

U.S Department of Justice

FY 2020 Performance Budget  
Congressional Submission

United States Parole Commission



February 2019

## 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

### VI. Exhibits

- A. Organizational Chart
- B. Summary of Requirements
- C. FY 2020 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 2018 Availability
- G. Crosswalk of 2019 Availability
- 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**)
- M. Senior Executive Service Reporting (**Not Applicable**)

## **I. 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 2020, the President's Budget includes a total of \$13,308,000, 56 positions and 56 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.
- **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/release hearings with federal and DC prisoners as well as revocation hearings with parole and supervised release violators; plans and schedules parole hearing dockets, and administers the USPC crime victim notification program.
- **The Office of Case Services** monitors the progress of prisoners and parolees through pre-release and post-release; recommends release dates and release conditions; prepares release paperwork; reviews violation reports and issues sanctions (e.g., warrants, warrant supplements, letters of reprimand); makes probable cause recommendations; responds to public inquires and offender correspondence.
- **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.*

The Parole Commission has the responsibility of all these cases:

- 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.

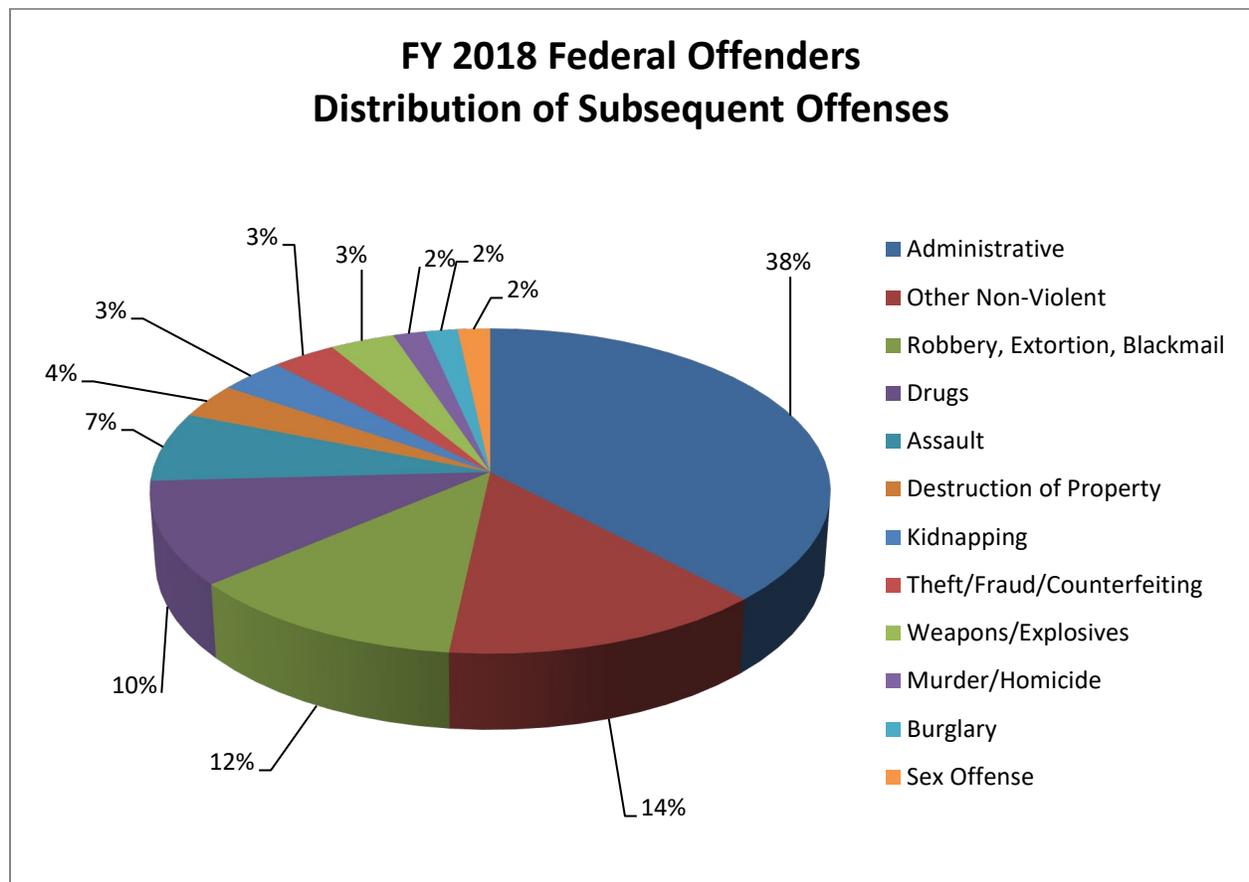
**Uniform Code of Military Justice Offenders:** The Parole Commission has the responsibility for granting or denying parole to parole-eligible Uniform Code of Military Justice offenders who are serving a sentence in a Bureau of Prisons institution. U.S. Probation Officers provide supervision in the community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

