

Justice Reinvestment Oversight Board



Subject: January 2018 Meeting Minutes
Date: January 29, 2018
5:00-6:43 p.m.

Board members: Judge Daniel M. Long (chair), Dr. Barbara Bazron, Lori Brewster, Major Roland Butler, Russell Butler, Judge Kathleen Cox, Delegate Kathleen Dumais, David Eppler, Commissioner John Greene, Patricia Goins-Johnson, Terry Kokolis, Chief Judge John Morrissey, Constance Parker, Scott Shellenberger, Perthean Toins-Banks

Absent: *Senator Hough, Robert Green, Secretary David Brinkley, Councilman Mel Franklin, Douglas Devenyns, Sheriff Jim Dewees, Paul DeWolfe, V. Glenn Fueston, Jr.*

Also in Attendance:

The Governor's Office of Crime Control & Prevention: Angelina Guarino, Don Hogan, Janet Lane, Vanessa Lyon, Jeff Zuback

The Crime & Justice Institute: Barbara Pierce, Madeline Warren

I. Call to Order

The meeting was called to order by Judge Daniel Long at 5:00 p.m. At 5:03 p.m. there was a motion and vote to approve the minutes which passed.

II. VINE Capabilities

Kevin Combs, Chief Information Officer for the Department of Public Safety & Correctional Services (DPSCS), presented on restitution collection from inmates at both the Division of Corrections (DOC) and the local jail level. DPSCS is working with a vendor to finalize system change notes. The collection and disbursement process is in place. The system should be fully operational at DPSCS by April 30, 2018. Once a Memorandum of Understanding (MOU) is received, the Howard County Detention Center will be the first to test the complete system, after which it will be instituted in all relevant counties. To facilitate payment, DPSCS and the Comptroller's office are considering the use of credit cards, but until that is finalized, a Lockbox vendor is being used to secure restitution funds until disbursed. There was further clarification regarding the MOUs and the number of counties participating. Kevin Combs stated that restitution will be collected from between six and twelve jurisdictions. The MOUs relate to work release and the ability to collect a portion of inmate earnings and must be signed by both DPSCS and the particular county.

Mr. Combs then proceeded with an explanation of the VINELink system (Victim Information and Notification Everyday), and its potential impact on victim notification under JRA. DPSCS is currently working with twelve jurisdictions using VINE regarding victim notification for administrative release

and court ordered expungements. The main features will be implemented in February and the system should be fully operational by June or July 2018.

DPSCS receives expungement information from the courts. A meeting with the Administrative Office of the Courts (AOC) has been scheduled to further improve the system. A question was raised regarding victim notification of a request for expungement after lengthy sentences, and how DOC would receive the victim information. Since the vendor, Appriss Safety, is in 48 states, the vendor could draw guidance from experiential practices in other states. The inclination for a long term solution is that tracking information will be based on an offender's state identification number.

III. JRA Performance Measurement

HG 8-505 & 8-507 Placements: Maryland Department of Health (MDH)

David Lashar and Dr. Barbara Bazron provided information regarding the significant re-tooling required by MDH to meet JRA requirement for placing HG 8-507 court-ordered treatment clients within a 21-day period. The current average placement is within 17 days and is monitored in real time. MDH has processed 199 orders since October 1, 2017 and has placed 117 clients in treatment beds. One barrier is that warrants have to be cleared before an offender can be placed, and 40% of referrals have detainers. The MDH plans to utilize the State's Attorney's Office (SAO) to send a writ to expedite warrant service.

There is now one specific repository telephone and fax where all court orders are sent and tracked; none are sent by United States Postal Service. The courts assist in disseminating accurate phone information. A task force has been formed, including the judiciary, to identify a process that avoids 8-507 orders being written on individuals with detainers. The judiciary wants to ensure future treatment placement for defendants who may have to clear multiple cases in Maryland as well as other states and jurisdictions and are beyond the purview of the Maryland judiciary. If there is a delayed placement, the order is not put on hold until the court is notified. There can be a delay in clearing for placement. MDH missed the 21-day deadline on seven individuals due to special circumstances. In general, even if the new deadline is missed, the person is placed within 23 to 25 days. The statistics on 8-505 assessments are not yet as specific as the tracking mechanism for 8-507, which follows the entire process. The MDH reported that there have been no bed shortages since transitioning from grant funded to fee for service. Beds are located throughout the state and transportation to the facilities is generally covered by Medicaid expansion payments. Although it was anticipated through the enactment of JRA, there has been no increase in 8-507 orders since October 1, 2017.

