

U.S. Department of Justice

FY 2021 Performance Budget  
OMB Submission

United States Parole Commission



February 2020

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## **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.

### **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/release hearings with federal and D.C. prisoners as well as revocation hearings with parole and supervised release 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; 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
- **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;
- Revocation of release for such offenders released on parole or mandatory release supervision; and
- Building 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.

**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.

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 D.C. offenders showing the distribution of offenses including violent offenses for 2019. Federal offenders had a total of 614 offenses and D.C. offenders a total of 2,902 offenses.

### Distribution of Initial Offenses FY 2019

| Offense Type            | Federal | Military | Transfer Treaty | DC (Parole) | DC (SRAA) |
|-------------------------|---------|----------|-----------------|-------------|-----------|
| Violent Offenses        | 179     | 133      | 20              | 511         | 1537      |
| Sex Offenses            | 18      | 125      | 2               | 86          | 171       |
| Drug Offenses           | 21      |          | 7               | 5           | 63        |
| Property Offenses       | 9       |          |                 | 20          | 131       |
| General Offenses        | 32      | 1        | 1               | 10          | 31        |
| Regulatory Offenses     | 11      |          |                 |             |           |
| Justice System Offenses | 4       |          |                 |             | 4         |

*Source: Bureau of Prisons data  
Represents only those offenders held in Bureau of Prisons custody, data on offenders that have been released is unavailable.  
Efforts are underway to obtain more detailed information about both the initial and subsequent offenses for offenders that have been released to supervision.*

### Distribution of Subsequent Offenses FY 2019

| Offense Type            | Federal | DC (Parole) | DC (SRAA) |
|-------------------------|---------|-------------|-----------|
| Violent Offenses        | 38      | 62          | 106       |
| Sex Offenses            | 3       | 9           | 14        |
| Drug Offenses           | 4       | 8           | 70        |
| Property Offenses       | 4       | 12          | 34        |
| General Offenses        |         | 1           | 3         |
| Human Trafficking       | 1       |             |           |
| Justice System Offenses | 1       |             | 14        |

*Source: Bureau of Prisons data  
Federal includes military, transfer treaty. Data is unavailable for released individuals. The figures above reflects only those individuals held in Bureau of Prisons custody*

## **Full Program Costs**

The FY 2021 budget request for USPC is \$13,539,000, 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.

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.

## **Environmental Accountability**

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

## **Challenges**

The challenges that impede progress towards achievement of agency goals are complex and ever changing. USPC faces both external and internal challenges that can impede the agency's mission.

**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. The agency collaborates with other criminal justice partners to determine 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 programs 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 related to addressing the need for expansion of mental health services for persons that are involved in the 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. As the releasing authority, the Parole Commission will be required to apply a holistic approach

in examining these specialized cases before making a final decision. 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 agency's workload will significantly increase due to the added layer geared 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). The staff must have the expertise to evaluate the nature of these specialized areas. This includes the need to expand the understanding of mental health disorders across the agency. In addition, the Parole Commission will need to assess limitations that impede the ability of the aging parolee(s). Such actions involve 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 appropriate for supervised release. Appropriate conditions of supervision, that adequately addresses close monitoring of offenders, require implementation of comprehensive risk tools. 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, as much change will be required to ensure success of addressing the growing needs. Innovation, creative and more flexible recruitment options, and restructuring of business operations will have to be employed to meet this challenge.

## **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, \$13,539,000:  
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.*

