Justice Reinvestment Advisory Board

**Subject:** June 2019 Meeting Minutes

**Date:**

June 12, 2019

12:00-1:30 p.m.

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**Board members:** Dr. Valerie Barnes, Christine Celeste, Bill Gaertner, Caylin Young (designee of Toni Holness), Michele Hughes, Crista Taylor, Anthony Washington, Caryn York

**Absent:** William Adams, June White Dillard

**The Governor’s Office of Crime Control & Prevention (GOCCP):** Angelina Guarino, Heather Amador

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**I. Welcome**

The meeting began at 12:07 with a review of the October meeting minutes and the group’s mission, followed by the introduction of new member Christine Celeste and designees.

**II. Implementation Updates**

Since the saving calculation date in October 2017, there has been a slight decrease in the statewide prison population, resulting in an almost 3% decrease since the baseline date. On the local level, the decrease in sentenced population has been even more dramatic with a 10% decrease year-over-year. Similarly, the statewide pretrial detention average is slightly lower year-over-year, but still accounts for an average 6,400 defendants per month. Locally, the decreases in the sentenced population has allowed some local detention centers to extend programming to pretrial inmates, and the Governor’s Office of Crime Control and Prevention will be announcing its next year of funding awards for expanding pretrial release programs by July 1st.

GOCCP has been tracking revocation cap compliance in detail on a county basis, and over 80% of decisions have been compliant with JRA recommendations, regardless of the original sentence date. JRA instituted sentence limits have resulted in closer sentencing for technical revocations on the circuit and district court level. Most
sentences beyond the JRA limits have been for public safety or victim/witness safety. In light of the changes, and newly implemented diversions in supervision responses, returns to state prison from supervision failure has fallen by 21% over the prior year. Simultaneously, court-led diversions have increased since JRA’s expedited deadline for 8-507 placement went into effect, according to data reported from the Administrative Office of the Courts. From 2017 to 2018, 8-505 assessments have increased by over 56%, with the largest increase seen from circuit courts. This increased usage of alternative corrections options is in keeping with the priorities of the Maryland State Commission on Criminal Sentencing Policy, which changed the sentencing guidelines to allow for compliant sentences to include sentences to treatment and other programming.

In the future, the Oversight Board will be examining recommendations for expansion of geriatric parole eligibility, and reasons behind ineligibility for administrative release. The Board has been asked to look into recommendations for expansion and improvement of expungement opportunities.

III. Prior Meeting Follow Up

When the group last met, board members requested a higher level of specificity in the programs available in the local jails, and the extent to which Medication-Assisted Treatment was available within jail-based treatment programs. The Board was presented with the report conducted by the Department of Public Safety and Correctional Services on implementation of the HOPE Act. This report will serve as the basis and planning document for GOCCP, MDH, and MCAA in the implementation and future planning required by HB116.

IV. New GOCCP-led Data Collection Initiatives

Following the 2019 Legislative Session, there are a number of new studies and data collection efforts required of GOCCP, which were presented to the Board for feedback and to complement the understanding of JRA’s standing within criminal justice efforts.

Traffic Stops

Under Chapter 625, effective in 2019, the sunset was removed on race-based traffic stop data, and GOCCP’s public reporting allows for new web-based reporting with additional levels of data transparency. Board members raised the suggestion of using this dataset to identify any potential changes in traffic citations and violations as a result of JRA changes to traffic offense penalties, and the potential trend of increased utilization of traffic violations that still carry incarcerable sanctions, such as driving without a license.
Restrictive Housing
SB 774 established first of its kind public reporting on the use of restrictive housing in state and local detention facilities. In addition to the metrics required by the bill, the Board members cautioned against reporting all restrictive housing as equivalent, and urging the additional collection of reasoning behind the placement. Caryn York attested to the use of administrative segregation in response to potential harm to inmate, due to mental and somatic health concerns, or upon inmate request.

