Maryland Criminal Justice System Assessment and Intro to Policy Development

Justice Reinvestment Coordinating Council
September 11, 2015
Presentation Outline

➢ System assessment
  ▪ Incarceration and recidivism
  ▪ Length of stay and recidivism
  ▪ Recidivism reduction principles

➢ Pretrial data findings

Short Break

➢ Introduction to policy development

➢ Next steps
  ▪ Subgroups and schedule
## System Assessment and Data Analysis Sources

### System Assessment Sources

#### Interviews/Meetings
- Maryland Department of Public Safety and Corrections Services, Division of Corrections
- Maryland Department of Public Safety and Corrections Services, Division of Parole and Probation
- Maryland Administrative Office of the Courts, Office of Problem Solving Courts
- Maryland Office of the Public Defender
- Other Stakeholders: Council Members, Circuit and District Court Judges, Mental Health Court Judges
- Maryland Association of Counties
- Maryland Association of Correctional Administrators
- Maryland Sheriff’s Association

#### Documents Reviewed
- Maryland Statutory Code
- DOC and DPP policies and procedures
- COMAR

### Data Reviewed

#### State Data
- Administrative Office of the Courts, Problem Solving Courts Annual Report FY14
- Annual Summary of Monthly Jail Statistics, June 2014 Snapshot
- Department of Public Safety and Correctional Services, Division of Corrections, OBSCIS Snapshots, August 2005-2013, July 2014
- Department of Public Safety and Correctional Services, Division of Parole and Probation
  - OBSCIS Snapshots, August 2005-2012
  - OCMS Snapshots, August 2013-2014
- Maryland State Commission on Criminal Sentencing Policy, Guidelines Worksheet Data, 2005-2014
- Parole Commission, In-person review of 302 files of parolees released in FY14

#### National Data
- United States Census Bureau, population and demographic data
INCARCERATION AND RECIDIVISM
Prison Admissions and Recidivism: Current Practices in Maryland

➢ Research summary
  ▪ Incarceration is not more effective at reducing recidivism than non-custodial sanctions

➢ Current practices in Maryland
  ▪ Admissions to prison are down in Baltimore City but up across the rest of the state
  ▪ 58% of admissions are for nonviolent crimes
  ▪ Prison and jail sentences have increased for offenders sentenced under the sentencing guidelines
  ▪ Alternatives to incarceration are not available in all counties
Admissions from Baltimore City Down 43%, All Others Up 4%

Prison Admissions by Jurisdiction, by FY

- Baltimore City
- All other jurisdictions
58% of Admissions Are for Nonviolent Crimes

Prison Admissions by Offense Type, FY14

- Person, 42%
- Property, 20%
- Drugs, 32%
- Public order, 7%
## PWID Still #1 Crime at Admission, Distribution and Possession Also in Top 10

<table>
<thead>
<tr>
<th>Offense</th>
<th>2005</th>
<th>2014</th>
<th>% Change, 2005-2014</th>
</tr>
</thead>
<tbody>
<tr>
<td>Possession w/ Intent to Distribute Narcotics</td>
<td>964</td>
<td>462</td>
<td>-52%</td>
</tr>
<tr>
<td>Assault-2nd Degree</td>
<td>342</td>
<td>340</td>
<td>-1%</td>
</tr>
<tr>
<td>Robbery with a Deadly Weapon</td>
<td>248</td>
<td>281</td>
<td>13%</td>
</tr>
<tr>
<td>Narcotics Distribution</td>
<td>285</td>
<td>240</td>
<td>-16%</td>
</tr>
<tr>
<td>Robbery</td>
<td>172</td>
<td>229</td>
<td>33%</td>
</tr>
<tr>
<td>Theft Felony</td>
<td>204</td>
<td>221</td>
<td>8%</td>
</tr>
<tr>
<td>Assault-1st Degree</td>
<td>245</td>
<td>214</td>
<td>-13%</td>
</tr>
<tr>
<td>Burglary-1st Degree*</td>
<td>0</td>
<td>210</td>
<td></td>
</tr>
<tr>
<td>Possession of a CDS (Excluding Marijuana)</td>
<td>178</td>
<td>144</td>
<td>-19%</td>
</tr>
<tr>
<td>Murder-1st Degree</td>
<td>66</td>
<td>132</td>
<td>100%</td>
</tr>
</tbody>
</table>

*Burglary-1st Degree did not exist in its current form in 2005
## Sentencing Options

<table>
<thead>
<tr>
<th>Incarceration</th>
<th>Eligibility</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jail</td>
<td>Criminal cases with a sentence of 18 months or less</td>
</tr>
<tr>
<td>Prison</td>
<td>Criminal cases with a sentence of 12 months or more</td>
</tr>
</tbody>
</table>

### Alternatives to Incarceration

<table>
<thead>
<tr>
<th>Probation Before Judgment</th>
<th>Eligibility</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Any crime for which the defendant pleads guilty or nolo contendere, or is found guilty of a crime. Exceptions include sex offenses, second and subsequent offenses involving DUI, or second and subsequent controlled substance offenses</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Probation After Judgment</th>
<th>Eligibility</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Any crime punishable by fine or imprisonment, or both</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Problem Solving Courts</th>
<th>Eligibility</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Varies by type of problem solving court but typically an offender must be charged or convicted of a nonviolent crime</td>
</tr>
</tbody>
</table>
The Maryland sentencing guidelines are voluntary guidelines which only apply to criminal cases prosecuted in a Circuit Court, excluding:

- Prayers for jury trial from District Court, unless a PSI is ordered
- Appeals from District Court, unless a PSI is ordered
- Crimes which carry no possible penalty of incarceration
- Public local laws and municipal ordinances
Incarceration and Recidivism

Offenders Sentenced Under Guidelines Are More Likely to Be Sentenced to Incarceration Than a Decade Ago

### Offenders Sentenced Under Guidelines, by Sentence Type, FY05 vs FY14

<table>
<thead>
<tr>
<th>Sentence Type</th>
<th>FY05</th>
<th>FY14</th>
</tr>
</thead>
<tbody>
<tr>
<td>No Incarceration</td>
<td>33%</td>
<td>24%</td>
</tr>
<tr>
<td>Less than 12 Months</td>
<td>24%</td>
<td>30%</td>
</tr>
<tr>
<td>More Than 12 Months</td>
<td>43%</td>
<td>46%</td>
</tr>
</tbody>
</table>
Almost 2/3 of Offenders Sentenced Under Guidelines Receive Some Incarceration Time

Offenders Sentenced Under Guidelines, by Sentence Type, FY14

- Probation, No Incarceration (or Credit Only), 36%
- Probation, No Probation, 18%
- More than 12 Months to Serve, Probation to Follow, 27%
- Less than 12 Months to Serve, No Probation, 7%
- Less than 12 Months to Serve, Probation to Follow, 10%
- Missing, 2%
2/3 of Drug Offenders, 3/4 of Other Nonviolent Offenders Receive Some Incarceration Time

Offenders Sentenced Under Guidelines, Sentence Types by DPSCS Offense Type, FY14

- Person: 58% More Than 12 Months, 28% Less than 12 Months, 14% No Incarceration
- Property: 46% More Than 12 Months, 31% Less than 12 Months, 23% No Incarceration
- Drugs: 36% More Than 12 Months, 31% Less than 12 Months, 33% No Incarceration
- Public order: 42% More Than 12 Months, 34% Less than 12 Months, 24% No Incarceration
Incarceration and Recidivism

Percentage of Offenders Receiving Prison Terms Has Increased For All Offense Types Except Drugs

<table>
<thead>
<tr>
<th>Offense Type</th>
<th>FY05</th>
<th>FY14</th>
</tr>
</thead>
<tbody>
<tr>
<td>Property</td>
<td>40%</td>
<td>46%</td>
</tr>
<tr>
<td>Drugs</td>
<td>38%</td>
<td>36%</td>
</tr>
<tr>
<td>Public order</td>
<td>38%</td>
<td>42%</td>
</tr>
</tbody>
</table>

Percent of Offenders Sentenced Under Guidelines Sentenced to 12 Months or More by DPSCS Offense Type, FY05 vs FY14

- Person: 54% vs 58%
- Property: 40% vs 46%
- Drugs: 38% vs 36%
- Public order: 38% vs 42%
Incarceration and Recidivism

Percentage of Offenders Receiving Prison Terms Has Increased Across Criminal History Categories

Percent of Offenders Sentenced Under Guidelines Sentenced to 12 Months or More Incarceration, by Adult Criminal History, FY05 vs FY14

- None: 24% (2005) vs 27% (2014)
- Minor: 35% (2005) vs 37% (2014)
- Moderate: 54% (2005) vs 58% (2014)
- Major: 63% (2005) vs 69% (2014)
Majority of Offenders Serve Time for Most Common Offenses

Offenders Sentenced Under Guidelines, Common Offenses by Sentence Types, FY14

<table>
<thead>
<tr>
<th>Crime Description</th>
<th>No Incarceration</th>
<th>Less than 12 Months</th>
<th>More than 12 Months</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial Drug Offense (Sched I and II)</td>
<td>25%</td>
<td>29%</td>
<td>45%</td>
</tr>
<tr>
<td>Assault-2nd Degree</td>
<td>26%</td>
<td>44%</td>
<td>30%</td>
</tr>
<tr>
<td>Commercial Drug Offense (Marijuana)</td>
<td>9%</td>
<td>30%</td>
<td>61%</td>
</tr>
<tr>
<td>Robbery</td>
<td>13%</td>
<td>18%</td>
<td>69%</td>
</tr>
<tr>
<td>Burglary-1st Degree</td>
<td>24%</td>
<td>34%</td>
<td>43%</td>
</tr>
<tr>
<td>Felony theft</td>
<td>6%</td>
<td>13%</td>
<td>81%</td>
</tr>
<tr>
<td>Robbery with a Deadly Weapon</td>
<td>4%</td>
<td>17%</td>
<td>79%</td>
</tr>
<tr>
<td>Assault-1st Degree</td>
<td>23%</td>
<td>16%</td>
<td>60%</td>
</tr>
<tr>
<td>Possession (Marijuana)</td>
<td>16%</td>
<td>31%</td>
<td>53%</td>
</tr>
<tr>
<td>Possession of Regulated Gun</td>
<td>29%</td>
<td>31%</td>
<td>44%</td>
</tr>
<tr>
<td>Burglary-2nd Degree</td>
<td>27%</td>
<td>43%</td>
<td>30%</td>
</tr>
<tr>
<td>Misdemeanor theft Possession (Excluding Marijuana)</td>
<td>25%</td>
<td>30%</td>
<td>45%</td>
</tr>
</tbody>
</table>
Incarceration and Recidivism