## IV. Program Activity Justification

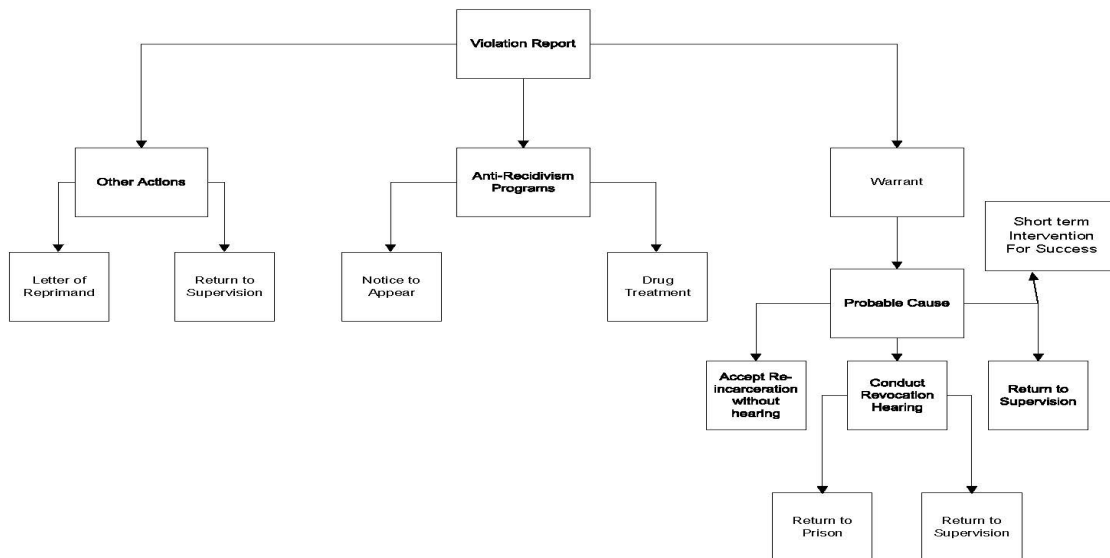
### 1. U.S. Parole Commission

| <i>U.S. Parole Commission</i>                 | <b>Direct Pos.</b> | <b>Estimate FTE</b> | <b>Amount</b> |
|---|--------------------|---------------------|---------------|
| 2019 Enacted                                  | 54                 | 47                  | 13,000        |
| 2020 Enacted                                  | 56                 | 47                  | 13,308        |
| Adjustments to Base and Technical Adjustments |                    |                     | 231           |
| 2021 Current Services                         | 56                 | 47                  | 13,539        |
| 2021 Request                                  | 56                 | 47                  | 13,539        |
| <b>Total Change 2020-2021</b>                 | <b>0</b>           | <b>0</b>            | <b>231</b>    |

### 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.

USPCs emphasizes decreasing prison overcrowding through reducing the number of low-level, non-violent offenders revoked to re-incarceration. USPC's efforts parallel the Attorney General's initiative by incorporating a fundamental principle founded in "not locking our way out of addressing low-level, non-violent offenders." Currently, we have three strategic processes occurring throughout the Commission to aid in our recidivism reduction efforts: Residential Substance Abuse Treatment Program, and Short-Term Intervention of Success/PAVER.

**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.

**Short-Term Intervention of Success (SIS)/Pilot Project for Administrative Violators**

**Expedited Resolution (PAVER)**: In 2011, SIS was implemented to reduce recidivism by applying immediate short-term incarceration sanctions to administrative violators of supervision who demonstrate a commitment to modify their non-compliant behavior. Through FY 2018, 1,592 offenders were approved to enter the SIS program or approximately 228 per year. However, the program had a limitation that an offender could only be sanctioned through SIS one time. The Commission found that, over time, this requirement became overly restrictive for low-level offenders who continued to violate the conditions of supervision but did not pose a high risk for violent crime. Thus, during the course of FY 2019, the USPC implemented a pilot project to expand the short-term incarceration sanctions to all administrative violators. During the 12 month period since this project has been implemented, 428 persons have received a short-term sanction.

In previous years, the Commission used the Notice to Appear (NTA) process to allow some offenders to remain in the community while their revocation hearings were pending. However, the Commission found that persons participating in the NTA process were similarly situated to those participating in the other programs (RSAT and SIS) and that, with expanded use of intermediate sanctions to address violations in the community prior to issuing a warrant, the NTA process was not an efficient way of reducing overall time in custody on warrants. The Commission's emphasis on intermediate community based sanctions and increased use of short terms of incarceration through the PAVER project has kept the inmate population in the District of Columbia lower than in previous fiscal years.

