



Department of Public Safety and Correctional Services

Office of the Secretary

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STATE OF MARYLAND

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SECRETARY

G. LAWRENCE FRANKLIN
DEPUTY SECRETARY

November 16, 2009

DIVISION OF CORRECTION

DIVISION OF PAROLE AND
PROBATION

DIVISION OF PRETRIAL
DETENTION AND SERVICES

PATUXENT INSTITUTION

MARYLAND COMMISSION
ON CORRECTIONAL
STANDARDS

CORRECTIONAL TRAINING
COMMISSION

POLICE TRAINING
COMMISSION

MARYLAND PAROLE
COMMISSION

CRIMINAL INJURIES
COMPENSATION BOARD

EMERGENCY NUMBER
SYSTEMS BOARD

SUNDRY CLAIMS BOARD

INMATE GRIEVANCE OFFICE

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

Dear Chairman Currie and Chairman Conway:

On pages 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.

Please find attached the report detailing the impact of the guidelines on recidivism. The report also compares the type of programming received by offenders and the impact on recidivism over the past three fiscal years.

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,



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
Members of the House Committee on Appropriations
Members of the Senate Budget and Taxation Committee
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
Ms. Diane Lucas, Supervisor, Budget Analysis, DBM
Mr. David Grossman, Budget Analyst, DBM
Mr. Warren G. Deschenaux, Director, Department of Legislative Services
Ms. Rebecca Moore, Policy Analyst, Department of Legislative Services
Mr. Joshua Watters, Staff, House Committee on Appropriations
Mr. David Smulski, Staff, Senate Budget and Taxation Committee
Ms. Shirleen Pilgrim, Staff, Senate Judicial Proceedings Committee
Ms. Cathy Kramer, Department of Legislative Services
Ms. Sarah Albert, Department of Legislative Services
Deputy Secretary G. Lawrence Franklin, DPSCS
Assistant Secretary/Chief of Staff Thomasina Hiers, DPSCS
Chairman David Blumberg, MPC
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

November 16, 2009

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

I. INTRODUCTION

In the 2009 Joint Chairman's Report, the Budget Committee Chairmen instructed the Maryland Parole Commission ("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 following report details the answers to the required language.

II. REPORT

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.

The current guideline system allows the decision maker to make 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 or likelihood of re-offending.

III. RECIDIVISM AND RETURN RATE DATA

The recidivism data provided for this year's comparative assessment of the Parole Commission's guidelines, as well as the information provided in the 2008 Joint

Chairman’s Report, is referenced from the Department’s *Repeat Incarceration Supervision Cycle (RISC)*. 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 agencies and, as a result of a new conviction, were subsequently returned for an additional term of incarceration or supervision. As such, RISC is now somewhat outdated and offers limited capacity in accurately identifying the number of offenders returned to incarceration, supervision, or both. With that said, we have determined the most appropriate response to your inquiry should be answered in two parts.

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

Part I requests a *comparison of the number of paroles and the one-year parolee return rates for fiscal 2005 through 2007*. The Department has utilized the one year recidivism rates produced from RISC to provide a response to Part I.

As the chart below indicates, the recidivism rate for discretionary parole releases shows a percent change of -20% from FY2005 to FY2006. There is approximately a percent change of -1% in the recidivism rate from FY2006 to FY2007 for those that were granted discretionary parole. While the decrease in the recidivism rate of those paroled during this period may not reflect a substantial decrease since the adoption of the current risk assessment tool in 2006, we are encouraged by this one year decrease in recidivism. We anticipate these rates will most likely increase as we have additional years of comparison.

Fiscal Year	Parole Releases	Returned within one year of Release	Recidivism Rate
FY 2007	2,133	206	9.7%
FY 2006	2,317	228	9.8%
FY 2005	2,588	318	12.3%

During the first year of implementation, it was discovered that a disproportionate number of offenders scored medium risk with very few scoring low or high risk. Further examination found very few inmates had completed any of the specified programming by the time of their first parole hearing. This is why the dynamic risk factor was expanded to include the cognitive behavior groups. The different risk level, cut off scores, was also adjusted to better reflect the population. Therefore, the reduction in the total number of parolees between FY2005 and FY2006 may simply be greater accuracy in identifying medium and high risk offenders.

The number of parole releases and the recidivism rates for FY2006 and FY2007 show marginal change, but we are unable at this time to determine the risk level of those offenders who return within their 1st year. 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 believe this type of analysis would offer a more accurate and valid assessment for this response but our current database systems do not afford us the ability to do these in depth type of recidivism analyses at this time.

