

U.S. Department of Justice

FY 2019 Performance Budget
Congressional Submission

United States Parole Commission



January 2018

Table of Contents

I. Overview

II. Summary of Program Changes

III. Appropriations Language and Analysis of Appropriations Language

IV. Program Activity Justification

- A. United States Parole Commission
 - 1. Program Description
 - 2. Performance Tables
 - 3. Performance, Resources, and Strategies

V. Program Increases by Item

VI. Program Offsets by Item

VII. EXHIBITS

- A. Organizational Chart
- B. Summary of Requirements
- C. FY 2019 Program Increases/Offsets by Decision Unit (**Not Applicable**)
- D. Resources by DOJ Strategic Goal/Objective
- E. Justification for Technical and Base Adjustments
- F. Crosswalk of 2017 Availability (**Not Applicable**)
- G. Crosswalk of 2018 Availability (**Not Applicable**)
- H. Summary of Reimbursable Resources
- I. Detail of Permanent Positions by Category
- J. Financial Analysis of Program Changes (**Not Applicable**)
- K. Summary of Requirements by Object Class
- L. Status of Congressionally Requested Studies, Reports, and Evaluations (**Not Applicable**)

II. Overview for U.S. Parole Commission

The mission of the U.S. Parole Commission is to promote public safety and strive for justice and fairness in the exercise of its authority to release, revoke and supervise offenders under its jurisdiction.

For FY 2019, the President's Budget includes a total of \$12,672,000, 51 positions and 51 FTEs for the U.S. Parole Commission (USPC).

Electronic copies of the Department of Justice's Congressional Budget Justifications and Capital Asset Plan and Business Case exhibits can be viewed or downloaded from the Internet using the Internet address: <http://www.justice.gov/02organizations/bpp.htm>.

Organizational Structure

- **The Chairman and Commissioners** render decisions in National Appeals Board cases; create and maintain a national parole policy; grant or deny parole to all eligible federal and District of Columbia prisoners; establish conditions of release; modify parole conditions and/or revoke the parole or mandatory/supervised releases of offenders who have violated the conditions of supervision; and administer the USPC crime victim notification program
- **The Office of Budget and Management** provides management and advisory services to the Chairman, Commissioners, management officials, and staff in the areas of human resources management, workforce development and training; budget and financial management; contracts and procurement; facilities and property management; telecommunications; security; and all matters pertaining to organization, management, and administration.
- **The Office of Case Operations** conducts parole hearings with federal, D.C. prisoners, and parole revocation hearings with parole violators; plans and schedules parole hearing dockets.
- **The Office of Case Services** monitors the progress of prisoners and parolees through pre-release and post-release; prepares and issues warrants and warrant supplements; drafts letters of reprimand; requests and analyzes preliminary interviews; and issues parole certificates.
- **The Office of the General Counsel** advises the Commissioners and staff on interpretation of the agency's enabling statutes; drafts implementing rules and regulations; and assists U.S. Attorney's Offices in defending the Commission against lawsuits brought by prisoners and parolees. The office also oversees responses to requests submitted under the Freedom of Information Act and Privacy Act.

Jurisdiction

The U.S. Parole Commission has jurisdiction over the following types of cases:

- *All Federal Offenders who committed an offense before November 1, 1987;*
- *All District of Columbia Code Offenders;*
- *Uniform Code of Military Justice Offenders who are confined in a Bureau of Prisons' institution;*
- *Transfer Treaty cases (U.S. citizens convicted in foreign countries, who have elected to serve their sentence in this country); and,*
- *State Probationers and Parolees in the Federal Witness Protection Program.*

In all of these cases, the Parole Commission has the responsibility of:

- making determinations regarding the initial conditions of supervision;
- managing the offender's risk in the community;
- modification of the conditions of supervision for changed circumstances;
- early discharge from supervision, issuance of a warrant or summons for violation of the conditions of supervision; and
- revocation of release for such offenders released on parole or mandatory release supervision.

Federal Offenders (offenses committed before November 1, 1987): The Parole Commission has the responsibility for granting or denying parole to federal offenders who committed their offenses before November 1, 1987, and who are not otherwise ineligible for parole. U.S. Probation Officers provide supervision in the community.

District of Columbia Code Offenders: The Parole Commission has the responsibility for granting or denying parole to D.C. Code offenders who committed their offenses before August 5, 2000, and who are not otherwise ineligible for parole. Supervision Officers of the Court Services and Offender Supervision Agency (CSOSA) of the District of Columbia and U.S. Probation Officers provide supervision in the community.

