

**DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES
FY 2020 MARYLAND PAROLE COMMISSION**

Inmates Granted Parole:

Issue: MPC should comment on why it expects the number of local parole grantees to rise and why State parole grantees would fall to 28%, its second lowest total in recent years.

Response: The Maryland Parole Commission (MPC) expects to see a decrease in the number of State parole grantees due to a gradual shift in the inmate population. As stated in the Department of Legislative Services' (DLS) analysis of the Department's fiscal year (FY) 2020 Budget Overview, "the department has fewer inmates, but those who remain tend to be more dangerous – as nonviolent offenders have more options in terms of shorter sentences and non-jail sanctions such as parole and probation."¹

MPC anticipates an increase in the number of local parole grantees due to the number of offenders in local jails released under the administrative release provision of the Justice Reinvestment Act (JRA). Administrative releases are technically counted as "paroles" for the purposes of data reporting due to the method by which the provision contemplates identifying an inmate's release date. Specifically, the calculation of an inmate's eligibility for release under the administrative release process does not include the rate by which the inmate would earn diminution credits while incarcerated. To date, 80 inmates in local jails have been released under the administration release process with an additional nine (9) pending.

Retake Warrant Processing:

Issue: MPC should comment on the significant increase in retake warrant processing efficiency.

Response: The increase in retake warrant processing efficiency is due to the significant decrease in the total number of warrants issued. In FY 2018 MPC issued 2,285 warrants; 410 fewer warrants issued than in FY 2017. The decline in the number of warrants issued is attributed to the decrease in the offender population and the Division of Parole and Probation's (DPP) utilization of graduated sanctions as required under the JRA.

Administrative Release:

¹ See Maryland Gen. Assembly. Dept. of Legis. Services *Department of Public Safety and Correctional Services Fiscal 2020 Budget Overview*. Annapolis: Department of Legislative Services, 2019. Maryland General Assembly. January 2019. Available at: <http://mgaleg.maryland.gov/Pubs/BudgetFiscal/2020fy-budget-docs-operating-Q00-DPSCS-Overview.pdf>

Issue: MPC should comment on the administrative release timing issue and whether the JRA's 60-day deadline for an investigation to be completed is feasible. MPC should also comment on the progress of the Offender Case Management System (OCMS) dashboard and compliance monitoring of offenders for this particular provision.

Response: Although the process differs for inmates in the DOC from those incarcerated at local jails, MPC has experienced little issue in meeting the JRA's 60-day deadline for completing investigations required under the administrative release provision of the JRA. The Department utilizes OCMS as its primary electronic record system for all inmates within the DOC. The Department's Information Technology and Communications Division (ITCD) is working on modifying OCMS so that the administrative release process for the DOC inmates can be captured and tracked in OCMS. In the meantime, ITCD generates an "Administrative Release Report" for those inmates housed within the DOC and submits it to MPC on a daily basis. MPC then reviews the report to identify those inmates on the list who are eligible for administrative release, calculate each eligible inmate's tentative release date, and request a case plan from the Department's Case Management Unit. The receipt and review of these daily Administrative Release Reports has helped MPC to ensure the eligibility determinations and investigations prescribed by the JRA are completed within the mandated 60-day timeframe. ITCD is currently in the testing phase of the change to OCMS, which is expected to be deployed to production in late summer of 2019.

Unlike the DOC, the process for screening and investigating eligibility of inmates in local jails for administrative release is initiated by DPP. DPP collaborates with the local jails and forwards commitment orders and all pertinent information to the MPC. Hearing Officers at the MPC review this information to determine which detainees docketed for hearings at local detention centers may be eligible for administrative release post-conviction. This process still ensures that the eligibility determinations and investigations prescribed by the JRA are completed within the mandated 60-day timeframe.

JRA Technical Violation Language:

Issue: MPC should detail its stance on the issue regarding the interpretation of first violation, second violation, and third violation in the JRA. It should also comment on how it is applying its interpretation of the language to its cases.

Response: Based on a unanimous agreement by the MPC, the violations are counted cumulatively per revocation hearing. For example, if an offender is found guilty of five technical violations for one revocation hearing, the offender would receive a 15-day period of incarceration in order to remain within the revocation cap guidelines established under the JRA. If the offender is found guilty of committing additional technical violations in a second hearing, the MPC would impose a 30-day period of incarceration. Currently, MPC Commissioners are within JRA revocation cap guidelines in 90% of the eligible cases.

Revocation Decisions:

Issue: MPC should comment on the withholding process and what percentage of revocation cases that it is used for and whether this practice is advisable and sustainable.

Response: All revocation hearings are screened by the Chairman of the MPC and/or administrative staff to determine which cases are JRA eligible. Revocation cases are ineligible under the JRA if the offender received a technical violation for either a new arrest or absconding from supervision. Currently, approximately 25% of all cases that come before the MPC for revocation hearings are determined to be JRA eligible and the MPC believes this trend will remain consistent for the foreseeable future.

