



# Department of Public Safety and Correctional Services

## Office of the Secretary

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COMPENSATION BOARD

EMERGENCY NUMBER  
SYSTEMS BOARD

SUNDRY CLAIMS BOARD

INMATE GRIEVANCE OFFICE

February 4, 2010

The Honorable Ulysses Currie  
Chairman, Senate Budget and Taxation Committee  
3 West, Miller Senate Building  
Annapolis, Maryland 21401-1991

The Honorable Norman H. Conway  
Chairman, House Committee on Appropriations  
Room 121, House Office Building  
Annapolis, Maryland 21401-1991

RE: Joint Chairmen's Report on the Impact of Parole Guidelines on  
Recidivism - REVISED

Dear Chairman Currie and Chairman Conway:

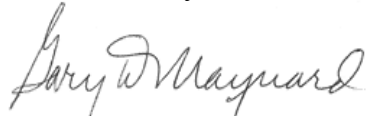
On page 123 of the 2009 Joint Chairmen's Report, the following information was requested of the Department of Public Safety and Correctional Services' Maryland Parole Commission:

*conduct and report the findings of a comparative assessment of its current parole guidelines after two years of implementation. The report should provide a comparison of the number of paroles and the one-year parolee return rates for fiscal 2005 through 2007. The report should also compare the one-year recidivism rates of parolees who had an education, substance abuse, or vocation program completion versus those who did not.*

The Department submitted a Report in November 2009. However, after further clarification from the analyst, the Department is submitting a revised response that addresses the fiscal year 2005 through fiscal year 2007 parole return rates *only*. The revised report does not address recidivism rates because the current recidivism database, *Repeat Incarceration Supervision Cycle (RISC)* does not allow for analysis of recidivism rates by risk levels (high, medium, low) or any other subgroups or subsets related to the inmate population.

We hope that this report will be informative and helpful to you and your committee members. If the Department can be of further assistance, please do not hesitate to contact me at 410-339-5005.

Sincerely,

A handwritten signature in dark ink, appearing to read "Gary D. Maynard". The signature is fluid and cursive, with the first name "Gary" being more prominent.

Gary D. Maynard  
Secretary

- c: Delegate James Proctor, Vice Chair, House Committee on Appropriations  
Delegate Galen Clagett, Chair, House Subcommittee on Public Safety and Administration  
Senator Edward Kasemeyer, Vice Chairman, Senate Budget and Taxation Committee  
Senator James E. DeGrange, Sr., Chair, Senate Public Safety, Transportation, and  
Environment Subcommittee  
Mr. Matthew D. Gallagher, Governor's Chief of Staff  
Mr. Joseph Bryce, Governor's Chief Legislative Officer  
Ms. Stacy Mayer, Governor's Deputy Legislative Officer  
Mr. Warren G. Deschenaux, Director, Department of Legislative Services  
Mr. David Grossman, Budget Analyst, DBM  
Ms. Rebecca M. Ruff, Policy Analyst, Department of Legislative Services  
Mr. Joshua Watters, Staff, House Committee on Appropriations  
Mr. David Smulski, Staff, Senate Budget and Taxation Committee  
Ms. Cathy Kramer, Department of Legislative Services  
Ms. Sarah Albert, Mandated Reports, Department of Legislative Services  
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Director Rhea L. Harris, Office of Legislative Affairs, DPSCS



**DEPARTMENT OF PUBLIC SAFETY AND  
CORRECTIONAL SERVICES**

**MARYLAND PAROLE COMMISSION**

**Report on the Impact of Parole Guidelines on Recidivism  
REVISED**

February 2, 2010

Governor Martin O'Malley  
Lt. Governor Anthony G. Brown  
Secretary Gary D. Maynard

## I. INTRODUCTION

In the 2009 Joint Chairmen's Report, the Budget Committee Chairmen instructed the Maryland Parole Commission to:

*conduct and report the findings of a comparative assessment of its current parole guidelines after two years of implementation. The report should provide a comparison of the number of paroles and the one-year parolee return rates for fiscal 2005 through 2007. The report should also compare the one-year recidivism rates of parolees who had an education, substance abuse, or vocation program completion versus those who did not.*

The Department submitted its original response in November 2009. However, after clarification about the request, the Department is submitting a revised response that addresses the fiscal year 2005 through fiscal year 2007 parole return rates *only*. This report does not address recidivism rates because the Department's current recidivism database, *Repeat Incarceration Supervision Cycle (RISC)*, does not allow for analysis of recidivism rates by risk levels (high, medium, low) or any other subgroups or subsets related to the inmate population.

The RISC system is a stand-alone database that the Department developed in-house in 1981 to calculate recidivism data. It was programmed to provide data on the number of sentenced offenders who were supervised by one of the Department's correctional or supervision agencies and, as a result of a new conviction, were subsequently returned for an additional term of incarceration or supervision. RISC is now somewhat outdated because of its limited capacity to provide data which accurately identifies the number of offenders returned to incarceration, supervision, or both. Therefore it has been determined that the most reliable source of data for the requested information is the Department's *Offender Based State Correctional Information System (OBSCIS)*.

The Department utilizes OBSCIS to track and identify an inmate's incarceration history. OBSCIS is a separate and independent data system from RISC. Although it was never specifically designed to provide information on recidivism and is also an aged out data system that is in the process of being replaced, it does, however, provide the most reliable source of offender information regarding program participation and treatment services and is the primary source of inmate offender history at the present.

The definition of one-year parole return rate throughout this report is: the percentage of offenders granted discretionary parole release who return to the Division of Correction within one year of release, for any reason, to include technical violations and/or new offenses.

The following report details the Commission's revised answers to the information requested.

## **II. BACKGROUND INFORMATION**

The current parole guideline system was implemented on June 5, 2006. These guidelines are used for initial hearings (the first parole hearing in most cases). The guidelines do not apply to life sentences, sex offenses or certain types of loss of life cases.

The Commission has been using guidelines to structure decision making since 1979. In the previous guidelines, the Commission used criminal history factors to assess risk of re-offending. Based on weighted scores, a salient factor score assigned an offender to one of three risk levels.

The current policy takes most of the salient factors and incorporates them into five static factors. It also expands the components to include four dynamic risk factors: current age, security threat group (STG) membership, completion of an education, substance abuse, vocational training program, and current custody level. Program completion has been expanded to include completion of cognitive restructuring programs as well. These dynamic risk factors are subject to change during an offender's incarceration and serve to either affirm or mitigate the risk level.

During the first year of implementation of the new parole guidelines, it was discovered that a disproportionate number of offenders scored medium-level risk with fewer scoring low or high risk. Further examination found very few inmates completed any of the specified programming by the time of their first parole hearing. As a result the dynamic risk factor was expanded to include the cognitive behavior groups. The different risk levels and cut-off scores were also adjusted to better reflect the population.

The current guideline system allows the decision-maker to determine a parole release contingent upon program completion as well as risk factors. The decision-maker may also schedule another hearing or "rehearing" with recommendations for program participation. At that next hearing, the dynamic risk factors are scored again to determine if there has been a change in the offender's risk level or likelihood of re-offending.

## **III. RETURN RATE DATA**

### **Comparison of Discretionary Parole Releases and One-Year Return Rates for Fiscal Years 2005 – 2007**

A comparison of the number of paroles and the one-year parole return rates for fiscal years 2005 through 2007 was requested. The chart below shows the data for those years.

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

While there was a marginal increase since the adoption of the current risk assessment tool in mid-year 2006, it is anticipated that these rates will begin to show a decrease as there are additional years for comparison, continued uniformed implementation of the parole guidelines, and continued programming and services available to support and better prepare the offender population for release.

### **Comparison of the One-Year Return Rates of Parolees who had an Education, Substance Abuse, or Vocation Program Completion versus Those Who Did Not**

The following charts give an outline of the total number of parole releases for fiscal year 2005 through fiscal year 2007 categorized by those who did not return to the Division of Correction (DOC) and those who did return within one year of release. The chart also includes the parole return rate of offenders released on discretionary parole who returned to the DOC within one year, grouped by the type of programming received prior to release.

<b>Fiscal Year 2005</b>				
<b>Programming</b>	<b>Did Not Return</b>	<b>Returned to DOC</b>	<b>Total Parole Releases</b>	<b>Parole Return Rate</b>
None	1,272	229	1,501	15.3%
Educational	571	64	635	10.1%
Vocational	224	18	242	7.4%
Substance Abuse Treat.	169	33	202	16.3%
	2,236	344	2,580	<b>13.3%</b>
<b>Fiscal Year 2006</b>				
<b>Programming</b>	<b>Did Not Return</b>	<b>Returned to DOC</b>	<b>Total Parole Releases</b>	<b>Parole Return Rate</b>
None	997	175	1,172	14.9%
Educational	555	79	634	12.5%
Vocational	193	13	206	6.3%
Substance Abuse Treat.	268	50	318	15.7%
	2,013	317	2,330	<b>13.6%</b>
<b>Fiscal Year 2007</b>				
<b>Programming</b>	<b>Did Not Return</b>	<b>Returned to DOC</b>	<b>Total Parole Releases</b>	<b>Parole Return Rate</b>
None	889	157	1,046	15.0%
Educational	540	83	623	13.3%
Vocational	171	17	188	9.0%
Substance Abuse Treat.	235	40	275	14.5%
	1,835	297	2,132	<b>13.9%</b>