Uniform Code of Military Justice Offenders: The Parole Commission has the responsibility for granting or denying parole to parole-eligible Uniform Code of Military Justice offenders who are serving a sentence in a Bureau of Prisons institution. U.S. Probation Officers provide supervision in the community for military parolees.

Transfer-Treaty Cases: The Parole Commission has the responsibility for conducting hearings and setting release dates for U.S. citizens who are serving prison terms imposed by foreign countries and who, pursuant to treaty, have elected to be transferred to the United States for service of that sentence. The Parole Commission applies the federal sentencing guidelines promulgated by the U.S. Sentencing Commission in determining the time to be served in prison before release for offenders who committed their offenses after October 31, 1987. For those offenders who committed their offenses before November 1, 1987, the U.S. Parole Commission applies the parole guidelines that are used for parole-eligible federal and military offenders.

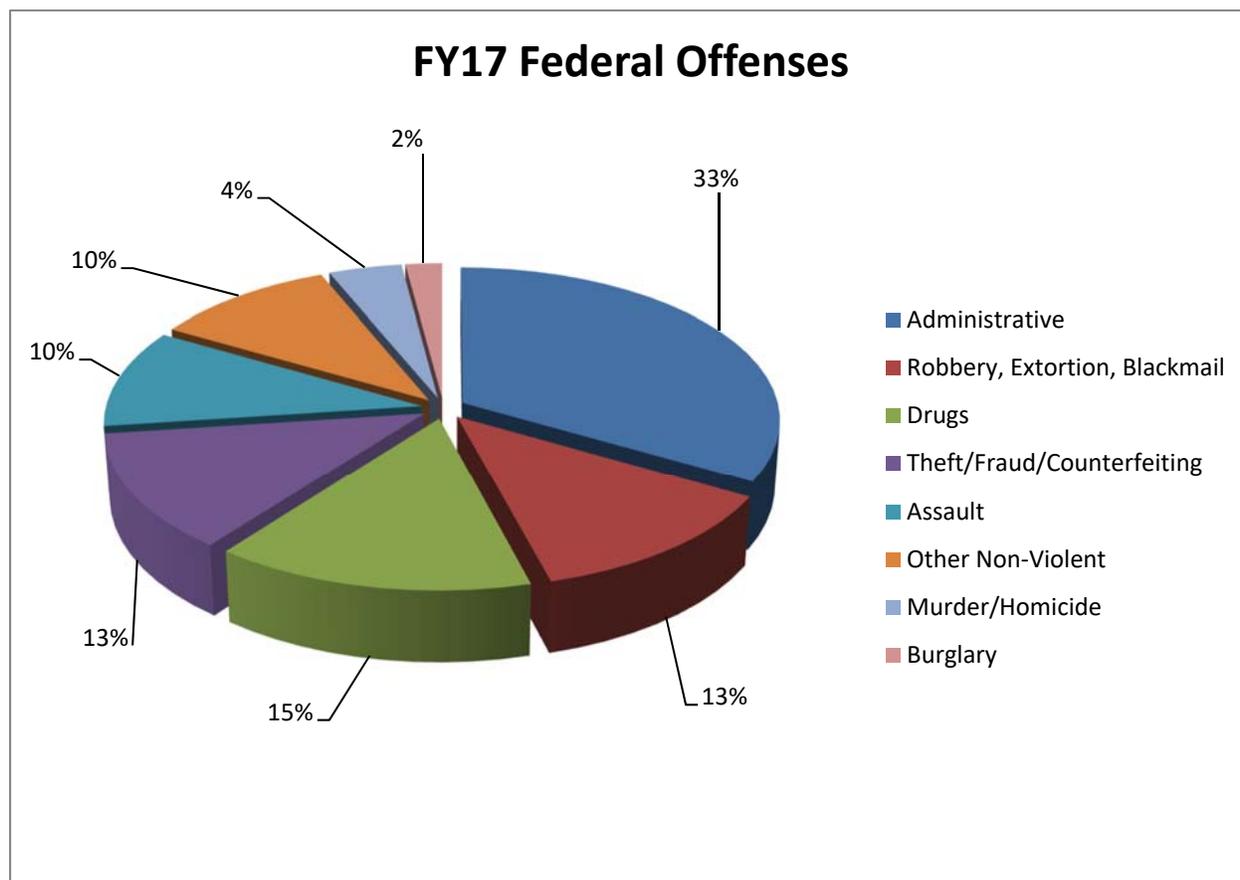
State Probationers and Parolees in Federal Witness Protection Program: In addition to its general responsibilities, the Parole Commission is also responsible for the revocation of release

