

Maryland Parole Commission *Fiscal Year 2009 Annual Report*



Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor

Gary D. Maynard
Secretary

David R. Blumberg
Chairman

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MARYLAND PAROLE COMMISSION

MISSION, VISION, AND GOALS

Mission

The Maryland Parole Commission enhances public safety and promotes safe communities through sound and timely parole grant decisions and determinations regarding the revocation of parole and mandatory supervision release. The Commission encourages victim input as an integral part of the Parole decision-making process.

Vision

The Maryland Parole Commission will build strong partnerships with victims, the Judiciary, and other criminal justice agencies to better serve the community. We will use needs/risk assessment of offenders to enhance parole decision-making and public safety. We will parole offenders who have the potential to become law-abiding citizens.

Goals

- Help to keep Maryland communities safe by the timely issuance of parole retake warrants and by making informed decisions.
- Enhance victim services and mitigate the effects of crime on victims.
- Ensure that parole grant and revocation hearings are conducted in a timely manner to maximize agency efficiency and cost effectiveness.
- Improve retention by preparing employees for leadership roles with cross-training, open communication, and incorporating classifications that are compensable with the responsibilities.

RESPONSIBILITIES

The Maryland Parole Commission (MPC) consists of ten Commissioners and eight Hearing Officers (1-vacancy). The Chairman of the Commission has a dual role of Chairman as well as Commissioner.

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 interviews with offenders throughout the State of Maryland on the following types of hearings:

- **Commission cases**
- **Revocation hearings**
- **MAP negotiations**
- **Open parole hearings**
- **Parole grant hearings (in the absence of a Hearing Officer)**

They are also responsible for administrative duties that include reviewing Hearing Officer recommendations, reviewing and signing parole warrant and/or subpoena requests, reviewing informative reports from Division of Parole & Probation (DPP) agents, reviewing in-house appeals, reviewing balloted cases, and conducting office appointments with the general public that may include the victim or offenders' family. Commissioners are also responsible for reviewing special condition requests from the Division of Correction (DOC) and DPP and imposing conditions when applicable.

Hearing Officers are merit employees responsible for conducting face to face interviews with offenders throughout the State of Maryland serving parole eligible sentences of six months or more. This unit is comprised of individuals with a variety of criminal justice backgrounds. They are responsible for conducting parole hearings, preliminary hearings, and administrative reviews on those cases in which an offenders' eligibility is beyond five years. Hearing Officers must ensure that parole hearings are conducted on parole eligible offenders.

ACCOMPLISHMENTS

Alternative Sanctions

In June of 2009, Commissioners' began using short term incarceration as an alternative sanction for technical parole violators in lieu of revocation. This serves as a method of discipline for non-compliance without occupying a DOC bed for an extended period of time. The Information Technology and Communications Division (ITCD) in conjunction with Central Commitment have developed an Offender Based State Correctional Information System (OBSCIS) code to ensure those offenders are released promptly after the short term incarceration is completed. Generally the period of short term incarceration ranges from 30 to 90 days.

Standard Special Conditions

MPC was instrumental in the development and implementation of the new "standard special conditions" that are currently listed on all mandatory supervision release and parole release orders beginning February 2009.

Violence Prevention Initiative

MPC began screening and identifying VPI candidates as part of case preparation for parole hearings in January 2009. Hearing Officers and Commissioners are completing the risk assessment instrument and the files are being flagged for easy identification.

Warrant Log

A warrant log was created in June 2009 to apprise DPP of cases in which a warrant was requested by an agent but deemed inappropriate for various reasons. This report is provided to DPP on a monthly basis.

COMMISSION UNITS

DECISION

The Commission’s Decision Unit has an office supervisor and a staff of two clerks whose duties include:

- Processing and entering decisions from parole grant hearings, MAP negotiations, preliminary, and revocation hearings onto the PARIS database.
- Entering parole data into the risk assessment data base.

