# 2013 FISCAL YEAR ANNUAL REPORT

THE
MARYLAND
PAROLE
COMMISSION



Martin O'Malley

Anthony G. Brown

Gregg L. Hershberger

David R. Blumberg

Governor

Lieutenant Governor

Secretary

Chairman

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### Letter to the Secretary

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#### **Department of Public Safety and Correctional Services**

Office of the Secretary

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January 7, 2014

STATE OF MARYLAND

MARTIN O'MALLEY GOVERNOR

ANTHONY G. BROWN LT. GOVERNOR

GREGG L. HERSHBERGER

PATRICIA DONOVAN DEPUTY SECRETARY ADMINISTRATION

VACANT DEPUTY SECRETARY OPERATIONS

DAVID N. BEZANSON ASSISTANT SECRETARY CAPITAL PROGRAMS

WAYNE WEBB DIRECTOR NORTHERN REGION

WENDELL M. FRANCE DIRECTOR CENTRAL REGION

PATRICIA VALE DIRECTOR SOUTHERN REGION

PATUXENT INSTITUTION

MARYLAND COMMISSION ON CORRECTIONAL STANDARDS

CORRECTIONAL TRAINING COMMISSION

MARYLAND PAROLE COMMISSION

CRIMINAL INJURIES COMPENSATION BOARD

EMERGENCY NUMBER SYSTEMS BOARD

SUNDRY CLAIMS BOARD INMATE GRIEVANCE OFFICE The Honorable Martin O'Malley Governor of the State of Maryland 100 State Circle Annapolis, Maryland 21401

Dear Governor O'Malley:

The Maryland Parole Commission is proud to present the Fiscal Year 2013 Annual Report.

In FY2013, the Parole Commission became one of the first DPSCS agencies to utilize the new Offender Case Management System (OCMS) as the sole system of record. Although this was a significant change in operations, the commission was able to maintain productivity in some areas and improve in others during this reporting period.

Such improvements include increasing the overall number of parole releases for DPSCS and the Local Detention Centers by 8%, improving the warrant processing time by 10%, and almost doubling the number of hearings conducted via video compared to FY2012 with the local facilities.

During FY2013, the Commission also made some organizational changes to ensure that the agency would comport with the departmental goal of increasing the number of parole releases without compromising public safety. The Commission was able to do this by assigning a weekly administrative hearing officer to work in conjunction with case management in developing inmate case plans and following up on pending parole cases that are awaiting additional information from the Courts and/or Community Supervision.

The Commission has a responsibility to the citizens of the State of Maryland and the Department of Public Safety and Correctional Services to exercise due diligence while performing the duties associated with the decision making process for parole and revocation hearings.

Sincerely,

Gregg Hershberger,

Secretary



#### **Department of Public Safety and Correctional Services**

**Maryland Parole Commission** 

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January 7, 2014

STATE OF MARYLAND

MARYLAND PAROLE COMMISSION

MARTIN O'MALLEY GOVERNOR

ANTHONY G. BROWN LT. GOVERNOR

GREGG L. HERSHBERGER SECRETARY

DAVID R. BLUMBERG CHAIRMAN The Honorable Gregg L. Hershberger Maryland Department of Public Safety and Correctional Services 300 Joppa Road, Suite 1000 Towson, Maryland 21286

Dear Secretary Hershberger:

Enclosed you will find a summary of the agency activities for Fiscal Year 2013.

As you know, the Commission began utilizing the new Offender Case Management System (OCMS) as the sole system of record during this reporting period. Although, it was a significant change in operations, the commission was still able to improve in certain areas during the transition.

Such improvements include increasing the overall number of parole releases for DPSCS and the Local Detention Centers by 8%, improving the overall warrant processing time by 10%, and almost doubling the number of hearings conducted via video compared to the same reporting period for FY2012.

