

THE
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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

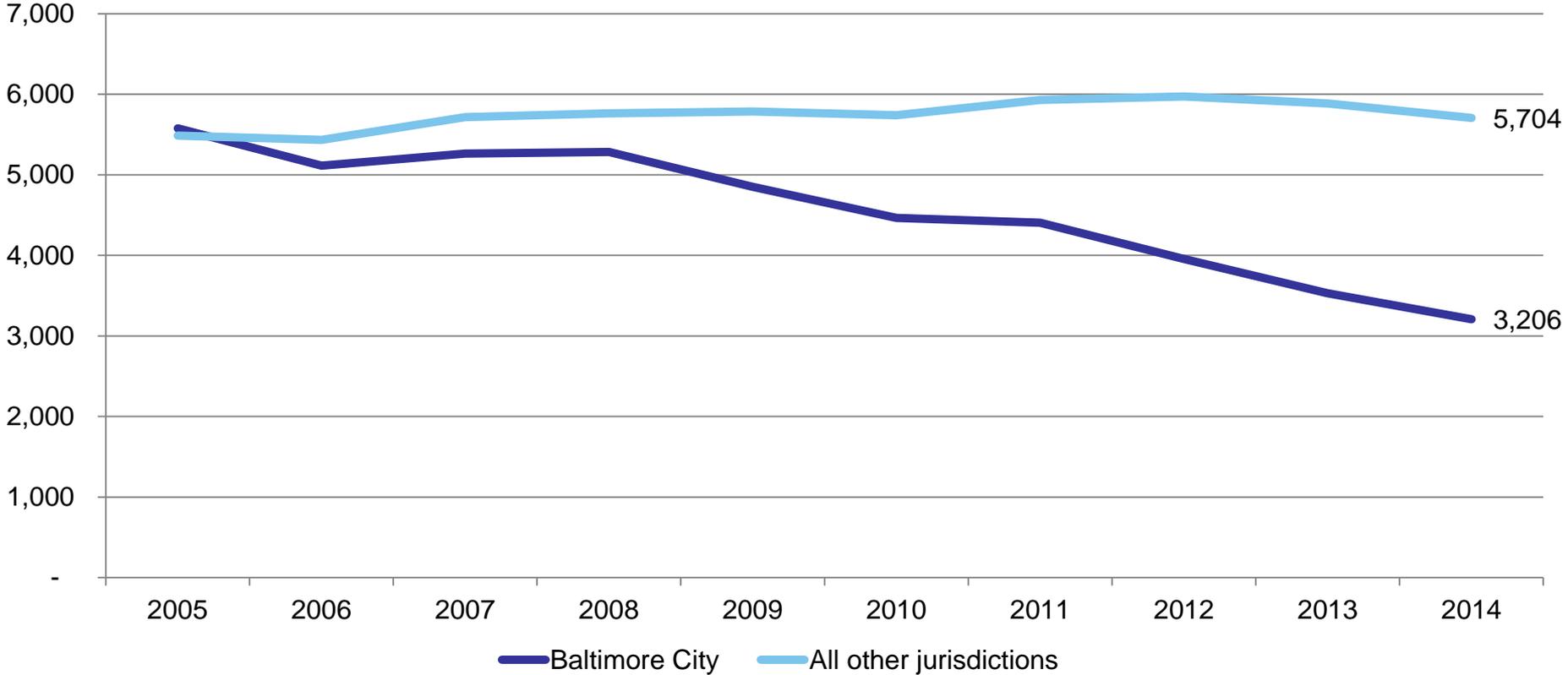
INCARCERATION AND RECIDIVISM

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

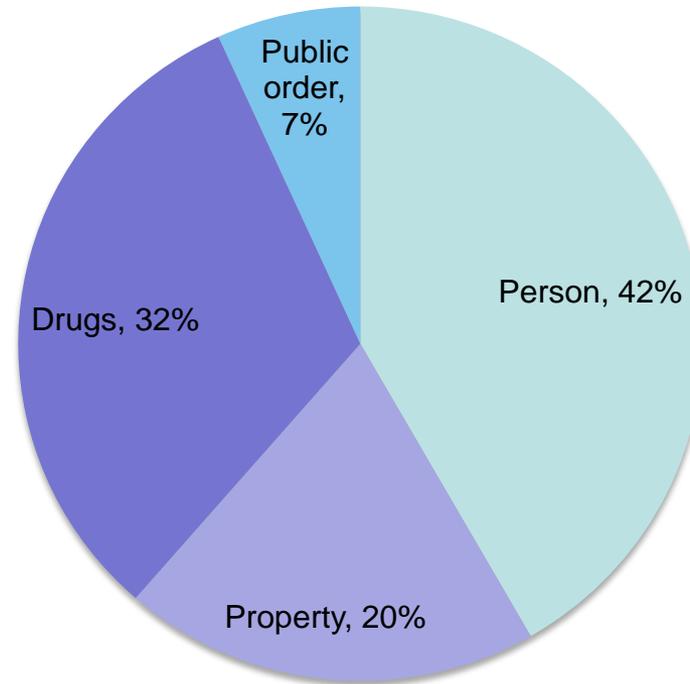
Admissions from Baltimore City Down 43%, All Others Up 4%

Prison Admissions by Jurisdiction, by FY



58% of Admissions Are for Nonviolent Crimes

Prison Admissions by Offense Type, FY14



PWID Still #1 Crime at Admission, Distribution and Possession Also in Top 10

Top 10 Offenses at Admission in FY14, Newly Sentenced Prisoners Admitted to Prison

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

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

Sentencing Options

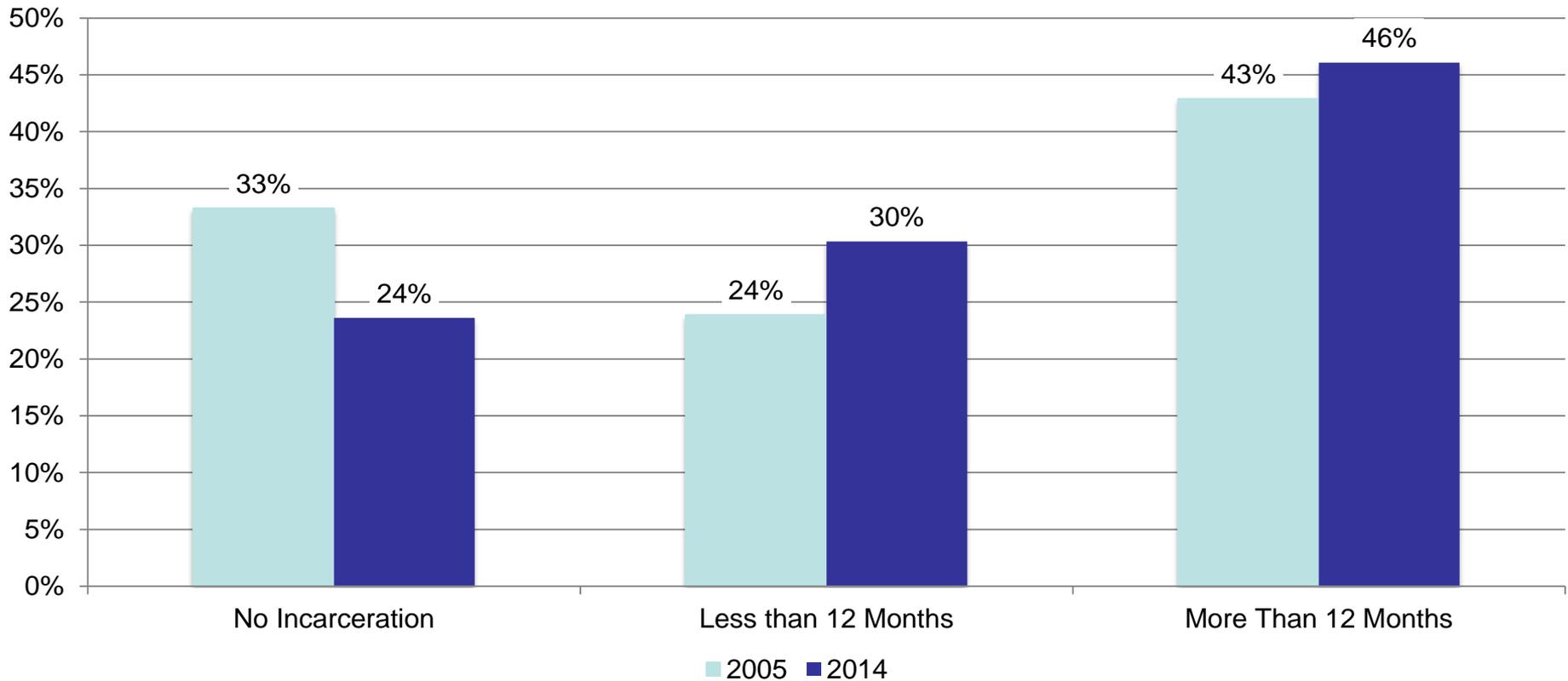
Incarceration	Eligibility
Jail	Criminal cases with a sentence of 18 months or less
Prison	Criminal cases with a sentence of 12 months or more
Alternatives to Incarceration	Eligibility
Probation Before Judgment	Any crime for which the defendant pleads guilty or nolo contendere, or is found guilty of a crime. Exceptions include sex offenses, second and subsequent offenses involving DUI, or second and subsequent controlled substance offenses
Probation After Judgment	Any crime punishable by fine or imprisonment, or both
Problem Solving Courts	Varies by type of problem solving court but typically an offender must be charged or convicted of a nonviolent crime

Sentencing Guidelines

- 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

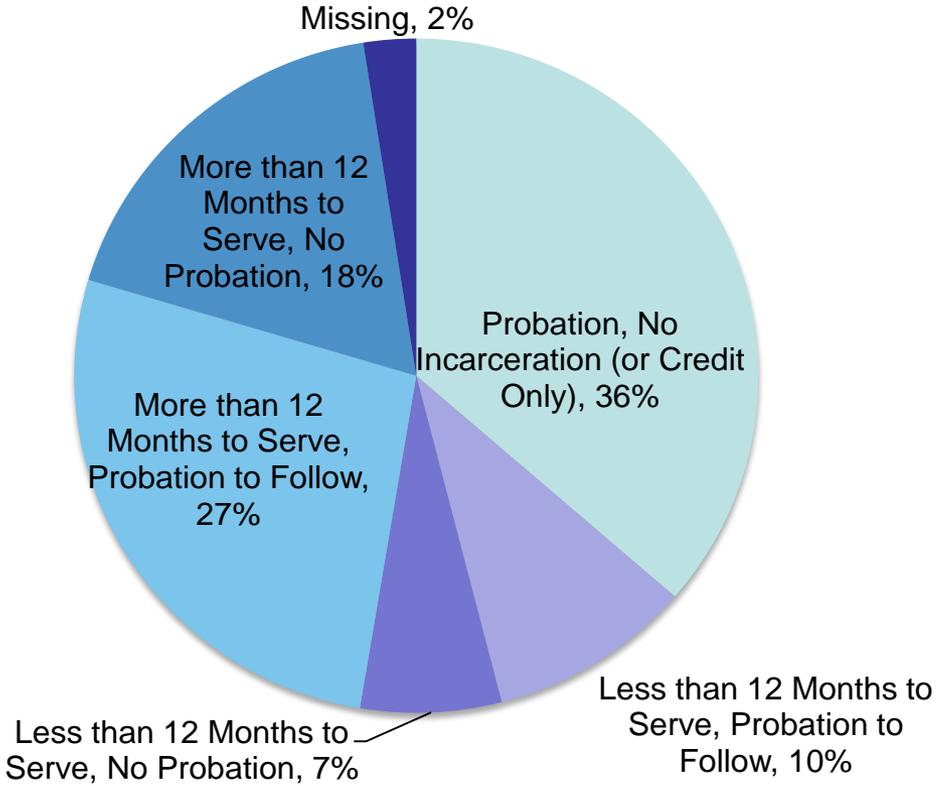
Offenders Sentenced Under Guidelines Are More Likely to Be Sentenced to Incarceration Than a Decade Ago