FY 09 Unit Data

Decisions Entered onto Database	Approx. 11,000
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INSTITUTIONAL PAROLE ASSOCIATES

Throughout the State, institutional parole associates (IPA) play a pivotal role in the parole hearing process. Staff consists of seven associates and three supervisors whose duties include: (3 vacancies)

- Conducting file review with inmates prior to parole hearings.
- Providing assistance to Commissioners and Hearing Officers prior to and during parole hearings.
- Delivering parole decisions to inmates.
- Serving as liaison between the Commission and DOC institutions.
- Coordinating parole releases to other jurisdictions

FY 09 Unit Data

Decisions Delivered	11,325
Inmate File Reviews Conducted	8,191
Open Parole Hearings Coordinated	77

PARDONS AND EXECUTIVE CLEMENCIES

This unit consists of a unit manager who is responsible for:

- Reviewing and processing all pardon and executive clemency applications.
- Providing responses to all Governors’ correspondence.
- Providing notification to State’s Attorney offices on the parole status of life sentenced inmates.

FY 09 Unit Data

Pardon Applications Requested/Sent	Approx. 1,947
Pardon Applications Pending	667
Coordinated Medical Parole Cases	41

PAROLE SERVICES

The Parole Services unit manager leads an office supervisor who oversees a staff of three office clerical positions. This unit's primary responsibilities include:

- Scheduling and docketing all parole grant hearings for DOC and local Detention Facilities.
- Preparing the weekly schedule for Commissioners and Hearing Officers.
- Coordinating all parole in absentia hearing for DOC offenders serving sentences in other states.

FY 09 Unit Data

DOC Parole Grant Hearings Conducted	7,045
Local Jail Parole Grant Hearings Conducted	1,305
Parole in Absentia Hearings	11
TOTAL HEARING CONDUCTED	8,361

POST RELEASE

(Revocation Section) is comprised of a unit manager, and two clerical support staff. This unit is responsible for:

- Scheduling all preliminary hearings
- Scheduling revocation hearings within DOC as well as the local facilities
- Coordinating the revocation hearings with the Public Defender's Office, DOC, and DPP

(Warrant Section) is comprised of a unit manager, an office secretary, and two clerical support staff. This unit is responsible for:

- Preparing and processing all retake warrants
- Processing recalled warrants
- Preparing subpoenas
- Entering and lifting of warrants on the National Crime Information Center (NCIC) computerized database.

FY 09 Unit Data

Revocation Hearings Conducted	4,539
Retake Warrants Processed	4,284
Warrants Recalled	1,305
Preliminary Hearings Conducted	265
Subpoenas	476

RECORDS

Staff in this unit consists of an office supervisor, two clerical positions, and an office processing clerk (contractual) who oversee nearly 50,000 files in the supervision, housing and retention sections. Unit responsibilities include:

- Retrieving files for parole grant hearings.
- Processing reports submitted by DPP field agents and ensuring that these reports and files are available for Commission review.
- All parole related documents in the parole files placing.

FY 09 Unit Data

Reports Retrieved from DPSCS reporting system	9,994
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RELEASE

The manager of Release also oversees the Institutional Parole Associate (IPA) Unit. The Release Unit is comprised of two clerical positions and an office processing clerk (contractual). The duties of that unit include:

- Preparing all parole release orders and coordinating the release of those offenders granted parole from DOC or local institutions.
- Confirming that all pre-release contingencies have been met by offenders prior to parole release.

FY 09 Unit Data

Release Orders Prepared	2,367
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SUPPORT SERVICES

The Support Services Unit is comprised of the Administrator and an Acting Administrative Aide. This unit is responsible for all of the agencies financial matters, personnel matters, inventory to include fleet management, injury reporting, computer and/or network accessibility, key control, and training coordination.

SECRETARIAL

The Secretarial Unit consists of a unit manager, an office supervisor, two secretaries, and the receptionist. The unit is responsible for:

- Providing secretarial support to Commissioners, Hearing Officers, and Administrative staff.
- Processing all requests for special conditions of supervision.
- Processing parole decision appeals.
- Processing parole decisions that resulted in a Hold or an Administrative Refusal
- Distributing all incoming mail.
- Answering telephone calls.