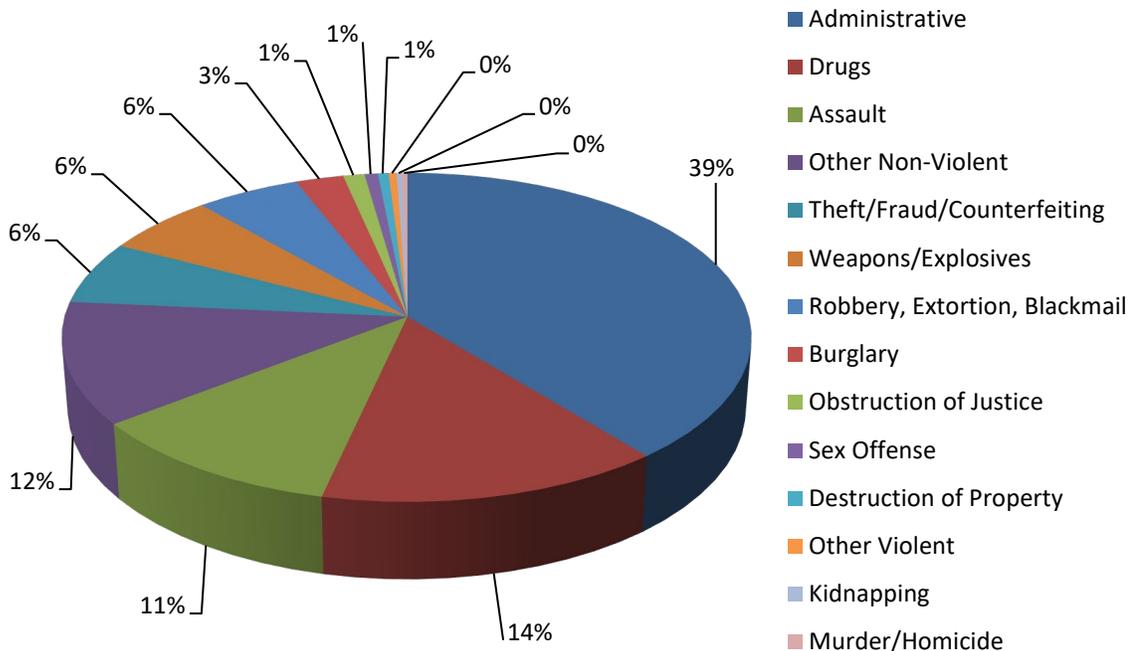
**State Probationers and Parolees in Federal Witness Protection Program:** In addition to its general responsibilities, the Parole Commission is also responsible for the revocation of release for certain state probationers and parolees who have been placed in the federal witness protection program. United States Probation Officers provide supervision in the community while building a collaborative community approach to assisting victims and witnesses. This program enhances decision-making through cooperation with external partners in criminal justice to ensure that the victim’s input is considered prior to a decision.

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 Offenders and DC offenders showing the distribution of subsequent offenses including violent offenses for 2018. Federal offenders had a total of 58 offenses and DC offenders a total of 710 offenses.



## FY 2018 D.C. Offenders Distribution of Subsequent Offenses



Some 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.
- 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 warrants in a timely fashion to remove violent offenders from the community.
- D.C. Jail and Corrections: Develop new procedures for conducting probable cause and revocation hearings for Technical Parole Violators.

## II. Summary of Program Changes

*No Program Changes*

## III. 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, \$13,308,000: 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.*

Note.—A full-year 2019 appropriation for this account was not enacted at the time the budget was prepared; therefore, the budget assumes this account is operating under the Continuing Appropriations Act, 2019 (Division C of P.L. 115–245, as amended). The amounts included for 2019 reflect the annualized level provided by the continuing resolution.

