## U.S. Department of Justice

FY 2012 Performance Budget

Congressional Submission

United States Parole Commission

****

# February 2011

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**I. Overview for the U.S. Parole Commission**

###### Introduction

In FY 2012, the President’s Budget includes a total of $13,213,000, 85 positions (7 attorneys) and 87 FTE for the United States Parole Commission (USPC). This request includes total program change of -$15,000.

Note that the USPC is not requesting any enhancements for information technology (IT), although the request includes $1,031,000, 7 positions and 7 FTE for base IT activities.

*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/*0*2organizations/bpp.htm/*.*

###### Background

***Mission***

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

***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 for:

* making determinations regarding the initial conditions of supervision;
* 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. Supervision in the community is provided by U.S. Probation Officers.

**District of Columbia Code Offenders:** The Parole Commission has the responsibility forgranting 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 in the community is provided by Supervision Officers of the Court Services and Offender Supervision Agency (CSOSA) of the District of Columbia and U.S. Probation Officers.

**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. Supervision in the community for military parolees is provided by U.S. Probation Officers.

**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. Supervision in the community is provided by United States Probation Officers.

***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 Executive Office provides management and advisory services to the Chairman, Commissioners, management officials, and staff in the areas of human resources management, employee 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 and D.C. prisoners and parole revocation hearings with parole violators; and 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 Information Technology** is responsible for delivering and supporting information technology systems and services; maintaining and reporting statistical workload data; and administering the records management program.
* **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.

###### Trends, Relevant Issues and Outcomes

The Parole Commission’s budget for FY 2012 addresses a number of Department of Justice strategic goals and objectives.

**Strategic Goal 2: Prevent Crime, Enforce Federal Laws and Represent the Rights and Interests of the American People**

The Parole Commission has the authority to find by a preponderance of evidence that an offender under USPC supervision has committed another crime (even if the offender was not convicted of that crime by the Courts) and return the offender back to prison. The Parole Commission’s activities in support of strategic goal 2 include:

**Strategic objective 2.1** - Strengthen partnerships for safer communities and enhance the Nation’s capacity to prevent, solve, and control crime.

**Strategic objective 2.2 -** Reduce the threat, incidence and prevalence of violent crime.

**Strategic objective 2.3** - Prevent, suppress and intervene in crimes against children.

**Strategic objective 2.4 -** Reduce the threat, trafficking, use, and related violence of illegal drugs.

* Work with local law enforcement agencies to increase appearance of officers at Revocation hearings. Develop video presentation for the law enforcement agencies to increase understanding of the role of the Parole Commission.
* Work with the D.C. Metropolitan Police Department (MPD) to target parolees and supervised releasees that live in or visit the MPD-designated Hot Spots in the District of Columbia.
* Collaborate with the Court Services and Offender Supervision Agency (CSOSA) for the District of Columbia to: Issue warrants in a timely fashion to remove violent offenders from the Washington, D.C. streets; conduct hearings that look at intermediate sanctions for offenders and to help prevent behavior (drugs, alcohol) that leads to criminal activities; and, conduct USPC Reprimand Sanction hearings to address non-compliant behavior and to demand a commitment to make positive behavioral changes to comply with the conditions of release.
* D.C. Jail and Corrections: Develop better processes to conduct probable cause and revocation hearings for Technical Parole Violators.
* Reduce recidivism among violent offenders by developing risk assessment instruments and guidelines to identify high risk offenders who need to return to incarceration and intense supervision sanctions.
* Establish conditions of release and act swiftly to return offenders to prison when they have demonstrated deviant behavior.
* Promote community safety by enhancing supervision of offenders under supervision in the community who are involved in gang activity, sex offenses, gun-related offenses, and domestic violence. In addition, the Parole Commission targets violent crime committed with a firearm.
* Conduct a recidivism study and adjust guidelines for the D.C. population that identify high risk offenders.