FY 09 Unit Data

Special Conditions Processed	805
Telephone Calls Answered & Directed	26,113
Pieces of Mail Received & Distributed	40,206
Appeals Processed	1,571

VICTIM SERVICES

This unit is comprised of a Unit Manager and an Office Secretary. The primary duties include:

- Ensuring timely notification of: upcoming parole hearings, parole hearing results, and parole releases, and revocation hearing decisions to identified victims.
- Advising victims and victim representatives who have requested notification of their rights as mandated by law.
- Providing referrals to victims in need of services.
- Scheduling and coordinating all open parole hearings.
- Ensuring special conditions are included for victim cases.

FY 09 Unit Data

“No Contact” Orders processed	184
Notifications for Possible Open Parole Hearings	670
Requests Submitted to Identify Victims	1,616
Open Parole Hearings Scheduled	87

FY 2009 AGENCY WORKLOAD MEASURES

TABLE 1. – HEARINGS SUMMARY

Parole Grant Hearings (Including MAPS)	8,361
Revocation Hearings/Preliminary Hearings	4,539
TOTAL HEARINGS CONDUCTED	12,900

TABLE 2. - COMMISSIONERS ADMINISTRATIVE ACTIVITY

Special Reports Reviewed by Commissioners	9,994
Office Appointments Held With Commissioners	215
Special Conditions Imposed	805

TABLE 3. - HEARING OFFICERS ADMINISTRATIVE ACTIVITY

Administrative Reviews	1,467
Preliminary Hearings	265

DEFINITIONS

- **Administrative Reviews** are not face-to-face hearings but rather “paper” reviews of inmates’ files at the Commission’s office. These reviews are conducted at five-year intervals until an inmate 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.
- **Commission Cases** are heard by a panel of two Commissioners and include homicides, life or life sentences with all but a fixed number of years suspended, and open parole hearings.
- **Gubernatorial Commutation** 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.
- **Gubernatorial Pardon** 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 for review 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 decides the 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.
- **Liaison Agent/Waiver I (LA/W I)** hearings are conducted by Commissioners on offenders who are “technical” violators and admit fault/guilt to the stated violations. These offenders waive the presence 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.
- **Liaison Agent/Waiver II (LA/W II)** 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 inmate from the Division of Correction 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.

DEFINITIONS CONTINUED

- **Mutual Agreement Program (MAP)** negotiations are initiated by DOC and identify offenders who are likely to benefit from the completion of structured correctional programming that results in parole on a specific date provided the offender successfully completes all the requirements of the MAP proposal. These hearings are conducted by a panel of two Commissioners.
- **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 Parole 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 Division of Parole and Probation 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.
 - Offenders serving a period of incarceration for **NON-VIOLENT CRIMES** are generally parole eligible at 25% of the sentence.
 - Offenders serving a period of incarceration for **VIOLENT CRIMES** as identified by the Annotated Code of Maryland, including **Burglary I, II and III**, are parole eligible at 50% of the sentence.
 - Offenders serving a **LIFE SENTENCE** 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 **NON-PAROLEABLE SENTENCE** are not eligible for a parole hearing during that term of confinement.
 - Offenders serving split sentences that contain violent and non-violent offenses are eligible after half of the violent sentence or one quarter of the aggregate whichever is greater.
- **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.
- **Parole in Absentia** is a parole grant hearing conducted on an offender serving a Maryland sentence in an out of state institution by two Commissioners whose decision is not appealable.

DEFINITIONS CONTINUED

- **Preliminary Revocation Hearings** are held before a Hearing Officer who determines if probable cause exists with respect to the stated mandatory supervision or parole 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.
- **Revocation Hearings** are conducted by Commissioners on those offenders who allegedly have violated the conditions of parole or mandatory supervision and are returned to custody. The supervising agent, who initiated the retake warrant process, testifies at this hearing and is subject to cross-examination.
- **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.
- **Victim** 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.

