

**DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES
FY 2019 MARYLAND PAROLE COMMISSION**

Performance Measurers:

Issue: Fiscal 2019 performance measurers indicate that MPC is seeing (1) a decrease in parole hearings conducted; (2) an increase in parole releases after 12 months of eligibility; and (3) a decline in the number of retake warrants issued. MPC should comment on why these measures are changing and if the changes are related to reduced average daily population, staffing levels, the JRA, or other factors.

Response: The Department of Legislative Services (DLS) has asked the Department to comment on several trends the Maryland Parole Commission (MPC) is seeing, including: (1) a decrease in parole hearings conducted; (2) an increase in parole releases after 12 months of eligibility; and (3) a decline in the number of retake warrants issued. The Department is able to share the following information.

(1) The MPC is seeing a decrease in parole hearings conducted.

The decrease in the number of parole hearings conducted is primarily attributable to the decrease in the inmate population and the shift in inmate population characteristics. As noted by DLS, the Department has seen a steady decline in the inmate population as the number of incarcerated offenders in the State has fallen under 20,000 for the first time since the 1990s. For illustrative purposes, this trend can be seen when comparing the inmate population over the past two fiscal years. In fiscal year (FY) 2017 the average daily population (ADP) in the Division of Correction (DOC) was 19,883, nearly 700 fewer inmates in comparison to the FY 2016 DOC ADP. While the ADP has fallen, the percentage of offenders serving sentences for violent crimes has increased. Approximately 57% of the inmate population was serving a sentence for a violent crime in FY 2017 compared to 40% in FY 2014. To be eligible for parole inmates serving sentences for violent crimes must serve half the sentence. These sentences are typically longer and inmates must serve more time before reaching parole eligibility, resulting in fewer parole hearings overall.

(2) The MPC is experiencing an increase in parole releases after 12 months of eligibility.

The Justice Reinvestment Act (JRA) and the MPC's validated risk assessment both impact this measure. Although parole eligibility is stipulated in statute, the decision to parole an offender is discretionary. Inmates serving sentences for non-violent offenses become eligible for parole after serving 25% of their sentence and inmates serving sentences for certain violent offenses become eligible for parole after serving 50% of their sentence. However, similar to its judicial counterparts, the MPC utilizes a validated risk assessment to determine an offender's likelihood of re-offense after release. The risk assessment acts as a guideline used by Commissioners to determine suitability of parole once an offender meets parole eligibility. Offenders are screened by the validated risk assessment and divided into four categories: (1) low; (2) low-moderate; (3) moderate; and (4) high. Offenders screened as higher risk typically are not paroled

after their first parole hearing.

The Justice Re-Investment Act (JRA) abolished mandatory sentences without parole for subsequent convictions for drug distribution. The JRA also provided offenders currently serving these types of sentences the opportunity to petition the courts for a sentence modification. Offenders have until October 1, 2018 to petition the court for a sentence modification which could result in the reduction of time an inmate must serve before becoming eligible for parole. Specifically, since the JRA abolished the mandatory minimum sentence requirement for these offenses, if an inmate successfully petitions the court for a sentence modification accordance with this change in statute, the inmate will become eligible for parole after serving 25% of their sentence. A majority of these offenders will have served more than a quarter of the sentence when the MPC considers them for parole. The MPC believes that this will increase the number of offenders released more than 12 months from eligibility.

(3) The MPC is experiencing a decline in the number of retake warrants issued.

The decline in the number of retake warrants issued is attributed to numerous factors such as a decrease in Division of Parole & Probation (DPP) caseloads, a decrease in the inmate population, and utilization of alternatives to incarceration. Alternatives to incarceration include: issuing subpoenas, reprimands, placement in substance abuse treatment and drug court placements.

Recommended Actions

1. Adopt the following narrative:

JUSTICE Reinvestment Act Rule Clarification Report: Provisions in the Justice Reinvestment Act (JRA) introduce graduated (non-jail) sanctions to reduce the number of offenders sent to jail or prison due to parole/probation violations. Currently, there are varying interpretations regarding the rules that govern how long an offender will remain incarcerated for violations. The budget committees request that the department submit a report by November 3, 2018, on the efforts to clarify JRA-related rules regarding technical violations and revocation caps. This report should recommend proposed statutory changes, if needed.

Response: The Department concurs.