



**First Report of the Justice Reinvestment Oversight
Board**

SB 1005: Chapter 515 of 2016

Larry Hogan
Governor

Boyd K. Rutherford
Lt. Governor

V. Glenn Fueston, Jr.
Executive Director
Governor's Office of Crime Control & Prevention

Submitted by:
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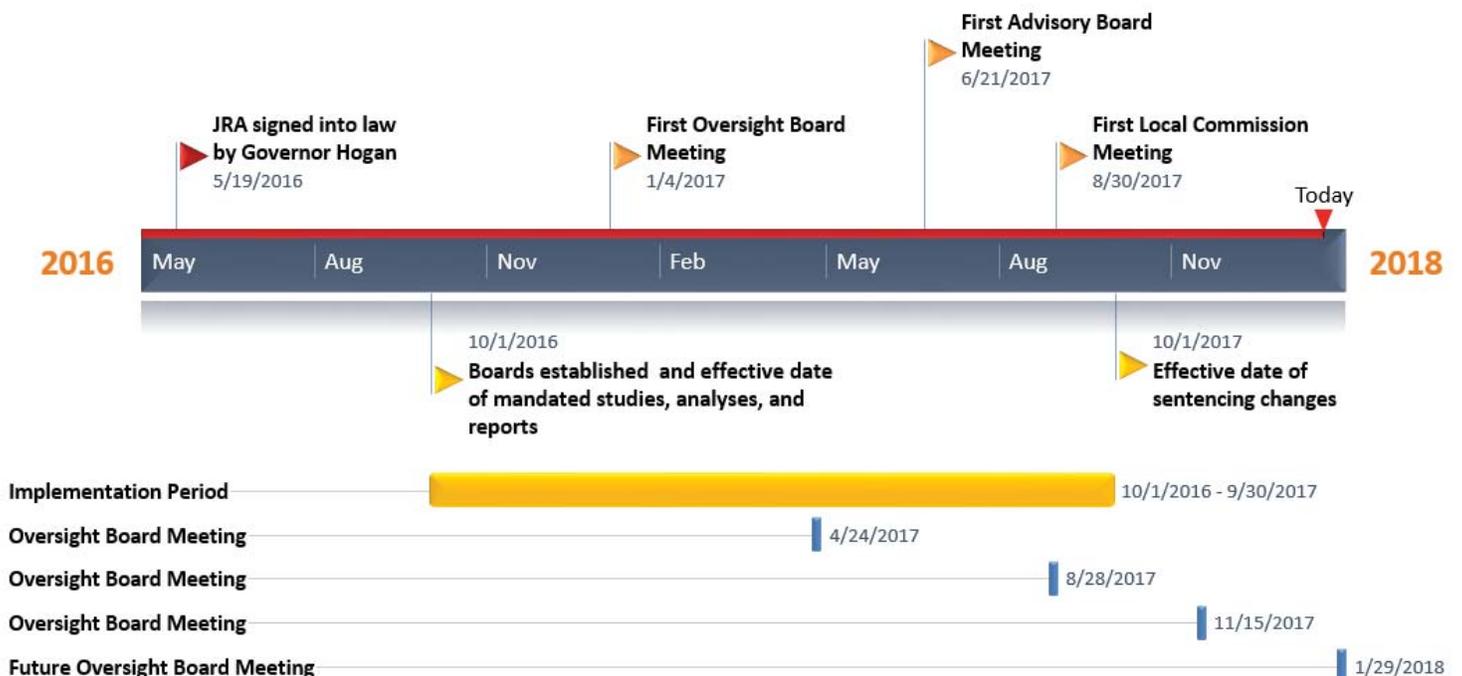
Executive Summary

As required by SB 1005/Ch. 515, 2016, the Justice Reinvestment Board is required to report on its actions and the implementation progress of the Justice Reinvestment Act. On or before December 31, 2017 and each year thereafter, the Board shall report to the Governor and, subject to 2-1246 of this article, to the General Assembly, on the activities of the Oversight Board and the Local Government Justice Reinvestment Commission.

There are currently thirty-three states that have enacted some form of justice reinvestment. The Justice Reinvestment Initiative is a nationwide, data-driven approach to improve public safety, reduce corrections spending, and reinvest savings in strategies that can decrease crime and reduce recidivism. In 2015, the General Assembly passed Senate Bill 602 which established a bipartisan, interbranch Justice Reinvestment Coordinating Council (JRCC). The JRCC made recommendations based on the study commission that formed the basis for the Justice Reinvestment Act, an Act supported by the Governor, broad bipartisan majorities of the General Assembly, the courts, and many interested stakeholders.