MDH staff meets every Friday morning with the new providers. Most of the issues are not throughput or capacity problems, but have been centered around the quality of care delivered by the provider. Issues that have been raised focus on best practices. There is a specific manual of procedures in place that incorporates the American Society of Addiction Medicine (ASAM) criteria.

Implementation Measurement: Governor's Office of Crime Control & Prevention

The Governor's Office of Crime Control & Prevention will be receiving data from various state and local agencies in an effort to track desired outcomes of JRA. Updated 2017 baseline measures were provided and compared to the measures examined by the JRCC. A pending research request to DPSCS will enable calculation of an accurate pre-JRA 2017 baseline, progress of various JRA reforms, and updated future prison populations and cost aversion. Summary data provided by DPSCS reflected that the statewide corrections population on October 1, 2017 was 19,242. After a year of JRA planning, the state is already

1,400 below the projected FY17 population referenced in the original JRCC report. An in-depth look at the data is warranted to determine how much of the decrease is attributed directly to JRA and how much is due to changes in judicial cultural shift or factors outside the scope of JRA. Thus far, the number of inmates being released early through administrative, medical, and geriatric release is small.

Local detention centers are currently submitting additional JRA data points in monthly population reports. Some counties still need to resolve technical issues to produce this data, but based on counties that are currently reporting, the statewide average monthly pretrial population is 6,284, slightly lower than last year. Excluding Baltimore City, which has a strictly pre-trial population, on average 57% of the statewide jail population is pretrial detention. Likewise, no significant increase has been seen in the locally sentenced population, which is an initial assurance that JRA sentencing reforms are not causing an increase in local detention.

GOCCP invited subject matter experts to comment and assist in the process of data analysis. MDH raised the suggestion of tracking outcomes and involvement of inmates transitioning from 8-505 assessments to 8-507 placements, however that analysis is not possible as all JRA outcome data is currently aggregate, and future collection will be deidentified to preserve privacy. Per the Board recommendation, Baltimore City will be represented as a county-equivalent in future analysis, using the number of inmates sentenced to state corrections with a sentence of 12 months or fewer to compare the jurisdiction with other counties.

IV. Division of Public Safety & Correctional Services (DPSCS)

A. The Division of Corrections

No representative from the Division of Corrections was present.

B. Department of Parole & Probation (DPP)

Director Joseph Clocker stated that the DPP has concluded introductory JRA training for all staff and will now train to develop hard skills: motivational interviewing, graduated responses and principles of effective intervention. Information on JRA is disseminated to all staff on a weekly basis. Questions from the field are compiled and placed in a FAQ document. DPP has established an internal advisory board to analyze challenges with JRA policies and to identify opportunities for improvement. While waiting for the OCMS technology to be deployed, DPSCS is collecting data manually on screening and sanctions. It is anticipated that the case management system changes will go live in June of 2018.

C. Department of Field Support Services (DFSS)

No report or updates were provided at the time of the meeting. A report filed after the meeting stated that case plans are being prepared for inmates in DOC using the Dr. James Austen instrument.

V. The Department of Labor, Licensing and Regulation (DLLR)

Constance Parker reported that the department is forming a licensing policy workgroup to examine licensing in areas of employment that are attractive to offenders and returning citizens. Ms. Parker gave examples of various training programs, and she will be better able to share data after the workgroup

meets. Ms. Parker reported that the Department's Division of Licensing is forming an Occupational Licensing Policy Learning Consortium. The Consortium will seek to remove barriers to licensure for specific groups including those who have criminal records. The focus is on assisting individuals in these groups become licensed as plumbers, barbers, cosmetologists, real estate agents, or heating, ventilation, air conditioning, and refrigeration contractors. Questions were asked about how the areas of licensure were selected. Ms. Parker stated she will be better able to address questions after the group meets.