In fiscal year 2005 the return rate for all offenders granted discretionary parole was 13.3%, in fiscal year 2006 the return rate was 13.6%, and in fiscal year 2007 the return rate was 13.9%. While there is a marginal increase in the overall average return rates from fiscal year 2005 to fiscal year 2007, it is believed that the various treatment programs within DOC are better preparing some offenders for reentry into the community. For example, the return rates for those offenders who received substance abuse treatment have decreased steadily from fiscal year 2005 to fiscal year 2007.

Another way to look at the effects of programming and treatment more specifically is to review the total number of returns from each fiscal year and calculate the percentages of return by programming type, to include those who did not receive any programming. This analysis shows that within each fiscal year, there is a difference in the return rates of those offenders who received no programming in comparison to those who received education, vocational or substance abuse treatment prior to their release.

### **Fiscal Year 2007**

Of the 297 returned to the DOC within one year of their discretionary parole release date, 52.9% received no programming and a total of 47.1% received either education, vocational or substance abuse treatment. The data below highlights the actual percentages by program type:

- 52.9% Received No Programming
- 27.9% Received Educational Programming
- 5.7% Received Vocational Programming
- 15.8% Received Substance Abuse Programming

### **Fiscal Year 2006**

Of the 317 returned to the DOC within one year of their discretionary parole release date, 55.2% received no programming and a total of 44.8% received either education, vocational or substance abuse treatment. The data below highlights the actual percentages by program type:

- 55.2% Received No Programming
- 24.9% Received Educational Programming
- 4.1% Received Vocational Programming
- 15.8% Received Substance Abuse Programming

### **Fiscal Year 2005**

Of the 344 offenders returned to the DOC within one year of their discretionary parole release date, 66.6% received no programming and a total of 33.4% received either education, vocational or substance abuse programming. The data below highlights the actual percentages by program type:

- 66.6% Received No Programming
- 18.6% Received Educational Programming
- 5.2% Received Vocational Programming
- 9.6% Received Substance Abuse Programming

However, the overall return rates indicate that there is room for improvement. In an effort to improve the delivery of services, the current risk instrument that was designed by consultant Dr. James Austin has now been adopted by the Division of Correction and the Division of Parole and Probation to ensure an offender's risk level will be identified at the initial point of contact into each of these agencies.

Additionally, the Division of Correction and the Division of Parole and Probation are developing Individual Case Plans (ICP) for each offender. This ICP will follow an offender throughout the offender's incarceration or supervision. These plans will better identify the needs of offenders and establish timeframes and benchmarks for completion of appropriate programming and treatment. Each agency will be able to review an offender's ICP and make modifications and recommendations as necessary. This will allow the Department to better assess and make determinations for the most applicable programming for each offender. This will help the Department ensure that offenders who need a specific type of programming more than another type of programming will gain the greatest benefit that will facilitate their successful reentry into the community.

As of July 2009, the Department of Labor Licensing and Regulation (DLLR) has taken responsibility for the inmate education program. For more than a year, the Department has been working in collaboration with DLLR and the Maryland State Department of Education (MSDE) to ensure a seamless transition and to identify the most appropriate education programs and outcomes for the inmate population. The Department is currently working with DLLR and the Annie E. Casey Foundation to refine the process for setting education goals and performance targets for fiscal year 2010. One of the objectives is to align these goals more toward workforce readiness in a continuing effort to better prepare offenders for reentry into the community.

#### **IV. CONCLUSION**

In conclusion, the Parole Commission believes that the use of a risk assessment tool will have a significant impact on return rates over time. A revision the current assessment tool is underway by consultant James Austin to further improve the risk factors used which is expected to have more of an impact on the return rates. The revised risk assessment instrument will be utilized by the Division of Correction, the Parole Commission and the Division of Parole and Probation beginning March 2010.

In conjunction with full implementation of the risk assessment tool, the Department is also working diligently to enhance the service delivery of education and treatment programs. The database systems used by the Parole Commission and the Department are outdated and present challenges in conducting in-depth analyses with complete accuracy. The anticipated implementation of the Department's Offender Case Management System (OCMS) over the next few years will enhance the Department's ability to track and quantify these impacts with greater accuracy, to include analyses of return rates as well as recidivism rates by programming as well as risk levels.

In the interim, the Parole Commission continues to work diligently with its partners at the Division of Correction and the Division of Parole and Probation to assess and grant discretionary parole release to offenders without endangering public safety.