



May 2015

# U.S. PAROLE COMMISSION

Number of Offenders  
under Its Jurisdiction  
Has Declined;  
Transferring Its  
Jurisdiction for D.C.  
Offenders Would  
Pose Challenges

# GAO Highlights

Highlights of [GAO-15-359](#), a report to congressional requesters

## Why GAO Did This Study

USPC was established in 1976, in part to carry out a national parole policy that would govern the release of offenders to community supervision prior to completing their full custody sentences. USPC's budget is just over \$13 million for fiscal year 2015.

Over time, changes in laws have abolished parole and introduced supervised release—a new form of postincarceration supervision. As a result, USPC has been reauthorized and has authority to grant and revoke parole for eligible federal and D.C. offenders and to revoke supervised release for D.C. offenders violating the terms of their release. USPC's current authorization is set to expire in 2018.

This report addresses (1) changes in the number of offenders under USPC's jurisdiction from fiscal years 2002 through 2014 and (2) the organizational characteristics needed for an entity to feasibly assume jurisdiction of D.C. offenders from USPC, and the feasibility and implications of such a transfer.

GAO analyzed USPC data on federal and D.C. offenders from fiscal years 2002-2014—the most recent years for which reliable data were available—as well as DOJ reports on USPC and USPC policies, and determined that the data were sufficiently reliable for our purposes. GAO also discussed with USPC and some of its criminal justice partners the feasibility of transferring USPC's jurisdiction for D.C. offenders and any related challenges.

## What GAO Recommends

GAO is not making any recommendations.

View [GAO-15-359](#). For more information, contact David C. Maurer at (202) 512-9627 or [MaurerD@gao.gov](mailto:MaurerD@gao.gov)

May 2015

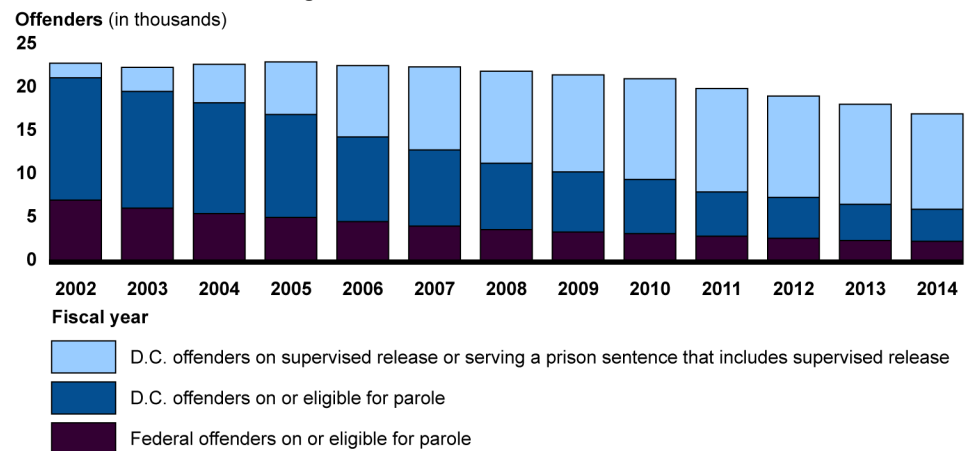
## U.S. PAROLE COMMISSION

### Number of Offenders under Its Jurisdiction Has Declined; Transferring Its Jurisdiction for D.C. Offenders Would Pose Challenges

#### What GAO Found

From fiscal years 2002 through 2014, the total number of offenders under the Department of Justice's (DOJ) U.S. Parole Commission's (USPC) jurisdiction declined 26 percent from about 23,000 to about 17,000. Specifically, following the abolition of parole, the number of offenders on or eligible for parole declined 67 percent among federal offenders, and 74 percent among D.C. offenders. However, following the introduction of supervised release, the number of D.C. offenders on supervised release or serving a prison sentence that includes supervised release increased 606 percent from fiscal year 2002 to fiscal year 2011, and then slightly declined through fiscal year 2014.

**Trends in the Number of Offenders under the U.S. Parole Commission's (USPC) Jurisdiction from Fiscal Years 2002 through 2014**



Source: GAO analysis of USPC data. | GAO-15-359

Transferring USPC's jurisdiction for D.C. offenders would require that an entity has three key organizational characteristics to assume this jurisdiction, and altering or establishing a new entity poses challenges. Based on our discussions with officials from USPC and other organizations, including those from the D.C. government, these three key organizational characteristics are:

- statutory authority for asserting jurisdiction over D.C. offenders;
- processes, procedures and personnel in place for handling parole and supervised release cases; and
- formal agreements with other criminal justice organizations for making parole and supervised release decisions.

We identified 17 criminal justice entities with the potential to assume USPC's jurisdiction for D.C. offenders; however none currently possesses the three key organizational characteristics. Thus, transferring jurisdiction is not feasible without altering an existing or establishing a new entity, and would pose challenges related to estimating costs and assessing impacts on decision making.

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**Abbreviations**

BOP	Federal Bureau of Prisons
CJCC	Criminal Justice Coordinating Council
CSOSA	Court Services and Offender Supervision Agency
DOC	D.C. Department of Corrections
DOJ	Department of Justice
Revitalization Act	National Capital Revitalization and Self-Government Improvement Act of 1997
USPC	U.S. Parole Commission

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May 28, 2015

The Honorable Charles E. Grassley  
Chairman  
The Honorable Patrick J. Leahy  
Ranking Member  
Committee on the Judiciary  
United States Senate

The Honorable Bob Goodlatte  
Chairman  
The Honorable John Conyers, Jr.  
Ranking Member  
Committee on the Judiciary  
House of Representatives

With an enacted budget of just over \$13 million in fiscal year 2015, the Department of Justice's (DOJ) U.S. Parole Commission (USPC) has jurisdiction to grant and revoke parole for eligible federal and D.C. offenders.<sup>1</sup> USPC also has the authority to revoke supervised release for D.C. offenders who violate the terms of their release.<sup>2</sup> USPC uses a hearing process to make parole and supervised release decisions. Over time, changes in laws abolished parole and introduced supervised release for offenders under USPC's jurisdiction. Thus, these changes have reduced the number of offenders eligible for parole, increased the number of offenders sentenced to supervised release, and changed USPC's jurisdiction over these offenders.<sup>3</sup> You asked us for information on the offender population under USPC's jurisdiction over time and the

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<sup>1</sup>Parole is the discretionary release of a prisoner to community supervision prior to completing the full custody sentence.

<sup>2</sup>Supervised release is an additional term of supervision imposed by a court for a prisoner who is not eligible for parole and begins when the prisoner completes his or her full custody sentence.