### Analysis of Appropriations Language

No substantive changes proposed.

## IV. Program Activity Justification

The FY 2020 budget request for USPC is \$13,308,000, 56 full time permanent positions (including 7 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.

<i>U.S. Parole Commission</i>	<b>Direct Pos.</b>	<b>Estimate FTE</b>	<b>Amount</b>
2018 Enacted	56	*53	13,308
2019 President's Budget	56	56	13,308
Adjustments to Base and Technical Adjustments			0
2020 Current Services	56	56	13,308
2020 Request	56	56	13,308
<b>Total Change 2019-2020</b>	0	0	0

\*Note: This reflects actual FTE

The total costs include the following:

- The direct costs of all outputs

- Indirect costs
- Common administrative systems

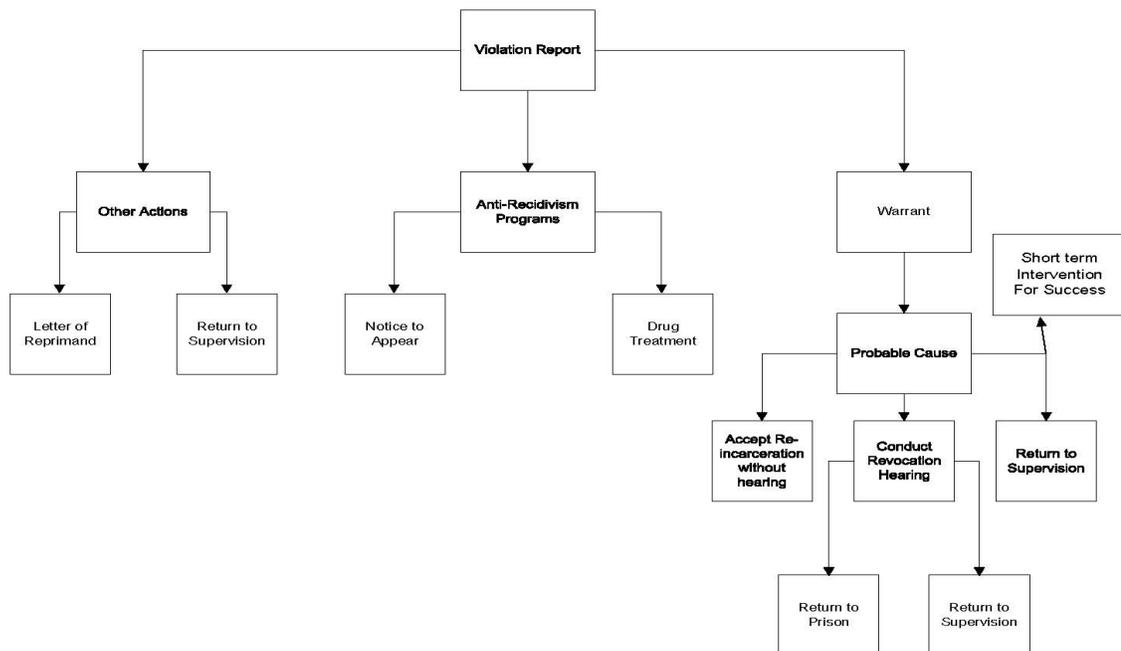
The various resource and performance charts incorporate the costs of lower level strategies which also contribute to achievement of objectives, but which may not be highlighted in detail in order to provide a concise narrative. Also included are the indirect costs of continuing activities, which are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

### 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 related 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.

For low-risk, non-violent offenders, USPC emphasizes the development of strategies, to decrease prison overcrowding by reducing the number of low-level, non-violent offenders reincarcerated on parole/supervised release violations. Currently, USPC has restructured strategic processes throughout the Commission to aide in recidivism reduction efforts and effectively use incentive-based sanctions.

In 2011, Short-term Intervention for Success (SIS) 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. This pilot program was implemented as a final rule in 2015. SIS has recently been restructured to allow for flexibility in applying the rule to a greater number of offenders, while incorporating other compliance strategies. Currently, USPC is working with supervision partners to apply graduated sanctions to address non-criminal violations and avoid returning the offender to prison. If the offender is non-compliant and no longer amenable to being supervised, the USPC issues a warrant for arrest. However, as long as the offender is not committing new crimes in the community, the USPC will place an incentive order for short-term periods of incarceration followed by a reduced term of supervision to follow or the possibility for early discharge from supervision if the offender completes treatment, maintains employment and otherwise modifies their behavior. The USPC has the authority to terminate any term of parole or supervised release at any time prior to the expiration of the sentence. The USPC is using that authority as an incentive for persons to demonstrate compliance with the conditions of supervision from the outset and those who successfully return to supervision after violating and serving a short-term period of incarceration.

Working with the DC Department of Corrections (DC DOC), the Residential Substance Abuse Treatment Program (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. The RSAT program is currently being restructured by the DC DOC to further streamline processes to ensure offenders are being thoroughly evaluated at the highest levels. The USPC continues to aggressively partner with the DC DOC and participate in this program.

Throughout this process, there continues to be 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.

Performance and Resource Tables

PERFORMANCE AND RESOURCES TABLE											
Decision Unit: U.S. Parole Commission											
RESOURCES		Target		Actual		Projected		Changes		Requested (Total)	
		FY 2018		FY 2018		FY 2019		Current Services Adjustments and FY 2020 Program Changes		FY 2020 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
		56	13,308	56	13,308	56	13,308		0	56	13,308
TYPE	PERFORMANCE	FY 2017		FY 2018		FY 2019		Current Services Adjustments and FY 2019 Program Changes		FY 2020 Request	
		FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
<b>Program Activity</b>		56	13,308	56	13,308	56	13,308			56	13,308
<b>Performance Measure:</b>	Warrants		1,780		1,628		1,500				1,500
<b>Performance Measure:</b>	Appeals		130		211		160				160
<b>Performance Measure:</b>	Parole Hearings		1,780		1,428		1,400				1,400
<b>Performance Measure:</b>	Revocation Hearings		1,330		1,110		1,330				1,330
<b>Performance Measure:</b>	Alternatives to Incarceration		300		128		-				-

\*Due to an internal reorganization the actions for performance measure Alternatives to Incarceration have been incorporated into other measures\*

**PERFORMANCE MEASURE TABLE**

**Decision Unit: U.S. Parole Commission**

Performance Report and Performance Plan Targets		FY 2014	FY 2015	FY 2016	FY 2017	FY 2018		FY 2019	FY 2020
		Actual	Actual	Actual	Actual	Target	Actual	Target	Target
<b>Performance Measure</b>	Warrants	2,296	1,871	1,772	1,390	1,780	1,628	1,500	1,500
<b>Performance Measure</b>	Appeals	213	219	213	168	130	211	160	160
<b>Performance Measure</b>	Parole Hearings	1,941	1,738	1,946	1,580	1,780	1,428	1,400	1,400
<b>Performance Measure</b>	Revocation Hearings	1,728	1,321	1,384	1,213	1,330	1,110	1,330	1,330
<b>Performance Measure</b>	Alternatives to Incarceration	N/A	362	395	277	300	128	-	-

## **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 aligned its strategy to the Attorney General's priorities, specifically to promote the rule of law, integrity and good government by ensuring timely adjudication of warrants, release decisions focusing on public safety, and modernizing Commission information technology systems and work policies.

During 2019, the USPC will complete work on its unified case management system. This system replaced 27 disparate software programs that managed the work and caseload of the Commission. This modernization is also the foundation of the Commission's compliance with National Archives and Records Administration (NARA) electronic records requirements. In fact, the Commission will now be paperless for the entire lifecycle of new offenders. The completion of the Case Management System (CMS) will allow USPC to more efficiently exchange data with CSOSA. Additionally, the CMS will allow for efficient release of electronic Warrant issuance and improve management of the hearing process. Efficient data warehousing is also a priority for the USPC for reporting and the sharing of information with our criminal justice partners.

In 2020, the Commission will continue several management efficiencies including the Pathways to Compliance and Pathways to Completion programs, targeting low risk offenders. These Commission programs are consistent with the recent First Step Act legislation.

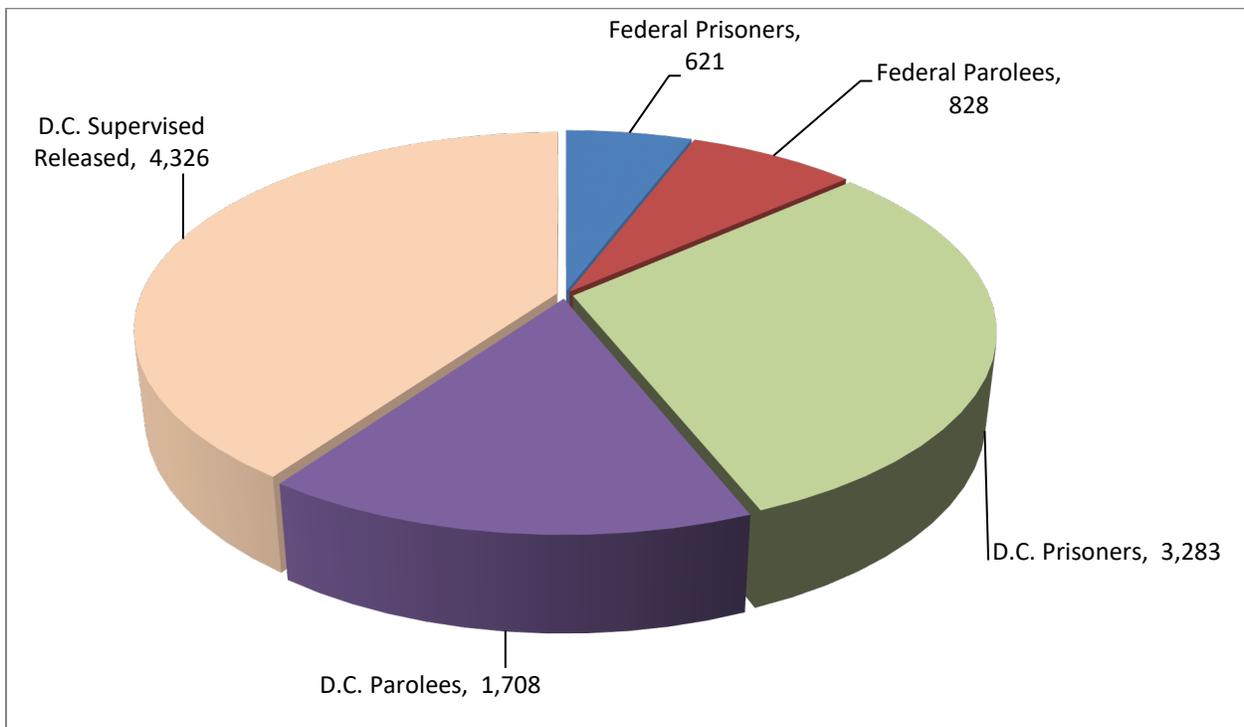
Lastly, should the Commission not be extended past October 31, 2020, funds will be requested in FY 2020 to ensure an orderly end to the Commission, including information technology monies to transfer the Case Management System to a successor entity.

The USPC has developed programs to promote the public's safety, reduce unnecessary incarceration costs, and lowering recidivism. The USPC is reducing violent crime by prioritizing the expedient apprehension of 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.

**a. Changes in Population and Workload**

In FY 2018, the Parole Commission estimates the total prisoner and parolee population, federal and D.C., including D.C. supervised releases, to be approximately 10,766 an increase of 2,156 from the previous year. The D.C. population under the Parole Commission’s jurisdiction is 9,317, including 3,283 prisoners and 6,034 parolees and supervised releases. The remaining 1,449 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 criminal justice partners and not by the USPC.*

**Population under USPC Jurisdiction FY 2018**



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 parole. When a warrant is issued, a request for a preliminary interview follows, along with a hearing afterwards. Any increase noted in the population can be attributed to the overall increase in criminal activity in DC.

Local revocation hearings are held at facilities in the locality where a parolee has been arrested, and these require more attention because the hearings are adversarial. An offender may contest the charges and is entitled to representation by an attorney, along with the ability to call witnesses. Additionally, these hearings are costlier to the Parole Commission, because they often involve

travel to a remote location where the examiner is only able to handle a particular case. In an institutional hearing, the parolee has admitted to the charges or been convicted of new criminal activity and the issues to be heard involves the degree of responsibility and the length of additional incarceration. 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.

## **V. EXHIBITS**