Percentage of Offenders Sentenced to Prison
Terms Varies Widely by Jurisdiction

Percent of Offenders Sentenced Under Guidelines Sentenced to 12 Months or More, FY14

- Wicomico: 58%
- Allegany: 57%
- Washington: 54%
- St. Mary's: 53%
- Prince George's: 53%
- Caroline: 49%
- Charles: 48%
- Montgomery: 47%
- Howard: 46%
- Frederick: 46%
- Baltimore City: 43%
- Baltimore County: 38%
- Worcester: 35%
- Anne Arundel: 35%
Problem Solving Courts Not Available in 7 Counties

Office of Problem-Solving Courts

- Adult District Drug Court (7)
- Adult Circuit Drug Court (13)
- Veterans Court (1)
- DUI/Drug Court (4)
- Mental Health Court (3)
Total Offenders Served in Adult Circuit Court Drug Courts per 100,000 Residents, FY14

- Worcester: 126
- Cecil: 114
- Baltimore City: 96
- Talbot: 82
- Caroline: 61
- Wicomico: 59
- Carroll: 49
- St. Mary's: 47
- Frederick: 29
- Anne Arundel: 15
- Prince George's: 11
- Montgomery: 6
Mental Health Court Utilization

Total Offenders Served in District Court Mental Health Courts per 100,000 Residents, FY14

- Baltimore City: 74
- Prince George's: 47
- Harford: 7
LENGTH OF STAY AND RECIDIVISM
Length of Stay and Recidivism: Current Practices in Maryland

- **Research summary**
  - Longer prison stays do not reduce recidivism more than shorter stays

- **Current practices in Maryland**
  - Time served up 23% driven by sentencing growth
  - Parole releases make up less than 40% of all releases
  - Of those offenders who are paroled, many are paroled past their eligibility date
Time Served Up 23% in Last Decade, Driven by Growth in Sentence Length
Time Served Up for All Offense Types

Average Time Served for New Court Commitments by Offense Type, FY05 vs FY14

- **Person offenders**: 61.6 months in 2005 vs 75.3 months in 2014, a 22% increase.
- **Property offenders**: 27.9 months in 2005 vs 31.4 months in 2014, a 13% increase.
- **Drugs offenders**: 30.1 months in 2005 vs 33.3 months in 2014, a significant increase.
- **Public order offenders**: 18.5 months in 2005 vs 24.7 months in 2014, a 34% increase.
Proportion of Parole Releases Increased but Still Less Than 40% of All Releases

**Prison Release Type, FY05**
- Mandatory release: 68%
- Parole: 30%
- Other: 2%

**Prison Release Type, FY14**
- Mandatory release: 59%
- Parole: 37%
- Other: 4%
Of Those Paroled, Parolees Serving an Average of 9 Months Past Eligibility Date, Costing the System Almost 1,600 Beds

Average Time Served Past Parole Eligibility, New Court Commitments Released on Parole, FY14

- Person: 9.1 months
- Property: 5 months
- Drugs: 11.6 months
- Public order: 6.2 months
- Total: 9.2 months
Of Those Paroled, Violent Offenders Released Closer to Parole Eligibility Date Than Nonviolent Offenders

<table>
<thead>
<tr>
<th>Offense</th>
<th>% of sentence served by new court commitments released to parole, FY14</th>
</tr>
</thead>
<tbody>
<tr>
<td>Must serve 50%</td>
<td></td>
</tr>
<tr>
<td>Robbery with a Deadly Weapon</td>
<td>56%</td>
</tr>
<tr>
<td>Assault-1st Degree</td>
<td>55%</td>
</tr>
<tr>
<td>Robbery</td>
<td>54%</td>
</tr>
<tr>
<td>Burglary-1st Degree</td>
<td>51%</td>
</tr>
<tr>
<td>Must serve 25%</td>
<td></td>
</tr>
<tr>
<td>Possession w/ Intent to Distribute Narcotics</td>
<td>40%</td>
</tr>
<tr>
<td>Assault-2nd Degree</td>
<td>38%</td>
</tr>
<tr>
<td>Narcotics Distribution</td>
<td>43%</td>
</tr>
<tr>
<td>Theft Felony</td>
<td>38%</td>
</tr>
<tr>
<td>Possession of a CDS (Excluding Marijuana)</td>
<td>36%</td>
</tr>
<tr>
<td>Possession of Regulated Gun</td>
<td>37%</td>
</tr>
</tbody>
</table>
Parole File Review

- Stratified random sample by offense
  - Oversampled nonviolent offenders
- Reviewed 302 files of offenders released on parole in FY 2014
One Quarter of Those Paroled Are Not Approved at First Hearing, Lose 3.5 Months on Average

Parole Sample by Outcome of First Hearing

- Not approved at first hearing, 25%
- Approved at first hearing, 75%

Average Time Served Past Parole Eligibility by Outcome of First Hearing, Parole Sample

- Not approved at first hearing: 9.2 months
- Approved at first hearing: 5.8 months
Of Those Paroled, Moderate Risk Offenders Serve Almost as Long Past Eligibility as High Risk Offenders

Average Time Served Past Parole Eligibility by Risk Level

- **High**
- **Moderate**
- **Low Moderate**
- **Low**
## Substance Abuse Treatment Most Common Requirement for Those Granted Parole

The following table shows the contingencies prior to parole for parole sample granted delayed release or release at eligibility:

<table>
<thead>
<tr>
<th>Contingency</th>
<th>Number</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Substance Abuse Treatment</td>
<td>61</td>
<td>29%</td>
</tr>
<tr>
<td>Education</td>
<td>30</td>
<td>14%</td>
</tr>
<tr>
<td>Work Release</td>
<td>18</td>
<td>8%</td>
</tr>
<tr>
<td>Cognitive Programming</td>
<td>9</td>
<td>4%</td>
</tr>
<tr>
<td>Other</td>
<td>7</td>
<td>3%</td>
</tr>
<tr>
<td>Home Detention</td>
<td>2</td>
<td>1%</td>
</tr>
<tr>
<td>Mental Health Treatment</td>
<td>1</td>
<td>0%</td>
</tr>
</tbody>
</table>
RECIDIVISM REDUCTION PRINCIPLES
Recidivism Reduction

- Focus on high risk offenders, target criminogenic needs, address programming barriers (Risk, Need, Responsivity)
- Use sanctions and incentives to respond to behavior
- Frontload resources for offenders coming out of prison
- Incorporate treatment into supervision
- Monitor quality, fidelity, and outcomes
FOCUS ON HIGH RISK OFFENDERS, TARGET CRIMINOGENIC NEEDS, AND ADDRESS PROGRAMMING BARRIERS
Risk, Need, Responsivity: Research Summary

- **Risk**
  - Identify offenders with a higher risk of recidivism and focus the most intensive supervision and services accordingly

- **Need**
  - Assess and identify criminogenic needs using a needs assessment and focus resources on the needs that, if met, would lower an offender's risk of recidivism

- **Responsivity**
  - Identify and remove barriers to and during programming
DOC and DPP have historically used a risk assessment to determine an offender’s risk of recidivism but have not used a formal criminogenic needs assessment. However, both divisions are transitioning to the Level of Service Inventory – Revised (LSI-R), one of the most widely utilized tools in the U.S.

- Lower risk offenders still make up a significant portion of the supervised population

- Supervision conditions ordered by the Court and Parole Commission are not guided by the results of a risk or needs assessment which may result in resources being targeted on low-risk offenders

- Responsivity issues may be impacting the ability of high-risk offenders to participate in cognitive-behavioral programming in prison
71% of Probation Population on Low or Moderate Supervision
62% of Post-Release Supervision on Moderate or Low Supervision

Post-Release Supervision Population by Supervision Level, FY14

- Moderate, 28%
- Low-Moderate, 23%
- Low, 11%
- VPI, 8%
- Sex Offender, 9%
- High, 21%
DOC Focuses Core Programming on Moderate Risk Offenders But Excludes High Risk Offenders

- Core programming is focused on moderate-risk offenders
- DOC policy requires that offenders assessed as low or high risk to reoffend may not be scheduled, referred, or placed into a cognitive-behavioral program. Those identified as low or high risk are limited to:
  - Mandatory educational requirements
  - Correctional facility work details or job assignments
  - Transition programs and activities
USE INCENTIVES AND SANCTIONS TO CHANGE OFFENDER BEHAVIOR
Rewards and Incentives

Incorporate Rewards and Incentives: Current Practices in Maryland

➢ Research Summary
  ▪ Reward prosocial behavior and attitudes (e.g., case plan progress, practicing a new skill, taking initiative, being honest, etc.) to encourage offenders to change their antisocial behavior and attitudes, thereby reducing violations

➢ Current Practices in Maryland
  ▪ Eligible offenders on parole, probation, and mandatory release supervision can earn 20-days per month of compliance credits to reduce their term of active supervision, however broad statutory language and lack of notification has hindered full implementation
Incorporate Rewards and Incentives: Current Practices in Maryland

- Maryland’s earned compliance credits do not shorten the period of supervision but, rather, shorten the period of active supervision which is not as powerful a motivator.

- The existing earned compliance program is not used as often or as consistently as it could be because
  - The broad definition of “full compliance” in the statute is interpreted differently by agents, and
  - Agents are not required by policy or statute to inform offenders of their eligibility to earn compliance credits at the start of supervision, undermining its strength as a motivation tool.
Swift, Certain, and Proportional Sanctions: Current Practices in Maryland

Research Summary
- Responding to antisocial behavior with swift, certain, and proportional sanctions induces behavior change more effectively than delayed, random, and severe sanctions.

Current Practices in Maryland:
- For offenders on standard parole and probation supervision, there is no system-wide framework for responding to technical violations using swift, certain, and proportional sanctions.
- Some sanctioning processes are inconsistent with swift, certain, and proportional principles.
No Standardized Framework for Responding to Violations

- Responses to violations vary by region, agent, and supervision type
  - No statewide statutory mechanism authorizing agents to use graduated sanctions in responding to technical probation or parole violations
  - Legislation was established to create a graduated sanctions pilot for technical parole violations but this is limited to three counties
Sanctions

Some Sanctioning Processes are Inconsistent with Swift, Certain, and Proportional Sanctions

- Almost three-quarters of parole and mandatory release returns to prison are for technical violations.

- Nonviolent probation technical violators serve as long as nonviolent offenders sentenced directly to prison.