<sup>3</sup>Parole was abolished for federal offenders in 1987 and for D.C. offenders in 2000. Supervised release was introduced for D.C. offenders in 2000. See further information on the abolition of parole and introduction of supervised release later in this report.

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feasibility and cost of transferring jurisdiction for D.C. offenders from USPC to another entity.

Specifically, this report addresses (1) the changes in the number of offenders under USPC's jurisdiction from fiscal years 2002 through 2014 and (2) the organizational characteristics needed for another entity to feasibly assume jurisdiction of D.C. offenders from the USPC and the feasibility and implications of such a transfer.

To identify the changes in the number of offenders under USPC's jurisdiction, we obtained historical data on these offenders from USPC and analyzed the data from fiscal years 2002 through 2014—the most recent years for which reliable data on the offender population were available. Specifically, USPC requested data on the numbers of federal and D.C. offenders under its jurisdiction from its criminal justice partner agencies, including the Administrative Office of the U.S. Courts; the Court Services and Offender Supervision Agency for the District of Columbia (CSOSA); the D.C. Department of Corrections (DOC); and the Federal Bureau of Prisons (BOP).<sup>4</sup> USPC then sent to each of these partners a set of questions we provided to the agency asking about the steps they had taken to ensure the quality of the data in their data systems. Based on their responses, which USPC collected and returned to us, we determined the data coming from each agency's system would be sufficiently reliable for the purposes of our report. Upon receipt of the data from its partners, USPC compiled the information and provided the offender population counts to GAO. During our data analysis process, we observed some anomalies in the counts and we shared those observations with USPC. As a result, USPC acknowledged some errors

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<sup>4</sup>The Administrative Office of the United States Courts, which is the central support entity for the judicial branch, provided USPC with data on federal offenders and D.C. offenders under USPC's jurisdiction residing outside of the District of Columbia. CSOSA, which supervises D.C. offenders on parole and supervised release, provided USPC with data on D.C. offenders under USPC's jurisdiction residing in the District of Columbia. DOC, which confines pretrial detainees and sentenced inmates, provided USPC with data on D.C. offenders under USPC's jurisdiction who are incarcerated in DOC facilities. BOP, which confines offenders in prisons and community-based facilities, provided USPC with data on federal and other D.C. offenders under USPC's jurisdiction who are incarcerated in BOP facilities. Generally, D.C. offenders serve their sentences at BOP facilities. However, a smaller number of D.C. offenders await sentencing by USPC for violations of parole or supervised release at DOC facilities. The number of D.C. offenders incarcerated includes those serving their sentences at BOP facilities and those awaiting sentencing at DOC facilities.

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in these counts, revised them, and ultimately provided us with reliable offender population counts. During this process, we also met with USPC officials to discuss the offender data and obtain additional information describing these offenders. Additionally, we obtained DOJ and USPC documentation, such as DOJ reports on USPC to Congress, USPC memorandums of understanding with criminal justice partners, and other USPC documentation, such as the rules and procedures manual, containing information about the commission and the offenders under its jurisdiction.

To identify the organizational characteristics that USPC and key criminal justice partners considered necessary for an entity to feasibly assume jurisdiction of D.C. offenders from USPC, and to determine the feasibility and implications of such a transfer, we interviewed officials from USPC as well as from key criminal justice partners including CSOSA and the District of Columbia's Office of the Deputy Mayor for Public Safety and Justice.<sup>5</sup> Further, we analyzed documentation on the key responsibilities and sources of funding for USPC and 17 other entities that we identified as being involved in the federal and D.C. criminal justice system, including those with specific responsibilities related to D.C. offenders. We assessed this documentation to determine whether the other entities had a structure in place to feasibly assume USPC's jurisdiction for D.C. offenders. See table 6 in appendix II for information on the key responsibilities of USPC and the other entities.

We conducted this performance audit from September 2014 to May 2015 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

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<sup>5</sup>The Office of the Deputy Mayor for Public Safety and Justice is responsible for providing guidance, support, and coordination to the District of Columbia's public safety and justice agencies, which include the Department of Corrections and the Metropolitan Police Department, among others.

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## Background

The Parole Commission and Reorganization Act of 1976 established USPC as an independent agency within DOJ.<sup>6</sup> In particular, the act required USPC to develop rules and regulations establishing guidelines for (1) granting or denying an application or recommendation to parole any eligible prisoner, (2) imposing reasonable conditions on an order granting parole, and (3) modifying or revoking an order paroling any eligible prisoner. In addition, the act required USPC to enact other rules and regulations as necessary to carry out a national parole policy. Certain functions of USPC changed after the federal and D.C. governments abolished parole and enacted a new sentencing structure for certain offenses that included a new form of post-incarceration supervision, called supervised release, as discussed below.

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## Federal and D.C. Governments' Parole Changes

The Sentencing Reform Act of 1984 abolished parole for federal offenders convicted of crimes committed on or after November 1, 1987, and, under a new sentencing structure for certain offenses, introduced supervised release for these offenders.<sup>7</sup> Generally, federal offenders convicted of crimes committed before November 1, 1987, are eligible for parole and USPC has jurisdiction to determine whether to grant or deny parole for these offenders. Federal offenders convicted on or after November 1, 1987, now receive determinate sentences—a definite term of imprisonment, followed in most cases by a period of supervised release, which may continue for a number of years. Additionally, under the Sentencing Reform Act, a federal court, in imposing a sentence to a term of imprisonment for a felony or a misdemeanor, may include as part of the sentence a requirement that the offender be placed on a term of supervised release after imprisonment, as well as modify, terminate, extend, or revoke a term of supervised release.<sup>8</sup> Thus, USPC does not have jurisdiction for supervision and revocation decisions for these federal offenders subject to terms of supervised release under the new determinate sentencing structure. With the abolition of parole for federal offenders, it was expected that the existing functions of USPC—granting parole, determining and modifying parole conditions, and revoking parole—would apply to a limited and diminishing class of federal

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<sup>6</sup>Pub. L. No. 94-233, 90 Stat. 219.

<sup>7</sup>Pub. L. No. 98-473, 98 Stat. 1987.

<sup>8</sup>18 U.S.C. § 3583.