Comparison One-Year Return Rates of Parolees who had an Education, Substance Abuse, or Vocation Program Completion versus those who did not

Part II requests a comparison of the one-year recidivism rates of parolees who had an education, substance abuse, or vocation program completion versus those who did not. RISC was never designed to conduct any additional analyses of subsets of our offender population or to evaluate the impacts of programming or other factors that may contribute to recidivism. The RISC system is programmed to identify broad recidivism data, but does not provide information related to offender programming, treatment services, or offender behaviors or risk levels.

The Department utilizes the *Offender Based State Correctional Information System (OBSCIS)* to track and identify an inmate’s incarceration history. This is a separate and independent data system that was never designed to provide information on recidivism. This system does, however, provide most of the offender’s information regarding program participation and treatment services. Therefore, the Department had to undertake a major programming effort using OBSCIS to provide a comparative analysis of return rates by programming.

The following percentages pertaining to programming and treatment are based upon the data available in the OBSCIS data system only. The data below identifies the percentages of offenders released on discretionary parole who returned to the Division of Correction within one year, grouped by the type of programming received prior to release.

The return rates listed below by programming should not be misconstrued as a recidivism rate and are not comparable to the recidivism rates stated in Part I. This is because OBSCIS is not a data system designed to produce recidivism results. It is an aged data system that is in the process of being replaced; however, it is one of our primary sources of inmate offender history at the present. Thus the data below may have a margin of error of +/-5%.

Programming	FY2005	FY2006	FY2007
None	15.3%	14.9%	15.0%
Educational	10.1%	12.5%	13.3%
Vocational	7.4%	6.3%	9.0%
Substance Abuse Treat.	16.3%	15.7%	14.5%
FY Average	13.3%	13.6%	13.9%

In FY2005, the return rate of all offenders granted discretionary parole was 13.3%, in FY2006 the return rate was 13.6%, and in FY2007 the return rate was 13.9%. While there is a marginal increase in the overall average return rate from FY2005 to FY2007, we are confident that our various programming is better preparing some offenders for re-entry into the community. For example, the return rates for those offenders who received substance abuse treatment have decreased steadily from FY2005 to FY2007.

Another way to look at the effects of programming and treatment more specifically is to review the total number of returns for each fiscal year and calculate the percentages of those that returned 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 rate of those offenders who received no programming in comparison to those that received Education, Vocational, or Substance Abuse Treatment prior to their release.

FY2007

Of the 297 offenders returned to the Division of Correction 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 programming. The data below highlights the actual percentages by program type:

- 52.9% Received No Programming
- a. 27.9% Received Educational Programming
- b. 5.7% Received Vocational Programming
- c. 15.8% Received Substance Abuse Programming

FY2006

Of the 317 offenders returned to the Division of Correction 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 programming. The data below highlights the actual percentages by program type:

- 55.2% Received No Programming
- d. 24.9% Received Educational Programming
- e. 4.1% Received Vocational Programming
- f. 15.8% Received Substance Abuse Programming

FY2005

Of the 344 offenders returned to the Division of Correction within one year of their discretionary parole release date, 66% 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:

- g. 66.6% Received No Programming
- h. 18.6% Received Educational Programming
- i. 5.2% Received Vocational Programming
- j. 9.6% Received Substance Abuse Programming

However, the overall return percentages also indicate that there is certainly 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 offenders' 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 his/her 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 the 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, and thus, facilitate their successful re-entry into the community.

Also, as of July, 2009, the Department of Labor Licensing and Regulation (DLLR) has taken responsibility of our inmate education program. For the past year or more, 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 our inmate population. We are currently working with DLLR and the Annie E. Casey Foundation to refine the process for setting our education goals and performance targets for FY2010. One of the objectives is to align these goals more towards workforce readiness to also better prepare our offender's for re-entry to the community.

IV. CONCLUSION

In conclusion, the Maryland Parole Commission believes that the current risk assessment tool will have more significant impact on recidivism rates over time, but are confident that the data which is now available reflects the beginning phases of progress.

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 Maryland Parole Commission and the Department are outdated and present challenges in conducting in depth analyses with 100% accuracy. However, the future implementation of the Department's Offender Case Management System (OCMS) over the next few years will have significant impacts on our ability to track and quantify these impacts with more accuracy, to include analyses of recidivism rates by programming as well as risk levels.

In the interim, the Maryland 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.