- For offenders on VPI supervision, policy requires a warrant to be issued for an offender upon their first violation, regardless of violation severity.
  - These offenders are excluded from alternative revocation routes.
Almost 3/4 of Prison Returns from Parole and Mandatory Supervision for Technical Violations

Percent of Revocations Coming to Prison on Technical Violations by Revocation Type, FY14

- Mandatory supervision return: 74%
- Parole return: 71%
- Probation revocation: 43%
Possession of a Controlled Substance Most Likely to be Revoked for Technical Violations

Sanctions

Percent of Revocations Coming to Prison on Technical Violations by Offense, FY14

- Possession of a CDS (Excluding Marijuana): 67%
- Assault-2nd Degree: 63%
- Robbery with a Deadly Weapon: 59%
- Theft Felony: 59%
- Robbery: 56%
- Narcotics Distribution: 56%
- Possession w/ Intent to Distribute Narcotics: 55%
- Assault-1st Degree: 46%
- Burglary-1st Degree: 46%
The chart shows the comparison of time served on probation technical violations vs a new prison sentence by offense type for FY14. The chart includes data for Person, Property, Drugs, and Public order offenses.

- **Person**: 84.5 months for newly sentenced offenders compared to 34.6 months for probation technical violators.
- **Property**: 27 months for newly sentenced offenders compared to 26.3 months for probation technical violators.
- **Drugs**: 29 months for newly sentenced offenders compared to 31.9 months for probation technical violators.
- **Public order**: 24.2 months for newly sentenced offenders compared to 23.6 months for probation technical violators.

These figures illustrate that nonviolent probation technical violators serve as long as nonviolent offenders sentenced straight to prison, emphasizing the duration of sanctions.
VPI Offenders More Likely to Fail Supervision

Probation Discharges by Supervision Level and Discharge Type, FY14

Sanctions
VPI Offenders More Likely to Fail Post-Release Supervision Without a New Criminal Conviction

% of Unsuccessful Post-Release Discharges Convicted of a New Offense, by Supervision Level, FY14

- VPI: 33%
- High: 50%
- Moderate: 49%
- Low-Moderate: 55%
- Low: 56%
- Sex Offender: 25%
FRONTLOAD RESOURCES
Frontload Resources: Current Practices in Maryland

➢ Research Summary
   - Focus supervision and programming resources during the initial weeks and months following release from prison when violations and arrests are most likely to occur

➢ Current Practices in Maryland
   - DOC has made significant efforts to improve the process to prepare offenders for release, however some reentry assistance is limited due to lack of available resources
   - A risk assessment is used to identify those who warrant enhanced supervision, however time served on supervision has increased and there is no statutory mechanism for discharging offenders early
### Maryland Reentry Practices

<table>
<thead>
<tr>
<th>Category</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Transportation</td>
<td>Inmates are provided with limited transportation upon exit from the prison but an assessment of ongoing transportation needs for supervision is not currently conducted.</td>
</tr>
<tr>
<td>Clothing and Food</td>
<td>Not currently provided prior to release.</td>
</tr>
<tr>
<td>Financial Resources</td>
<td>$50 in cash is provided to inmate’s prior to release.</td>
</tr>
<tr>
<td>ID and Important Documents</td>
<td>DOC provides assistance to inmates in obtaining birth certificates, social security cards, and a state-issued identification card prior to release. Inmates can also obtain a state-issued ID free of charge within 60 days of release.</td>
</tr>
</tbody>
</table>
Although DOC assesses for housing needs, transitional housing referral options are limited.

Employment and education are addressed through the Individual Case Plan (ICP) developed at intake. DOC partners with Department of Labor, Regulation and Licensing to provide educational and vocational training to inmates in prison to prepare them for release.

Inmates are released with a 30-day supply of chronic care medication and the remaining dose of any short-term antibiotic or medication and provided a Continuity of Care form which outlines health care and treatment needs.

Inmates are provided with a reentry resource packet prior to release which outlines services provided in the county where the inmate is being released to.
Parolees Serve Longer on Supervision; Both Types Up Since 2005

Average Time Served on Post-Release Supervision by Supervision Type, FY05 vs FY12

- Parole: 26.4 months (FY05) vs 29.6 months (FY12)
- Mandatory Supervision: 17.5 months (FY05) vs 21.3 months (FY12)
Offenders on Probation and Post Release Supervision Are Rarely Discharged Early

Percentage of Community Supervision Discharges Receiving Early Termination, FY14

- Probation: 3.8%
- Post-Release Supervision: 0.6%
BALANCE TREATMENT WITH SURVEILLANCE
Incorporate Treatment into Supervision

➢ Research Summary
  ▪ Incorporate treatment into supervision case plans and utilize cognitive behavioral treatment and community-based drug treatment, interventions shown to significantly reduce recidivism

➢ Current Practices in Maryland
  ▪ Case plans are currently focused on standard supervision conditions ordered by the Parole Commission or Court versus criminogenic needs to reduce an offender's risk level
  ▪ Cognitive-behavioral programming is available in prison to target antisocial personality and attitudes but is not currently available in the community
Treatment and Programming Resources Are Not Available in the Community to Target the Big Four Criminogenic Needs

- Current programming and treatment served funded by DPP are focused on substance abuse. These programs and services include:
  - Intensive In-Patient Detox
  - Residential Halfway House
  - Recovery Support Residential
  - Substance Abuse Assessments (Washington County)
  - Re-Entry Center (employment searches, identification, housing health services, behavioral modification, financial planning, child support, literacy support)

- While the LSI-R will be used to identify multiple criminogenic needs, including the Big Four, DPP currently does not have funding to address these needs.
Just Over 40% of Individuals in Maryland with Any Mental Illness Received Treatment