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offenders sentenced under the old sentencing law who were on or otherwise eligible for parole. Thus, the act provided for the eventual abolition of USPC.<sup>9</sup>

The expectation that USPC would only carry residual functions that eventually would disappear, or readily could be assigned elsewhere, changed with the enactment of the National Capital Revitalization and Self-Government Improvement Act of 1997 (Revitalization Act). The Revitalization Act, along with related D.C. legislation, instituted reforms in the sentencing and supervision structure for D.C. offenders, which in many respects were similar to those that the Sentencing Reform Act of 1984 had established for federal offenders.<sup>10</sup> For example, the Revitalization Act required the District of Columbia to move to a determinate sentencing structure for certain offenses and abolished parole. Also, it provided for terms of supervised release to follow the determinate sentences to be imposed. Further, it provided USPC with ongoing jurisdiction for supervision and revocation decisions for D.C. Code offenders subject to terms of supervised release under the new determinate sentencing structure. In August 2000, the District of Columbia enacted a determinate sentencing system and abolished parole for D.C. offenders convicted of crimes committed on or after August 5, 2000. These offenders now receive determinate sentences, followed in most cases by a period of supervised release. According to DOJ, during the period of supervised release, the offenders' behavior is to be closely monitored under conditions that USPC determines are in order to protect public safety and maximize the likelihood of successful reentry into society. D.C. offenders convicted of crimes committed before August 5, 2000, are under the jurisdiction of USPC and are on or are eligible for parole.

USPC was last reauthorized in 2013, since it still has offenders under its jurisdiction, including federal and D.C. offenders on or eligible for parole and D.C. offenders on supervised release or serving a prison sentence that includes supervised release.<sup>11</sup> This reauthorization expires on November 1, 2018.

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<sup>9</sup> Pub. L. No. 98-473, § 235(b), 98 Stat. 1987.

<sup>10</sup> Pub. L. No. 105-33, 111 Stat. 712 (1997).

<sup>11</sup> Pub. L. No. 113-47, § 2, 127 Stat. 572, 572 (2013).

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## USPC's Current Offender Population and Responsibilities

Offenders under USPC's jurisdiction currently include the following:

- federal offenders on or eligible for parole;
- other federal offenders, including transfer treaty offenders, military offenders, and certain Federal Witness Protection Program offenders;<sup>12</sup>
- D.C. offenders on or eligible for parole; and
- D.C. offenders on supervised release or serving a prison sentence that includes supervised release.

Regarding the above offenders, USPC currently has the responsibility for:

- holding hearings regarding release decisions for federal, transfer treaty, military, and D.C. offenders;
- making determinations regarding the initial conditions of supervised release for D.C. offenders, managing these offenders' risk in the community, modifying the conditions of supervision for changed circumstances, discharging offenders from supervision early, and issuing warrants or summons for violation of the conditions; and
- revoking the release of federal, military, witness protection, and D.C. offenders on parole and D.C. offenders on supervised release.

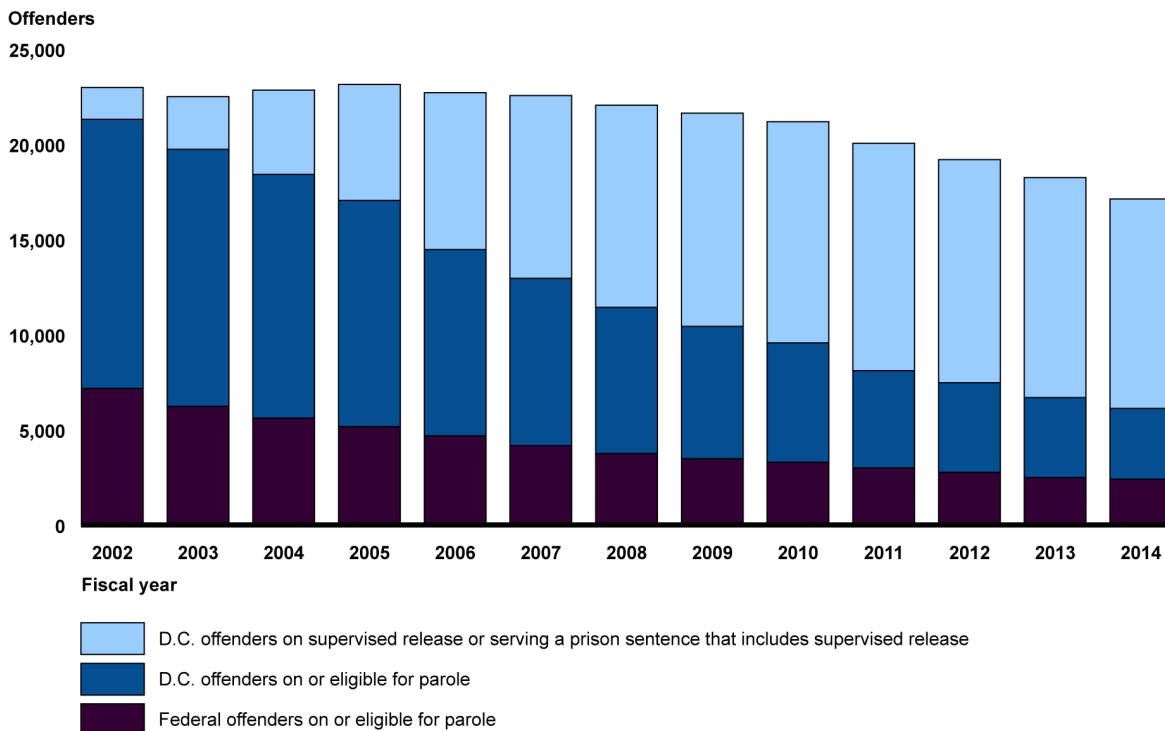
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<sup>12</sup>Transfer treaty offenders are U.S. citizens who are serving prison terms imposed by foreign countries and who, pursuant to treaty, have elected to be transferred to the United States for service of that sentence. USPC is responsible for conducting hearings and setting release dates for these U.S. citizens. Uniform Code of Military Justice offenders are individuals serving a sentence in a BOP institution who are eligible for parole and can be granted or denied parole by USPC. Certain state probationers and parolees in the Federal Witness Protection Program can have their release revoked by USPC.

## Number of Offenders under USPC's Jurisdiction Declined over Time but the Number of D.C. Offenders on Supervised Release or Serving a Prison Sentence that Includes Supervised Release Generally Increased

As figure 1 shows that, from fiscal years 2002 through 2014, the total number of offenders under USPC's jurisdiction declined 26 percent from about 23,000 to about 17,100. Specifically, the number of federal and D.C. offenders on or eligible for parole declined; however, the number of D.C. offenders on supervised release or serving a prison sentence that includes supervised release generally increased. Table 1 in appendix I provides data on the annual variation in these numbers during this period, and the subsections below elaborate on the trends.