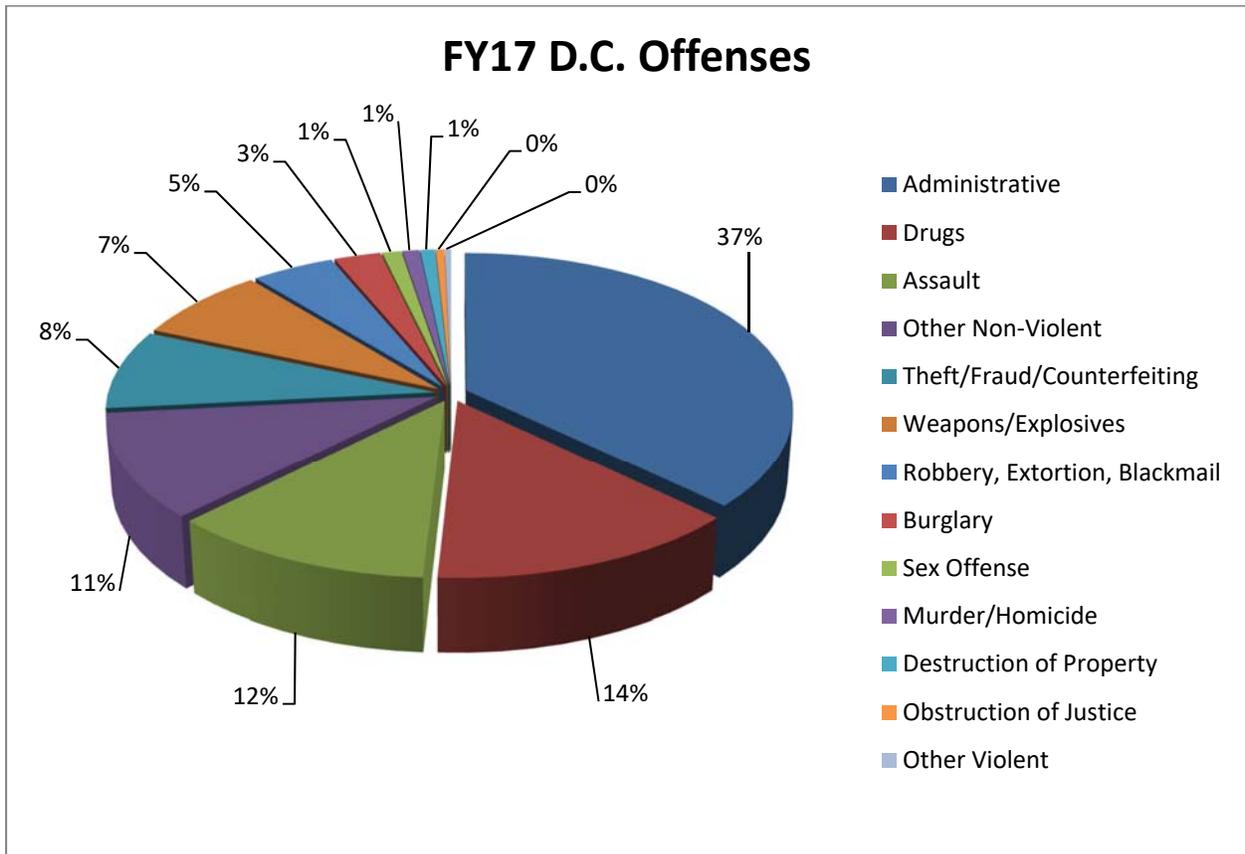
for certain state probationers and parolees who have been placed in the federal witness protection program. United States Probation Officers provide supervision in the community.

- Build a collaborative community approach to assisting victims and witnesses. Enhance decision-making through cooperation with external partners in criminal justice to ensure that the victim’s input is considered prior to a decision. Develop policies and procedures to incorporate video conferencing for victim and witness input.

The Parole Commission (1) provides services and programs to facilitate inmates’ successful reintegration into society, consistent with community expectations and standards; (2) supervises, revokes, and releases federal and District of Columbia offenders; (3) establishes and applies sanctions that are consistent with public safety and the appropriate punishment for crimes involving sex offenders, gangs, crimes of violence with firearms, and domestic violence; (4) establishes and implements guidelines to reduce recidivism; and (5) works collaboratively with the Court Services and Offender Supervision Agency (CSOSA), Federal Prison System, U.S. Marshals Service, U.S. Attorneys (USA), U.S. Probation Office (USPO), Public Defender Services (PDS), D.C. Metropolitan Police Department, D.C. Superior Court, and others to facilitate strategies that support anti-recidivism programs.