## Performance and Resource Tables

| Decision Unit: U.S. Parole Commission  |                     |         |        |         |        |           |        |  |       |                   |        |
|--|---------------------|---------|--------|---------|--------|-----------|--------|--|-------|-------------------|--------|
| RESOURCES  |                     | Target  |        | Actual  |        | Projected |        | Changes  |       | Requested (Total) |        |
|  |                     | FY 2019 |        | FY 2019 |        | FY 2020   |        | Current Services Adjustments and FY 2021 Program Changes |       | FY 2021 Request   |        |
| Total Costs and FTE<br>(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  |
|  |                     | 54      | 13,000 | 47      | 13,000 | 47        | 13,308 | 0  | 231   | 47                | 13,539 |
| TYPE   | PERFORMANCE         | FY 2019 |        | FY 2019 |        | FY 2020   |        | Current Services Adjustments and FY 2021 Program Changes |       | FY 2021 Request   |        |
| Program Activity   |                     | FTE     | \$000  | FTE     | \$000  | FTE       | \$000  | FTE  | \$000 | FTE               | \$000  |
|  |                     | 54      | 13,000 | 47      | 13,000 | 47        | 13,308 | 0  | 231   | 47                | 13,539 |
| Performance Measure:   | Warrants            |         | 1,500  |         | 970    |           | 1,500  |  |       |                   | 1,500  |
| Performance Measure:   | Appeals             |         | 160    |         | 73     |           | 160    |  |       |                   | 160    |
| Performance Measure:   | Parole Hearings     |         | 1,400  |         | 925    |           | 1,400  |  |       |                   | 1,400  |
| Performance Measure:   | Revocation Hearings |         | 1,330  |         | 687    |           | 1,330  |  |       |                   | 1,330  |

| Strategic Objective | Decision Unit: U.S. Parole Commission           |                    |         |         |         |         |         |        |         |         |
|---------------------|---|--------------------|---------|---------|---------|---------|---------|--------|---------|---------|
|                     | Performance Report and Performance Plan Targets |                    | FY 2015 | FY 2016 | FY 2017 | FY 2018 | FY 2019 |        | FY 2020 | FY 2021 |
|                     |   |                    | Actual  | Actual  | Actual  | Actual  | Target  | Actual | Target  | Target  |
| 4                   | Performance Measure                             | Warrants           | 1,871   | 1,772   | 1,390   | 1,252   | 1,500   | 970    | 1,500   | 1,500   |
| 4                   | Performance Measure                             | Appeals            | 219     | 213     | 168     | 149     | 160     | 73     | 160     | 160     |
| 4                   | Performance Measure                             | Parole Hearings    | 1,738   | 1,946   | 1,580   | 1,108   | 1,400   | 925    | 1,400   | 1,400   |
| 4                   | Performance Measure                             | Revocation Hearing | 1,321   | 1,384   | 1,213   | 895     | 1,330   | 687    | 1,330   | 1,330   |

## **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 that in Kentucky have 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<sup>1</sup>.

The USPC has expanded its Short-Term Intervention for Success (SIS), which is designed to provide for shorter periods of imprisonment for technical violators in exchange for potentially longer periods of incarceration. The success of this program suggests a decrease in the re-arrest rates for those participating and has ultimately reduced overall prison costs. The USPC approves approximately 228 offenders per year to participate in the SIS program. As noted previously, the program has limitations which the Commission found overly restrictive for low-level offenders who continued to violate their conditions of supervision, but did not pose a threat to society. The USPC implemented a pilot project to expand the short-term incarceration sanctions and during a 12 month period, since the project was implemented, 428 persons have received a short-term sanction.

As noted above, the USPC has developed programs to promote public 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 both 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 completing the process of deploying a comprehensive electronic Case Management System (CMS) which requires existing active files to be prioritized for eventual scanning for conversion from paper to electronic. This system provides efficiencies in data exchange with CSOSA and electronic Warrant issuance, which improves 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.