**Figure 1: Trends in the Number of Offenders under USPC's Jurisdiction from Fiscal Years 2002 through 2014**



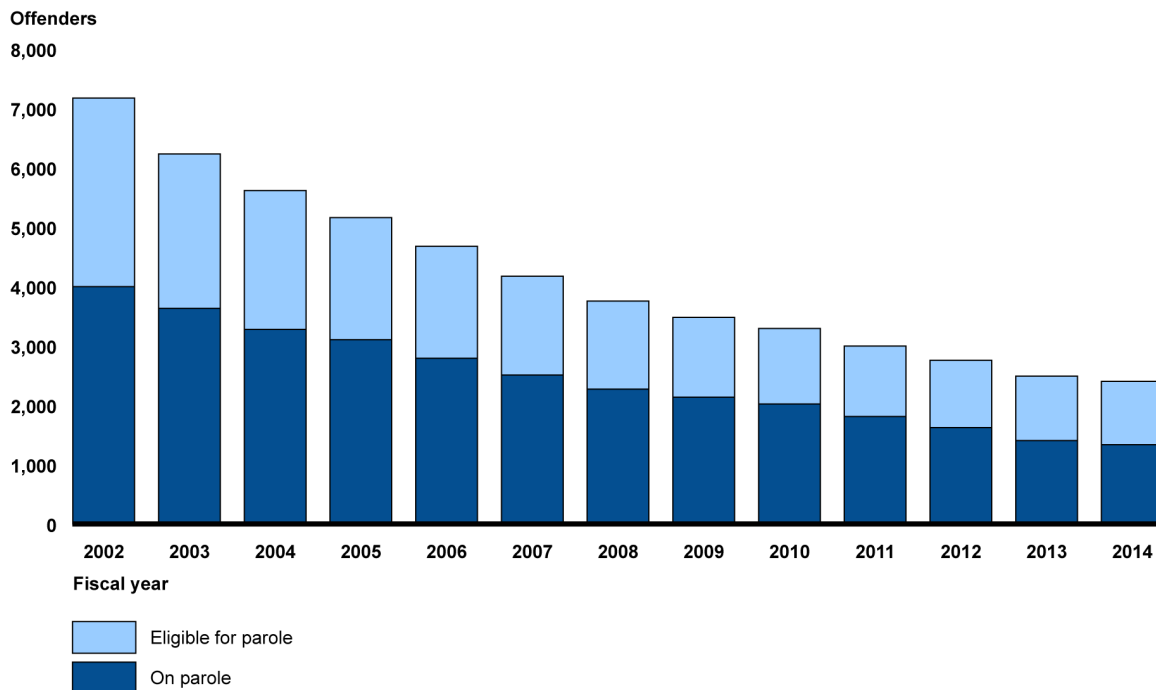
Source: GAO analysis of U.S. Parole Commission (USPC) data. | GAO-15-359

## Number of Federal and D.C. Offenders on or Eligible for Parole Has Decreased

### Federal Offenders

As figure 2 illustrates, from fiscal years 2002 through 2014, the overall number of federal offenders either on or eligible for parole declined 67 percent, from just about 7,200 to about 2,400 following the abolition of federal parole in 1987.

**Figure 2: The Number of Federal Offenders on or Eligible for Parole under USPC's Jurisdiction from Fiscal Years 2002 through 2014**

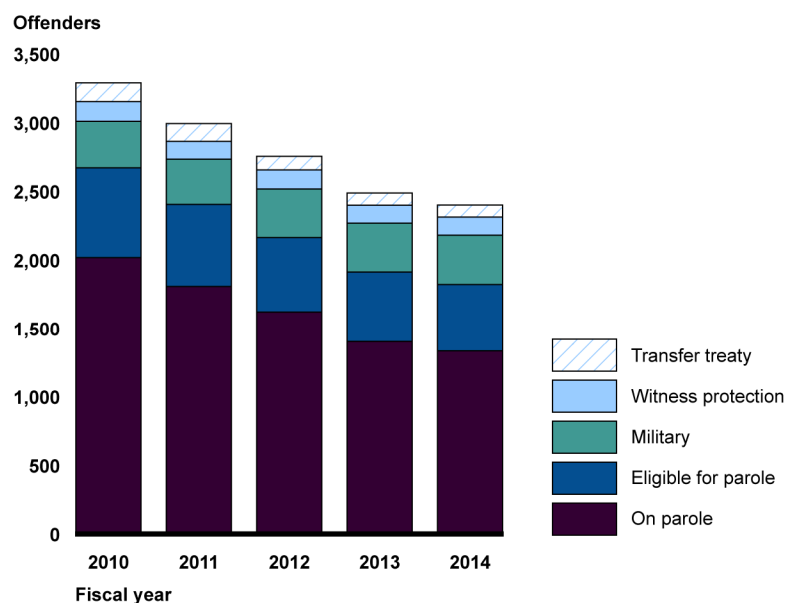


Source: GAO analysis of U.S. Parole Commission (USPC) data. | GAO-15-359

In particular, over the period shown in the figure, the number of federal offenders on parole declined 68 percent from about 4,000 to about 1,300. Similarly, the number of federal offenders eligible for parole declined 66 percent from about 3,200 to about 1,100. Table 2 in appendix I provides the annual variation in these numbers from fiscal years 2002 through 2014 for this population.

Figure 3 provides information on the number and composition of federal offenders under USPC’s jurisdiction for 5 of the most recent fiscal years. As the figure illustrates, the overall number of federal offenders under USPC’s jurisdiction declined 27 percent from fiscal years 2010 through 2014 mainly because of the decline in the number of federal offenders on parole.