During FY2013, the Commission also made some organizational changes to ensure that the agency would comport with the departmental goal of increasing the number of parole releases without compromising public safety. The Commission was able to do this by assigning a weekly administrative hearing officer to review case plans submitted by Case Management. The purpose of this exercise is to recommend programming which could possibly make the offender a more viable candidate for parole in hopes that they would complete it before the parole hearing. This administrative hearing officer is also utilized for following up on cases that have been placed on administrative refusal and/or HOLD status for finality.

The Commission has a responsibility to the citizens of the State of Maryland as well as the Department to exercise due diligence while performing the duties associated with the decision making process for parole and revocation hearings.

We appreciate your commitment and support of the activities of the Commission.

Sincerely,

Ravid R. Bludy
David R. Blumberg

Chairman

## **OVERVIEW**

The Maryland Parole Commission is the sole paroling authority in the State of Maryland. The Commission with its ten Commissioners and twelve Hearing Officers are responsible for conducting parole and/or revocation hearings at all 21 DPSCS Institutions as well as the 23 Local Detention Centers for offenders serving parole eligible offenses or for those that have committed alleged parole violations.

#### **Commissioners**

Commissioners are appointed by the Secretary of the Department of Public Safety and Correctional Services with the approval of the Governor for six year terms.

They are responsible for conducting face to face parole hearings on cases identified as "commission cases" because the offender is serving a life term or there was a loss of life involved in the offense; conducting revocation hearings on alleged mandatory supervision or discretionary parole violators; conducting parole in absentia hearings on offenders serving their Maryland sentence in another State; conducting public safety compact negotiations on offenders serving eligible offenses and planning to reside in Baltimore City upon release; and conducting open parole hearings on Offenders serving sentences in which there is a victim or victim's representative and the offense meets the eligibility criteria to be scheduled as an open parole hearing.

In addition to conducting hearings, commissioners are responsible for reviewing/signing all Hearing Officer recommendations, reviewing/signing warrant and subpoena requests, reviewing informative reports from Community Supervision agents, reviewing in-house appeals, reviewing balloted cases, reviewing medical parole recommendations, court actions, requests for abatements, and conducting office appointments with the general public that may include the victim or offenders' family.

#### **Hearing Officers**

Hearing Officers are merit employees responsible for conducting face to face parole hearings on those offenders serving parole eligible sentences of six months or more.

To do this, they must review the court commitment records to determine that the sentence structure is accurate and coincide with the law.

During this reporting period, the commission began using hearing officers to work collaboratively with DPSCS case management in developing offender case plans.

Before conducting a parole hearing, they must ensure that each offender has a completed risk assessment instrument, a violence prevention screener, and victim notification (if applicable). This requires a comprehensive review of case materials including pre-sentence investigations, FBI reports, psychological/psychiatric reports, admission summaries, police reports, probable cause statements, victim impact statements, and correspondence from judges, attorney's and/or family members of the victim or offender.

This information is then analyzed in conjunction with the Commission's risk assessment guidelines, the case plan, sentence length, and parole hearing interview to determine the timeframe within which parole may be considered and/or parole suitability.

Hearing officers are also responsible for conducting preliminary parole revocation hearings on offenders returned to DPSCS Corrections for allegedly violating the conditions of their parole or mandatory release supervision.