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



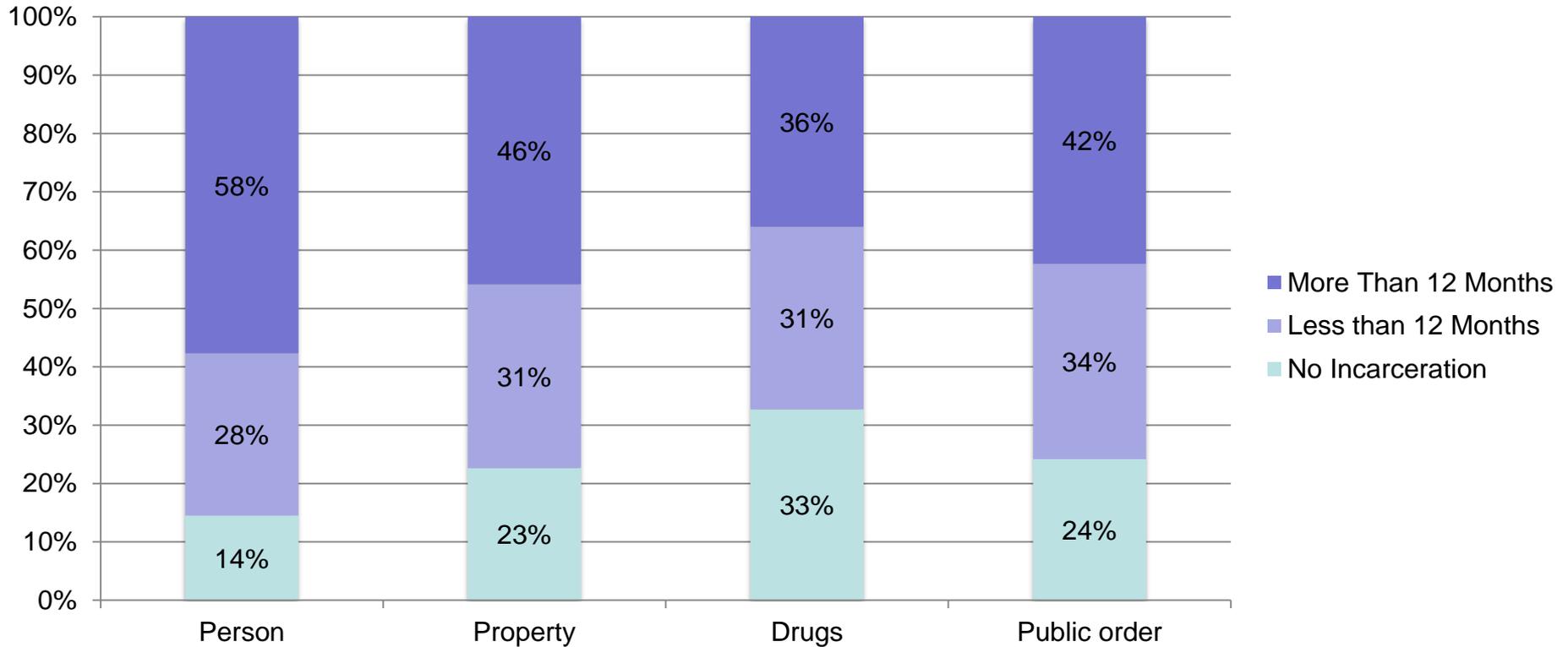
Almost 2/3 of Offenders Sentenced Under Guidelines Receive Some Incarceration Time

Offenders Sentenced Under Guidelines, by Sentence Type, FY14



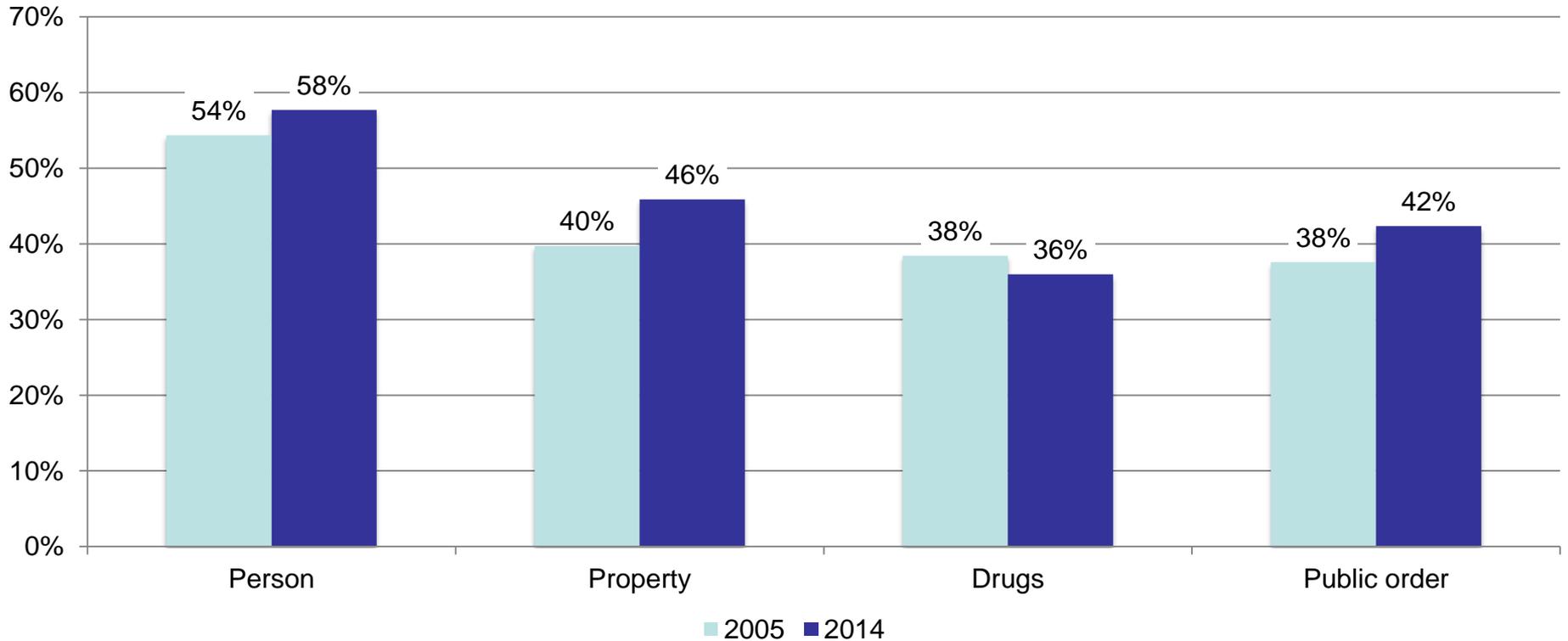
2/3 of Drug Offenders, 3/4 of Other Nonviolent Offenders Receive Some Incarceration Time

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



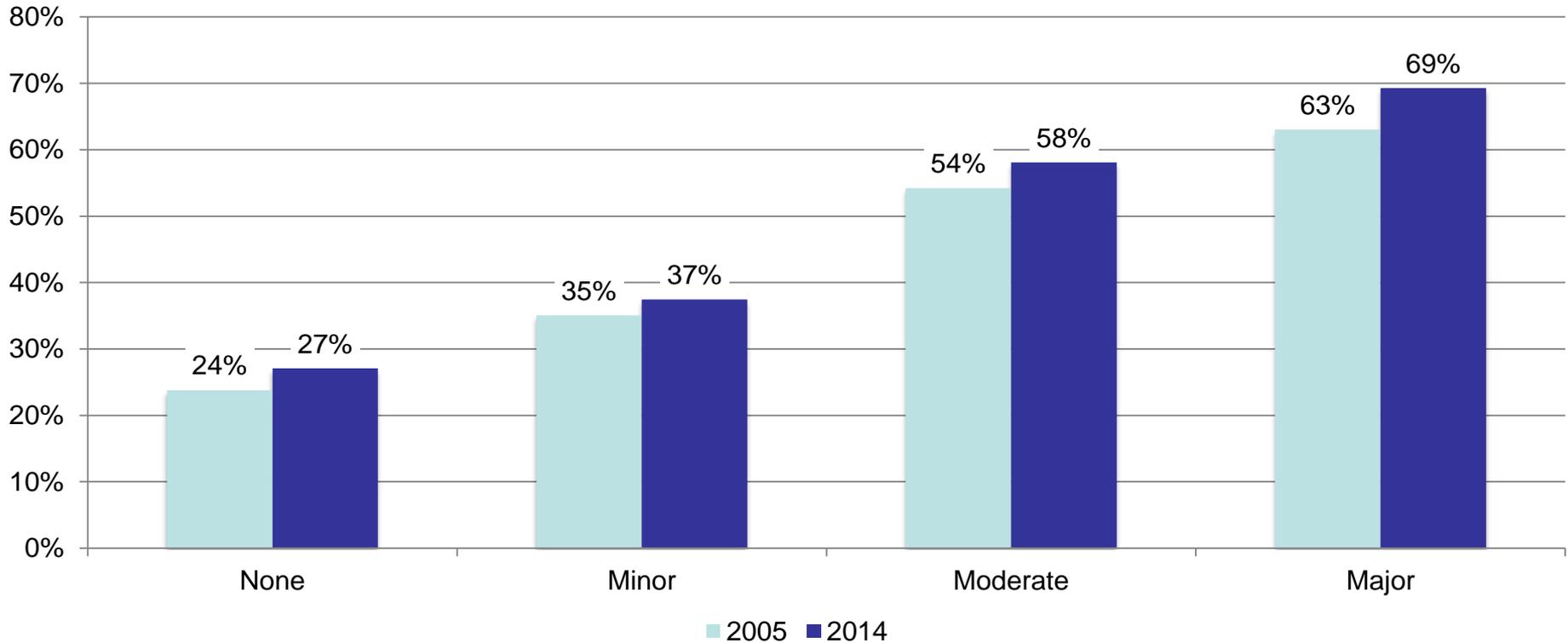
Percentage of Offenders Receiving Prison Terms Has Increased For All Offense Types Except Drugs

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



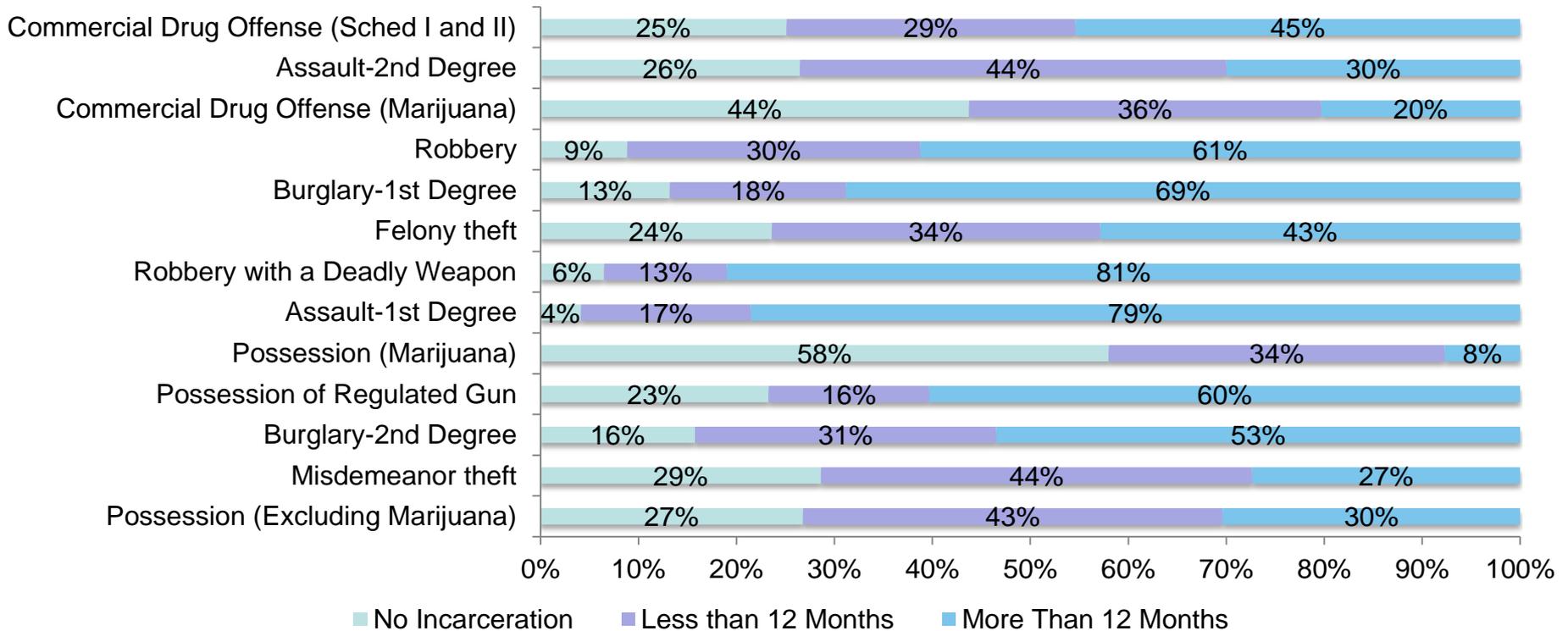
Percentage of Offenders Receiving Prison Terms Has Increased Across Criminal History Categories

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



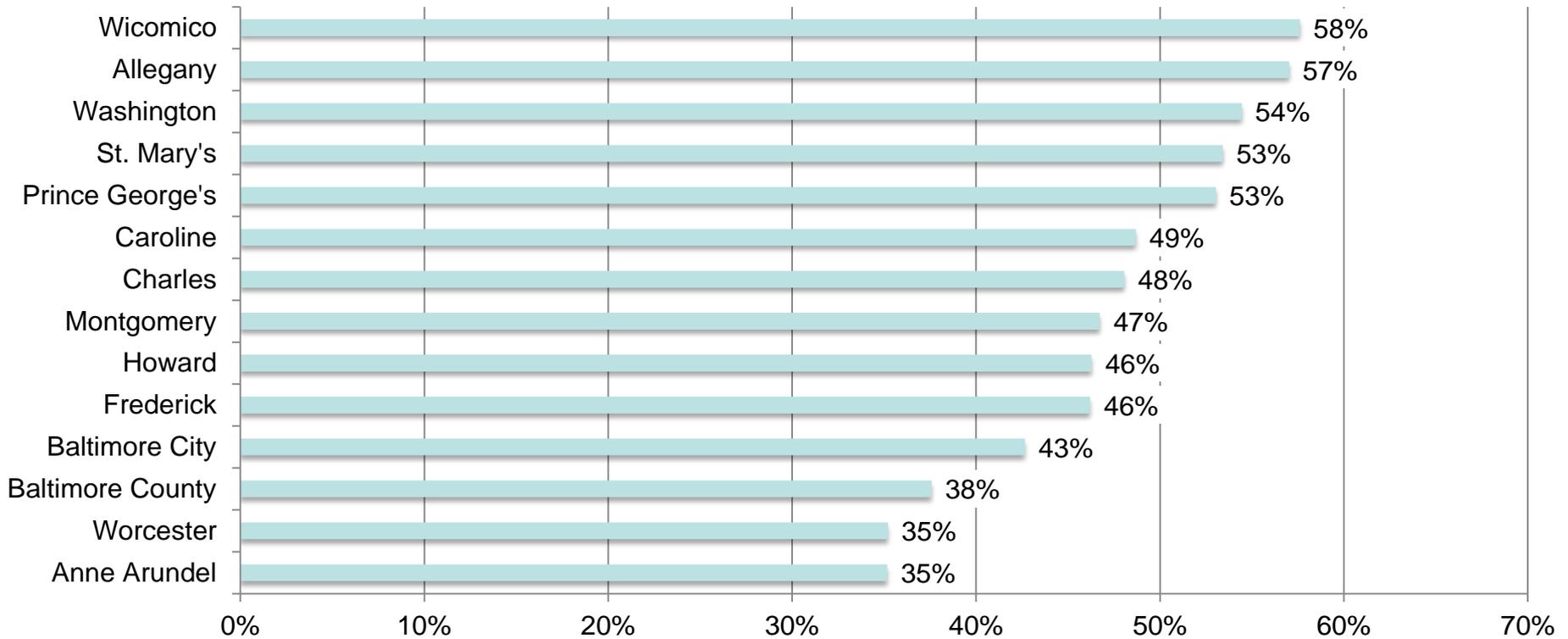
Majority of Offenders Serve Time for Most Common Offenses

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

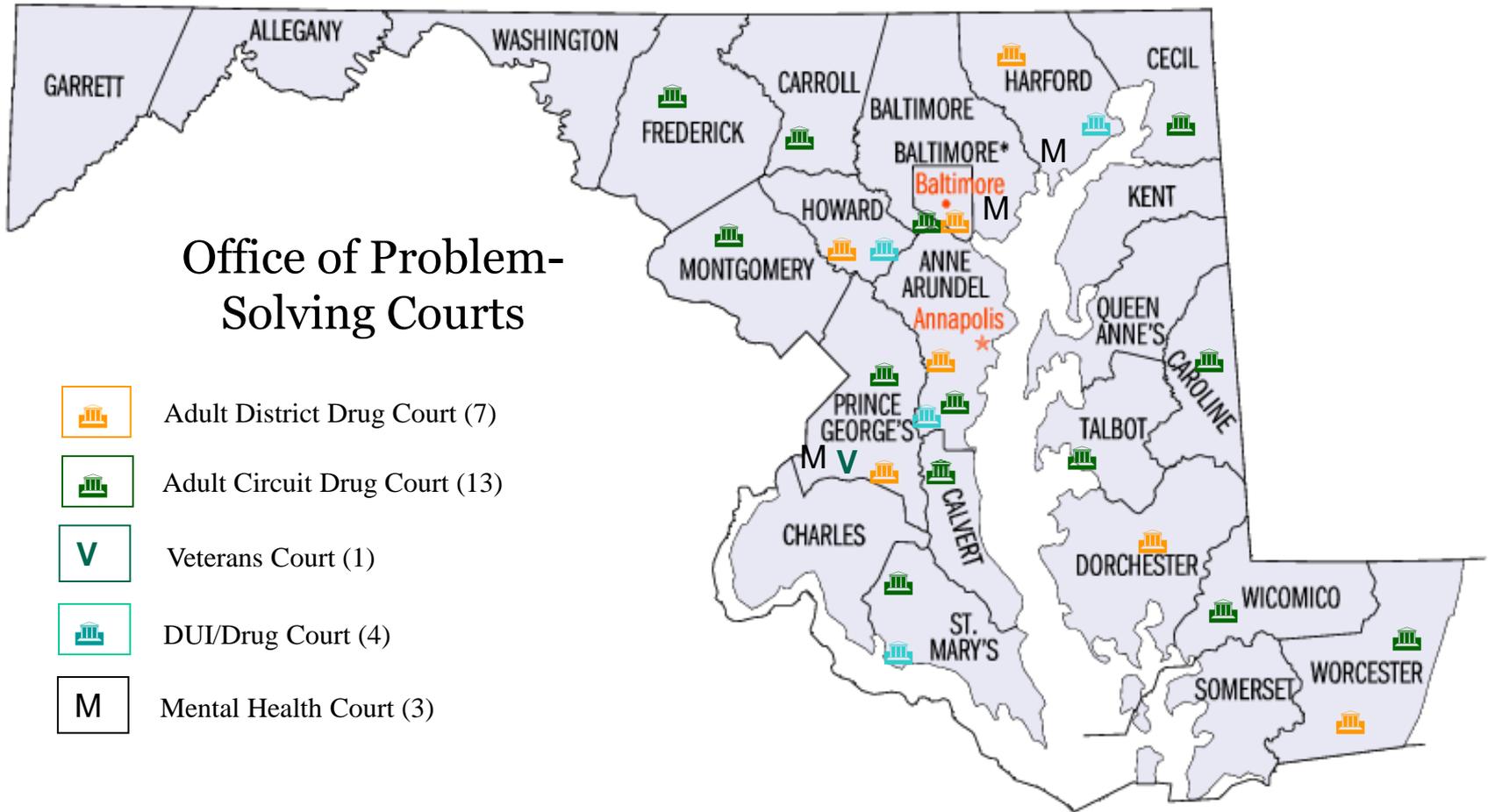


Percentage of Offenders Sentenced to Prison Terms Varies Widely by Jurisdiction

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

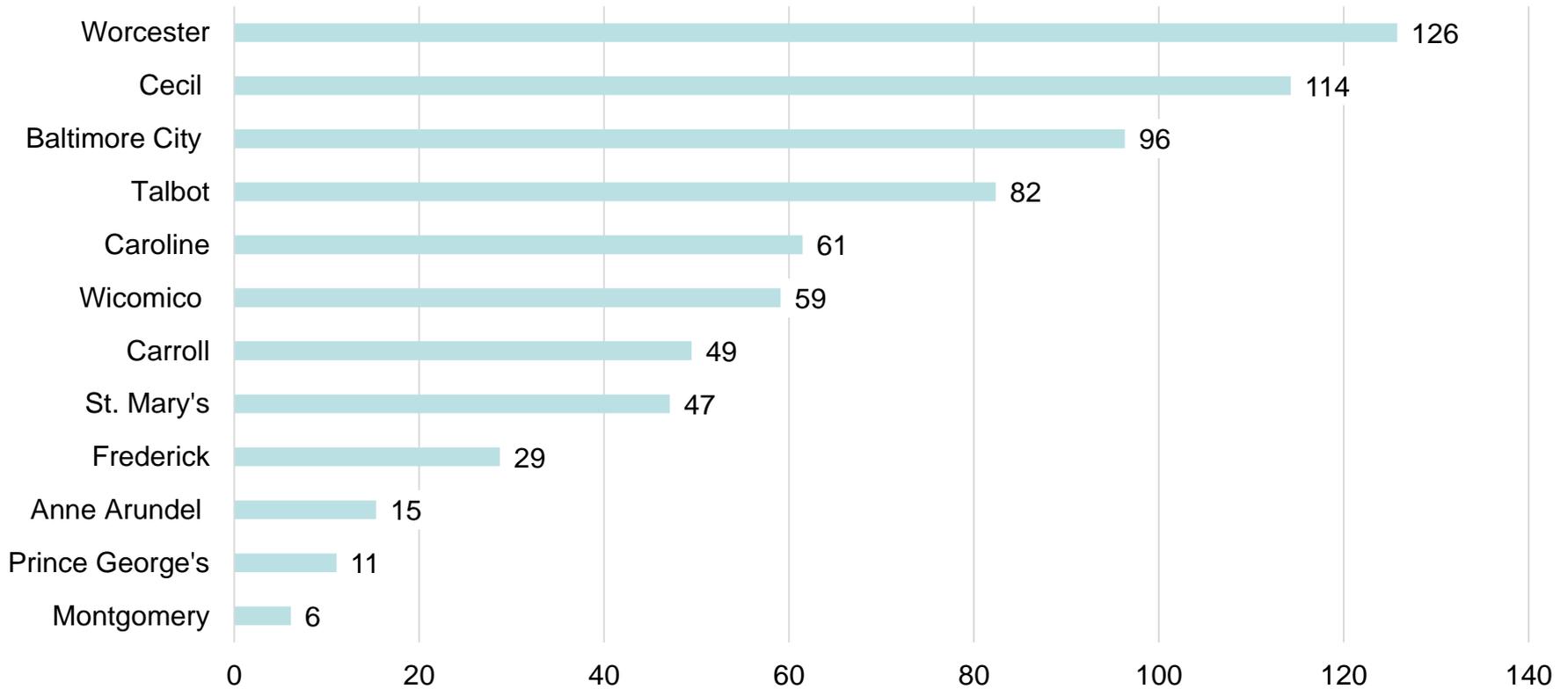


Problem Solving Courts Not Available in 7 Counties



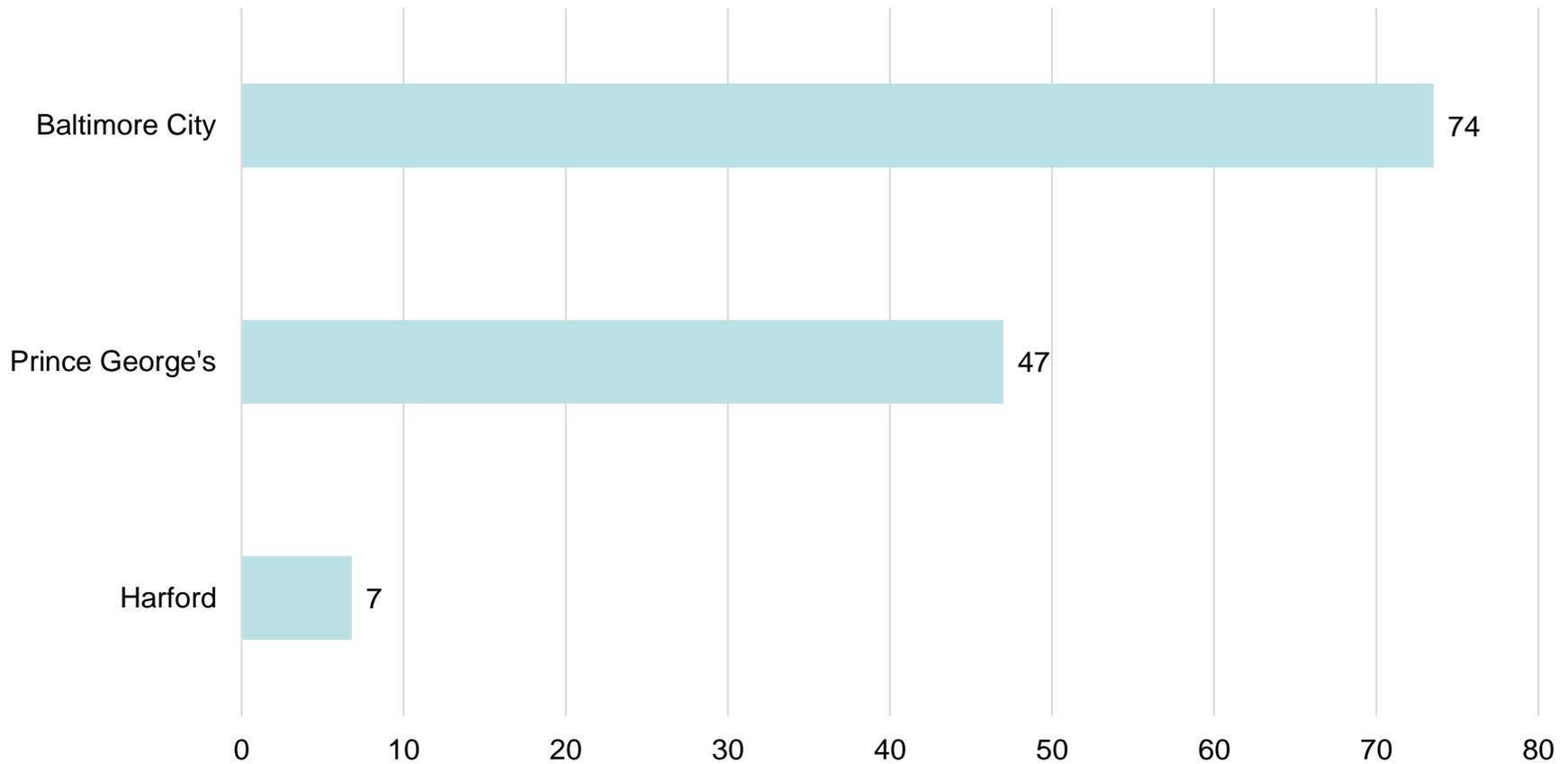
Circuit Drug Court Utilization

Total Offenders Served in Adult Circuit Court Drug Courts per 100,000 Residents, FY14



Mental Health Court Utilization

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



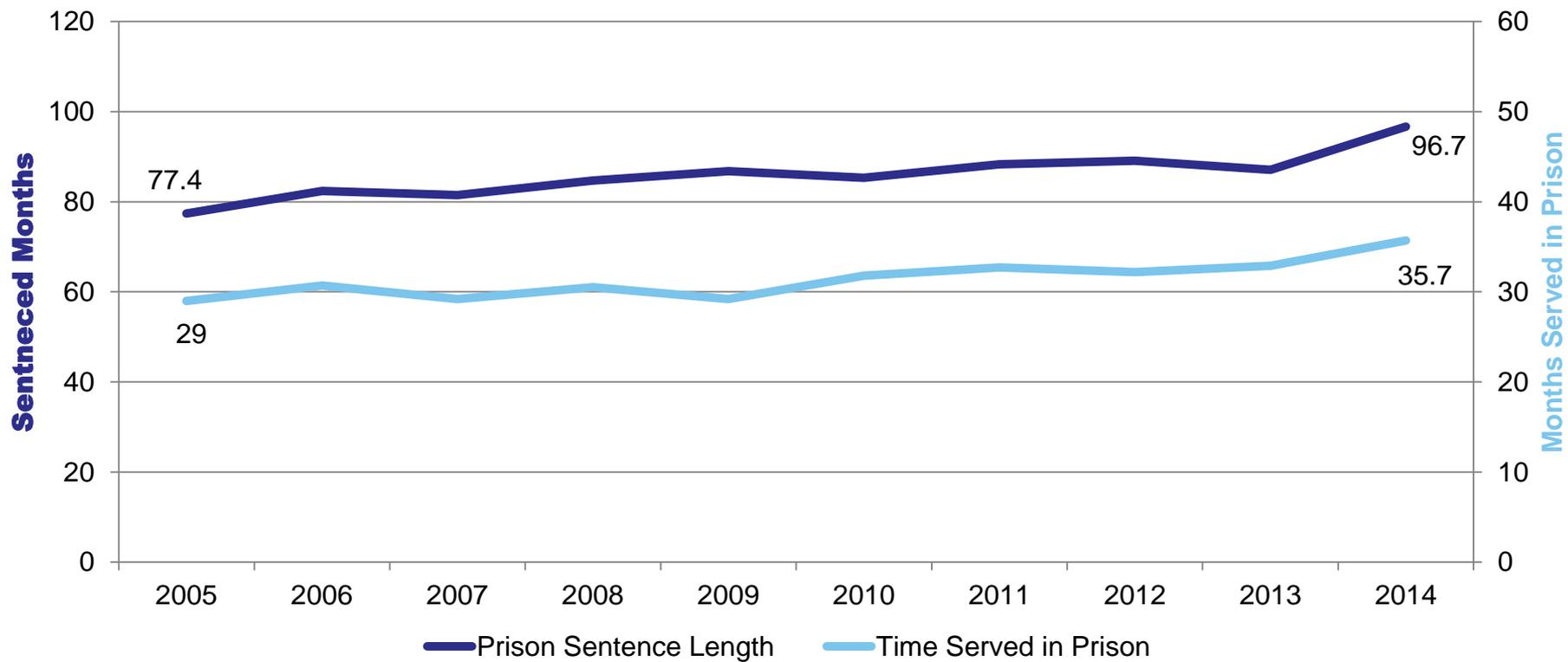
LENGTH OF STAY AND RECIDIVISM

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

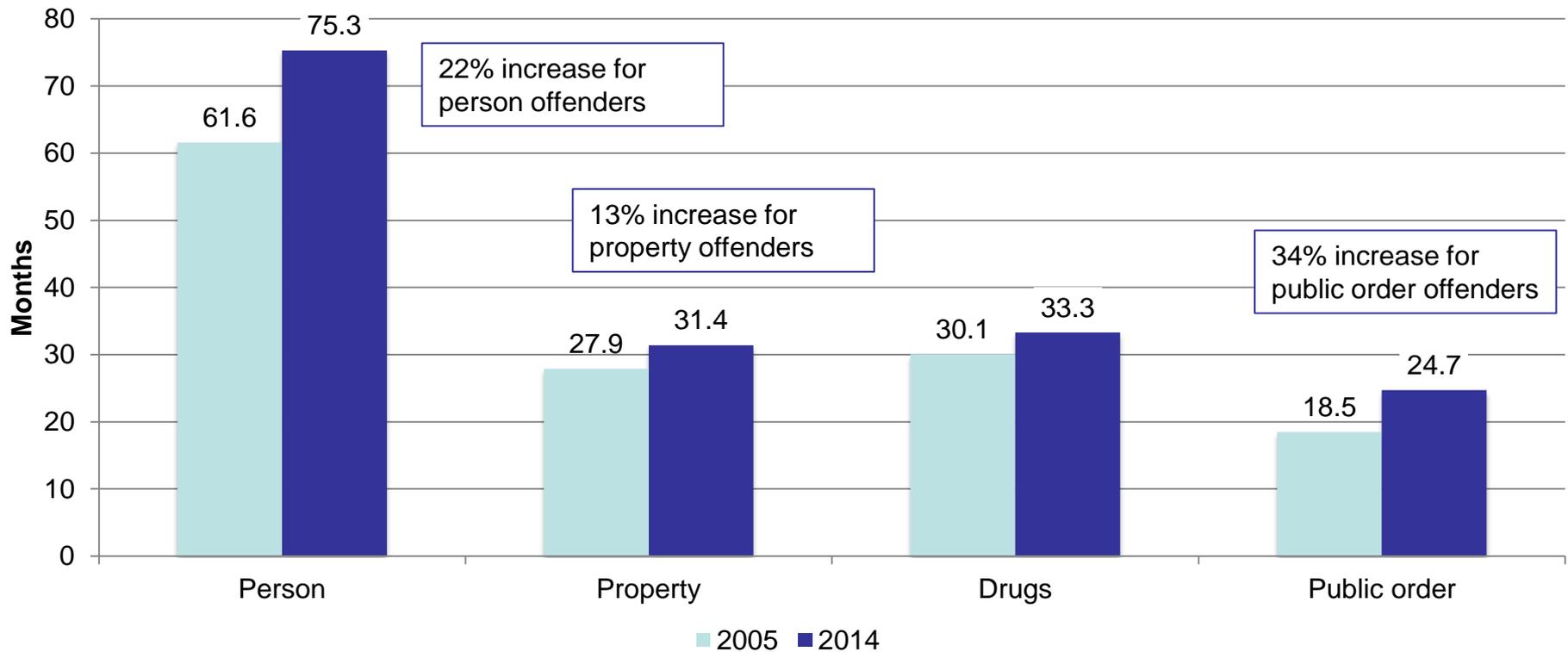
Time Served Up 23% in Last Decade, Driven by Growth in Sentence Length

Average Prison Sentence at Admission and Average Time Served in Prison at Release, by FY



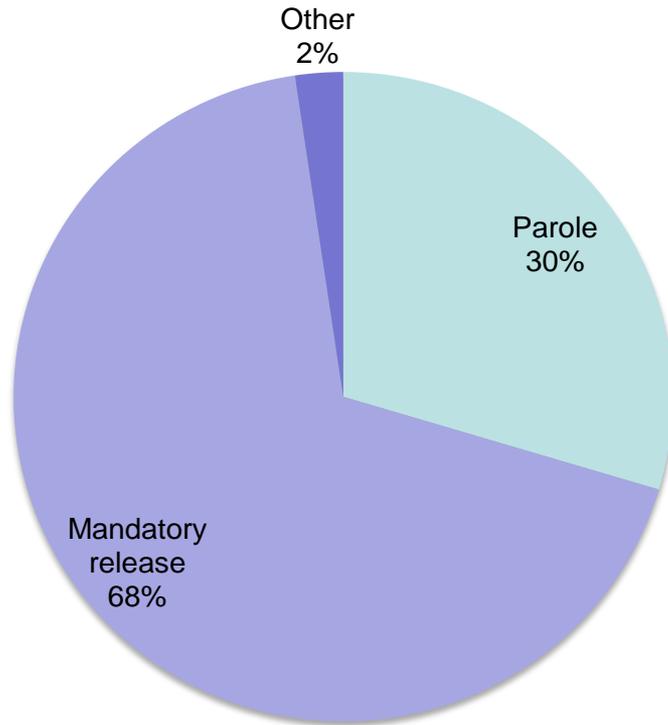
Time Served Up for All Offense Types

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

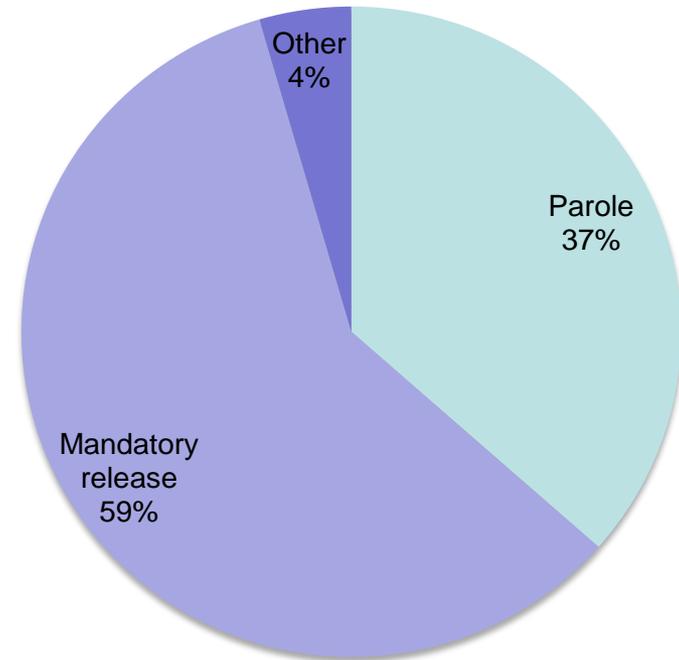


Proportion of Parole Releases Increased but Still Less Than 40% of All Releases

Prison Release Type, FY05

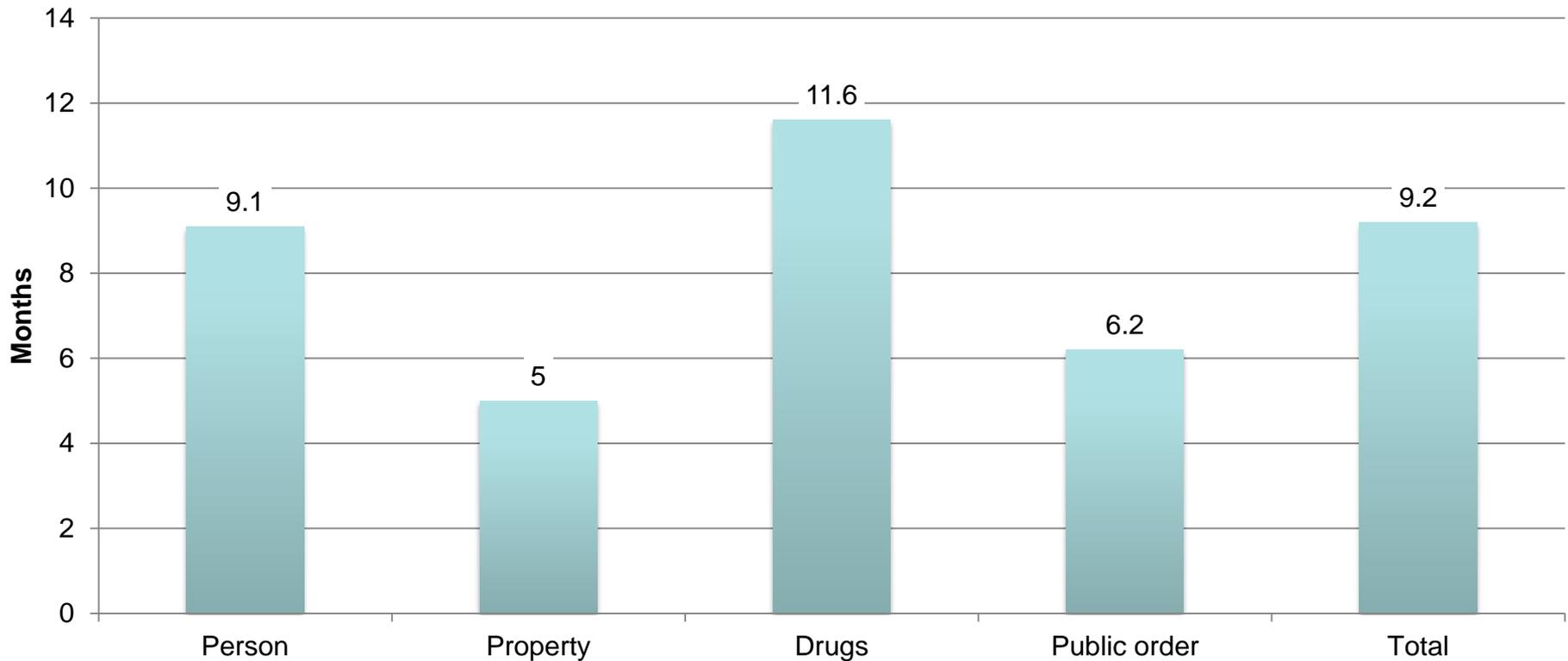


Prison Release Type, FY14



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



Of Those Paroled, Violent Offenders Released Closer to Parole Eligibility Date Than Nonviolent Offenders

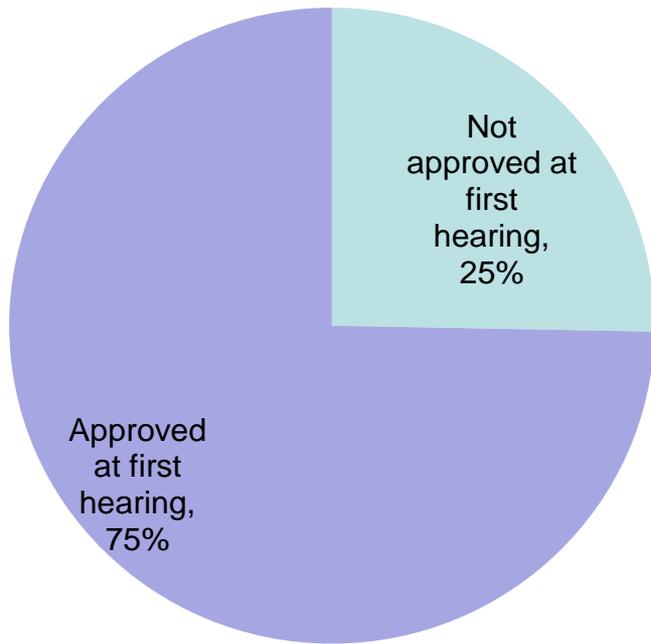
Offense	% of sentence served by new court commitments released to parole, FY14
Must serve 50%	
Robbery with a Deadly Weapon	56%
Assault-1st Degree	55%
Robbery	54%
Burglary-1st Degree	51%
Must serve 25%	
Possession w/ Intent to Distribute Narcotics	40%
Assault-2nd Degree	38%
Narcotics Distribution	43%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

Parole File Review

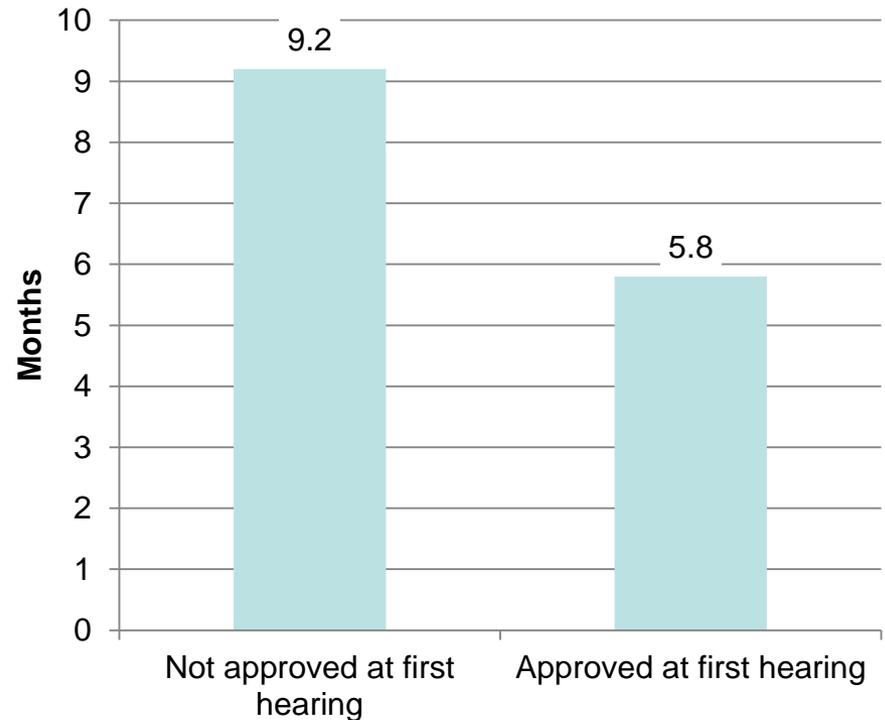
- Stratified random sample by offense
 - Oversampled nonviolent offenders
- Reviewed 302 files of offenders released on parole in FY 2014

One Quarter of Those Paroled Are Not Approved at First Hearing, Lose 3.5 Months on Average

Parole Sample by Outcome of First Hearing

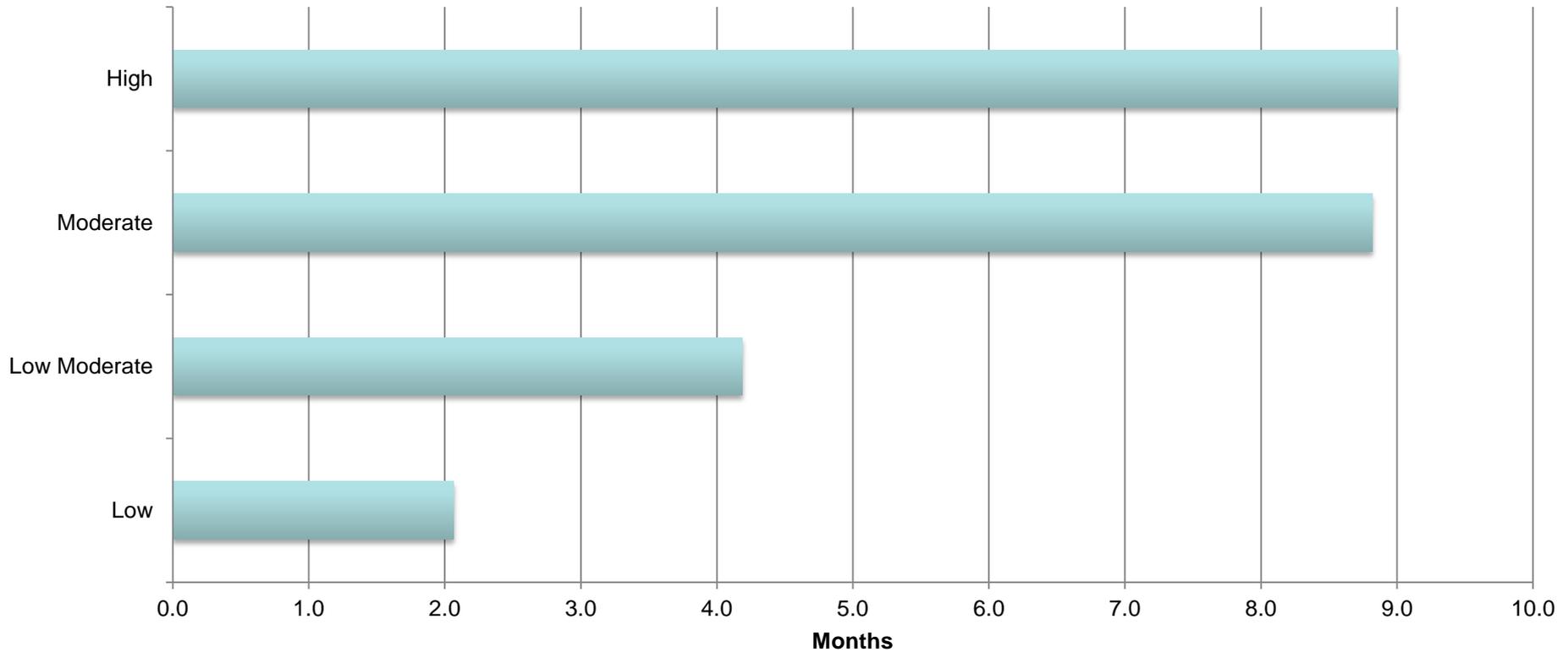


Average Time Served Past Parole Eligibility by Outcome of First Hearing, Parole Sample



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



Substance Abuse Treatment Most Common Requirement for Those Granted Parole

Contingencies Prior to Parole for Parole Sample Granted Delayed Release or Release at Eligibility

Contingency	Number	Percent
Substance Abuse Treatment	61	29%
Education	30	14%
Work Release	18	8%
Cognitive Programming	9	4%
Other	7	3%
Home Detention	2	1%
Mental Health Treatment	1	0%

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 offenders risk of recidivism

➤ Responsivity

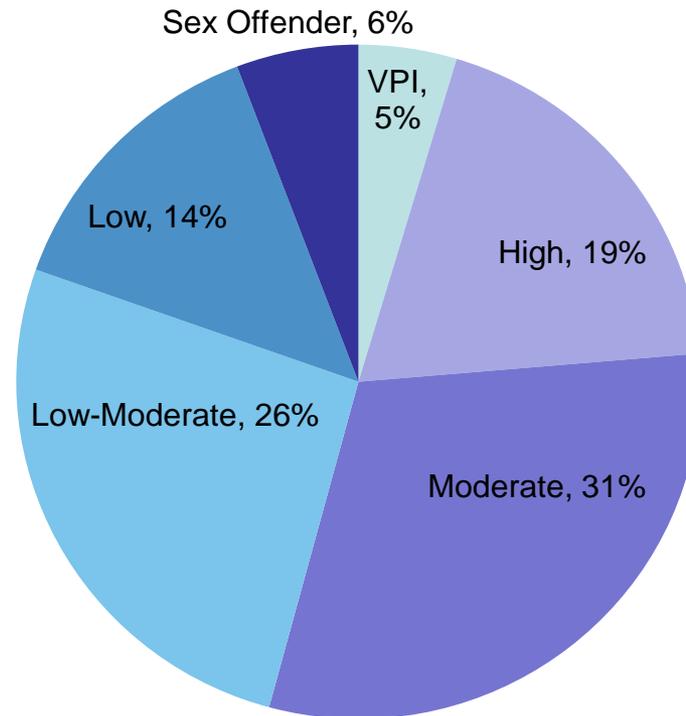
- Identify and remove barriers to and during programming

Risk, Need, Responsivity: Current Practices in Maryland

- 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

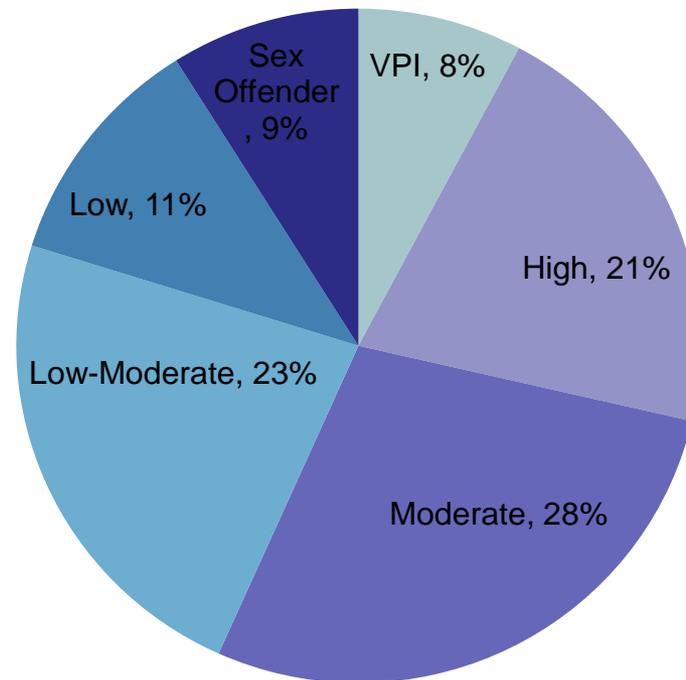
71% of Probation Population on Low or Moderate Supervision

Probation Population by Supervision Level, FY14



62% of Post-Release Supervision on Moderate or Low Supervision

Post-Release Supervision Population by Supervision Level, FY14



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**

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

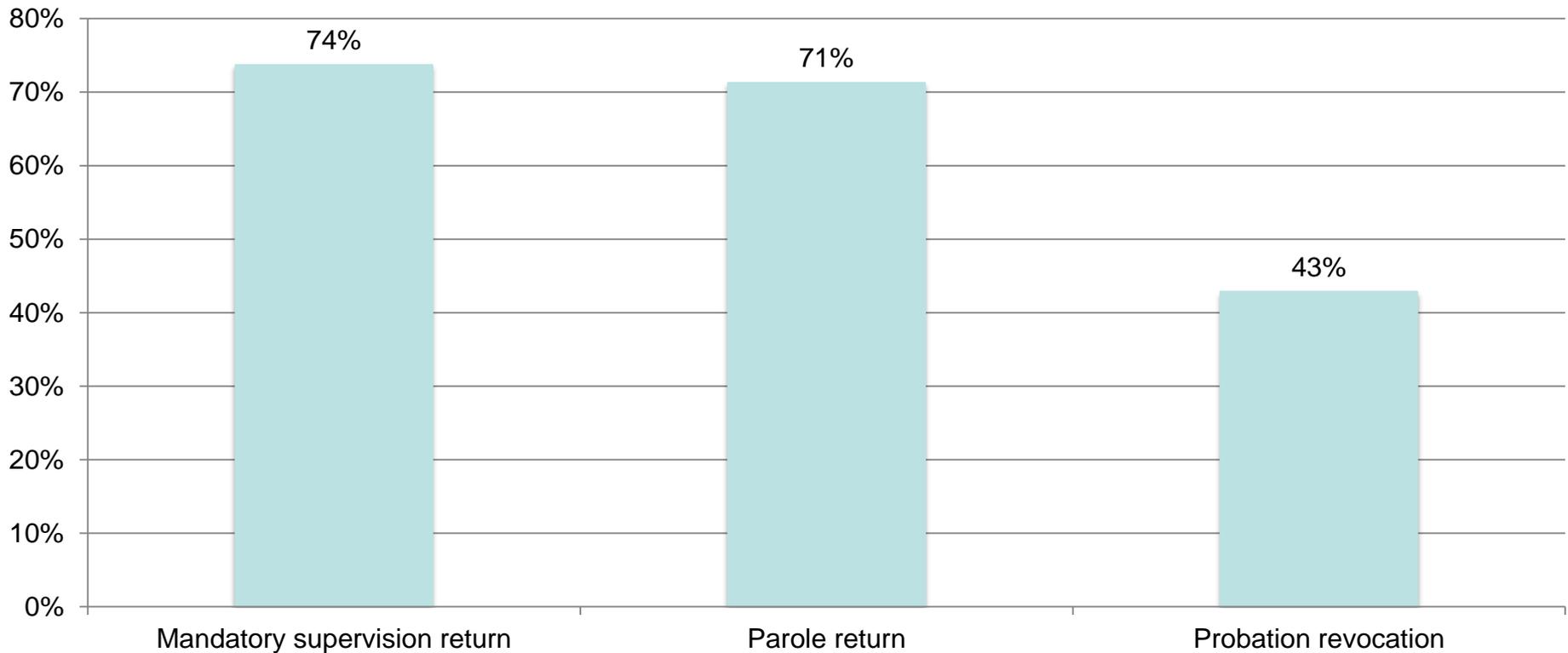
- Responses to violations vary by region, agent, and supervision type
 - No statewide statutory mechanism authorizing agents to use graduated sanctions in responding to technical probation or parole violations
 - Legislation was established to create a graduated sanctions pilot for technical parole violations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

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

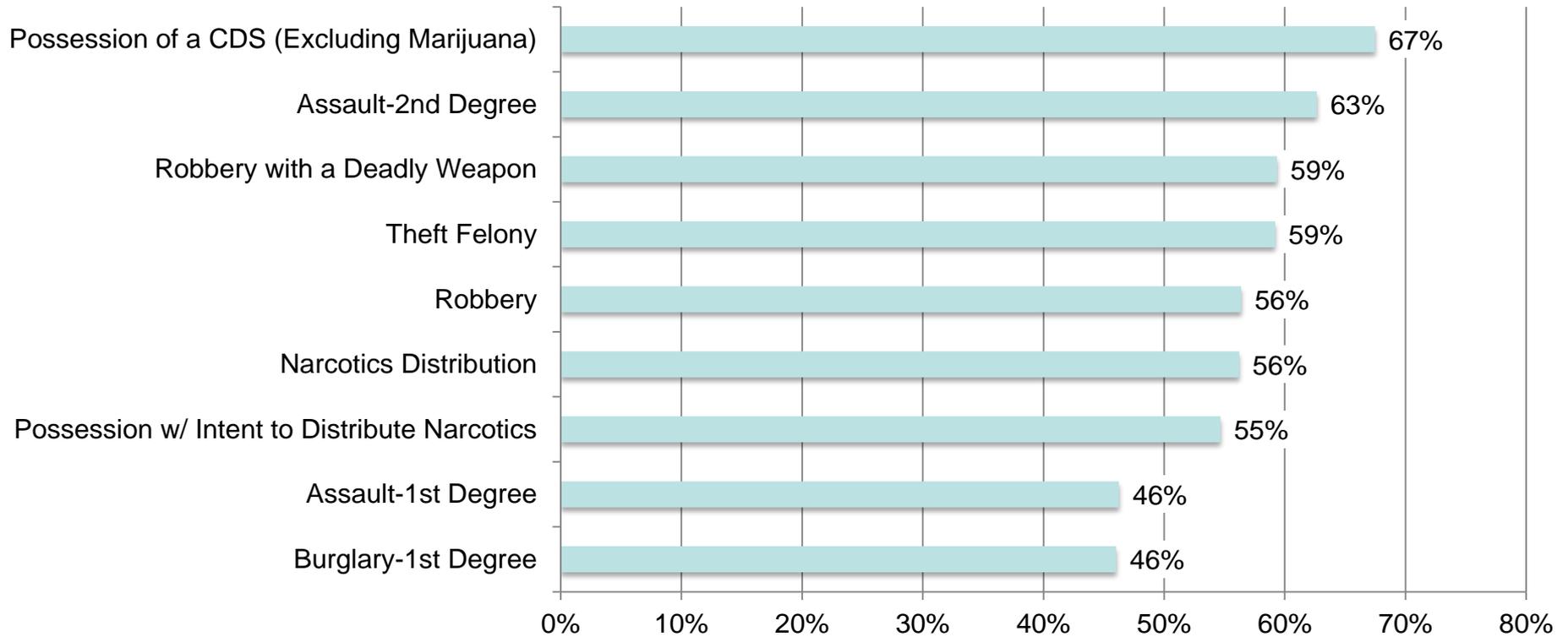
Almost 3/4 of Prison Returns from Parole and Mandatory Supervision for Technical Violations

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



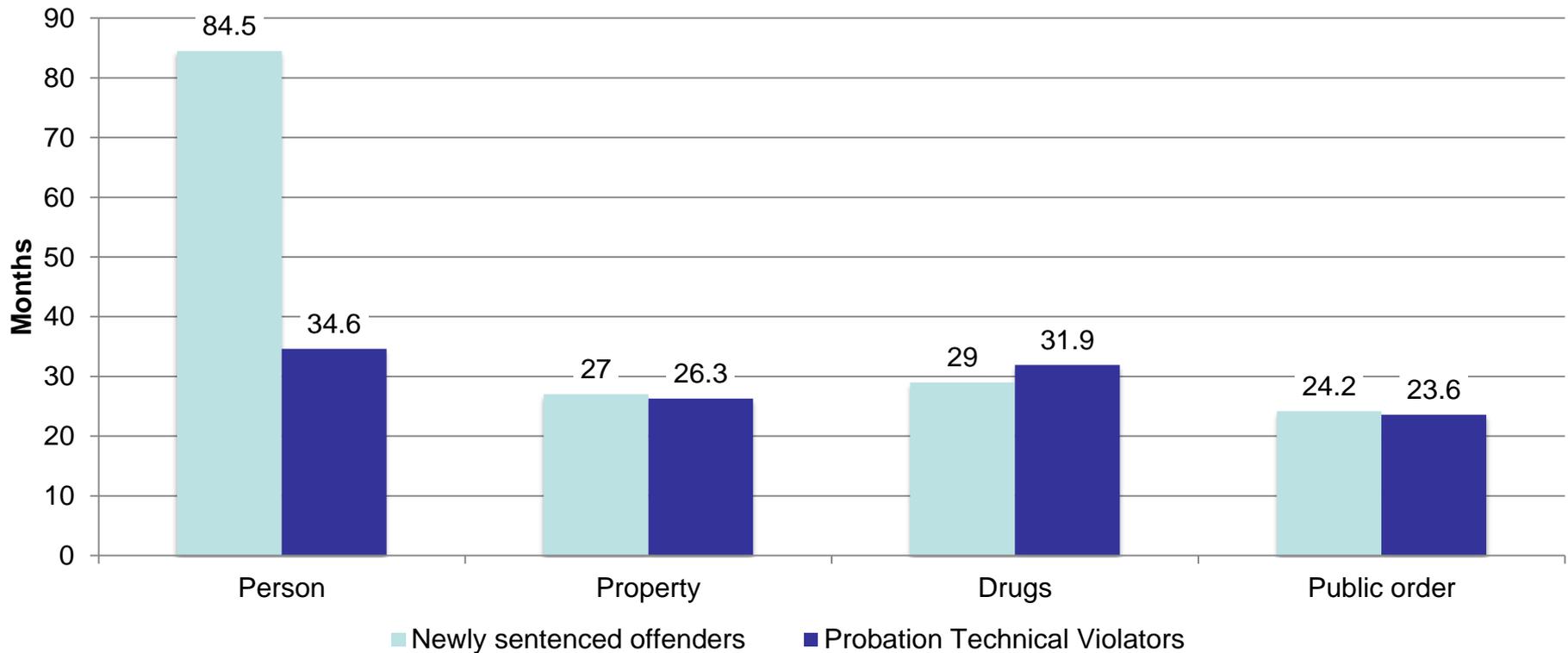
Possession of a Controlled Substance Most Likely to be Revoked for Technical Violations

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



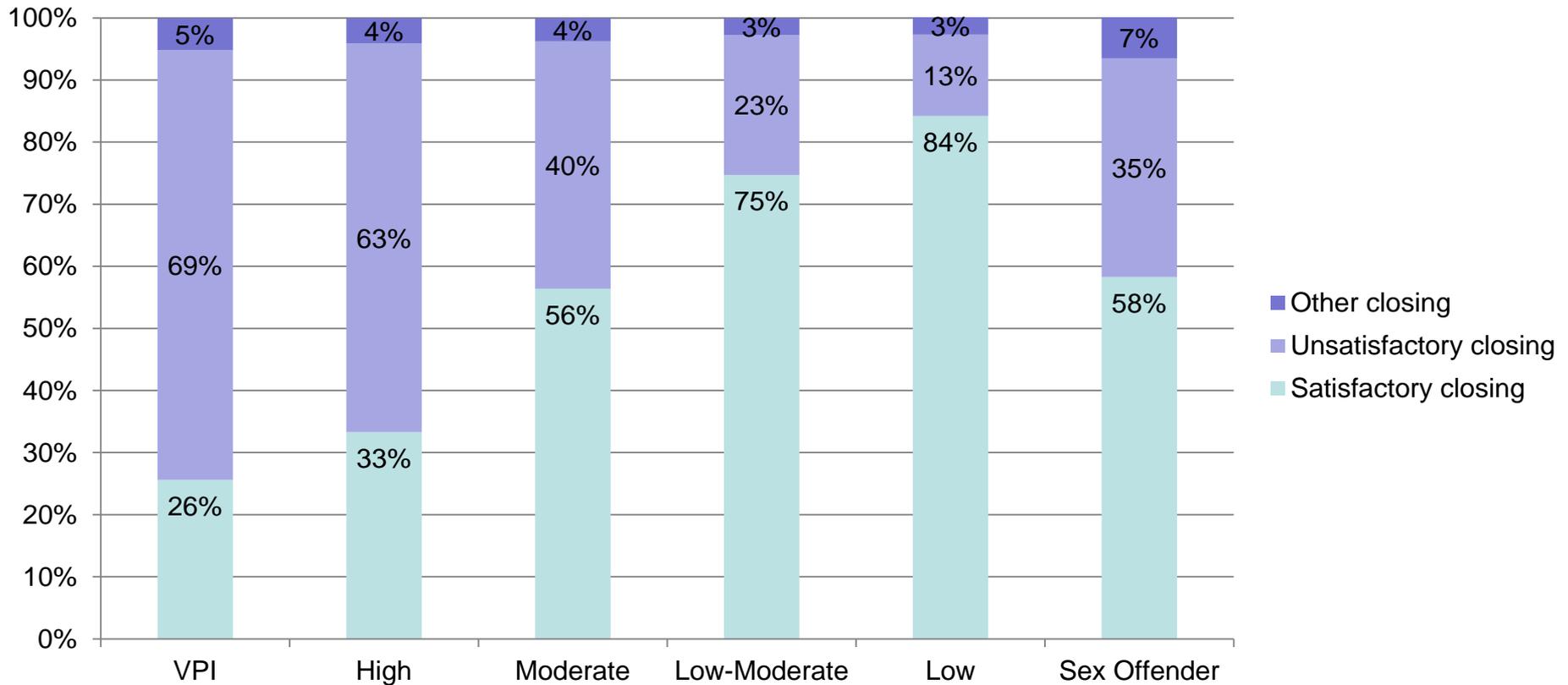
Nonviolent Probation Technical Violators Serve as Long as Nonviolent Offenders Sentenced Straight to Prison

Time Served on Probation Technical Violations vs a New Prison Sentence by Offense Type, FY14



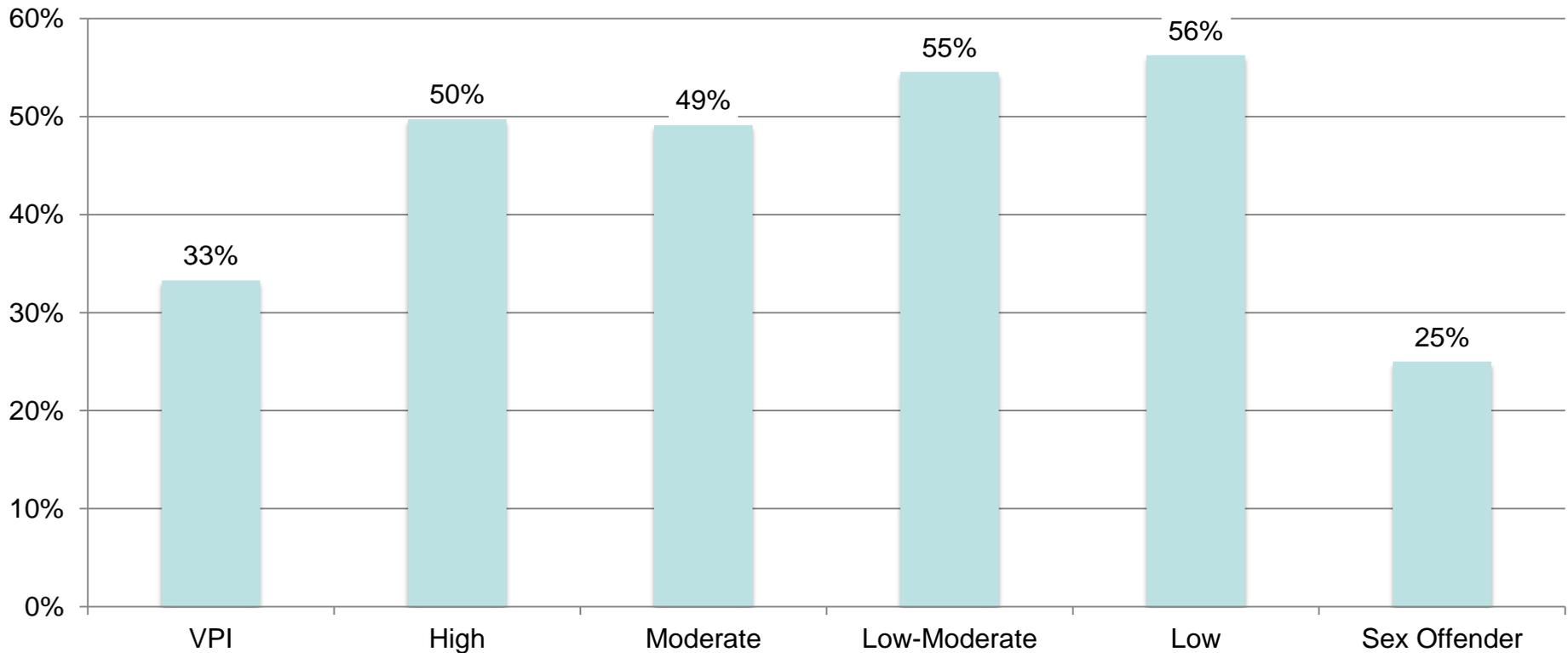
VPI Offenders More Likely to Fail Supervision

Probation Discharges by Supervision Level and Discharge Type, FY14



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



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

Transportation

Inmates are provided with limited transportation upon exit from the prison but an assessment of ongoing transportation needs for supervision is not currently conducted

Clothing and Food

Not currently provided prior to release

Financial Resources

\$50 in cash is provided to inmate's prior to release

ID and Important Documents

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

Maryland Reentry Practices

Housing

Although DOC assesses for housing needs, transitional housing referral options are limited

Employment and Education

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

Health Care

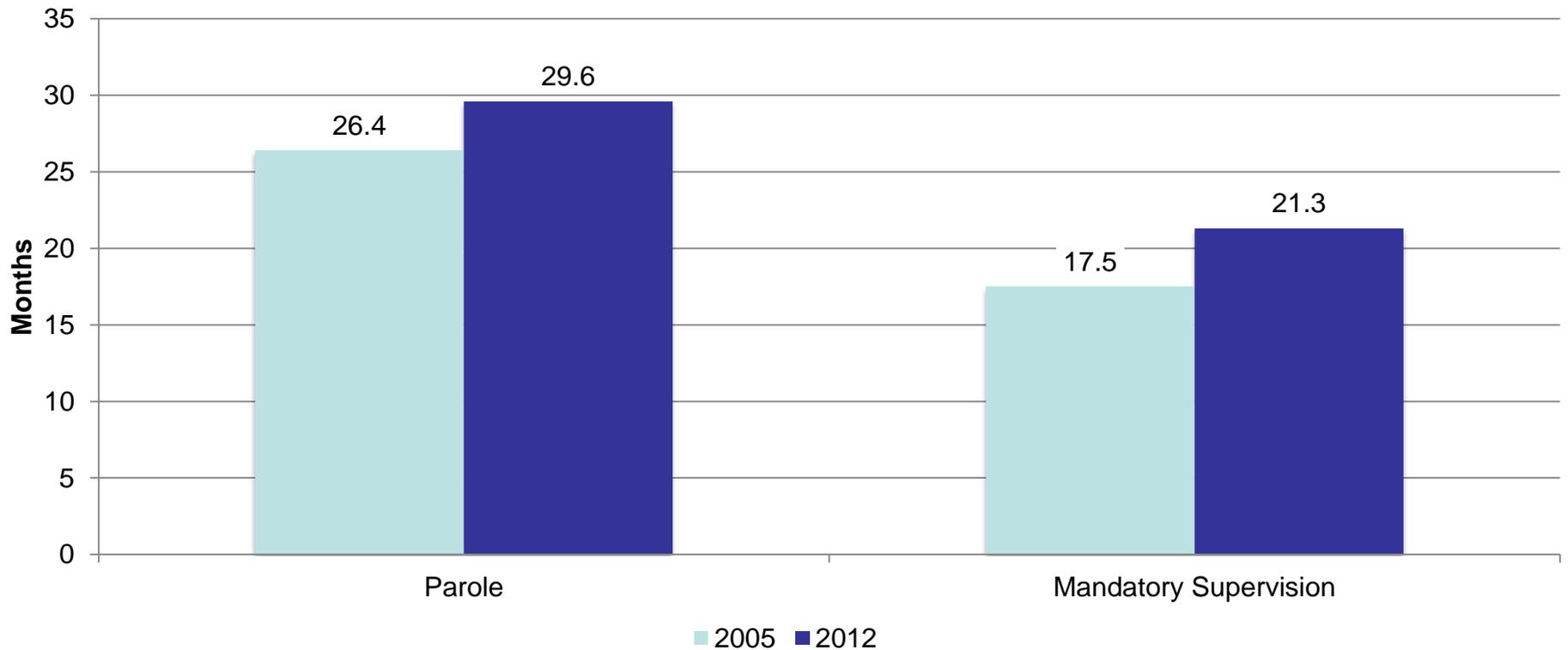
Inmates are released with a 30-day supply of chronic care medication and the remaining dose of any short term antibiotic or medication and provided a Continuity of Care form which outlines health care and treatment needs

Support Systems

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

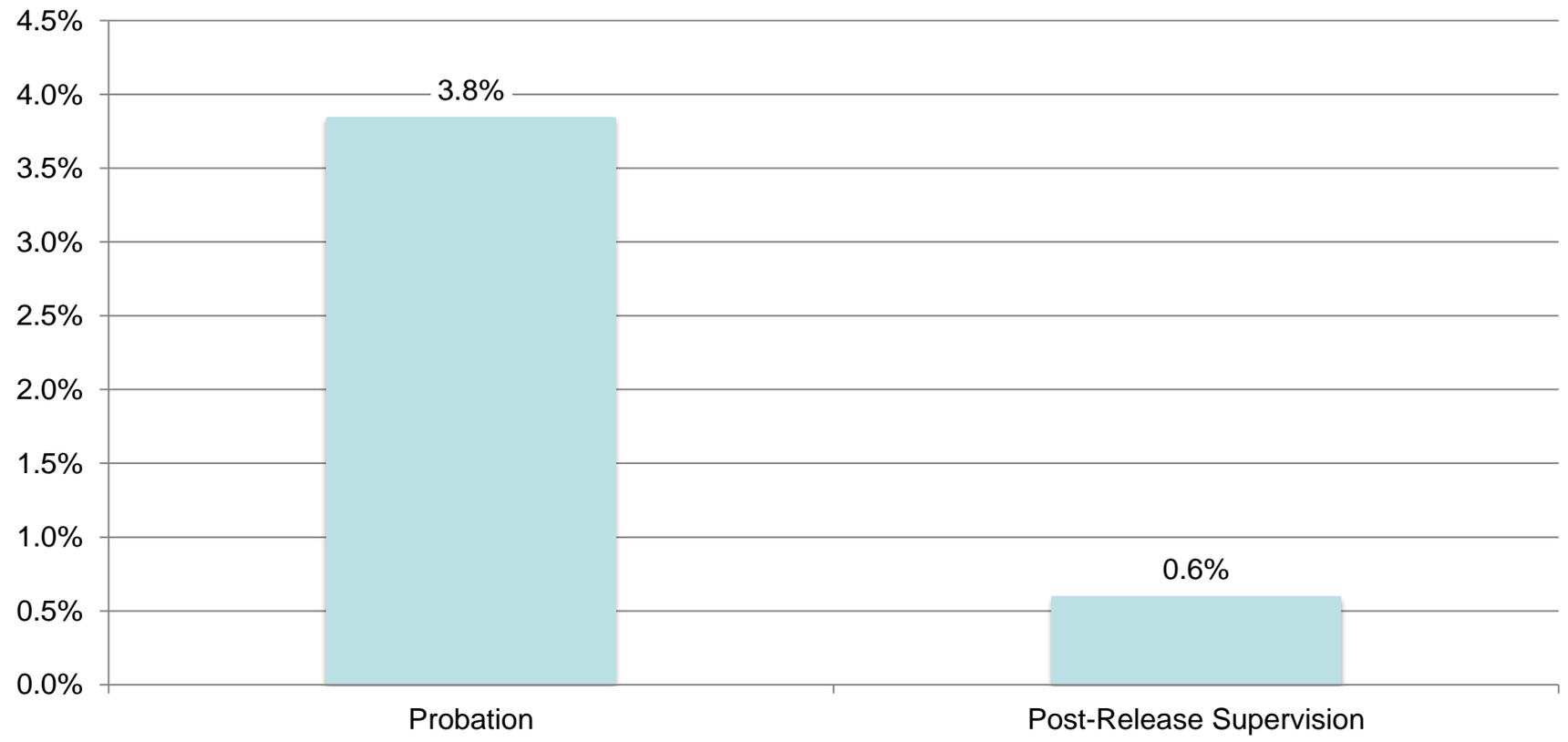
Parolees Serve Longer on Supervision; Both Types Up Since 2005

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



Offenders on Probation and Post Release Supervision Are Rarely Discharged Early

Percentage of Community Supervision Discharges Receiving Early Termination, FY14



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 offenders risk level
- Cognitive-behavioral programming is available in prison to target antisocial personality and attitudes but is not currently available in the community

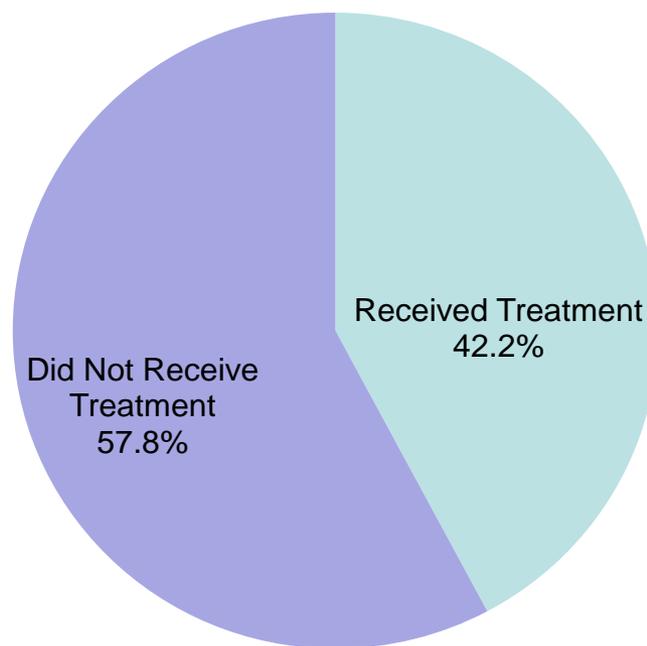
Treatment and Programming Resources Are Not Available in the Community to Target the Big Four Criminogenic Needs

- 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



QUALITY ASSURANCE AND FIDELITY

Quality Assurance and Fidelity: Research Summary

- 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

Quality Assurance and Fidelity: Current Practices in Maryland

- 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

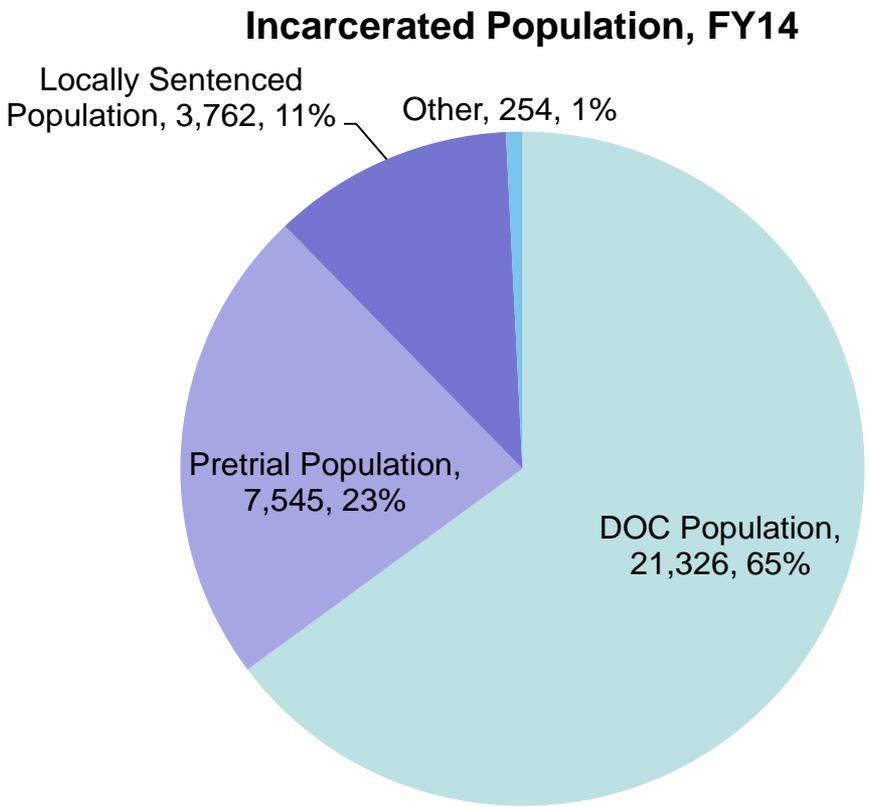
Maryland has adopted many evidence-based practices in corrections, however, the state

- 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

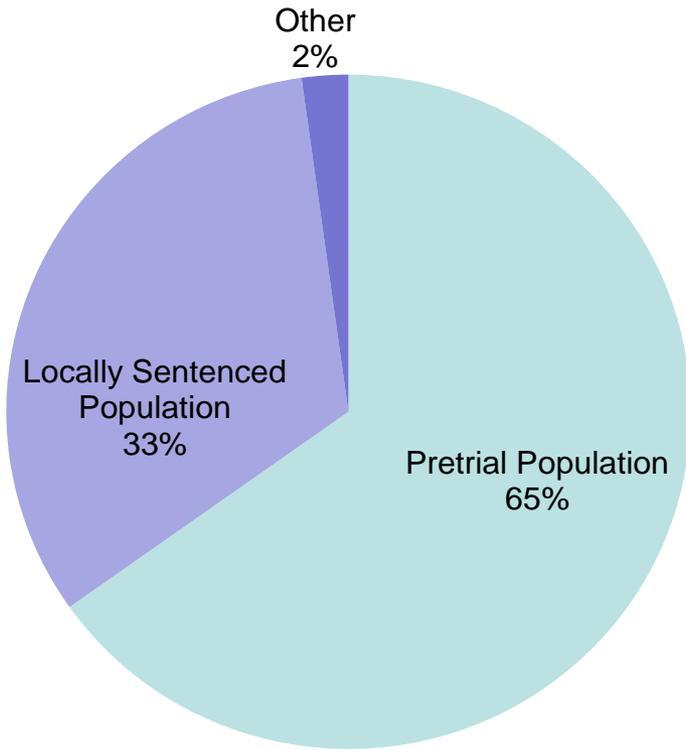
MARYLAND PRETRIAL DATA FINDINGS

Pretrial Population Makes Up Nearly One Quarter of Total Incarcerated Population



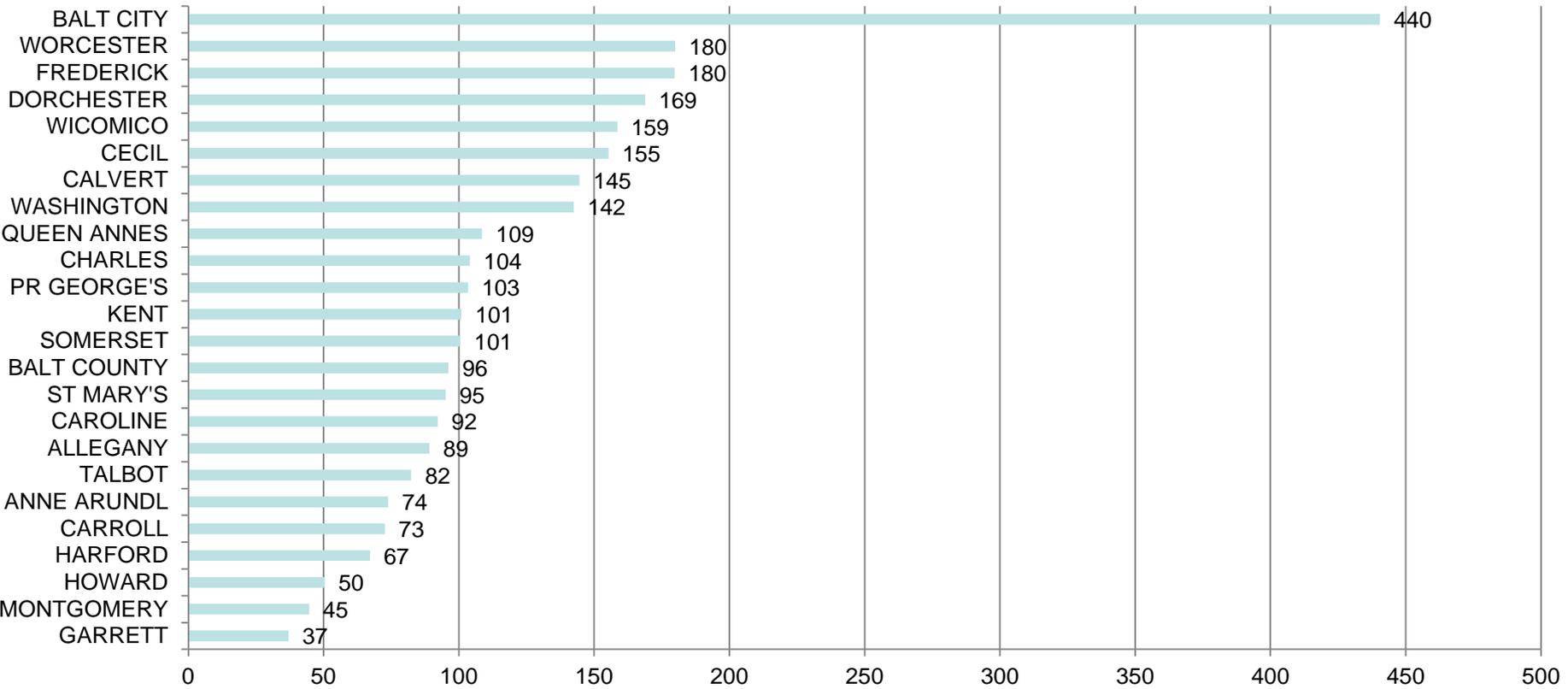
Pretrial Population Makes Up Nearly Two Thirds of Those Housed in Local Jails

Local Detention Population, FY14



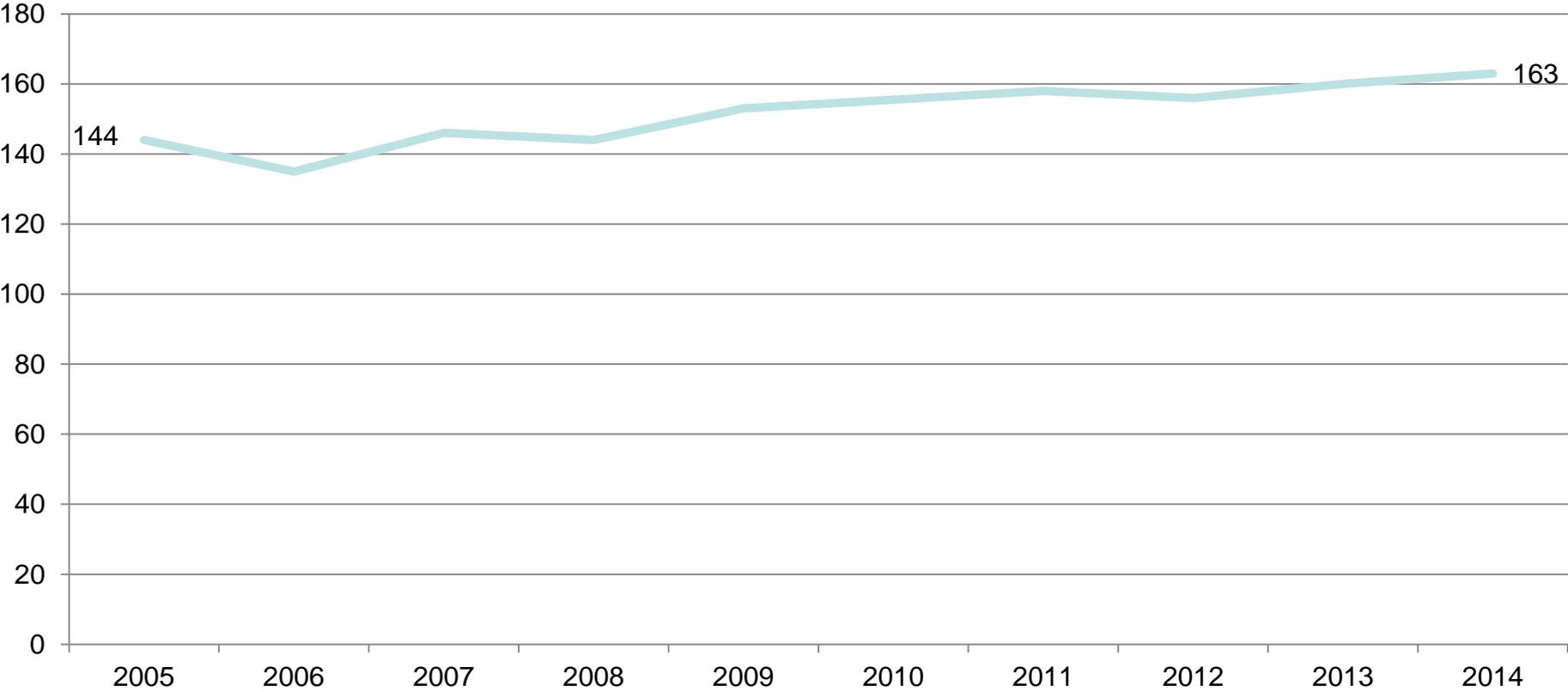
Baltimore City Has Largest Pretrial Population per 100,000 Residents

Pretrial Population per 100,000 Residents by Jurisdiction, FY14



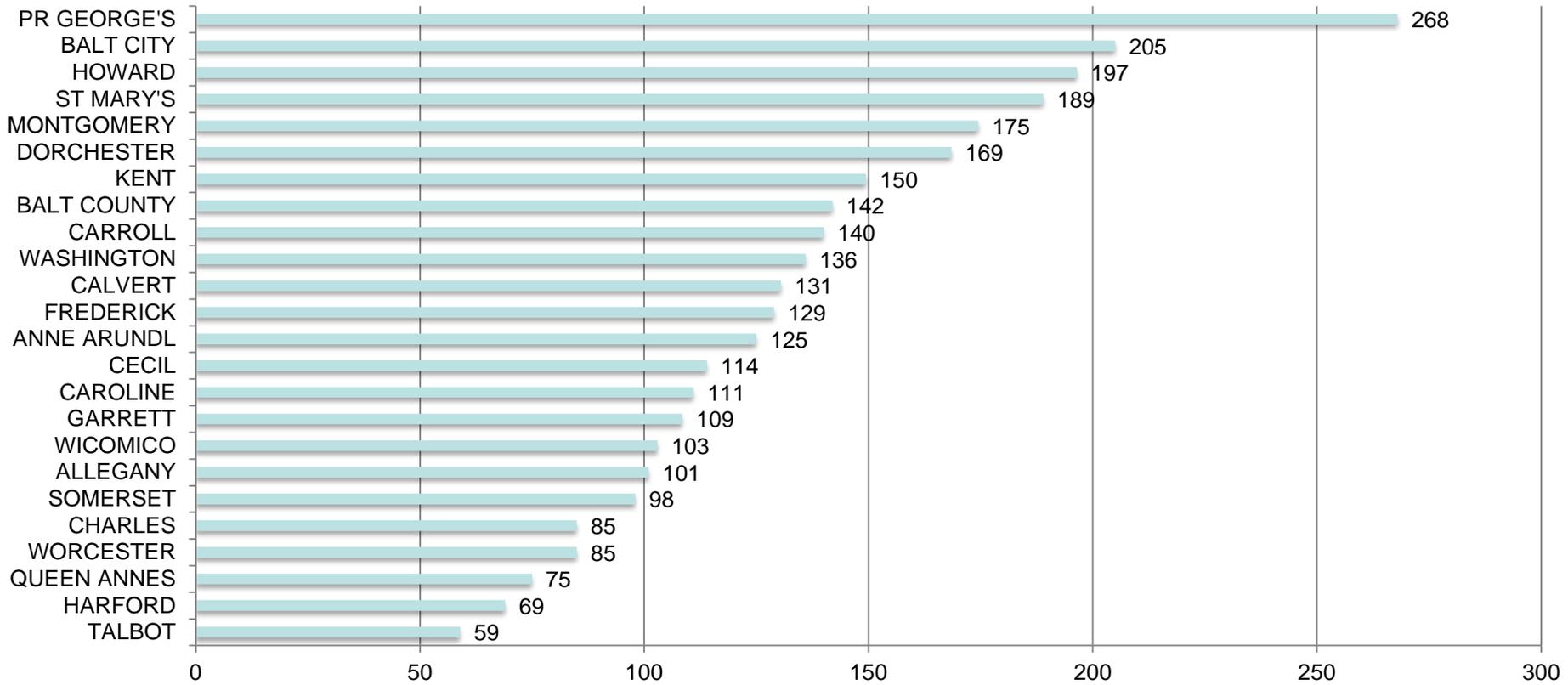
Median Number of Days Spent in Jail Before a Prison Sentence Has Increased 13% in Last Decade

Median Jail Days Before Receiving a Prison Sentence, by FY



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



INTRODUCTION TO POLICY DEVELOPMENT

Policy Development Subgroup Members

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

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

<p>Sentencing</p>	<p>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.</p>
<p>Release</p>	<p>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.</p>
<p>Supervision</p>	<p>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.</p>