**Figure 3: Composition of Federal Offenders under USPC’s Jurisdiction from Fiscal Years 2010 through 2014**



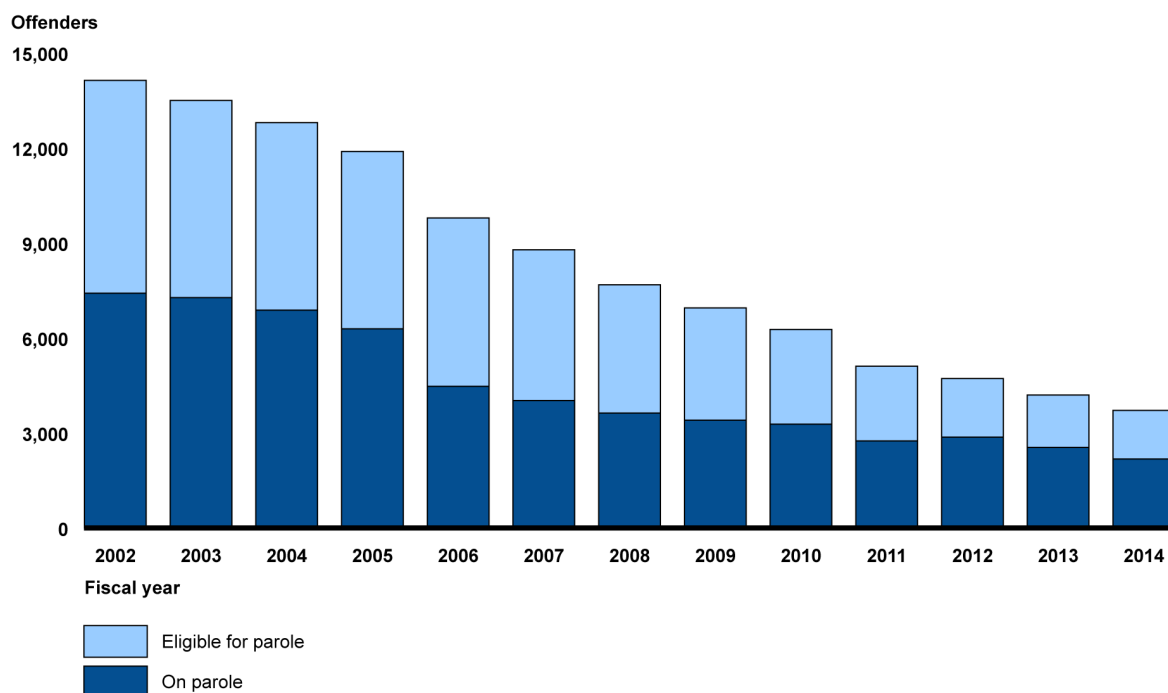
Source: GAO analysis of U.S. Parole Commission (USPC) data. | GAO-15-359

Table 3 in appendix I provides data on the annual variation in these numbers from fiscal years 2002 through 2014.

## D.C. Offenders

As figure 4 illustrates, from fiscal years 2002 through 2014, the number of D.C. offenders on or eligible for parole declined 74 percent, from about 14,100 to about 3,700 following the abolition of parole for D.C. offenders in 2000.

**Figure 4: The Number of D.C. Offenders on or Eligible for Parole under USPC's Jurisdiction from Fiscal Years 2002 through 2014**



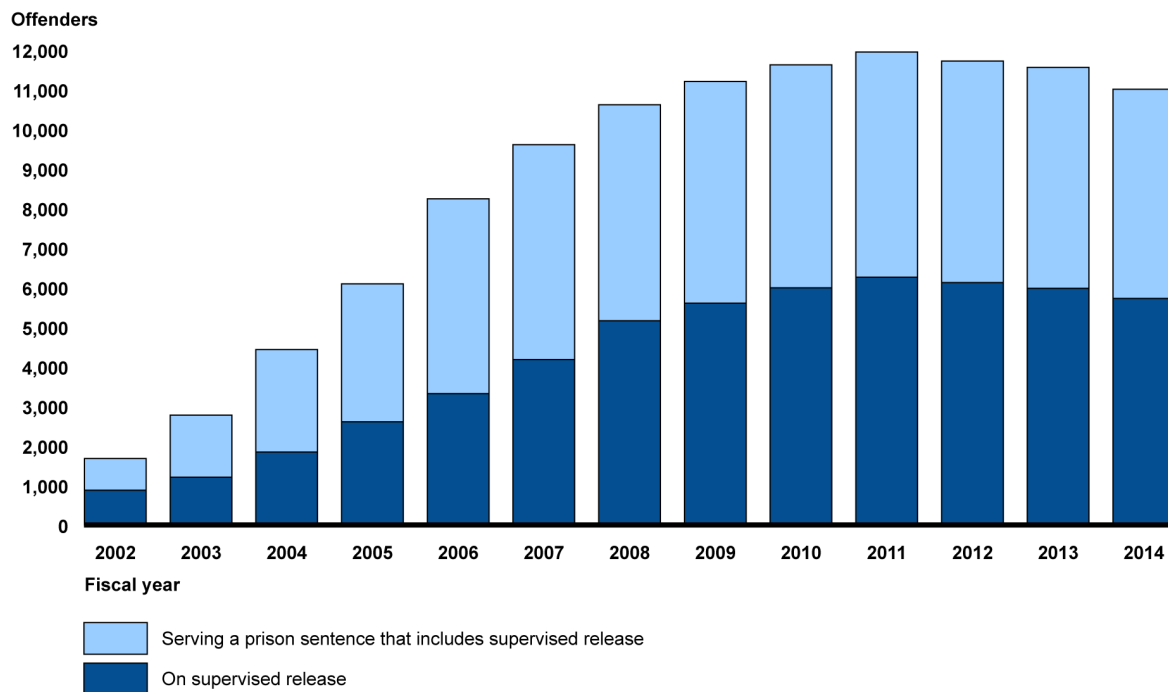
Source: GAO analysis of U.S. Parole Commission (USPC) data. | GAO-15-359

In particular, over the period shown in the figure, the number of D.C. offenders on parole declined 70 percent from about 7,400 to about 2,200. Similarly, the number of D.C. offenders eligible for parole declined 78 percent from about 6,700 to 1,500. Table 4 in appendix I provides the annual variation in these numbers from fiscal years 2002 to 2014.

## Number of D.C. Offenders on Supervised Release or Serving a Prison Sentence that Includes Supervised Release Has Increased

Figure 5 illustrates that, from fiscal years 2002 through 2014, following the introduction of supervised release in 2000, the total number of D.C. offenders on supervised release or serving a prison sentence that includes supervised release increased 606 percent, from about 1,700 to about 12,000 in fiscal year 2011, and then slightly declined but remained above 11,000 through fiscal year 2014.<sup>13</sup>

**Figure 5: The Number of D.C. Offenders on Supervised Release or Serving a Prison Sentence that Includes Supervised Release under USPC's Jurisdiction from Fiscal Years 2002 through 2014**



Source: GAO analysis of U.S. Parole Commission (USPC) data. | GAO-15-359

In particular, over the period shown in the figure, the number of D.C. offenders on supervised release increased 600 percent from about 900 to about 6,300 in fiscal year 2011 and then slightly declined but remained above 5,700 through 2014. Similarly, the number of D.C. offenders

<sup>13</sup>According to USPC, the number of D.C. offenders on supervised release or serving a prison sentence that includes supervised release likely declined from fiscal years 2011 through 2014 because of fewer arrests, prosecutions, and offenders in jail for felony offenses.