Past-Year Mental Health Treatment/Counseling Among Adults Aged 18 or Older with Any Mental Illness, 2009-2013

- Received Treatment: 42.2%
- Did Not Receive Treatment: 57.8%

Source: Substance Abuse and Mental Health Administration (SAMHSA), Maryland 2014 Behavioral Health Barometer
QUALITY ASSURANCE AND FIDELITY
Evidence-based practices implemented with fidelity have the biggest impact on recidivism

- Validate risk and needs assessment tools on population
- Provide training and ongoing coaching of staff
- Monitor programs for fidelity
- Collect data, set performance benchmarks, and monitor outcomes
Quality Assurance and Fidelity: Current Practices in Maryland

- The current risk assessment tool used by DOC and DPP has not been independently validated to determine whether the tool accurately predicts whether offenders are at an increased likelihood to recidivate, however the state will have the opportunity to validate the LSI-R on the Maryland population.

- Training requirements established by the Training Commission do not require probation and parole agents to be trained in evidence-based practices, however agents will soon begin training on Risk, Need, Responsivity to support the implementation of the LSI-R.
DOC and DPP’s role out of the LSI-R will be guided by a comprehensive implementation plan to ensure the assessment tool is implemented with fidelity.

The AOC Office of Problem Solving Courts has established a drug court certification process which includes data collection and reporting requirements.
Key Takeaways

- Despite research demonstrating the diminishing public safety returns of sending more offenders to prison,
  - Admissions to prison from Baltimore City are down but up across the rest of the state
  - 58% of admissions are for nonviolent crimes
  - Offenders sentenced under the guidelines are more likely to be incarcerated than a decade ago

- Despite research demonstrating the diminishing public safety returns of keeping offenders in prison longer,
  - Time served is up 23% in the last decade
  - Less than 40% of offenders are paroled, and of those offenders who are paroled, many are paroled after their eligibility date
Key Takeaways

Maryland has adopted many evidence-based practices in corrections, however, the state

- **Lacks a structure to support recidivism reduction principles**
  - A needs assessment is not currently used to set supervision conditions
  - No statewide sanctioning system to effectively respond to violations
  - Some sanctioning processes are inconsistent with swift, certain and proportional sanctions
  - Statutory barriers and variations in practice are limiting the use of earned compliance as a behavioral change tool

- **Lacks budgetary support for recidivism reduction principles**
  - Significant gaps in treatment resources targeting multiple criminogenic needs, including cognitive-behavioral treatment
  - Lack of transitional housing options for offenders transitioning to the community
MARYLAND PRETRIAL DATA FINDINGS
Pretrial

Pretrial Population Makes Up Nearly One Quarter of Total Incarcerated Population

Incarcerated Population, FY14

DOC Population, 21,326, 65%

Pretrial Population, 7,545, 23%

Locally Sentenced Population, 3,762, 11%

Other, 254, 1%
Pretrial Population Makes Up Nearly Two Thirds of Those Housed in Local Jails

Local Detention Population, FY14

- Pretrial Population 65%
- Locally Sentenced Population 33%
- Other 2%
Baltimore City Has Largest Pretrial Population per 100,000 Residents

Pretrial Population per 100,000 Residents by Jurisdiction, FY14

- BALT CITY: 180
- WORCESTER: 180
- FREDERICK: 169
- DORCHESTER: 159
- WICOMICO: 155
- CECIL: 145
- CALVERT: 142
- WASHINGTON: 131
- QUEEN ANNES: 110
- CHARLES: 104
- PR GEORGE'S: 103
- KENT: 101
- SOMERSET: 101
- BALT COUNTY: 96
- ST MARY'S: 95
- CAROLINE: 92
- ALLEGANY: 89
- TALBOT: 82
- ANNE ARUNDL: 74
- CARROLL: 73
- HARFORD: 67
- HOWARD: 67
- MONTGOMERY: 45
- GARRETT: 37
Median Number of Days Spent in Jail Before a Prison Sentence Has Increased 13% in Last Decade
Wide Variation Across State in How Long Offenders Spend in Jail Before a Prison Sentence

Median Jail Days Before Receiving Prison Sentence, by Jurisdiction, FY14

- PR GEORGE’S: 268 days
- BALT CITY: 205 days
- HOWARD: 197 days
- ST MARY’S: 189 days
- MONTGOMERY: 175 days
- DORCHESTER: 169 days
- KENT: 150 days
- BALTIMORE COUNTY: 142 days
- CARROLL: 140 days
- WASHINGTON: 136 days
- CALVER: 131 days
- FREDERICK: 129 days
- ANNE ARUNDEL: 125 days
- CECIL: 114 days
- CAROLINE: 111 days
- GARRETT: 109 days
- WICOMICO: 103 days
- ALLEGANY: 101 days
- SOMERSET: 98 days
- CHARLES: 85 days
- WORCESTER: 85 days
- QUEEN ANNES: 75 days
- HARFORD: 69 days
- TALBOT: 59 days
INTRODUCTION TO POLICY DEVELOPMENT
### Policy Development Subgroup Members