FREQUENTLY ASKED QUESTIONS

1. What criteria are considered during the parole hearing process?
 - The circumstances surrounding the crime;
 - The offender's physical, mental, and moral qualifications;
 - The offender's progress during confinement;
 - Drug and alcohol evaluations concerning the offender's amenability for treatment and availability of treatment programs;
 - Probability of offender re-offending;
 - Whether the offender's parole would be compatible with the welfare of society;
 - Victim impact statements or any information presented by the victim or victim's representative; or
 - Any recommendation by the sentencing judge.
2. What decisions can result from a parole hearing?
 - Immediate approval;
 - Delayed release with or without pre-release contingencies;
 - Refuse parole;
 - Rehear at a specific time in the future;
 - Hold for additional information or clarification of information; or
 - Administrative Refusal until pending charge(s) are adjudicated.
3. How can I get scheduled for a parole hearing if I have met the eligibility criteria and haven't had a hearing?
 - Schedule an appointment with your assigned case manager so that they can provide us with the information to create a parole file.
4. What recourse do I have for a non-favorable parole decision?
 - You have 5 days from receipt of the decision to file an appeal unless the hearing was conducted with 2 Commissioners. If that is the case, the decision is non-appealable.
5. How long is the process after an offender has been granted an immediate approval?
 - Generally the release process takes anywhere from 30 to 45 days because of data entry, home plan verification, and decision service to the offender.
6. Are parole violators eligible for a new parole hearing?
 - Only if they have a new sentence of 6 months or more.

**New Standard Special Conditions that appear on all
Mandatory Release Certificates and Parole Release Orders
Effective February 2009**

- 1) Submit to, successfully complete, and pay any required costs for any and all evaluations, treatment programs, testing, and aftercare as directed by the Division of Parole and Probation, which may include substance abuse, mental health, anger management, parenting, domestic violence, and other issues. Take all medications prescribed by your treatment provider.**
- 3) Permits agents of the Division of Parole and Probation to visit your home at any time.**
- 34) Comply as directed by your parole/probation agent with the Division of Parole and Probation's sexual offender management program, which may include intensive reporting requirements, specialized sex offender treatment, electronic monitoring, medication, polygraph testing, and computer monitoring.**
- 35) Comply with any curfew or site restrictions imposed by your parole/probation agent to limit your access to certain areas of the community and/or to require you to obtain permission to leave your residence during certain hours. Cooperate with any program which is established to monitor your compliance with these restrictions, which may include payment for costs associated with Global Positioning Systems (GPS) or other tracking technology.**
- 38) Provide a DNA sample as required by law.**
- 39) Appear in court when notified to do so.**
- 40) Waive all extradition rights and processes, and agree to return to the State of Maryland when instructed.**
- 41) Do not physically or verbally threaten or intimidate any employee of the Department of Public and Correctional Services.**

COMMISSIONERS



David R. Blumberg, Chair - appointed October 2003; appointed Chairman in July 2004; term will expire in January 2010. Mr. Blumberg received a B.A. Degree in Political Science from Loyola College and a Masters in Library Science from the University of Maryland. For twenty years, he was the Director of the Baltimore City Detention Center Enoch Pratt Library. He is active in the Roland Park Civic League, Kiwanis and Santa Claus Anonymous.

Carmen Amedori – appointed July 2004; term will expire in January 2010. Ms. Amedori was a member of the House of Delegates for six years and was a ranking member of the Juvenile Law Subcommittee. She is a 1977 graduate of Villa Julie College and has extensive experience in family and criminal law.

Michael C. Blount - appointed May 1990; re-appointed in 1995, 2001, and 2007; term will expire January 2013. Mr. Blount is a former Baltimore City Police Officer and Court Commissioner for the Baltimore City District Court. He received a B.A. in Political Science from Morgan State University.



Joseph R. Bolesta – nominated in April 2006 to an interim term; confirmed in 2007; term will expire in 2012. Mr. Bolesta was a member of the Baltimore City Police Department for 33 years, retiring in 1999. He served as a patrolman, sergeant, lieutenant and then Captain in the uniformed patrol division. Upon his promotion to the rank of Captain in 1975, he assumed command of the Tactical Division. As commander of the tactical division he was responsible for overseeing the operation of the helicopter, canine, marine, bomb disposal and quick response units. In 1994 he was appointed to Colonel (Bureau Chief) where he commanded the personnel, training and fiscal divisions.



Jasper R. Clay – appointed March 2005; term will expire in January 2011. He possesses a Bachelor's Degree in Psychology from Morgan State University. Mr. 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. Mr. 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.

