Recommended Actions

1. Concur with Governor's allowance.

Response: The Agency concurs with the recommended action.