## FY13 Summary

- 🖊 07-11-12--Charles Neverdon was hired as a Hearing Officer ;
- 4 07-12-12-- Chairman Blumberg spoke at the Public Safety Compact (PSC) graduation;
- **♣** 07-31-12--Case plan notification mailbox was created by ITCD;
- 4 08-01-12--Began assigning an administrative hearing officer to review inmate case plans;
- 4 08-20-12--Received the first case plan from case management;
- **↓** 12-01-12--Chairman Blumberg attended the Northwest Citizens Patrol annual awards dinner;
- 4 02-21-13--Chairman Blumberg and Commissioner Simpson attended the PSC graduation;
- 03-06-13--Chairman Blumberg participated in the new agent training at PCTC;
- 4 05-20-13--Commissioner Clay and Chairman Blumberg attended the APAI annual conference in Rhode Island;
- **↓** 05-23-13--Offender Case Management System (OCMS) became the system of record for the Commission;
- 05-23-13--Commissioners Hill, Simpson, and Sullivan participated in a Preparing Female Offenders Webinar;
- 06-07-13--Chief Administrator Tanya Smith participated on a panel at the Cleveland Correctional Facility in Cleveland Texas to observe the Prison Entrepreneurship Program;
- 4 06-09-13-- Chief Administrator Tanya Smith attended the 75th annual MASCA Conference in Ocean City, Maryland; and
- **♣** 06-12-13--Frank R. Weathersbee was appointed as a Commissioner.

## **COMMISSION UNITS**

#### **DECISION**

This unit is responsible for processing and entering onto the Commission's database system decisions from parole grant hearings, PSCA negotiations, preliminary, and revocation hearings.

#### INSTITUTIONAL PAROLE ASSOCIATES

Throughout the State, Institutional Parole Associates (IPA) play a pivotal role in the parole hearing process. They are responsible for conducting file review with offenders prior to the parole hearing, delivering parole decisions to DPSCS offenders, explaining the appeal process, and ensuring that offenders are properly released when scheduled. This unit is also responsible for ensuring that attendees of open parole hearings are informed of the process and provided an opportunity to ask questions and complete the open parole hearing questionnaire.

The Institutional Parole Associates serve as the MPC liaison at DPSCS institutions by providing assistance to the Hearing Officers and Commissioners during parole and revocation hearings.

#### PARDON AND EXECUTIVE CLEMENCY

This unit is responsible for reviewing and processing all pardon and executive clemency applications, reviewing and distributing all medical parole requests, and handling all Governor's correspondence.

FY13 Unit Data

Pardon Applications Pending	119
Medical Parole Cases Coordinated	58
Governor's Correspondence Addressed	228

#### PAROLE SERVICES

This unit is responsible for scheduling and docketing all parole grant hearings for DPSCS and Local detention centers, and coordinating parole in absentia cases for offenders serving state sentences in other jurisdictions.

#### **FY13 Unit Data**

DPSCS and Local Jail Parole Grant Hearings	12,003
Conducted	

#### Detention Center Hearing Breakdown

Detention Center Hearings On Site	1,780
Detention Center Hearings Video	769
Detention Center Hearings Approved	1,180
Detention Center Hearings Refused	539
Detention Center Hearings Cancelled	63
Detention Center Hearings Waived	329
Detention Center Hearings Other	438

#### POST RELEASE

The warrant section is responsible for preparing and processing retake warrants, preparing subpoenas, notifying outside jurisdictions pending parole violations, and updating the appropriate data base for each case.

The revocation section is responsible for scheduling preliminary hearings and revocation hearings for offenders incarcerated at DPSCS as well as the local detention facilities. It is also the responsibility of this unit to coordinate these hearings with private attorneys and/or public defenders.

#### FY13 Unit Data

Violence Prevention Warrants Prepared	1,577
Other Warrants Prepared	2,087
Subpoenas Processed	271
Total Warrants/Subpoenas Prepared	3,935

Revocation/LAW Hearings	3,375
Preliminary Hearings	48
Total Revocation/Preliminary Hearings Conducted	3,423

#### **RECORDS**

This unit is responsible for maintaining parole files on offenders currently incarcerated as well as those under supervision for five years after expiration. They are also responsible for retrieving and processing supervision reports from DPSCS Community Supervision agents. All reports must be prioritized in accordance with the specificity of the request.

#### **FY13 Unit Data**

DPSCS Community Supervision Reports Retrieved	9,237

#### **RELEASE**

This unit is responsible for preparing parole release orders and coordinating releases for offenders granted parole from DPSCS and local detention centers. Prior to preparing release orders, staff must confirm that all pre-release contingencies have been met, no detainers have been lodged, and a home plan has been approved.