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<th>Sentencing</th>
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<td><strong>Senator Bobby Zirkin</strong>, Chair</td>
<td>Delegate <strong>Kathleen Dumais</strong>, Chair</td>
<td>Senator <strong>Michael Hough</strong>, Chair</td>
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<tr>
<td>Delegate <strong>Erek Barron</strong></td>
<td><strong>Robert L. Green</strong>, Montgomery County Department of Correction and Rehabilitation</td>
<td><strong>Sam J. Abed</strong>, Secretary of the Department of Juvenile Services</td>
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<tr>
<td>Sheriff <strong>Troy D. Berry</strong>, Charles County</td>
<td><strong>David Eppler</strong>, Attorney General’s Office</td>
<td><strong>LaMonte E. Cooke</strong>, Queen Anne’s County Detention Center</td>
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<tr>
<td><strong>Paul DeWolfe</strong>, Office of the Public Defender</td>
<td>Delegate <strong>Michael Malone</strong></td>
<td><strong>Judy Sachwald</strong>, Director of Parole and Probation</td>
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<tr>
<td><strong>Tim Maloney</strong>, Attorney</td>
<td>Senator <strong>Nathaniel McFadden</strong></td>
<td>Senator <strong>Douglas Peters</strong></td>
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<tr>
<td><strong>Scott Shellenberger</strong>, State’s Attorney, Baltimore County</td>
<td>Judge <strong>Joseph Murphy</strong>, Maryland Court of Appeals (Ret)</td>
<td>Delegate <strong>Geraldine Valentino-Smith</strong></td>
</tr>
<tr>
<td>Judge <strong>Diane O. Leasure</strong>, Howard County Circuit Court (Ret)</td>
<td><strong>Caryn Aslan-York</strong>, Job Opportunities Task Force</td>
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Sentencing: Subgroup Questions

- Can Maryland further focus jail and prison beds on serious and violent offenders by examining its sentencing policies, including:
  - Alternatives to prison and jail
  - Sentence lengths
Alternatives to Prison

- **Utah**: 2015 legislation reduced felony drug possession offenses to misdemeanors making them ineligible for prison time

- **Mississippi**: 2014 legislation raised felony shoplifting and theft thresholds and expanded eligibility criteria for many alternatives to incarceration including probation, non-adjudicated probation, drug courts, and electronic monitoring

- **Oregon**: 2013 legislation removed mandatory minimums for repeat drug and property offenders, allowing judges to depart down to probation
Sentence Classification and Lengths

- **Utah**: 2015 legislation reduced by 4-6 months all the ranges in the lower-half of the sentencing guidelines grid including all nonviolent offenses and many lower-level violent offenses.

- **Georgia**: 2011 legislation reduced the sentencing ranges for lower-level felony theft offenses and separated a single burglary sentencing range into two degrees to differentiate between burglaries of dwellings and burglaries of non-dwellings.

- **Mississippi**: 2014 legislation created tiers for controlled substances to differentiate between higher- and lower-level commercial drug offenders (those convicted of drug crimes other than possession and trafficking).

- **South Carolina**: 2010 legislation eliminated mandatory minimums and reduced prison ranges for many drug possession and sale offenses.
Criminal History Enhancements

- **Utah**: 2015 legislation revised criminal history scoring to exclude many misdemeanors, youthful convictions, and supervision violations.

- **Mississippi**: 2014 legislation allowed nonviolent offenders sentenced to life without parole through the state’s “habitual offender” enhancements to apply for resentencing.

- **Georgia**: 2011 legislation excluded drug possession from the state’s “recidivism enhancements.”
Local Detention

- **Utah**: 2015 legislation decriminalized over 200 misdemeanor traffic offenses making them ineligible for jail time.

- **Mississippi**: 2014 legislation established a 21-cap for holding offenders in county jails who are awaiting revocation hearings. It also required the department of corrections to reimburse localities for the 21 days.

- **Georgia**: 2012 legislation accelerated the transfer of information and inmates from the counties to the states by requiring sentencing “packets” to be submitted electronically to the department of corrections.

- **Kentucky**: 2011 legislation required the use of risk assessments for pretrial decision making and required the Supreme Court to set guidelines for judges to use when ordering pretrial release for moderate or high risk offenders.
Release and Reentry: Subgroup Questions

- Can Maryland further target prison beds on serious and violent offenders by examining its release policies, including:
  - Parole eligibility, hearing timetables, and decision-making factors;
  - Release options for specialized, low-risk populations (e.g. geriatric or medically frail offenders)
  - Use and availability of time credits

- Can Maryland improve its transition and reentry planning
Parole Eligibility and Release Practices

- **Mississippi**: 2014 legislation established streamlined parole for nonviolent offenders at 25 percent of sentence served and expanded eligibility for geriatric parole.

- **Pennsylvania**: 2013 legislation addressed inefficiencies in the parole system by increasing by 20 percent the number of parole cases reviewed each month by 2015.

- **South Carolina**: 2010 legislation required the Parole Board to adopt a validated actuarial risk and needs assessment tool for use in making parole decisions and setting parole conditions.
Earned Time Credits

- **Kansas**: 2007 legislation granted eligible inmates the ability to earn 60 days of credit on a one-time basis upon program completion and increased from 15 to 20 percent available good time credits for certain nonviolent drug offenses.

- **Washington**: 2003 legislature increased the amount of earned time from 33 to 50 percent of the total sentence for certain nonviolent drug and property offenders. The Washington State Institute of Public Policy analyzed the public safety and cost benefits of the increase in good time. Considering both taxpayer and victim costs and benefits, the study found an overall net benefit of $7,179 per offender.
Transition and Reentry

- **Utah**: 2015 legislation included almost $1 million in reinvestment dollars to create reentry specialists that would establish consistency in their case plan objectives from prison to the community and with their supervision as well as assist offenders with needs-based programming upon reentry.