The Department will be hiring five re-entry navigators to work in: [Baltimore City](#), [Anne Arundel](#), [Lower Shore](#), [Prince George's County](#), and [Washington County](#). The individuals will develop/coordinate connections between the American Job Center, businesses, and correctional facilities in their assigned jurisdictions. The Board expressed interest.

VI. Administrative Office of the Courts (AOC)

Judge Morrissey reported the courts had a 'Train-the-Trainer' in August and all judges now have benchcards to assist and to reference the sentencing guidelines. The Judges are working with DPP to track sanctions in the judicial information system (JIS).

Judge Morrissey also stated that the courts are facing challenges collecting data. The judiciary are concerned how sanctions and violation hearings will be addressed for those probationers who had incurred violations prior to October 1, 2017. The most recent data shows inconsistency across the state and the judges need time to determine if technical violation adjudications are being evenly applied. The courts are just starting to see new, post-JRA technical violations, as the offender had to first be subjected to the sanction process. A concern was raised about managing previously sentenced individuals with prior violations. Future data should demonstrate how those cases were handled after October 1, 2017 for the same violator. The judiciary may want to look at first time violators differently.

Judge Long stated that he had seen some expungement requests from the Office of the Public Defender (OPD), but Judge Morrissey had not received those requests yet. Although the AOC does not have conclusive data, expungement requests have increased according to the Maryland Judiciary Self-Help Resource Center, which provides staffed offices in four district courts. Fifteen hundred individuals utilized these centers during the month of December. There is also a centralized phone center, staffed by Legal Aid and housed in Annapolis, which has handled 5,247 phone calls¹. It is estimated that 5 to 6% of the calls are for information about expungements. The AOC would like to have self-help offices statewide.

VII. The Maryland Parole Commission (MPC)

Commissioner Greene reported that 176 inmates have been screened and 23 have been eligible for administrative release since October 1, 2017. Twelve are DOC inmates, and 11 are in local detention center custody. Five individuals have already been released under this parole. The MPC identified that in 20% of the parole revocation hearings, the inmate was eligible to receive a sanction.

VIII. Local Jails

Terry Kokolis reported that the local jail population has been decreasing across the state, in part due to the increased awarding of diminution credits, and the speed with which inmates are placed in 8-507

¹ Time frame unspecified.

commitments. Some inmates are leaving the jail within eighteen days. As use of bail bonds decreases, pretrial release under supervision or holding without bond are the most frequently used options by the court. The number of pre-trial inmates held without bond is still increasing and not all cases are adjudicated within the optimum 180 days. The decrease in the locally incarcerated population is significantly impacted by an increased use of pretrial programs, where available, to counteract this trend. Mr. Kokolis is looking to GOCCP for comparative statistics on overall days in custody compared to the prior year. Mr. Kokolis also mentioned a concern about victim notification. VINELink may be adequate in some cases, but the codified language states that different agencies have a separate process.

Judge Long asked Russell Butler from the Maryland Crime Victim Organization to respond regarding victim notification. Mr. Butler stated that he believes a form needs to be in place for both circuit and district courts. Mr. Butler also stated that a defendant with multiple cases and different sets of charges could be released without notification in a case not involving a victim. In that scenario, the victim from another case would not be notified of the defendant's release.

IX. Good of the Order & Adjournment

Angelina Guarino reminded the assembly that JRA legislative reports have been published and are now available for the public on the JRA webpage. Interested parties should note that Edward J. Byrne Memorial Justice Assistance competitive grants (BJAG) will be available in the future to further JRA priorities or needs as a supplement to implementation and performance incentive grant funding

Don Hogan told the assembly that a departmental bill is being re-introduced on January 30, 2018 to establish a Victim Services Unit at GOCCP which will house the Criminal Injuries Compensation Board, assist in restitution collection, and assume duties regarding compensating hospitals and health care providers for rape kit testing. The unit will be eligible for a federal monetary match.

Judge Long stated that every effort will be made to provide the Board with updates and praised the collaboration between agencies and people making efforts to see the JRA work. A motion to adjourn was made by Delegate Dumais and the meeting was adjourned at 6:43 p.m.