#### **FY13 Unit Data**

DPSCS Releases	2,675
Local Center Detention Releases	927
Total Parole Releases	3,602

#### SUPPORT SERVICES

This unit is responsible for personnel matters, inventory to include fleet management, injury reporting, computer and/or network accessibility, key control, property transfers, and training coordination.

#### **SECRETARIAL**

This unit is responsible for providing secretarial support to Commissioners, Hearing Officers, and Administrative staff. This unit is also responsible for coordinating video parole hearings to include discretionary parole and revocation hearings, processing parole decision appeals, monitoring cases placed on hold, distributing incoming mail, and providing coverage to the switchboard.

#### VICTIM SERVICES

This unit is responsible for ensuring timely notification to victims and/or their representatives of parole hearings, parole decisions, and parole release dates. They are also responsible for scheduling/coordinating open parole hearings, advising victims and/or their representatives of their rights, and providing referrals for services.

#### **FY13 Unit Data**

Victim notification letters sent	6,064

## **DEFINITIONS**

- Administrative Reviews are not face-to-face hearings but rather "paper" reviews of offender files at the Commission office. These reviews are conducted at five-year intervals until an offender reaches parole eligibility and ensures that all essential documents and institutional adjustment summaries necessary for a parole hearing are obtained and placed in a case file.
- <u>Commission Cases</u> are heard by a panel of two Commissioners and include cases with a loss of life, life sentences, or life sentences with all but a fixed number of years suspended, and open parole hearings.
- <u>Gubernatorial Commutation</u> orders that the grantee shall suffer a lesser penalty for the offense than imposed by the court. The commutation of an offender's sentence is normally considered by the Parole Commission only upon demonstration of extraordinary circumstances.
- <u>Gubernatorial Pardon</u> absolves the grantee of guilt for his criminal act(s), and exempts the grantee from the resulting penalties, such as loss of voting privileges. Criteria for pardon consideration are set by the Governor and normally require the passage of a substantial period of time following the end of incarceration or any form of supervision before a pardon will be entertained.
- Hearing Officer Cases are non-Commissioner cases heard by Hearing Officers who make recommendations reviewed by Commissioners. If the reviewing Commissioner agrees with the Hearing Officer's recommendation, that recommendation becomes the Commission's decision. An offender may appeal this decision to a panel of two Commissioners. In instances where the reviewing Commissioner does not adopt the Hearing Officer's recommendation, an in-house appeal results and a panel of two Commissioners make a final decision that is not appealable by the offender.
- Interested Party is an individual who is not a "victim" but rather an individual who has "special interest" in the status of the offender as determined by the Commission's Victim Services Coordinator.
- <u>Liaison Agent/Waiver I (LA/W I)</u> hearings are conducted by Commissioners on offenders who are "technical" violators and admit fault/guilt to the alleged violations. These offenders waive the presence of an attorney and of the agent of record in lieu of the liaison agent who testifies during the entire docket as to the facts of the case using information provided by the agent of record.