MAT in Corrections
Under SB846, beginning in January 2020 opioid use disorder (OUD) treatment will be expanding in Howard, St. Mary’s, Prince George’s and Montgomery counties along new statewide guidelines that include expansion to multiple forms of Medication-Assisted Treatment (MAT). Beginning in November 2020, GOCCP will begin collecting detailed data on the screening for, placement, duration, and outcomes of this treatment. GOCCP will make recommendations for the expansion of OUD treatment programs in other county-level detention centers in 2020.

Gun Crime
Under HB774, next December GOCCP and MSP will begin to increase data collection on firearms related crimes, specifically the sources of illegal firearms and their associated crimes. The ACLU representative raised the importance of not only reporting these trends relative to JRA, but linking them to enforcement efforts to address the supply of firearms as part of the response to addressing violent crime under JRA.

Criminal Classifications
Both the Chair and Vice-chair of the JRA Oversight Board are named to the Task Force to Study Crime Classification. While GOCCP will not be collecting data as part of the office’s involvement, there is an opportunity for the Advisory Board to make recommendations to the JRA Oversight Board Chairman on the task force’s impact on JRA reforms and overlap with JRA’s sentencing recalibrations.

Restitution Collection
As part of the charge of the Victim Services Unit within GOCCP, a survey on victim restitution collection will be made available on GOCCP’s website. This is part of the unit’s work to better assess the needs and perspectives of stakeholders who work with victim restitution, and assess and centralize what data is collected on for victim restitution. Heather Amador, Restitution Policy Specialist, is spearheading these efforts to gather perspectives from victims, prosecutors, judges, supervision staff, and advocates. This will guide comparison with other state models and data-driven recommendations to centralize restitution in one statewide system, with the goal of
increasing the efficacy, amount and timeliness of restitution collection. Board member voiced significant concerns on mechanisms of restitution collection that compound the weight of criminal economic sanctions that are often out of step with the impacts of collateral consequences on employment. They advised room for discretion in enforcement of failure to pay in cases of indigency and consideration of offender assets in the setting of repayment schedules. Victim Services Unit staff relationship between the waiving of court fines and decreased funding for victim services and restoration programs.

Pretrial Detention
JRA instituted detailed statewide reporting of pretrial detention trends, and GOCCP has just completed its third year of pretrial data collection, and anticipates reporting to the Board by the Fall. The office is still resolving data validity concerns with the help of the Maryland Correctional Administrators Association, including the population under pretrial supervision and the unsupervised pretrial population in the community. Anthony Washington raised the question of tracking how many individuals under pretrial supervision are under supervision for pending charges in multiple counties simultaneously. He also raised the issue of judges in Baltimore City bypassing existing pretrial supervision programs, and placing independent pretrial supervision requirements and placing defendants under supervision by DPP staff in addition to existing probation and parole supervision requirements, which creates confusion and increased workload.

The Board requested updates on all of these data initiatives and recommended bringing them all in line with the Board's recommended data collection standards for race and ethnicity documentation. Caylin Young of the ACLU recommended that where race data standards were not set in statute, that the office default to consistency with the standard set by the Census Bureau.

V. Reinvestment Timeline
The Board reviewed the timeline for JRA Reinvestment, which begins with funding availability on July 1, 2019. Based upon the decrease in state prison following JRA’s implementation, nearly $3.7 million dollars was set aside for criminal justice reform and offender-based programming on the state and county level. The Oversight Board will play a role in the review and recommendation of local programs funded through JRA’s Performance Incentive Grant. Funding for state and local level innovations will be awarded by October 1, 2018, when the second year of savings will be measured.
VI. Good of the Order & Adjournment

In light of the work of the JRA Oversight Board and the upcoming data analysis duties of GOCCP, the Advisory Board would take up a preliminary study of expungement in Maryland, with the goal of increasing expungement access, recommending how it could be best expanded, and including any safeguards necessary for public safety.

The meeting was adjourned at 1:30 p.m. The Board will follow up in the Fall with year-end recommendations and continue reviewing data standards across Maryland to better recommend changes as part of JRA reporting.