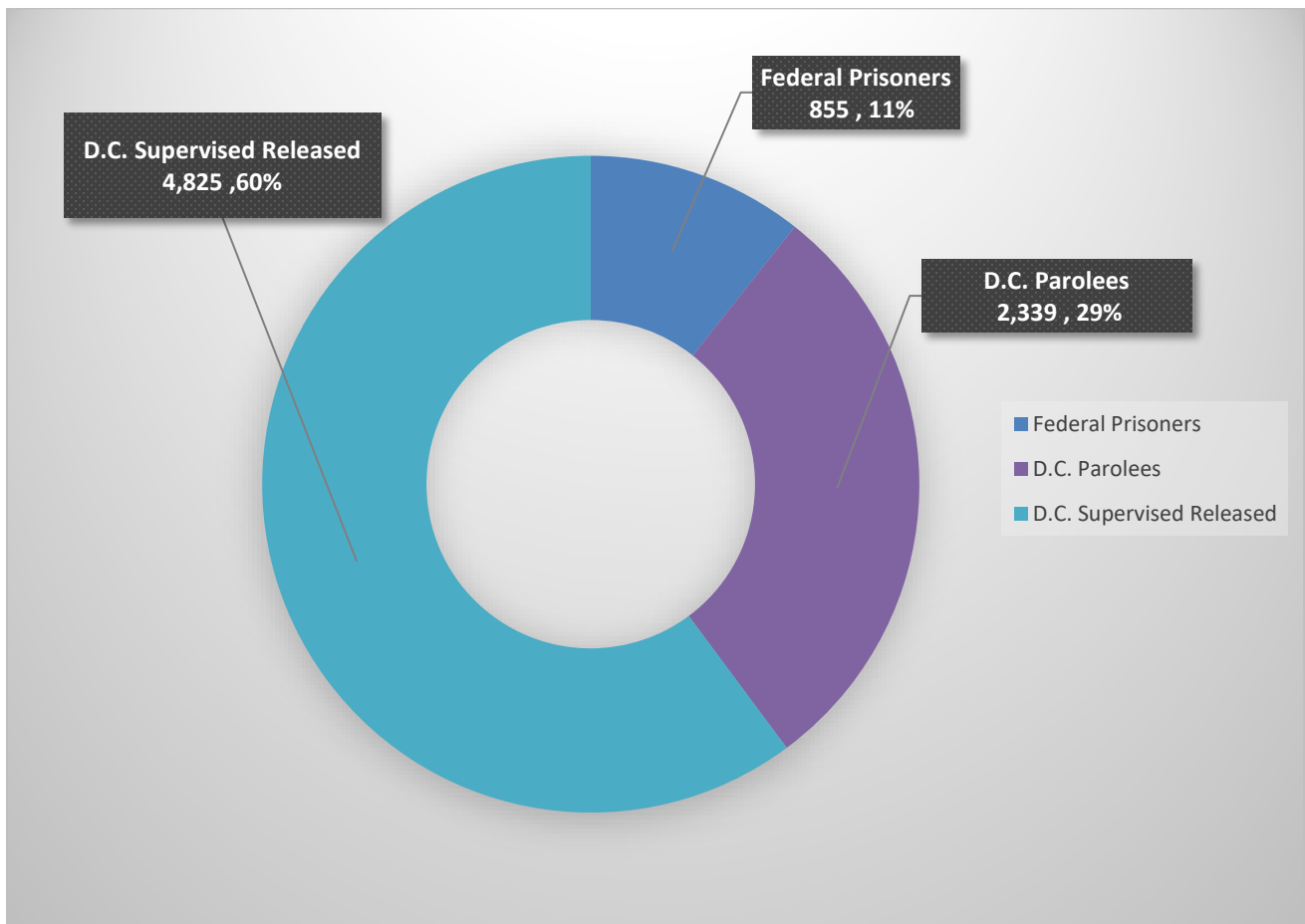
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<sup>1</sup>[http://cdar.uky.edu/CJKTOS/Downloads/CJKTOS\\_FY2015\\_Report.pdf](http://cdar.uky.edu/CJKTOS/Downloads/CJKTOS_FY2015_Report.pdf)

## Changes in Population and Workload

In FY 2019, the Parole Commission estimates the total prisoner and parolee population, federal and D.C., including D.C. supervised releases, to be approximately 8,019 a decrease of 2,747 from the previous year. The D.C. population under the Parole Commission's jurisdiction is 7,164, including 2,339 DC parolees and 4,825 supervised releases. The remaining 855 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<sup>2</sup>.

### FY2019 USPC Jurisdiction



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. The decrease in the population can be

<sup>2</sup> The data contained in this report reflects the compilation of data submissions from the U.S. Parole Commission (USPC), Administrative Office of the U.S. Courts, Court Services and Offender Supervision Agency (CSOSA), and the Bureau of Prisons (BOP). Its reliability and validity is best summarized by the submitting agencies and their data collection

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.

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 involve the degree of responsibility and the length of additional incarceration.

The USPC also imposes conditions of release for D.C. 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 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, D.C. old law, D.C. 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.

## **VII. EXHIBITS**