COMMISSIONERS CONTINUED

Thomas V. Miller III - appointed in 1996; reappointed in 2002; reappointed in 2008; term will expire January 2014. Mr. Miller is admitted to the Maryland State Bar and the Federal District Court, and is a former Assistant Public Defender in Prince George's County.

Nancy L. Murphy - appointed October 1997; re-appointed in January 2001 and 2007; term will expire January 2013. Ms. Murphy is a former Maryland State Senator, a former Staff Specialist for the Maryland Higher Education Commission, and served as Attendance Officer for the Baltimore County Board of Education.



Obie Patterson—appointed to an interim term in July 2008; term will expire in January 2010. Mr. Patterson was a member of the Maryland House of Delegates for 12 years and a senior member of the House Caucus. He is a graduate of Johnson C. Smith University and the University of Florida. He worked as a Program Director with the U.S. Department of Agriculture before retiring in 1994.

Perry Sfikas - appointed September 2002; re-appointed in 2007; term will expire 2013. Mr. 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, Mr. Sfikas has been active in multiple community task forces and associations, as well as the American Hellenic Education Progressive Association.



William C. Simpson – appointed October 2009. A native of Washington, D.C., Mr. Simpson is a retired court manager with over thirty-five years of experience in the criminal and juvenile justice systems. Following his retirement from the District of Columbia Court System in 2003, Mr. Simpson served as chairman of the Prince George's County Cable Television Commission. For eight years, Mr. Simpson also served as a consultant for the U.S. Department of Justice 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 within these two systems. Mr. Simpson has a Master of Education Degree from Bowie State University.

MPC Staff



Program Manager (Operations) and Assistant



Release Unit



**Institutional Parole Associates
(Jessup)**



**Post Release/Warrant &
Revocation Units**



Decision Unit



Records Unit



Parole Services Unit



Secretarial Unit



Victim Services Unit

MPC Staff



Program Manager (Hearings)

Hearing Officers



Support Services Unit



BUDGET EXPENDITURES – FISCAL YEAR 2009

CATEGORY	EXPENDITURES	% of Exp.
COMMUNICATIONS	52,434	1.1%
CONTRACTUAL SERVICES	17,034	0.3%
FLEET OPERATION & MAINTENANCE	7,294	0.1%
LEASE (FIXED CHARGES)	254,045	5.1%
NEW EQUIPMENT	1,472	0.0%
REPLACEMENT EQUIPMENT	2,780	0.1%
SALARIES, WAGES AND FRINGE BENEFITS	4,532,404	90.9%
SUPPLIES & MATERIALS	34,371	0.7%
TECHNICAL AND SPECIAL FEES	58,535	1.2%
TRAVEL	28,309	0.6%
	4,988,678	100.00%

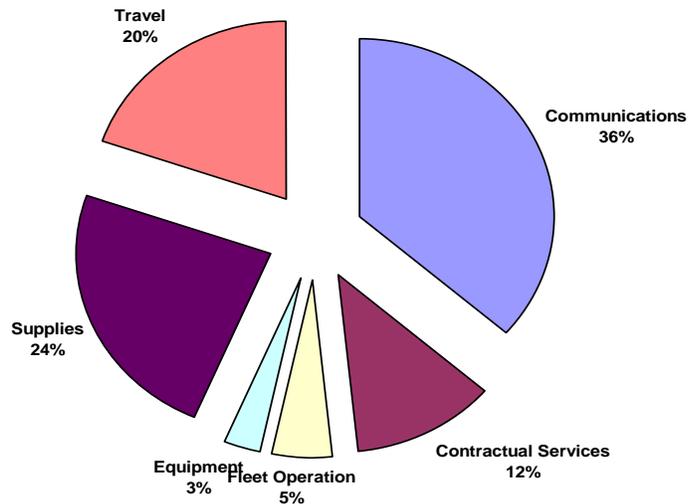
Total Expenditures:	4,988,678
Less Salaries/Fees:	<u>4,590,939</u>
	397,739

Less Lease (Fixed Charges):	<u>254,045</u>
Controllable Expenditures:	143,694

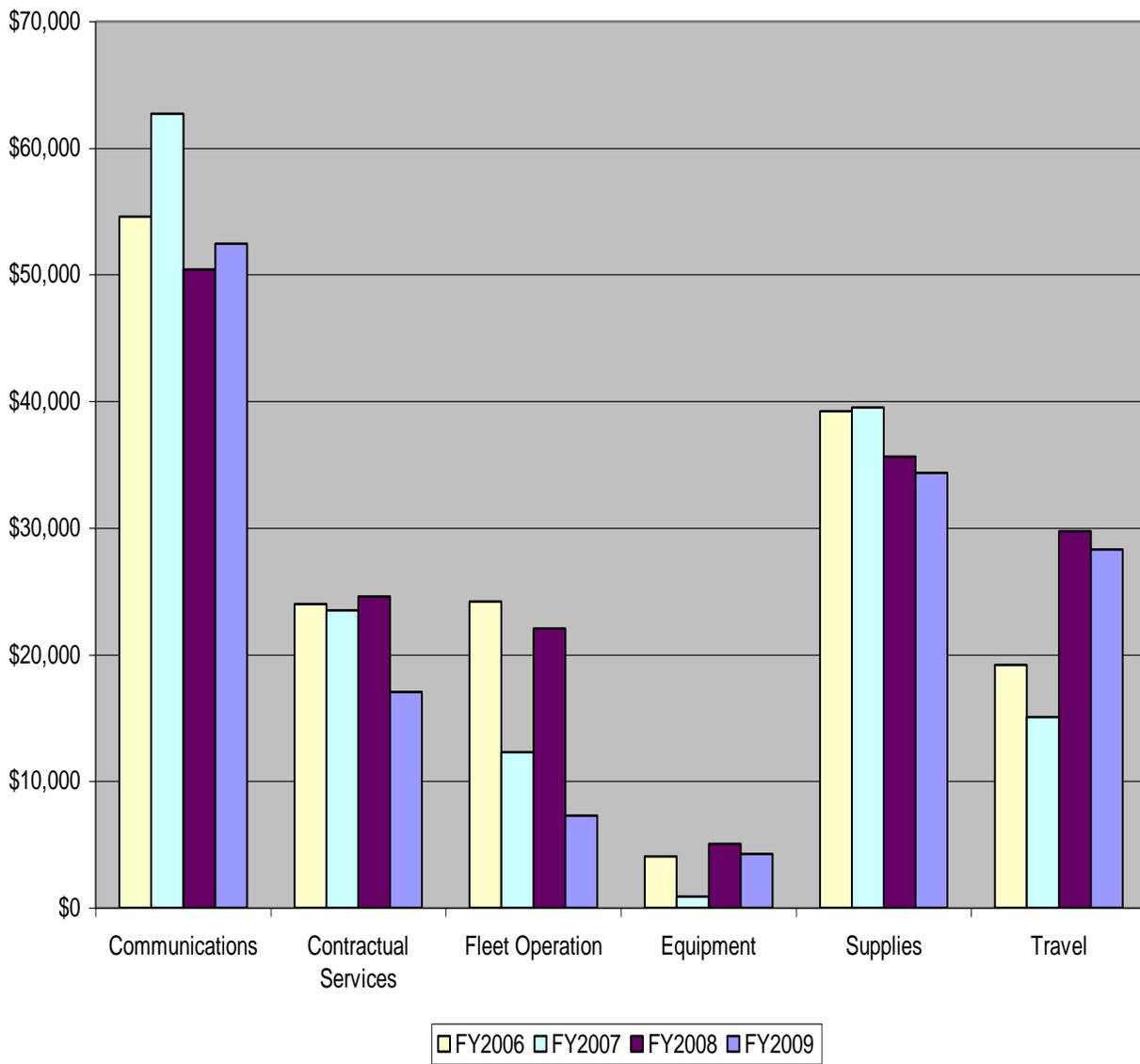
% of Expenditures: 2.9%

The remaining 2.9% of the expenditures is depicted below:

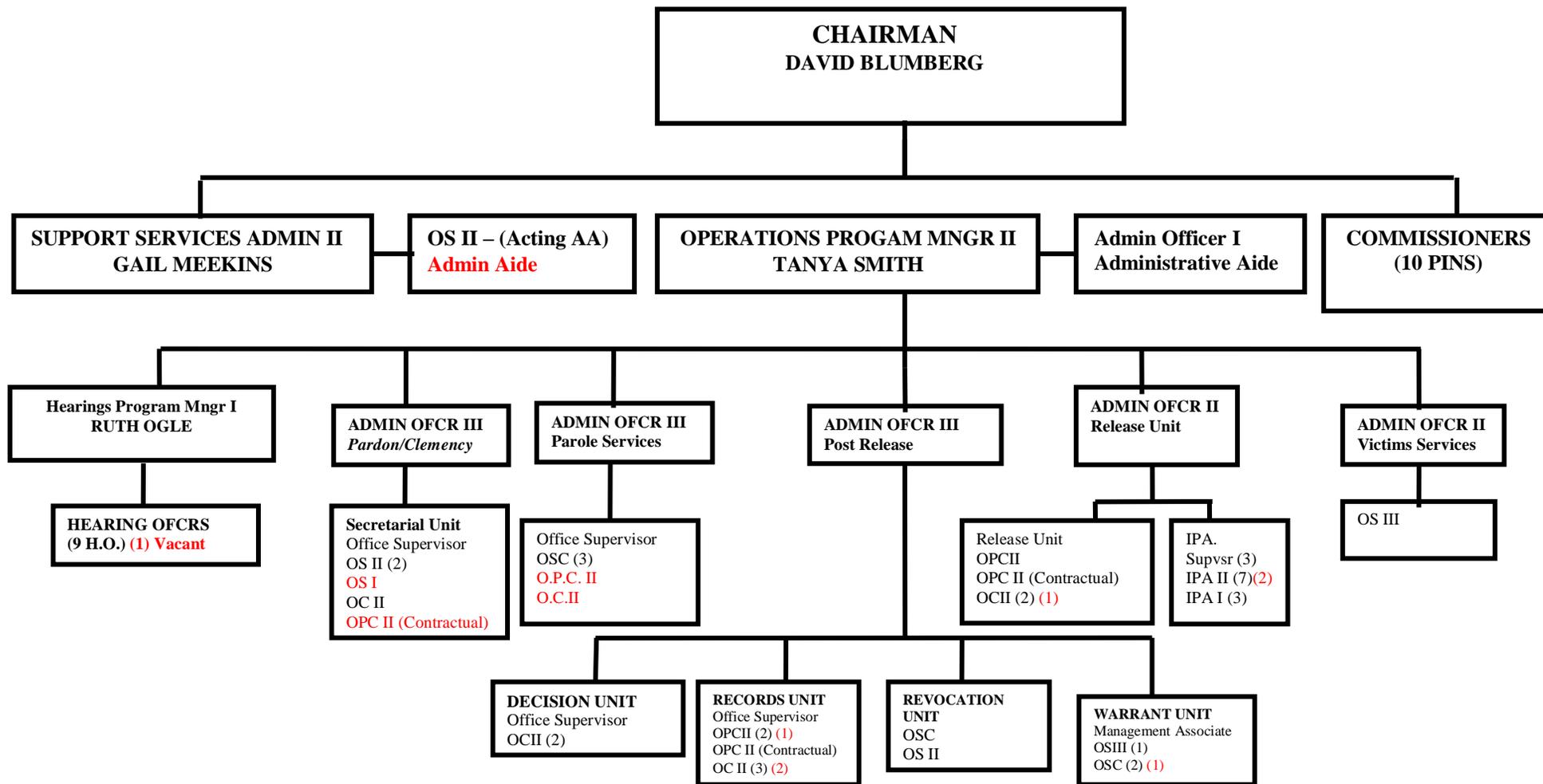
Maryland Parole Commission
Fiscal Year 2009 Expenditures
Remaining 2.9% of Expenditures



Controllable Expenditures by Category



MARYLAND PAROLE COMMISSION



Maryland Parole Commission Organizational Chart
 Agency Code 35.03.01/Q00C01.01
 Effective October 2009
 Secretary, Department of Public Safety and Correctional Services

Revised October 2009
 Red Text = Vacancy