- <u>Liaison Agent/Waiver II (LA/W II)</u> hearings are also conducted by Commissioners under the same provisions as LA/W I, but the offender has been found guilty of a new offense(s) while under supervision.
- Mandatory Supervision Release is the release of an offender from the DPSCS due to diminution credits earned and awarded. The offenders are supervised by parole agents "as if on parole" and are subject to the jurisdiction of the Commission after release until the maximum expiration of their sentence. Any alleged violation of mandatory release supervision conditions may result in a revocation hearing.
- Open Parole Hearings are essentially the same as "regular" grant parole hearings except it has been opened to the public at the request of the victim or victim's representative who is permitted to speak at this hearing. Individuals must make a request in writing to attend these proceedings and the Commission determines who may or may not attend. Open hearings are conducted by two Commissioners.
- Parole is the discretionary and conditional release of an offender into the community by the Commission to continue serving the term of confinement under the supervision of an agent of the DPSCS Community Supervision Unit until the expiration of the full, undiminished term. If any conditions of parole are violated, the offender is subject to revocation and re-incarceration.
- Parole Eligibility is determined by sentence length and the specific crime(s) for which the offender is incarcerated.
  - o Offenders serving a period of incarceration for <u>NON-VIOLENT CRIMES</u> are generally parole eligible at 25% of the sentence.
  - Offenders serving a period of incarceration for <u>VIOLENT CRIMES</u> as identified by the Annotated Code of Maryland, including <u>Burglary I, II and III</u>, are parole eligible at 50% of the sentence.
  - Offenders serving a <u>LIFE SENTENCE</u> are eligible after serving 15 years less diminution credits earned and awarded by DOC. If there had been a failed application of the death penalty, an offender becomes parole eligible after serving 25 years less diminution credits earned and awarded.
  - Offenders serving a <u>NON-PAROLEABLE SENTENCE</u> are not eligible for a hearing for that term of confinement.
- Parole Grant Hearing is an interview with the offender conducted by a Commission panel or Hearing Officer to elicit information from and about the offender. This interview along with information contained in the parole file form the basis of the Commission's decision.

- Preliminary Revocation Hearings are held before a Hearing Officer who determines if probable cause exists with respect to the stated violations. If probable cause is found, the offender is scheduled for a revocation hearing before a Commissioner. Alleged violators may elect to have or waive a preliminary revocation hearing.
- <u>Public Safety Compact Agreement (PSCA)</u> is an agreement between the offender and the Commission in which the offender is granted discretionary parole with the stipulation that he/she will receive services through the compact provided to those returning to Baltimore City.
- Revocation Hearings are conducted by Commissioners on those offenders who allegedly have violated the conditions of parole or mandatory supervision and are returned to DPSCS custody or local detention centers. The supervising agent, who initiated the retake warrant process, testifies at this hearing and is subject to cross-examination. An attorney paid for by the offender or a public defender will represent the offender.
- Special Conditions may be added to the standard rules of parole or mandatory supervision release. They generally include "no contact" orders with victims, substance abuse or mental health treatment, or any other condition that may positively impact the offender's community adjustment.
- <u>Victim</u> is an individual who suffers personal harm or death as a direct result of a crime. If the victim is deceased, disabled, or a minor, a designated family member or person may represent the victim.

## **COMMISSIONERS**

<u>David R. Blumberg, Chairman</u> - appointed October 2003; appointed Chairman in July 2004; reappointed in 2010; term will expire in December 2015. Chairman Blumberg received a Bachelor of Arts degree in Political Science from Loyola College in 1978, and a Master's degree in Library Science from the University of Maryland in 1984. For twenty years, he was the Director of the Baltimore City Detention Center Enoch Pratt Library. He is president of the Johns Hopkins Club and Santa Claus Anonymous. Chairman Blumberg is active in the Roland Park Civic League, Hampden Midtown Kiwanis and Village at Home.

<u>Michael C. Blount</u> - appointed May 1990; re-appointed in 1995, 2001, and 2007; retired in January 2013.

<u>Jasper R. Clay</u>- appointed March 2005; re-appointed in 2011; term will expire in December 2016. He possesses a Bachelor of Arts degree in Psychology from Morgan State University. Commissioner Clay is a former Correctional Officer, Parole and Probation Agent and Area Administrator. He was a member of the Maryland Board of Parole and its successor, the Maryland Parole Commission, from 1969 until his (first) retirement in 1984. Thereafter, he was appointed to the U.S. Parole Commission in 1984, serving as its Vice Chairman from 1992 until his retirement in 1996. Commissioner Clay then served on the District of Columbia Parole Board from 1999 until 2002, was the Senior Advisor to the District of Columbia Correctional Trustee from 1997 through 2002, and was a member of the Patuxent Institution's Board of Review in 2004 and 2005.