**Strategic Goal 3: Ensure the Fair and Efficient Administration of Justice.**

The Parole Commission makes release decisions for persons convicted of violent crimes and establishes release conditions to ensure that these individuals are supervised in the community to the maximum extent possible. The Parole Commission’s activities in support of strategic goal 3 include:

**Strategic Objective 3.1** - Protect judges, witnesses, and other participants in federal proceedings, and ensure the appearance of criminal defendants for judicial proceedings or confinement.

* Review all parole release and revocation of release cases to institute a search for victims of violent crime and coordinate this search with the D.C. Superior Court system.
* 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.
* Improve security for victim/witness. Develop policies and procedures to incorporate video conferencing for victim and witness input.

**Strategic Objective 3.4** - Provide services and programs to facilitate inmates’ successful reintegration into society, consistent with community expectations and standards.

* Supervise, revoke, and release federal and District of Columbia offenders to reduce recidivism and protect the public;
* Issue release and revocation decisions within the statutory deadline;
* Establish and apply 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;
* Coordinate with other public safety agencies; and,
* Support reentry, establish and implement guidelines to reduce recidivism.

**Strategic Objective 3.6** – Promote and strengthen relationships and strategies in the administration of State and local justice systems.

* Work collaboratively with CSOSA, the Federal Prison System, the U.S. Marshals, the D.C. Metropolitan Police Department, the D.C. Superior Court System, and others to facilitate strategies that support anti-recidivism programs.

###### Full Program Costs

The FY 2012 budget request for USPC is $13,213,000, 85 full time permanent positions (including 7 attorneys) and 87 workyears. USPC’s budget is integrated with its own priorities as well as the Department’s Strategic Goals and Objectives, and therefore each performances objective is linked with the costs of critical strategic actions.

|  |  |  |  |
| --- | --- | --- | --- |
|  | **Positions** | Workyears | Amount ($000s) |
| FY 2010 Appropriation | 85 | 87 | 12,859 |
| FY 2011 President’s Budget | 85 | 87 |  12,859 |
|  |  |  |  |
| FY 2012 Adjustments-to-base |  |  |  369 |
| FY 2012 Program Change  |  |  |  -15 |
|  | 85 | 87 |  13,213 |
|  |  |  |  |

###### Performance Challenges

While the Parole Commission’s workload depends heavily on the activities of its criminal justice partners, it has developed programs to reduce recidivism, reduce prison overcrowding, reduce violent crime, and promote the public’s safety.

**Anti-recidivism Efforts**

According to the March 2009 report by the Pew Center on the States, “One in 31, The Long Reach of American Corrections,” America now has more than 7.3 million adults, or one in 31 adults, under some form of correctional control. The cost of state spending for corrections is estimated to top $52 billion, with a growth rate of 303 percent over a 20 year period. The Pew Center reported that “this growth rate outpaced budget increases for nearly all other essential government services tracked over the same period, from elementary and secondary education (205 percent) to transportation (82 percent), higher education (125 percent) and public assistance (9 percent).” The report suggests that the current budget crisis presents us with an opportunity to try a different approach. The authors conclude that “by redirecting a portion of the dollars currently spent on imprisoning the lowest-risk inmates, we could significantly increase the intensity and quality of supervision and services directed at the same type of offenders in the community.”

The Parole Commission has been working with its criminal justice partners to increase the number of low-risk offenders referred to the Secured Residential Treatment and Residential Substance Abuse Treatment Program in the District of Columbia. An overwhelming majority of offenders violate the conditions of their release on parole or supervised release because of a non-criminal violation related to the use of drugs or failure to participate in treatment for drug use, drug testing, or drug treatment. Increasing the participation in these programs will likely improve the chances that a low-risk offender won’t return to prison, in the process reducing the American taxpayer’s cost to house these offenders.