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serving a prison sentence that includes supervised release increased 613 percent from about 800 to about 5,700 in fiscal year 2011 and then slightly declined to about 5,300 through 2014. Table 5 in appendix I provides the annual variation in these numbers from fiscal years 2002 to 2014.

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### Transferring USPC's Jurisdiction for D.C. Offenders Would Require Key Organizational Characteristics that Existing Entities Do Not Possess; Altering or Establishing a New Entity Would Pose Challenges

According to officials from USPC and criminal justice partner organizations we interviewed, any organization accepting the transfer of USPC's jurisdiction over D.C. offenders would need to have three key organizational characteristics in place for such a transfer to be feasible. Because no existing entity currently possesses these characteristics, a transfer of USPC's jurisdiction to another entity is not feasible without altering the characteristics of an existing entity or establishing a new organization. Doing so would pose challenges related to estimating costs and assessing impacts on decision making.

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### Three Key Characteristics that Existing Entities Do Not Possess Are Necessary for an Entity to Assume Jurisdiction for D.C. Offenders

According to officials we interviewed from USPC and CSOSA, in order for another entity to feasibly assume USPC's jurisdiction for D.C. offenders, this entity would need to have the following key organizational characteristics in place: (1) relevant statutory authority; (2) specialized processes, procedures, and personnel; and (3) formal agreements with other organizations concerning decisions for parole and supervised release cases. We found that none of the other 17 criminal justice entities currently involved with D.C. offenders possesses any of the three:

- *Relevant statutory authority.* The Revitalization Act specifies different organizations' responsibilities over D.C. offenders, including USPC's jurisdiction for parole and supervised release decisions regarding these offenders. None of the other 17 entities we assessed have similar authority. Further, USPC derives its powers from existing statute to subpoena witnesses for parole and supervised release revocation hearings. Thus, any organization assuming USPC's functions would likewise need relevant statutory authority to do so.



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- *Specialized processes, procedures, and personnel.* USPC has mechanisms in place, as well as the appropriate expertise, for handling and hearing parole and supervised release cases. No other organization that could potentially assume USPC's jurisdiction has these same mechanisms in place already. For example, USPC's standard operating procedures describe the hearing processes and the specific steps hearing officials are required to take before making recommendations to the Parole Commissioners for parole and supervised release cases. Additionally, according to USPC officials, because USPC is the only organization in the federal government that makes parole and supervised release decisions based on federal and D.C. statutes, its personnel have developed the necessary expertise to carry out its responsibilities over time.
  - *Formal agreements with other organizations concerning parole and supervised release decisions.* USPC has formal agreements concerning its decisions for parole and supervised release cases with other criminal justice partners. Thus, an entity absorbing USPC's jurisdiction would need to establish these formal agreements anew and stipulate roles. For example, according to USPC officials, USPC conducts many decision hearings for D.C. offenders who have been released outside of the D.C. metro area. In order to conduct those hearings, USPC leverages its formal agreement with U.S. Probation and Pretrial Services, to ensure that it has access to offenders and information on these offenders.<sup>14</sup> Further, according to CSOSA officials, their agency's understanding with USPC is formalized in an interagency agreement. They noted that any transfer of jurisdiction would require a new, formalized agreement with any new entity accepting USPC's jurisdiction to ensure ongoing and successful D.C. offender management. Further, according to USPC officials, formal agreements are reinforced with statutory authorities. Thus any entity assuming USPC functions would need authority to enter into formal agreements with partner agencies for the management of D.C. offenders.

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<sup>14</sup>U.S. Probation and Pretrial Services is part of the U.S. District Court system and it investigates and supervises offenders charged with or convicted of federal crimes. Probation is a period of supervision in the community imposed by the court as an alternative to imprisonment.

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## Altering or Establishing a New Entity Poses Challenges

Given that no entity currently involved in the criminal justice system has the structure in place to absorb USPC's jurisdiction for D.C. offenders, the transfer of jurisdiction is not feasible without altering the characteristics of an existing entity or establishing a new organization. Altering or establishing a new entity poses challenges estimating costs and assessing impacts on decision making.

## Estimating Costs

Altering the characteristics of an existing entity or establishing a new organization with the structure to assume USPC's jurisdiction could involve an initial outlay of expenditures in order to begin operations. For example, start-up costs could include, among others, costs related to hiring and training personnel; renting or building work space; and establishing processes, procedures, and an infrastructure of technology. Such initial costs could possibly be neutralized by longer term savings attributable to reductions in USPC operations. However, because it is difficult to estimate both the specific start up costs involved and any projected efficiencies resulting from a modification to USPC's jurisdiction, a net cost effect is difficult to estimate as well.

Estimating the dollar amount of start-up costs is challenging on several fronts. We spoke with representatives from the D.C. Office of the Deputy Mayor for Public Safety and Justice, which has oversight of D.C.'s criminal justice agencies and thus could have responsibility for supervising a new entity if the entity were to be housed in the D.C. government. According to these officials, they are not well positioned to generate a cost estimate for creating a new entity for three reasons. First, D.C. has not recently established an entirely new organization and thus these officials had no example upon which to base an estimate. Second, they noted that D.C. had recently consolidated several agencies, and that this process resulted in increased costs. Finally, they explained that estimates of this type are often required to be made years in advance in order to secure the necessary statutory and funding changes from their city council and Congress.

Estimating projected efficiencies resulting from a modification to USPC's jurisdiction is also difficult. This is mainly because USPC would still incur operating costs related to its authorities over federal offenders even after its jurisdiction over D.C. offenders was transferred. In addition, USPC's operations with respect to D.C. offenders would still need to operate for some amount of time before a new or altered entity would be ready to assume its responsibilities. Thus, there would be some overlap of expenses before funding shifted.

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It is also important to note that D.C. government organizations that could oversee a new or altered entity already rely on federal funding. For example, the Superior Court of the District of Columbia received about \$115 million in funding from the federal government in fiscal year 2014.<sup>15</sup> Additionally, the Public Defender Service for District of Columbia's Parole Division, which provides representation to D.C. offenders facing revocation before USPC, among other things, received about \$40 million in fiscal year 2014 from the federal government to do so. Thus, withdrawing funding from USPC to provide additional federal funds to another organization that already receives federal funding would likely just shift the federal burden. On the other hand, if the new or altered entity could perform USPC's functions related to D.C. offenders more efficiently and at a lower cost than USPC, then federal savings might be realized. Assessing USPC's current operational expenses and analyzing where efficiencies could be achieved would require a thorough evaluation. Such an evaluation, and the implementation of any changes resulting from it, could require upfront costs. Thus, it is difficult to estimate whether or not any longer term savings could be achieved after the initial investments to alter an existing entity or establish a new organization.