<u>Donna M. Hill</u> – appointed to an interim term in September 2010; term will expire in December 2013. Commissioner Hill earned an Associate degree in Paralegal Studies from the Prince George's Community College, a Bachelors degree in Afro-American Studies from the University of Maryland, College Park, and a Masters degree in Counseling also from the University of Maryland, College Park. She is an ordained minister, a former counselor, and a former school principal. Commissioner Hill is also a graduate of Leadership in Prince George's County. In addition, she currently serves as a member of the Prince George's County Community College Foundation Board, and a member of the Re-Entry Feasibility Committee governed by the Circuit Court of Prince George's County.

<u>Mattie R. Meehan</u> - appointed January 2010; term will expire in December 2015. Commissioner Meehan received a Bachelor of Arts degree in Psychology from the University of Virginia and a Masters degree from Virginia Commonwealth University. As a clinical social worker, she has worked in the fields of maternal, child health, and child welfare. Prior to her appointment, she served as Social Work Director for the Child Advocacy Project of the Eastern Shore (CAPES). CAPES is a child advocacy organization that provides legal representation and placement for children in need of assistance proceedings within the nine Eastern Shore counties as well as Baltimore City and Baltimore County.

<u>Christopher Reynolds</u> - appointed to an interim term in April 2011; re-appointed in January 2012; term will expire in December 2017. Commissioner Reynolds has engaged in the private practice of law for almost 40 years in the District of Columbia and Maryland. He has been and still remains active in a number of civic and community groups serving in leadership positions and giving guidance on governance issues. When he is not working with the Parole Commission, he is an officer of the United States Tennis Association and is a member of the Executive Committee. He enjoys the challenges of working on parole matters.

<u>H. Erle Schafer</u> - appointed to an interim term in May 2011; re-appointed in January 2013; term will expire in December 2018. Commissioner Schafer has served in numerous capacities during his career to include, Councilman, Senator, and Clerk of the Court for Anne Arundel County. He was the Director of the first Urban Renewal and the Director of the first Drug Court both for Anne Arundel County. Commissioner Schafer is a veteran of the United States Marines and a graduate of the University of Baltimore School of Law. He currently serves on many boards and organizations throughout the State.

<u>Perry Sfikas</u> - appointed September 2002; re-appointed in 2007 and 2012; term will expire in December 2017. Commissioner Sfikas is a retired Maryland State Senator. He graduated from George Washington University and received his law degree from the University of Baltimore Law School. He is admitted to the Pennsylvania and District of Columbia Bars. A lifelong resident of Baltimore City, Commissioner Sfikas has been active in multiple community task forces and associations, as well as the American Hellenic Education Progressive Association.

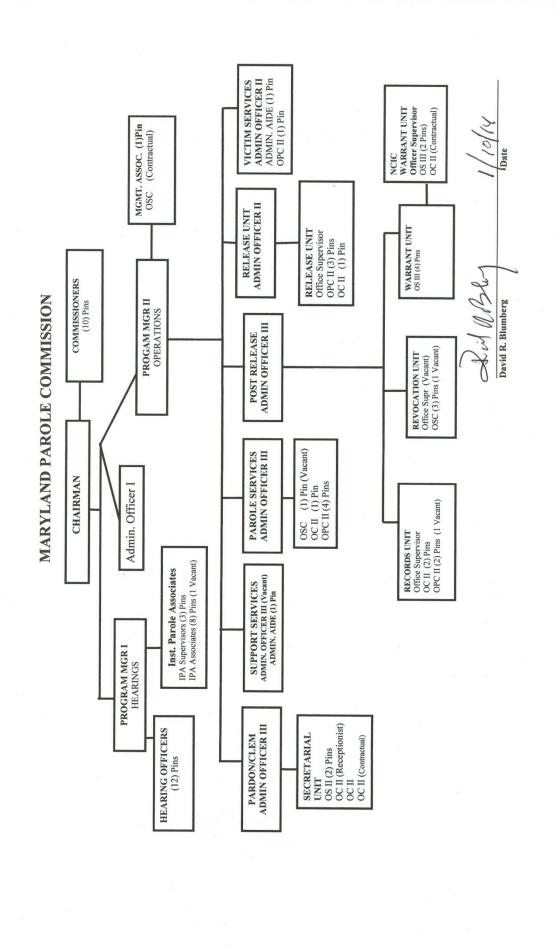
<u>William C. Simpson</u> – appointed October 2009; term will expire in December 2014. A native of the District of Columbia, Commissioner Simpson is a retired court manager with over 35 years of experience in the criminal and juvenile justice systems. For eight years, Commissioner Simpson served as a consultant for the U.S. Department of Justice's National Institute of Corrections. In this position, he trained and consulted with criminal and juvenile justice administrators throughout the United States in leadership development, organizational diagnosis, and other administrative challenges. He has a graduate degree in Education from Bowie State University.