In addition, the expansion of the Reprimand Sanction Hearings Program to increase the number of offenders referred to the Parole Commission for violating the administrative conditions of their release will prevent many offenders from returning to prison. The USPC also initiated a “Notice to Appear at a Revocation Hearing Project,” increasing the use of the summons to target non-violent offenders who don’t pose a danger to the community and are likely to appear. We expect the Notice to Appear Project to reduce hardship on offenders and their family by allowing them to remain in the community pending revocation proceedings as well as reduce the overall time in custody. The hope is that this effort will provide an opportunity for offenders to return to compliant behavior.

Finally, the Parole Commission continues to develop and implement enhanced strategies to evaluate reentry and supervision that will ensure community safety, reduce serious violent crime, and reduce recidivism. As emphasized in previous budget justifications, a special focus will be placed on those offenders involved in sex offenses, domestic violence, gang affiliation, child abuse, and firearms offenses.

As noted in the March 2009 Pew report: “…tight budgets can inspire better policy making and heightened vigilance to ensure every tax dollar delivers maximum value for the public…” adding that: “…With new supervision strategies and technologies, the lower-risk offenders can be managed safely and held accountable in the community, at lower cost and with better results than incarceration achieves.” Based on the most recent Bureau of Prisons “marginal cost” estimate of over $10,000 per inmate annually, and the Parole Commission’s projection that nearly 300 offenders annually can be diverted from lengthy stays in federal prisons, the American taxpayer can save over $3 million each year by promoting alternatives to incarceration and reducing recidivism. This cost savings goes up dramatically when one considers that those returned to the community will find work and become tax-paying citizens, adding to the coffers of the U.S. Treasury.

The Parole Commission continues to support the Second Chance Act of 2007 objective to ensure the safe and successful return of prisoners to the community. The Administration has continued to invest in new strategies and policies in accordance the Act. The first stated purpose of the Act is: “…to break the cycle of criminal recidivism, increase public safety, and help states, local units of government, and Indian Tribes, better address the growing population of criminal offenders who return to their communities and commit new crimes…” The nation’s current fiscal crisis demands that we try new cost-effective approaches to reducing recidivism, thereby reducing taxpayer costs while simultaneously enhancing public safety. Our core mission supports that philosophy, which continues to be an Administration priority.

**II. Summary of Program Changes**

|  |  |  |
| --- | --- | --- |
| **Item Name** | **Description** | **Page** |
|  | **Pos.** | **FTE** | **Dollars ($000)** |
| Administrative Efficiencies | Program offset for resources saved from reduced expenditures on various items generated by administrative efficiencies. | 0 | 0 | (15) | 18 |

**III. Appropriation Language and Analysis of Appropriations Language**

United States Parole Commission

Salaries and Expenses

*For necessary expenses of the United States Parole Commission as authorized by law, $13,213,000.* Note. —A full-year 2011 appropriation for this account was not enacted at the time the budget was prepared; therefore, this account is operating under a continuing resolution (P.L. 111-242, as amended). The amount included for 2011 reflect the annualized level provided by the continuing resolution.

**Analysis of Appropriation Language**

No substantive changes proposed.

**Note:** The FY 2012 President’s Budget uses the FY 2011 President’s Budget language as a base so all language is presented as new.

**IV. Decision Unit Justification**

###### United States Parole Commission

|  |  |  |  |
| --- | --- | --- | --- |
| **U.S. Parole Commission TOTAL** | **Perm. Pos.** | **FTE** | **Amount** |
| 2010 Enacted with Rescissions  | 85 | 87 | 12,859,000 |
| 2011 CR | 85 | 87 | 12,859,000 |
| Adjustment to Base and Technical Adjustments |  |  | 369,000 |
| 2012 Current Services | 85 | 87 | 13,228,000  |
| 2012 Program Decreases | 0 | 0 |  (15,000) |
| 2012 Request | 85 | 87 | 13,213,000 |
| **Total Change 2011-2012** | **0** | **0** | **354,000** |

|  |  |  |  |
| --- | --- | --- | --- |
| **U.S. Parole Commission – Information Technology Breakout (of Decision Unit Total)** | **Perm. Pos.** | **FTE** | **Amount** |
| 2010 Enacted with Rescissions  | 7 | 7 | 991 |
| 2011 CR | 7 | 7 | 999 |
| Adjustment to Base and Technical Adjustments | 0 | 0 | 32 |
| 2012 Current Services | 7 | 7 | 1,031 |
| 2012 Request | 7 | 7 | 1,031 |
| **Total Change 2011-2012** | **7** | **7** | **32** |

**1. Program Description**

The U.S. Parole Commission makes parole release decisions for eligible federal and District of Columbia (D.C.) prisoners, determines the conditions of parole or supervised release, issues warrants and revokes parole and supervised release for violation of the conditions of release. The Parole Commission contributes to the Department’s priority of ensuring public safety through (1) seeking to reduce prison overcrowding through lower recidivism rates, (2) implementing new revocation guidelines, (3) taking swift and immediate action toward preventing high risk behaviors of violent offenders, and (4) expanding alternatives to incarceration for low-risk, non-violent offenders.

# Responsibilities

* **Issue warrants for violation of supervision**
* **Determine probable cause for revocation process**
* **Make parole release decisions**
* **Authorize method of release and the condition under which release occurs**
* **Prescribe, modify and monitor compliance with the terms and conditions governing offender’s behavior while on parole or mandatory or supervised release**
* **Revocation of parole, mandatory or supervised release of offenders**
* **Release from supervision those offenders who no longer pose a risk to public safety**
* **Promulgate rules, regulations, and guidelines for the exercise of its authority and the implementation of a national parole policy.**

**Parole Guidelines:** Parole guidelines structure incarceration and release decision-making and are built around a two-dimensional matrix that considers offense severity and offender risk. For each combination of offense severity and risk, the guidelines indicate a range of time to be served. The Parole Commission may release outside the guideline range if it determines there is good cause for doing so. Inmates are furnished a written notice stating the reason(s) for the Parole Commission's determination and a summary of the information relied upon.

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**3. Performance, Resources and Strategies**

Much of the D.C. caseload is driven by requests for warrants as a result of violations of the terms and conditions of parole. In contrast to the federal system where the failure rate is about 20 percent, D.C. parolees have a failure rate of around 84 percent. When a warrant is issued, a request for a preliminary interview follows, and a hearing follows.

Local revocation hearings are held at facilities in the locality where a parolee has been arrested, and they require much more work 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 more costly 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. Institutional hearings are less costly, because the examiner can handle several cases during one docket. The Parole Commission has determined that local revocations are about 2‑3 times as labor intensive as institutional hearings.

The major task set before us is to take immediate action on violent offenders, while reducing recidivism rates for low-risk, non-violent offenders by implementing new revocation guidelines and establishing alternatives to incarceration. In FY 2012, the Parole Commission projects that the total prisoner and parolee population, federal and D.C., including D.C. supervised releases, will be 15,194. The D.C. population under the Parole Commission’s jurisdiction is estimated to be 2,500 prisoners and 7,795 parolees and supervised releases. The following table illustrates changes in the Parole Commission’s total caseload from 2003 through 2012:

|  |
| --- |
| **Population under U.S. Parole commission Jurisdiction** |
| **As of 02/08/2011** | **Federal Offenders** | **D.C. Code Offenders** |
| **Incarcerated** | **Parole Supervision** | **Incarcerated** | **Supervised** |
| **Parole Eligible** | **Parole** | **SRAA** |
| **2003** | 2,325 | 3,392 | 5,430 | 5,313 | 278 |
| **2004** | 2,079 | 3,096 | 4,888 | 4,762 | 748 |
| **2005** | 1,848 | 2,893 | 4,213 | 4,658 | 1,213 |
| **2006** | 1,700 | 2,690 | 4,100 | 4,060 | 1,788 |
| **2007** | 1,600 | 2,502 | 3,075 | 3,530 | 2,300 |
| **2008** | 1,355 | 2,378 | 3,099 | 3,015 | 3,421 |
| **2009** | 2,045 | 2,169 | 2,539 | 2,945 | 4,548 |
| **2010** | 2,724 | 2,842 | 3,546 | 3,281 | 5,694 |
| **2011 est.** | 2,724 | 2,842 | 3,546 | 3,281 | 5,694 |
| **2012 est.** | 2,724 | 2,842 | 3,546 | 3,281 | 5,694 |

The following pie chart describes, in more detail, the expected FY 2012 population served by the Parole Commission:



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:



The long-term goals and outcomes that we propose 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. The goal 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 key programs in reducing the rate of recidivism include: the use of a notice ordering the appearance of an offender under supervision in the community to appear at a revocation hearing; the use of reprimand sanctions hearings to confront an offender to address non-compliant behavior and to make a commitment to make positive behavioral changes, thus complying with the conditions of release; and, the use of drug treatment centers to address an offender’s drug abuse problem thereby reducing the chance of returning to prison.

The strategy is to increase the number of low-risk offenders returned to supervision rather than being subjected to a probable cause hearing, which would likely result in a revocation of parole and a return to prison.

**Impact on Performance (Relationship to Strategic Goals)**

Goal # 3 – Ensure the Fair and Efficient Administration of Justice

The USPC has developed programs to reduce recidivism, reduce prison overcrowding, reduce violent crime, and promote the public’s safety. It complements Departmental efforts to reduce rates of recidivism among District of Columbia offenders and supports Departmental priorities, including:

* Reducing prison overcrowding

* + Reduce escalating and crippling costs for the federal and D.C. governments to house offenders while waiting for delayed hearings and stays of release, as well as untimely incarceration decisions
* Lowering recidivism rates
	+ Greater emphasis on reentry strategies, such as substance abuse, mental health, housing, and employment
	+ Measuring the effectiveness of the conditions imposed on offenders in the community
	+ Establish graduated sanctions that permit the Parole Commission to address non-compliant behavior without returning the offender to prison
* Promoting alternatives to incarceration

* + Identifying and implementing directives and/or special conditions to assist offenders in maintaining success under supervision
	+ Developing and implementing a program to send offenders to treatment programs
	+ Establish graduated sanctions that permit the Parole Commission to address non-compliant behavior without returning the offender to prison
* Reducing violent crime, especially crime perpetuated with guns or by gangs
	+ Significantly reduce delays in the issuance of warrants needed to apprehend violent offenders
	+ Sharing information and collaborating with other federal, state, and local law enforcement partners

### V. Program Increases by Item (Not Applicable)

### Program Offsets by Item

**Item Name: Administrative Efficiencies**

Budget Decision Unit(s): USPC

Strategic Goal(s) & Objective(s): Ensure the Fair and Efficient Administration of Justice

Organizational Program: Administration

Component Ranking of Item: 1

Program Reduction: Positions **0** Agt/Atty **0** FTE **0** Dollars **($15,000)**

Description of Item

Program-wide reductions in supplies and equipment will be initiated in FY 2012.

Summary Justification

The Department of Justice (DOJ) is continually evaluating its programs and operations with the goal of achieving across-the-board economies of scale that result in increased efficiencies and cost savings. In FY 2012, DOJ is focusing on administrative areas in which savings can be achieved, which include supplies and general equipment for USPC. This proposal will result in an offset of $15,000 for USPC. This reduction to administrative items will demonstrate department-wide plans to institute substantive efficiencies without unduly taxing either the people or the missions of DOJ.

Impact on Performance (Relationship of Decrease to Strategic Goals and High Priority Performance Goals – (HPPGs))

There will be no discernable impact on Strategic Goal number 3.