Warrants for Revocation:

Issue: MPC should comment on whether this trend will continue and how efficient the OCMS system has been regarding tracking these decisions, which used to be on paper only and not digitally captured.

Response: MPC believes there may continue to be a slight decline in the number of warrants for revocations throughout the remainder FY 2019, but not at the same rate of decline as MPC experienced during FY 2018. The decisions are being entered into OCMS; however, MPC is currently unable to generate automated reports on data regarding warrants for revocation. ITCD is currently in the testing phase of the change to OCMS, which is expected to be deployed to production in late summer of 2019.

Evidence-based Practices Training:

Issue: MPC should provide detail on its evidence-based results training program, the purpose of the training, and the desired outcomes for both agents and offenders.

Response: MPC Commissioners and Hearing Offices received evidence-based training in accordance with JRA in fall/winter of 2017. The Department continues to hold monthly meetings to review and discuss the implementation of JRA. The Chairman has also conducted training for the Maryland State's Attorneys Association; the Judiciary; the Office of the Public Defender; victim advocate groups; and, offender advocate groups. The Chairman of MPC has also addressed each graduating class of new DPP agents and DPP top administrative staff. Lastly, each MPC Commissioner provides a brief overview of the JRA to offenders when conducting revocation hearings for those offenders who are determined to fall under JRA guidelines.

Recommended Actions

1. Increase turnover to 8%. The agency has had vacancy rates at 8% or higher since 2013. If funds are needed for personnel, the agency can use correctional officer salary savings.

Reduction Amount: \$231,000 GF

Response: The Department strongly disagrees with the recommended action. The recommendation as proposed by DLS is mathematically inaccurate and would result in the inability to fill critical vacancies. Additionally, DLS's recommended action directly conflicts with their analysis of the Department's Administration budget, fails to contemplate the increased workload for MPC staff associated with the implementation of the JRA, and does not account for the Department's efforts in reducing MPC vacancies.

- **The recommended action is mathematically inaccurate and would result in the inability to fill critical vacancies.**

DLS's recommendation is mathematically inaccurate as their estimated budgeted turnover is based on the average salary for all MPC staff as opposed to the actual salaries of the vacant positions. MPC's current budgeted turnover is 3.1%, representing a reduction in salaries of \$152,122. MPC is working with the Department's Human Resources Division (HRSD) to fill 12 vacant positions with an actual budgeted value of \$379,455 or – on average – \$31,621 per position. As such only five vacant positions are actually required to meet budgeted turnover ($5 \times \$31,621 = \$158,105$). The DLS proposed action would increase budgeted turnover to 8% which would result in a total reduction in salaries of nearly \$383,122. So with this recommended action, MPC would not be able to hire any positions to fill the 12 vacant positions.

- **DLS's recommended action directly conflicts with their analysis of the Department's Administration budget.**

Over the past several years, DLS and the legislature has stressed the need for the Department to prioritize the recruitment and hiring of correctional officers (COs), requiring the Department to submit numerous Joint Chairmen's Reports (JCR) to fill vacant CO positions. The Department took this directive very seriously and focused its efforts on hiring COs, which slowed down recruitment efforts for all administrative functions across the Department. The Department's efforts in recruiting and hiring are starting to come to fruition as the number of new COs has continued to increase. More recently, DLS has turned its attention to the number of vacant administration positions throughout the Department. This was one of the primary focuses of DLS's analysis of the Department's FY 2020 Administration budget. The proposed reduction by DLS to further increase MPC's budgeted turnover absolutely contradicts their previously stated concerns on filling administrative vacancies.

- **DLS's recommended action fails to contemplate the increased workload for MPC staff associated with the implementation of the JRA.**

In its Fiscal and Policy note on the JRA, DLS stated, “[i]n order to implement the bill’s provisions regarding administrative release orders, MPC likely requires an additional 11 positions.”² MPC has, so far, has been able to implement JRA with existing resources, but has been operating under the assumption that its vacant positions would be filled. The proposed reduction would directly impede MPC’s efforts to continue carrying out the provisions of JRA effectively.

- **DLS's recommended action does not account for the Department's efforts in reducing MPC vacancies.**

Although the Department focused its efforts on hiring COs, the Department’s HRSD has made progress in filling MPC’s vacancies. Since December 2018, the Department’s HRSD has filled three vacant positions in MPC and will continue working to fill the remaining 12 vacant positions, assuming the budget committees reject this recommended action. It is also important to note that MPC is utilizing temporary workers (“temps”) to assist with the administrative/clerical workload until the full-time positions are filled. These temps are paid utilizing MPC vacancy savings and the reduction as proposed would eliminate this funding.

Again, the Department respectfully requests that the committee rejects this proposed recommended action.

² See Maryland Gen. Assembly. Dept. of Legis. *Justice Reinvestment Act*. Annapolis: Department of Legislative Services, 2019. Maryland General Assembly. 2 June 2016. Available at: http://mgaleg.maryland.gov/2016RS/fnotes/bil_0005/sb1005.pdf