<u>Sheila J. Sullivan</u> – appointed to the Commission March 2012; term will expire December 2015. Commissioner Sullivan graduated with a Bachelor of Arts degree from the University of Maryland in 1985. She attended the University of Maryland Law School graduating in 1988. After passing the Maryland Bar, Commissioner Sullivan practiced with a private firm in Montgomery County for a year before joining the Maryland Office of the Public Defender as

#### Sheila J. Sullivan (continued)

a staff attorney. Within the Public Defender's office, she handled numerous misdemeanor, felony and juvenile cases in the Prince George's County office before assuming the position of Manager of the Calvert County Office of the Public Defender in 2001. She later served as District Public Defender for Southern Maryland which includes Calvert, Charles, and St. Mary's Counties from 2005 to 2012.

Frank R. Weathersbee - appointed to the Commission in June 2013; term will expire in December 2018. Commissioner Weathersbee was born in Washington D.C. He received a Bachelor of Science degree in Zoology from the University of Maryland in 1965; and his Jurist Doctorate degree from the University of Maryland School of Law in 1969. He was admitted to the Maryland Bar this same year. For over 44 years, he served the citizens of Anne Arundel County as Assistant State's Attorney, Deputy State's Attorney, and ending his tenure as the State's Attorney. During his career, he has been an active member of the Criminal Justice Advisory Board, Commission on Juvenile Justice Jurisdiction, the Drug Treatment Court Oversight Committee, and was a charter member of the Maryland State Board of Victim Services where he served from its inception in 1988 until he retired as State's Attorney in 2013. Over the years, he has received numerous awards for his outstanding professional service.



#### BUDGET EXPENDITURES - FISCAL YEAR 2013

CATEGORY	Expenditures	% of Exp.
COMMUNICATIONS	28,088.00	0.5%
CONTRACTUAL SERVICES	41,195.00	0.7%
ELECTRICTY	31,601.00	0.6%
FLEET OPERATION & MAINTENANCE	10,893.00	0.2%
LEASE (FIXED CHARGES)	185,212.00	3.3%
NEW EQUIPMENT	0	0.0%
REPLACEMENT EQUIPMENT SALARIES, WAGES AND FRINGE	2,435.00	0.0%
BENEFITS	5,181,067.00	91.3%
SUPPLIES & MATERIALS	35,523.00	0.6%
TECHNICAL/SPECIAL FEES/TEMP STAFF	129,685.00	2.3%
TRAVEL	29,027.00	0.5%
	5,674,726.00	100%
Total Expenditures:		5,674,726.00
Less Salaries/Fees:		5,310,752.00
		363,974.00
Less Lease (Fixed Charges):		185,212.00
Controllable Expenditures:		178,762.00
04 - 4 5 15		3.2%

% of Expenditures:

The remaining 3.2% of the expenditures is dipicted below:

