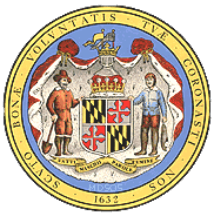
Justice Reinvestment Local Government Commission



Subject: **April 2018 Meeting Minutes**

Date: **April 6, 2018**

11:00 a.m. -12:30 p.m.

Board members: Robert Green (chair), Matthew Barrett, Sheriff Jim Dewees, Lt. Timothy Fridman, Sgt. Bradford (designee for Sheriff Ronnie Howard), Jack Kavanaugh, Dan Lasher, James Proctor, Joe Ryan, Lt. Richard Wiersberg, Peter Wild

Absent: Ruth Colbourne, Lamonte Cooke, Emerson C.Davis, Herbert Dennis, Thomas Fitzgerald (retired), Sheriff Ronnie Howard (sent designee) Jordan Lysczek, Randy Martin, Mary Lou McDonough, Beau Oglesby, Councilman Don B. Satterfield, Lisa Thayer Welch

Also in attendance: Dr. David Soulé, Executive Director, Maryland State Commission on Criminal Sentencing Policy

The Governor's Office of Crime Control & Prevention: Angelina Guarino, Senior Director of Justice Reinvestment & Janet Lane, Director of Justice Reinvestment

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I. Call to Order

The meeting was called to order by Chairman Robert Green at 11:10 a.m.

II. Implementation updates

Janet Lane provided updates on implementation progress from all six participating agencies. There was a question regarding the risk and needs screeners used both in DOC and the Department of Parole and Probation (DPP). Ms. Lane explained that the DPP was experiencing an issue with the numeric scoring for the Violence Prevention Initiative (VPI). The screening scores on younger offenders was too low which was derived primarily from less extensive criminal backgrounds. Statistically, those under or close to age twenty are in the highest recidivism category. Older parolees and probationers with more extensive criminal histories are at the lowest risk for recidivism. The system required an upgrade to remedy this issue, which will be completed by May 1, 2018.

III. Performance measures

Angelina Guarino presented updated data on statewide prison population trends prior to JRA's effective date for sentencing changes, as well as locally sentenced population sizes post-JRA. Prior to JRA, statewide prison population was driven Baltimore City's decrease in commitments, while other counties reflected an overall 4% increase in commitments. Historically, there were concerns of a resulting cost shift from DOC to local facilities as a result of decreased sentence lengths, which has not been indicated in the data collected by GOCCP. Locally sentenced populations have decreased since October 1, 2017, and the initial statewide population snapshot is already below the projected benchmark. Updated baseline data prior to sentencing changes shows that a smaller percentage of state inmates are being incarcerated for a non-violent crime, however, there is an increase in the supervision population. Looking at recidivism reduction data, DPSCS is not currently tracking recidivism, but previously did so based on a three-year measure. Complete detailed datasets need to be received from DPSCS and AOC to determine post JRA recidivism rates. Neither updates or data have been received from the Administration of the Courts since November 2017. Board members suggested MDEC as the best data source to ensure accuracy, timeliness, and minimize the data collection workload placed on localities.

Lt. Wiersberg raised a question on recidivism tracking regarding cases where early release due to new JRA provisions resulted in the commission of a new crime. There is concern for public safety amongst law enforcement that defendants are being sanctioned instead of being re-arrested. GOCCP clarified that sanctions do not apply to new charges, but are for minor infractions. Mr. Ryan suggested the Boards track how many technical violations were due to substance use. It was also discussed that inmates should be released to a program or specific community resources which might make an impact on re-arrest. Chairman Green mentioned that violation and sanction information is held by DPSCS. Dan Lashar indicated that all sentencing information emanates from the courts. It was recommended that the Commission suggest to the Oversight Board that arrest data be collected to fully inform the analysis of JRA performance measurement, as well as outcome data from the courts.

Although JRA does not direct pretrial practices, it requires additional monthly data collection and yearly analysis of the impact on local detention centers. Current data collected indicates that approximately 70% of all statewide inmates are pretrial, and 33% of all pretrial inmates are from Baltimore City. Chairman Green reminded the group of the upcoming pretrial summit in Annapolis to allow stakeholders to learn about successful practices and expand or initiate local programs.

With regards to diminution credits, Mr. Kavanaugh reported inmate complaints of receiving an incorrect number of diminution credits. He stated that staff corrected credit tracking and are calculating the diminution credits accurately, and as a result complaint letters from inmates have decreased. Chairman Green stated that the Montgomery County Coordinating

Council discussed using JRA dashboards to determine impact to locals, and reiterated the call for greater data availability to local jurisdictions. Jodie Stouffer from DOC has been a resource for local records departments in tracking accurate diminution credits.

III. Alternative corrections options

Dr. David Soulé from the Maryland State Commission on Criminal Sentencing Policy (MSCCSP) presented on a statewide study to determine what alternatives to incarceration are available on the county level. The MSCCSP consists of a nineteen member board that includes all three branches of government. Lamonte Cooke, the Local Government Justice Reinvestment Commission representative from Queen Anne's County, is a long-standing member of MSCCSP. MSCCSP has formulated correctional options guidelines for circuit court for more serious offenses. Dr. Soulé highlighted how local jurisdictions are impacted by outcomes of those circuit court charges, as many cases are pled down to a lesser charge and 43% of defendants are sentenced to local time.

Although a variety of corrections options programming exists, full comprehension and utilization are not evident statewide. Dr. Soulé noted a lack of statewide consistency in available programs and lack of consistency in stakeholder awareness in many counties. Programmatic education may be necessary to ensure that offenders and their advocates are aware of available diversions.

Despite judicial discretion, 86% of cases were in guidelines compliance through 2017 and pre-JRA. MSCCSP identified four primary categories and suggestions for alternative sentencing: home detention, jail alternatives such as drug court, suspended sentence and probation with special conditions for mandated treatment[1], and § HG 8-507 court-ordered inpatient treatment.

Dr. Soulé also indicated that available data fields that indicate whether alternatives were utilized and length of sentence details need to be mandatory. MSCCSP recommends the creation of a web-based alternative services locator to further inform court personnel, advocates, and defendants of available alternatives. It is MSCCSP's suggestion that DPP expand the presentence investigation (PSIs) to report on lower risk defendants, not just those who pose the greatest threat. The PSI can help identify risk and needs, and can guide placement into appropriate alternative corrections options.

MSCCSP recommends that an in-depth gaps and needs analysis be completed for the state. The Local Commission members agreed that a comprehensive analysis would be a key component of informed sentencing decisions.

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[1] under § CR 5-601 Possessing or administering controlled dangerous substances

IV. Program inventory needs assessment

A complete inventory of all detention center programs was presented by GOCCP. Discussion addressed how each jurisdiction's program offerings reflect what is available and the specific needs of their population. All counties offer some variety of addiction services that includes substance abuse treatment and support groups. The second most prevalent category of group classes after jail addiction services, is life skills classes, which are aimed at filling gaps in prosocial skills. Programs vary from mediation/conflict resolution to knitting and financial education. Mental health services and adult education were prevalent in all counties, but also are mandated to some extent by state and/or federal law. A significant gap identified was the limited number of facilities offering re-entry services, which are only available in 15 counties, two of which offer evidence-based programs.

When evaluated based on programs and interventions that are evidence-based, there is a significant disparity across all categories, as only 15% of all programs are evidence based. Choices for change has the highest percentage of evidence based programs across the state, with 15 of 35 programs using evidence based practices or curricula. Health and jail addiction services were the next most effective, but only 32% of somatic and behavioral programming is evidence based. The only evidence-based addiction program available in every jurisdiction is Alcoholics Anonymous, which is rated a promising practice, but it not nearly as effective as Medication Assisted Treatment, which is available in only 12 jurisdictions, none of which offer all three FDA-approved medications. Ms. Guarino noted that jails with limited resources or space for classes should consider offering evidence-based programming first to maximize investment and ensure the most impact. Chairman Green stated that in his county some programs were selected for their high yield, not necessarily for evidence basis, and cited a historical lack of scientific evaluation in corrections which has left many promising practices unevaluated. Lt. Wiersberg raised the issue of program vendors not delivering services as expected, either for course content or capacity. It was suggested that JRA reinvestment expand the opportunities for training, additional programming, and research into existing jail programs.

Further discussion surrounded the more robust use of evidence-based programming particularly if space and resource allocations were limited within the jail. MSCCSP was also encouraged to incorporate promising or innovative curricula and track results.

V. Good of the order & adjournment

The Commission was advised that all materials discussed would be disseminated and published on GOCCP's website. The meeting was adjourned at 12:38 p.m.