Below are comparison illustrations between Federal offenses and DC offenses showing the distribution of offenses, by percentage, including violent offenses for 2017. Within USPC’s purview there were 48 Federal offenses and 845 DC offenses in FY 2017.





Tactics USPC has employed to keep communities safe include:

- Develop and implement enhanced strategies to evaluate reentry and supervision that will ensure community safety, reduce serious violent crime, and reduce recidivism.
- Establish short-term intervention sanctions for administrative violators.
- Establish and implement guidelines to reduce recidivism.
- Enhance current sanctions and develop new alternatives to incarceration to reduce recidivism for low-risk, non-violent offenders, such as the Reprimand Sanction Hearings, Short-term Intervention for Success, and Mental Health Sanction Hearings.
- Establish conditions of release. Develop risk assessment instruments and guidelines to identify high-risk offenders to require intense supervision sanctions to reduce the chances of recidivism. The Parole Commission targets those offenders involved in gang activity, sex offenses, gun-related offenses, and domestic violence.
- Issue emergency warrants within 12 hours to remove violent offenders from the community as quickly as possible.
- D.C. Jail and Corrections: Develop new procedures for conducting probable cause and revocation hearings for Technical Parole Violators.

1. Full Program Costs

The FY 2019 budget request for USPC is \$12,672,000, 51 full time permanent positions (including 4 attorneys). USPC's budget is integrated with its own priorities as well as the Department's Strategic Goals and Objectives, and therefore each performance objective is linked with the costs of critical strategic actions.

	<u>Positions</u>	<u>FTE</u>	<u>Amount (\$000s)</u>
FY 2017 Enacted	85	56*	13,308
FY 2018 Continuing Resolution	53	53	13,218
FY 2019 Adjustments-to-base	-2	-2	-546
FY 2019 Program Changes	0	0	0
FY 2019 Request	51	51	12,672

*Note: This reflects actual FTE

The total costs include the following:

- The direct costs of all outputs
- Indirect costs
- Common administrative systems

The performance and resource tables define the total costs of achieving the strategies the USPC will implement in FY 2019. The various resource and performance charts incorporate the costs of lower level strategies which also contribute to achievement of objectives, but which may not be highlighted in detail in order to provide a concise narrative. Also included are the indirect costs of continuing activities, which are central to the USPC's operations.

2. Environmental Accountability

The Parole Commission continues to be proactive in its environmental accountability and towards that goal is consistently taking measures such as purchasing from recycled paper and products, as well as recycling all used toner cartridges and participating with the building's green program. The Parole Commission is also actively pursuing technologies and systems to reduce the use of paper in our processes.

3. Challenges

The challenges that impede progress towards achievement of agency goals are complex and ever changing.

External Challenges: There are many external challenges that the USPC has to address to be successful in meeting its goals. While the Parole Commission's workload depends heavily on the activities of its criminal justice partners, challenges are faced when addressing the need to reduce recidivism. Prison overcrowding in DC continues to be a challenge. Thus, the agency is faced with collaborating with other criminal justice partners to determine other diversions and

sanctions that will aid the offender population under its jurisdiction before imposing revocation actions that include a term of incarceration. Furthermore, as public safety is paramount, it is necessary to create programming that addresses the need to reduce violent crime, increase access to care for people with mental health conditions, and establish evidence-based programs designed to address the needs of all persons impacted by crime. There continues to be greater emphasis across the criminal justice continuum relating to addressing the need for expansion of mental health services for persons that are involved in the system. According to a 2014 National Research Council report, *The Growth of Incarceration in the United States: Exploring Causes and Consequences*, mental illness among today's inmates is pervasive, with 64 percent of jail inmates, 54 percent of state prisoners and 45 percent of federal prisoners reporting mental health concerns. Substance abuse is also rampant and often co-occurring. According to the report, "part of what's really swelled jail and prison populations... is our inability to deal with the mental health crisis that we're facing in this country,..." "...we have an enormous number of people who are suffering from very treatable illnesses who are not getting treatment and who end up getting caught in the criminal justice system as opposed to the mental health system."

To meet the growing needs in post-conviction matters that are under the jurisdiction of the USPC, internal adjustments are required. This poses a challenge, as the agency will be required to depend upon our community-based partners to identify how taking into account co-occurring disorders such as substance dependence and another mental health condition, the lack of treatment while incarcerated, and criminogenic risk factors impacts involvement in the criminal justice system. The Parole Commission will be required to apply a holistic approach in examining these specialized cases before making a final decision, as the release authority. The agency will need to define a scope of reference or baseline framework, specialized skills, program design and implementation, that accounts for treatment over incarceration while accounting for public safety. The USPC continues to work towards meeting the mission of reducing recidivism, addressing risk factors that contribute to criminal activity, and bridging persons to much needed treatment in the community.

Internal Challenges: Overall, the Parole Commission faces many challenges, especially in the areas of the aging parolee population, mental health, and serious violent crimes (e.g. sex offenses and crimes that involved a weapon). In addition, the Parole Commission will need to assess limitations that impede the ability of the aging parolee(s). Such actions will be that of looking at if and how the aged parolee can meet some conditions of supervision versus others, if granted parole (e.g. traveling to complete a urine specimen sample when wheelchair-bound).

The USPC has the challenge of setting conditions of supervised release for DC offenders who are not eligible for parole hearings and thus never meet with representatives for our agency prior to release. This requires collaboration with both federal prison and supervision officials to assess what treatment needs are most suited to assist the prisoner in successfully re-entering the community. Lastly, victim notification in post-conviction matters has long posed a challenge because cases that pre-date the mandate to notify often do not have victim or victim representative information. A great deal of research is required to locate victims or their representatives, and many of the cases considered by the USPC for parole are from over 25 years ago. As a small agency, all of the above will be challenging and therefore in order to meet this challenge, USPC will need to innovate, identify more creative and flexible recruitment options, and restructure its business operations. The USPC will need to formalize methods for the exchange of information with other law enforcement agencies to assist us in all these efforts.

III. Summary of Program Changes

No Program Changes

IV. Appropriations Language and Analysis of Appropriations Language

Appropriations Language

United States Parole Commission
Salaries and Expenses

For necessary expenses of the United States Parole Commission as authorized, [\$13,218,000] \$12,672,000. (Department of Justice Appropriations Act, 2018.) Provided, that, notwithstanding any other provision of law, upon the expiration of a term of office of a Commissioner, the Commissioner may continue to act until a successor has been appointed.

Analysis of Appropriations Language

No substantive changes proposed.

V. Program Activity Justification

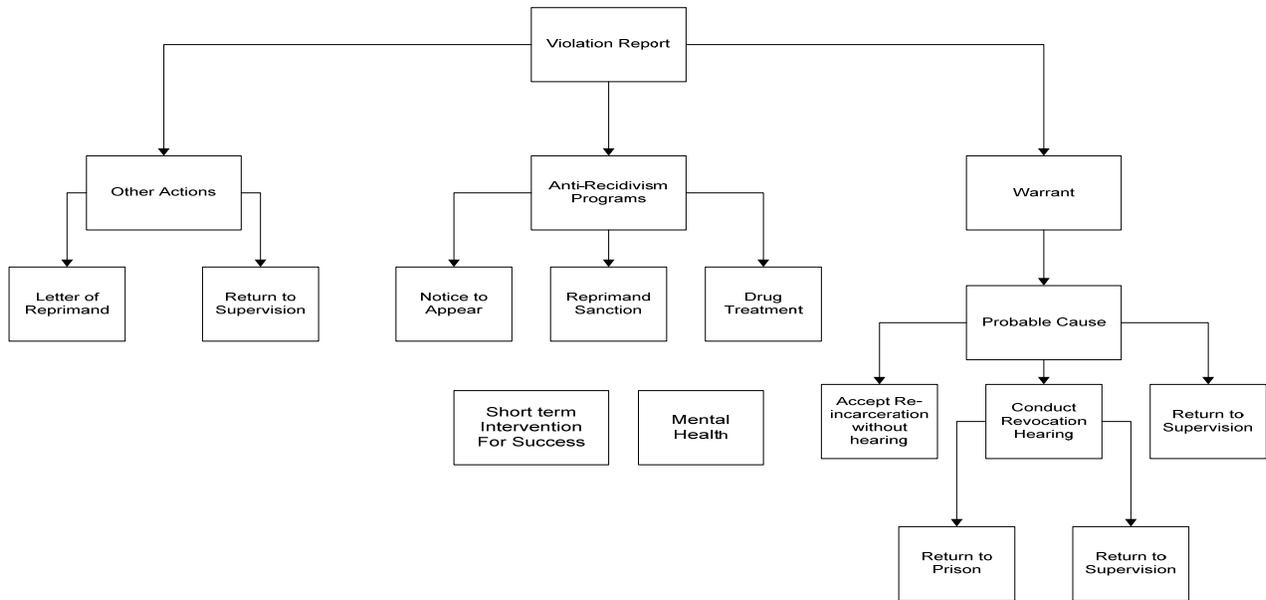
A. U.S. Parole Commission

<i>U.S. Parole Commission</i>	Direct Pos.	Estimate FTE	Amount
2017 Enacted	85	56	13,308
2018 Continuing Resolution	53	53	13,218
Adjustments to Base and Technical Adjustments	-2	-2	-546
2019 Current Services	51	51	12,672
2019 Program Increases	0	0	0
2019 Program Offsets	0	0	0
2019 Request	51	51	12,672
Total Change 2018-2019			-546

1. Program Description

The USPC continues to collaborate with CSOSA to develop new performance measures that will identify the effectiveness of the Parole Commission's strategy to reduce recidivism.

In its effort to reduce recidivism, the Parole Commission has developed graduated sanctions to address non-compliant behavior thereby reducing the number of low-risk, non-violent offenders returning to prison. The flow chart below displays the process the Parole Commission follows after it receives a violation report and determines the best approach for a particular offender



One major goal of the Parole Commission is to issue warrants for those that willfully violate the conditions of their release and for those with the most egregious behavior, typically tied to violence, child abuse, sex offenses, etc. This approach will keep our communities safe while also returning the more productive, low-risk offenders back to the community in a timely and cost efficient manner. The long-term goals and outcomes USPC plans to track include:

- the percentage of low-risk, non-violent cases that are provided drug treatment, quick hits, and warnings instead of incarceration,
- the percentage of offenders with low-level violations offered reduced sentences without a hearing, and
- the percentage of warrants approved and issued for offenders violating their conditions of release while under USPC supervision in the community.

Crime Reduction and Public Safety strategies are a focus for Attorney General Jeffrey Sessions. Within these strategies is the focus on supporting prevention and re-entry efforts. USPCs implementation of an “Alternatives to Incarceration” agenda aligns with the development of these strategies. Currently, we have five strategic processes occurring throughout the Commission to aid in the re-entry and recidivism reduction efforts.

Reprimand Sanction Hearings: Implemented in 2006, Reprimand Sanction Hearings are specialized hearings designed to reduce parole revocation hearings, improve offender compliance with release conditions, and reduce offender risk levels for offenders who have shown a pattern of noncompliance and have failed to respond positively to graduated sanctions. The Chairman of the USPC conducts the hearings in person, select members of the Commission, CSOSA, and the offender. Suggestions for improving compliance are given to the offender to improve their chance of remaining on supervised release. The intent of the hearings is to limit the number of offenders the USPC revokes supervision. Hearings are scheduled once a week, the first week of the month, for on average of 6 offenders per meeting. Since 2006, USPC has held approximately 813 hearings.

Mental Health Docket: USPC created the Mental Health Sanctions Hearing Docket in early 2012 to identify the needs of the offenders with Mental Health diagnosis, provide greater collaboration with stakeholders in the acquisition of effective services, and increase the treatment engagement of program participants. This subset of offenders is one of the most challenging populations within the realm of Community Corrections because of their irrational, anti-social thoughts and behaviors, often are a result of failed or absent medication management.

Since 2012, the USPC has held approximately 420 hearings, with approximately 74 warrants issued for continued non-compliance.

Notice to Appear (NTA): In an effort to reduce hardship on offenders and their families by allowing the offender to remain in the community until revocation proceedings commence, USPC implemented Notice to Appear Hearings. These efforts resulted in a reduction in overall time in custody for the revocation process. Since 2010, the USPC has approved approximately 190 hearings, with 133 violators continuing on supervision, 57 violators revoked.

Throughout this process, there has been a decrease in warrants for non-violent offenders, decreases in the number of non-violent offenders being re-incarcerated for minor violations, and decreases in the number of days violators are housed in the District of Columbia's (DC) Department of Corrections (DOC) custody. Ultimately, this results in a reduction in prison overcrowding and related costs savings. The average wait time is 65 days for an offender to have a hearing and allowing these offenders to remain in the community while those hearings are pending results in a substantial savings to The Department of Corrections.

Residential Substance Abuse Treatment Program (RSAT): RSAT was implemented in 2009 to deliver substance abuse treatment in a correctional facility setting as an alternative for offenders who would otherwise face revocation for low-level violations related to drug addiction and community reintegration failures. Operating out of the DC Department of Corrections, the RSAT program has a capacity of 75 beds for males, 25 beds for women, and a program length of up to 120 days, with 30 days of community-based inpatient or outpatient treatment.

Since 2009, approximately 1,152 offenders have served in the RSAT program with approximately 979 successfully completing the program.

Short-Term Intervention of Success (SIS): In 2011, the SIS program was implemented to reduce recidivism by applying immediate short-term incarceration sanctions to administrative violators of supervision that demonstrate a commitment to modify their non-compliant behavior. To date, 1,002 offenders have been approved to enter the SIS program.

2. Performance and Resource Tables

PERFORMANCE AND RESOURCES TABLE											
Decision Unit: U.S. Parole Commission											
RESOURCES		Target		Actual		Projected		Changes		Requested (Total)	
		FY 2017		FY 2017		FY 2018		Current Services Adjustments and FY 2019 Program Changes		FY 2019 Request	
Total Costs and FTE (reimbursable FTE are included, but reimbursable costs are bracketed and not included in the total)		FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
		68	13,308	56	13,308	53	13,218	-2	-546	51	12,672
TYPE	PERFORMANCE	FY 2017		FY 2017		FY 2018		Current Services Adjustments and FY 2019 Program Changes		FY 2019 Request	
		FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
	Program Activity	68	13,308	56	13,308	53	13,218	-2	-546	51	12,672
Performance Measure:	Warrants		1,780		1,390		1,780				1,780
Performance Measure:	Appeals		160		168		160				160
Performance Measure:	Parole Hearings		1,780		1,580		1,780				1,780
Performance Measure:	Revocation Hearings		1,330		1,213		1,330				1,330
Performance Measure:	Alternatives to Incarceration		300		277		300				300

The U. S. Parole Commission collects data for 5 performance measures. The measures are based on estimates from the actuals of previous years, trends of criminal activity within our jurisdiction and the complexity of the various types generated by our criminal justice partners. The data used for reporting is retrieved from the USPC's data warehouse. This data collected represent actions taken for each activity generated by our criminal justice partners. The data limitations for the USPC is the inability to categorize warrants (i.e. violent crimes, sexual, administrative etc.) is currently being addressed as the USPC expands its IT Infrastructure.

PERFORMANCE MEASURE TABLE

Decision Unit: U.S. Parole Commission

Performance Report and Performance Plan Targets		FY 2013	FY 2014	FY 2015	FY 2016	FY 2017		FY 2018	FY 2019	FY 2020
		Actual	Actual	Actual	Actual	Target	Actual	Target	Target	Target
Performance Measure	Warrants	2,000	2,296	1,871	1,772	1,780	1,390	1,780	1,780	1,780
Performance Measure	Appeals	160	213	219	213	130	168	130	130	130
Performance Measure	Parole Hearings	2,000	1,941	1,738	1,946	1,780	1,580	1,780	1,780	1,780
Performance Measure	Revocation Hearings	1,500	1,728	1,321	1,384	1,330	1,213	1,330	1,330	1,330
Performance Measure	Alternatives to Incarceration	N/A	N/A	362	395	300	277	300	300	300

2. Performance, Resources, and Strategies

The United States Parole Commission is committed to providing alternatives to incarceration in an attempt to make low level, non-violent offenders, including drug offenders, more productive in their communities. Evidence from a number of state initiatives, such as those in Kentucky and Texas, has shown that investments in drug treatment for nonviolent offenders and other changes to parole policies can not only reduce prison populations, saving taxpayers millions of dollars, but also reduce recidivism rates.

The USPC has expanded its Short-Term Intervention for Success (SIS) program, which was designed to provide for shorter periods of imprisonment for technical violators in exchange for potentially longer periods of incarceration. The success of the pilot program suggests a decrease in the re-arrest rates for those participating and has ultimately reduced overall prison costs. The USPC approves approximately 167 offenders per year to participate in the SIS program.

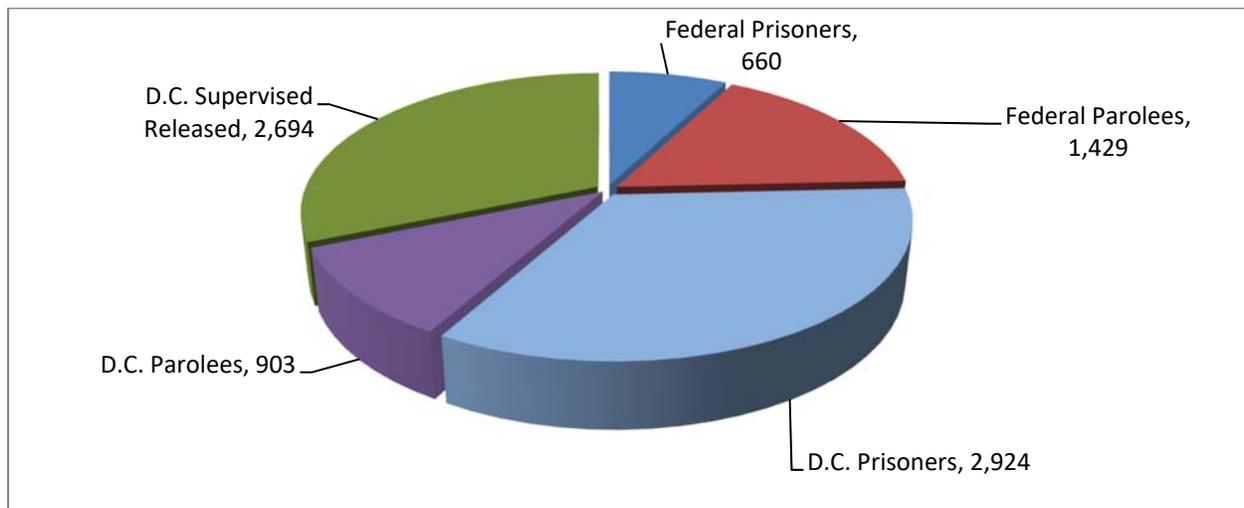
As noted above, the USPC has developed programs to promote the public's safety, and reduce unnecessary incarceration costs by lowering recidivism to reduce prison overcrowding. The USPC is reducing violent crimes by considering violent offenders a top priority to expeditiously apprehend offenders. The USPC accomplishes this by issuing warrants and sharing information with other law enforcement partners. There is a greater emphasis on reentry strategies, addressing substance abuse and mental health by identifying the needs of the offender and offering services of housing, employment opportunities and implementing other conditions to assist the offender with success while under supervision. The USPC is reducing prison overcrowding and the costs to house administrative offenders who are considered low-level offenders. These offenders could potentially have the opportunity to remain in the community while awaiting a hearing.

The Parole Commission is also in the processing of deploying a comprehensive electronic Case Management System (CMS) that requires existing active files to be prioritized for eventual scanning to convert them from paper. This system will also provide efficiencies in data exchange with CSOSA, electronic Warrant issuance, and improve the management of the hearing process. Efficient data warehousing is also a priority for the USPC for reporting and the sharing of information with its criminal justice partners.

a. Changes in Population and Workload

In FY 2017, the Parole Commission estimates the total prisoner and parolee population, federal and D.C., including D.C. supervised releases, to be approximately 8,610 a decrease of 667 from the previous year. The D.C. population under the Parole Commission's jurisdiction is 6,521, including 2,924 prisoners and 3,597 parolees and supervised releases. The remaining 2,089 individuals consist of federal offenders (including federal prisoners, parolees, transfer treaty, and military justice offenders) and state probationers and parolees in the Federal Witness Protection Program. This population data is generated by our criminal justice partners and not by the USPC.

Population under USPC Jurisdiction FY 2017



Much of the D.C. caseload is driven by the management and evaluation of the progress of offenders in the community; the tracking of those at risk; the imposition of additional sanctions or conditions to ensure public safety; and finally, requests for warrants as a result of violations of the terms and conditions of supervision. When a warrant is issued, a request for a preliminary interview follows, along with a hearing afterwards. The decrease in the population can be attributed to the overall decrease in criminal activity in DC. However, due to the number of offenses still being generated by the remaining offenders it is possible to not realize a decrease in workload because the majority of our offenders are now *SRAA DC supervised release cases. These offenders are younger, pose a higher risk, and require more intervention from the USPC and each will require multiple actions.

When D.C and Federal offenders are arrested for new criminal activity outside of the Washington, D.C. area, the USPC is required to conduct revocation hearings at locations throughout the country. A Hearing Examiner must travel to and from the prisoner's location to handle those cases. A change in statutory language to explicitly allow hearings via videoconference would assist in making the USPC's work more efficient and consistent with the agency's reform proposal.

The USPC also imposes conditions of release for DC new law prisoners and state probationers and parolees transferred to federal jurisdiction under the witness protection program. While the offenders are under supervision in the community, the USPC continues to evaluate their progress and impose additional conditions or sanctions, as warranted.

To further reentry efforts, the USPC develops and implements alternatives to re-incarceration programs to provide another avenue of correction for low-risk non-violent offenders who commit administrative violations. For high-risk offenders who have violated the conditions of release, the USPC conducts revocation hearings for federal old law, DC old law, DC new law, military, and state probationers and parolees transferred under the witness protection program. Institutional hearings are less costly, because the examiner can handle several cases during one docket. Local revocations are about 2-3 times as labor intensive as institutional hearings.

** SRAA – Sentencing Reform Emergency Amendment Act of 2000. The U.S. Parole Commission has jurisdiction pursuant to D.C Code 24-133(c)(2), over all offenders serving terms of supervised release imposed by the Superior Court of the District of Columbia under the SRAA.

VII. EXHIBITS