## Delays in Decision Making

Altering the characteristics of an existing entity or establishing a new organization with the structure to assume USPC's jurisdiction could initially result in delays in decision-making but the longer term impact is also challenging to assess. For example, the altered or newly created organization would need time to start up and establish formal agreements with its criminal justice partners such as CSOSA. According to USPC and CSOSA officials, this could result in the other entity experiencing potential delays in making parole or supervised release decisions. These officials further stated that such delays could result in increased incarceration and supervision costs, risks of litigation, and threats to public safety.

Specifically, according to USPC and CSOSA officials, because offenders cannot be released until the organization processes decisions, delays in decision-making by the other entity could result in, for example, offenders staying incarcerated longer and having higher housing-related costs. These officials also stated that if offenders are under supervision and a

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<sup>15</sup>The Superior Court of the District of Columbia is the trial court of general jurisdiction for D.C. For example, it has jurisdiction and authority to grant, deny, and revoke parole, and to impose and modify conditions of parole, with respect to offenders who have been convicted of a misdemeanor.

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decision to revoke their status is delayed, then this could result in more supervision-related expenses. Further, according to USPC and CSOSA officials, when decisions are made outside the statutory timeframes because of delays, offenders could be positioned to file lawsuits, which could result in additional costs related to, for example, defending the organization's actions. Finally, according to USPC officials, if courts were to rule in favor of those offenders, they could potentially offer early release or reduced sentences to them, which could result in public safety threats.

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## Agency Comments

We requested comments on a draft of this report from DOJ, CSOSA, and the D.C. government. They did not provide written comments. USPC and CSOSA provided technical comments, which we incorporated into the draft as appropriate.

If you or your staff have any questions about our work, please contact me at (202) 512-9627 or [MaurerD@gao.gov](mailto:MaurerD@gao.gov). Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report. GAO staff who made major contributions to this report are listed in appendix III.



David C. Maurer  
Director, Homeland Security and Justice Issues

# Appendix I: Number of Offenders under USPC's Jurisdiction from Fiscal Years 2002 through 2014

**Table 1: Number of Offenders under USPC's Jurisdiction from Fiscal Years 2002 through 2014**

<b>Fiscal year</b>	<b>Federal offenders on or eligible for parole</b>	<b>D.C. offenders on or eligible for parole</b>	<b>D.C. offenders on supervised release or serving a prison sentence that includes supervised release</b>	<b>Total federal and D.C. offenders under USPC's jurisdiction</b>
2002	7,171	14,129	1,678	22,978
2003	6,230	13,495	2,771	22,496
2004	5,614	12,796	4,428	22,838
2005	5,157	11,886	6,089	23,132
2006	4,676	9,784	8,238	22,698
2007	4,170	8,780	9,605	22,555
2008	3,752	7,678	10,613	22,043
2009	3,477	6,948	11,202	21,627
2010	3,290	6,267	11,619	21,176
2011	2,994	5,105	11,944	20,043
2012	2,756	4,714	11,718	19,188
2013	2,489	4,195	11,556	18,240
2014	2,401	3,713	11,004	17,118

Source: GAO analysis of U.S. Parole Commission (USPC) data | GAO-15-359

**Appendix I: Number of Offenders under  
USPC's Jurisdiction from Fiscal Years 2002  
through 2014**

**Table 2: Number of Federal Offenders on or Eligible for Parole under USPC's  
Jurisdiction from Fiscal Years 2002 through 2014**

<b>Fiscal year</b>	<b>Federal offenders on parole</b>	<b>Federal offenders eligible for parole</b>	<b>Total federal offenders on or eligible for parole<sup>a</sup></b>
2002	3,994	3,177	7,171
2003	3,629	2,601	6,230
2004	3,274	2,340	5,614
2005	3,103	2,054	5,157
2006	2,790	1,886	4,676
2007	2,506	1,664	4,170
2008	2,271	1,481	3,752
2009	2,135	1,342	3,477
2010	2,019	1,271	3,290
2011	1,809	1,185	2,994
2012	1,622	1,134	2,756
2013	1,403	1,086	2,489
2014	1,334	1,067	2,401

Source: GAO analysis of U.S. Parole Commission (USPC) data | GAO-15-359

<sup>a</sup>These numbers for federal offenders also include other federal offenders such as transfer treaty offenders, military offenders, and certain Federal Witness Protection Program offenders. See table 3 for a breakdown of federal offenders from fiscal years 2010 through 2014

**Appendix I: Number of Offenders under  
USPC's Jurisdiction from Fiscal Years 2002  
through 2014**

**Table 3: Composition of Federal Offenders under USPC's Jurisdiction from Fiscal Years 2010 through 2014**

<b>Fiscal year</b>	<b>Federal offenders on parole</b>	<b>Federal offenders eligible for parole</b>	<b>Military offenders</b>	<b>Witness Protection Program offenders</b>	<b>Transfer Treaty offenders</b>
2010	2,019	653	338	144	136
2011	1,809	597	329	129	130
2012	1,622	542	354	139	99
2013	1,403	511	355	131	89
2014	1,334	488	360	132	87

Source: GAO analysis of U.S. Parole Commission (USPC) data | GAO-15-359

Note: Federal offenders include offenders on or eligible for parole and other offenders such as transfer treaty offenders, military offenders, and certain Federal Witness Protection Program offenders. Transfer treaty offenders are 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. USPC is responsible for conducting hearings and setting release dates for these U.S. citizens. Uniform Code of Military Justice offenders who are serving a sentence in a Federal Bureau of Prisons institution and who are eligible for parole and can be granted or denied parole by USPC. Certain state probationers and parolees in the Federal Witness Protection Program can have their release revoked by USPC.