- **Pennsylvania**: 2013 legislation provided specialty Transitional Coordinators for mid- to high-risk parolees in their first 180 days of supervision. Transitional Coordinators become involved with the offenders prior to their release to address possible housing, employment, and treatment issues. Parolees are reassigned to general supervision once successfully stabilized.

- **Oregon**: 2013 legislation allowed certain inmates to be released up to 90 days before their release date to engage in a post-prison supervision reentry case plan.

- **Kentucky**: 2011 legislation carved out a 6-month period of mandatory reentry supervision from the end of the sentences of offenders who were parole eligible but who had not been released to parole supervision before 6 months of their release date.
Supervision: Subgroup Questions

- Can Maryland better hold offenders accountable through strengthening probation and parole supervision practices by examining:
  - Use of risk and needs assessments
  - Responses to positive behavior and to violations
Risk and Needs Assessment

- **Oregon**: 2013 legislation improved Oregon’s risk and needs assessment process by requiring that probation conditions be set in accordance with a risk and needs assessment.

- **South Dakota**: 2013 legislation required the department of corrections to validate the state’s risk and needs tools including the LSI-R and their Community Risk Assessment.
Earned Compliance Credits

- **South Dakota:** 2013 legislation provided varying amounts of earned discharge credits if the offender was in compliance with supervision. Probationers also were made aware of program expectations and consequences for noncompliance. Upon discharge, South Dakota requires the transfer of victim restitution collection from criminal to civil courts.

- **Kansas:** 2013 legislation required the court, under certain circumstances, to discharge probation of an offender who is assessed as low risk, has paid restitution in full and has remained compliant.

- **Missouri:** 2012 legislation established incentives for offenders to comply with the conditions of supervision by awarding a credit that reduces the term of supervision by 30 days for every 30 days of compliance.
Swift, Certain, and Proportionate Sanctions

- **Louisiana**: 2015 legislation capped the amount of time parolees could return to prison for a technical revocation.

- **Georgia**: 2012 legislation enabled probation officers to impose graduated sanctions short of incarceration and capped the amount of time probationers could serve in a probation revocation center.

- **Kentucky**: 2011 legislation required the department of corrections to impose graduated sanctions to respond to technical violations.

- **California**: 2009 legislation established a performance incentive fund allowing the state to share up to 50 percent of prison savings with probation agencies that reduced probation revocation rates below baseline levels. The law required that money be reinvested into evidence-based programs proven to hold offenders accountable and reduce recidivism.
Performance Measures

Data Collection, Sharing, and Reporting Requirements

- **Utah:** 2015 legislation was accompanied by funding to support the Board of Pardons and Parole for research and data collection
- **South Dakota:** 2013 legislation established new reporting requirements, data sharing requirements, and data collection requirements for the department of corrections and the courts

Oversight Taskforce

- **Georgia:** Established a task force to oversee the state’s 2012 reforms and to take on new related reform areas including a comprehensive juvenile justice reform effort in 2013 and a comprehensive reentry reform effort in 2014

Fiscal Impact Statements

- **Oregon:** 2013 legislation required any sentencing or corrections legislation be accompanied by a 10-year fiscal impact statement
Investments in Public Safety

- **Utah**: 2015 legislation invested $13.98 million toward recidivism-reduction programs, data system upgrades, expanded substance abuse and mental health treatment, and grant funds for counties.

- **South Dakota**: 2013 legislation invested $3.2 million in expanded treatment services for probation and parole populations.

- **Oregon**: 2013 legislation invested nearly $58 million over two years into community victim services, law enforcement training, community corrections, and a performance incentive grant fund for counties.

- **Georgia**: 2012 legislation invested $17 million into drug courts and drug residential treatment.

- **Texas**: 2007 legislation reinvested $241 million to expand in-prison and community-based substance abuse and mental health treatment and diversion programs.
Policy Development Schedule and Subgroups

- The Justice Reinvestment Coordinating Council will split into 3 subgroups to develop tailored policy options for consideration by the full Commission
  - Subgroups will review MD data, research, and details on other state approaches
- Subgroups meet twice in October and November
  - Subgroups will develop tailored recommendations
- Recommendations will be presented to the full JRCC in early December
- Council will submit its final recommendations to state leaders at the end of December
### JRCC Policy Development Subgroup Schedule

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<td><strong>Sentencing</strong></td>
<td>Tues., Oct. 6, 2:00 – 5:00 p.m.  |  Tues., Oct. 20, 2:00 – 5:00 p.m.  |  Tues., Nov. 3, 2:00 – 5:00 p.m.  |  Fri., Nov. 13, 2:00 – 5:00 p.m.</td>
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<td><strong>Release</strong></td>
<td>Tues., Oct. 6, 9:00am – 12:00 p.m.  |  Tues., Oct. 20, 9:00am – 12:00 p.m.  |  Tues., Nov. 3, 9:00am – 12:00 p.m.  |  Thurs., Nov. 12, 2:00 – 5:00 p.m.</td>
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<td><strong>Supervision</strong></td>
<td>Wed., Oct. 7, 9:00am – 12:00 p.m.  |  Wed., Oct. 21, 9:00am – 12:00 p.m.  |  Wed., Nov. 4, 9:00am – 12:00 p.m.  |  Fri., Nov. 13, 9:00am – 12:00 p.m.</td>
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