**Appendix I: Number of Offenders under  
USPC's Jurisdiction from Fiscal Years 2002  
through 2014**

**Table 4: Number of D.C. Offenders on or Eligible for Parole under USPC's  
Jurisdiction from Fiscal Years 2002 through 2014**

<b>Fiscal year</b>	<b>D.C. offenders on parole</b>	<b>D.C. offenders eligible for parole</b>	<b>Total D.C. offenders on or eligible for parole</b>
2002	7411	6718	14,129
2003	7272	6223	13,495
2004	6876	5920	12,796
2005	6286	5600	11,886
2006	4472	5312	9,784
2007	4023	4757	8,780
2008	3628	4050	7,678
2009	3401	3547	6,948
2010	3278	2989	6,267
2011	2747	2358	5,105
2012	2867	1847	4,714
2013	2540	1655	4,195
2014	2177	1536	3,713

Source: GAO analysis of U.S. Parole Commission (USPC) data | GAO-15-359



**Appendix I: Number of Offenders under  
USPC's Jurisdiction from Fiscal Years 2002  
through 2014**

**Table 5: Number of D.C. Offenders on Supervised Release or Serving a Prison Sentence that Includes Supervised Release under USPC's Jurisdiction from Fiscal Years 2002 through 2014**

<b>Fiscal year</b>	<b>D.C. offenders on supervised release</b>	<b>D.C. offenders sentenced to supervised release</b>	<b>Total D.C. offenders on supervised release or serving a prison sentence that includes supervised release</b>
2002	875	803	1,678
2003	1204	1567	2,771
2004	1840	2588	4,428
2005	2604	3485	6,089
2006	3315	4923	8,238
2007	4178	5427	9,605
2008	5156	5457	10,613
2009	5602	5600	11,202
2010	5989	5630	11,619
2011	6256	5688	11,944
2012	6120	5598	11,718
2013	5977	5579	11,556
2014	5720	5284	11,004

Source: GAO analysis of U.S. Parole Commission (USPC) data | GAO-15-359

# Appendix II: Criminal Justice Entities Involved with District of Columbia Offenders

Table 6 describes the federal and local agencies involved with District of Columbia offenders. We identified these entities by reviewing our prior work on the District’s criminal justice system and other information on the key responsibilities of these federal and District criminal justice organizations.<sup>1</sup>

**Table 6: Key Responsibilities and Funding Source for Criminal Justice Entities Involved with District of Columbia Offenders**

	<b>Criminal justice entity</b>	<b>Key responsibilities</b>	<b>Principal funding source</b>
	Federal agencies		
1.	United States Parole Commission	To promote public safety when exercising its authority to release, revoke, and supervise offenders under its jurisdiction.	Federal
2.	U.S. Attorneys	To prevent crime, protect the rights of the American people, and enforce federal law; ensure and support the fair, impartial, efficient, and transparent administration of justice; and prevent terrorism and promote the nation’s security consistent with the rule of law.	Federal
3.	U.S. Attorney’s Office for the District of Columbia	To enforce the criminal laws of the United States and the District of Columbia, represent the interests of the United States in civil litigation, and respond to the public safety needs of the community so as to improve the quality of life in the District of Columbia.	Federal
4.	U.S. Marshals Service	To ensure the functioning of the federal judicial process by, for example, protecting judges, attorneys, jurors, and witnesses; transporting and producing prisoners for court proceedings; and apprehending fugitives.	Federal
5.	Federal Bureau of Prisons	To protect society by confining offenders in the controlled environments of prisons and community-based facilities that are safe, humane, and cost-efficient.	Federal
6.	U.S. Sentencing Commission	To establish sentencing policies and practices for the federal courts; advise and assist Congress and the executive branch in the development of effective and efficient crime policy; and collect, analyze, research, and distribute information on federal crime and sentencing issues.	Federal
7.	U.S. Courts Probation and Pretrial Services System	To carry out functions related to probation and pretrial services in the U.S. district courts by, among other things, investigating and supervising persons charged with or convicted of federal crimes.	Federal
8.	Administrative Office of the U.S. Courts	To provide, as the central support entity for the judicial branch, a wide range of administrative, legal, financial, management, program, and information technology services to the federal courts.	Federal

<sup>1</sup>GAO, *D.C. Criminal Justice System: Better Coordination Needed Among Participating Agencies*, [GAO-01-187](#) (Washington, D.C.: Mar. 30, 2001).

**Appendix II: Criminal Justice Entities Involved  
with District of Columbia Offenders**

Criminal justice entity	Key responsibilities	Principal funding source
9. Court Services and Offender Supervision Agency (CSOSA) for the District of Columbia's Community Supervision Program	To supervise D.C. offenders on probation, parole, or supervised release; provide presentence investigation (PSI) reports on offenders to the D.C. Superior Court and the U.S. Parole Commission to assist with offender sentencing and case decision-making; and provide postsentence investigation reports to the Bureau of Prisons for any offender not having a PSI report. <sup>a</sup>	Federal
10. CSOSA for the District of Columbia's Pretrial Services Agency	To assess and supervise, as an independent entity within CSOSA, pretrial defendants.	Federal
Local agencies		
11. Public Defender Service for the District of Columbia	To provide and promote quality legal representation to indigent adults and children facing a loss of liberty in D.C.	Federal
12. Superior Court of the District of Columbia	To handle all local trial matters in D.C., including civil, criminal, family court, probate, tax, landlord-tenant, small claims, and traffic.	Federal
13. Metropolitan Police Department	To protect D.C. residents and visitors by providing the highest quality of police service with integrity, compassion, and a commitment to innovation.	D.C.
14. Office of the Attorney General	To provide legal representation of the highest quality to D.C. agencies, officers, and employees.	D.C.
15. District of Columbia Department of Corrections	To provide a safe, secure, orderly, and humane environment for the confinement of pretrial detainees and sentenced inmates.	D.C.
16. District of Columbia Corrections Information Council	To inspect and monitor conditions of confinement at facilities where D.C. offenders are incarcerated, assess programs and services available to these offenders, and report observations and recommendations to D.C. authorities, such as the Mayor, the D.C. Deputy Mayor of Public Safety and Justice, and the D.C. City Council.	D.C.
17. Office of the Chief Medical Examiner	To investigate all deaths in the District of Columbia that occur as the result of violence (injury), as well as those that occur unexpectedly, without medical attention, in custody, or pose a threat to public health.	D.C.
18. Criminal Justice Coordinating Council (CJCC) for the District of Columbia	To serve as the forum for identifying issues and their solutions, proposing actions, and facilitating cooperation that will improve public safety and the related criminal and juvenile justice services for D.C. residents, visitors, victims, and offenders.	Federal and D.C.

Source: GAO analysis of criminal justice entities' documentation. | GAO-15-359

<sup>a</sup>Presentence and postsentence investigations reports prepared by CSOSA staff contain comprehensive criminal and social history information on offenders.

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# Appendix III: GAO Contact and Staff Acknowledgments

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## GAO Contact

David C. Maurer, (202) 512-9627 or [MaurerD@gao.gov](mailto:MaurerD@gao.gov).

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## Staff Acknowledgments

In addition to the contact named above, Joy Booth (Assistant Director); David Alexander; Pedro Almoguera; Willie Commons, III; Emily Gunn; Eric Hauswirth; Susan Hsu; Katherine Lee; and Juan Tapia-Videla made key contributions to this report.

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