There are three entities established by the JRA to provide oversight and guidance on implementation. They are: (1) the Justice Reinvestment Oversight Board; (2) the Local Government Justice Reinvestment Commission; and (3) the Advisory Board to the Justice Reinvestment Oversight Board. Since JRA's passage in 2016, the Boards have formed and met in preparation of key JRA milestones outlined in the timeline below.

JRA Implementation and Oversight



Justice Reinvestment Oversight Board

The JRA established the Justice Reinvestment Oversight Board (“Oversight Board”) to monitor progress and oversee the Act’s compliance and implementation. The Board is required to meet quarterly at a minimum, and met four times in 2017: January 4th, April 24th, August 28th, and November 15th. Governor Hogan appointed Judge Daniel Long, a retired Somerset County Circuit Court judge with over 25 years experience, to act as chairman of the Oversight Board.

January 2017

The Oversight Board held an organizational meeting on January 4, 2017. The Oversight Board reviewed the original 19 recommendations reported by the JRCC and the corresponding provisions of the JRA. There was a presentation by representatives from the Bureau of Justice Assistance on supporting Maryland’s efforts and their collaboration with Crime and Justice Institute (CJI) as technical advisors. Counsel from CJI allows Maryland to benefit from their justice reinvestment experience and successful efforts in ten other states. Mr. Chris Shank, the Governor’s Chief Legislative Officer and chairman of the JRCC, discussed the work of this council. Members of the Oversight Board who were also involved with the JRCC and the drafting of the JRA gave their perspectives. In addition, and as required by the JRA, Dr. Barbara Bazron of the Maryland Department of Health (MDH) reported on the department’s progress in mapping out crucial strategies to address Health-General Articles §§ 8-505 and 8-507 placements for court-ordered substance abuse assessments and treatment.

April 2017

One of the goals of the JRA was to facilitate substance abuse treatment in lieu of incarceration, where appropriate. The opioid epidemic in Maryland has been the subject of significant executive, legislative, and local action. There is a clear link between addiction and crime. A presentation by MDH briefed fellow agencies on other substance use related bills aimed at statewide prevention as well as coordination efforts between the courts, treatment providers, and JRA requirements.

The Health-General Article (HG), § 8-505 assessments and HG § 8-507 placements have been available in Maryland for over ten years. Inpatient treatment is often a necessity and can be a diversion from incarceration. While Governor Hogan has expanded the number of State-funded treatment slots from 160 to 245 beds available at any one time among three program providers up until recently there has still been a wait time. The wait time to be placed varied from one to six months. However, it should be noted that wait time has not been related to the lack of bed capacity, but rather to other factors such as the inability to obtain required clearances to place a defendant which may be due to outstanding warrants or the inability to locate the individual.

Under the Act, a person ordered to treatment is required to be placed within 21 days. Placements outside this deadline require an explanation of the delay from the department to the courts. The MDH reported more beds will be available due to expanded Medicaid and the Behavioral Health Budget. There will be future benefits of transition to a fee for service payer system on January 1, 2018.

At the April 24 meeting, representatives of the Governor's Office of Crime Control & Prevention presented data related to pretrial detention and release, as required by the JRA. There was a discussion of using grant funding for jurisdictions which have independently identified a need for pretrial reform, although it was also acknowledged that, besides the data collection requirement, prescribed pretrial changes were not addressed by the JRA, pending further data collection and analysis.

August 2017

The main focus of this particular meeting was to provide the Oversight Board with a current overview of the progression toward the October 1, 2017, implementation date, and to highlight the areas that have created the greatest challenges. The Department of Public Safety and Correctional Services (DPSCS) presented on their progress toward implementation. DPSCS had organized ten innovation teams one year prior to the date that the Act would become law. These I-Teams were comprised of department heads and supervisors forming committees to develop comprehensive processes and policy recommendations for each of their new requirements. At the August meeting, they reported to the Board that many of the timelines were being met. The challenges included the new use of an assessment tool by the Division of Corrections (DOC). Both the Divisions of Parole & Probation (DPP) and DOC are phasing in this same comprehensive risk and needs assessment tool.

There was extensive collaboration with the Judiciary to review the new procedures of swift and certain sanctions for those on supervision in the community as DPP, DOC, the Maryland Parole Commission (MPC) and the Administration of the Courts (AOC) needed to be in concert. There was discussion regarding the repeal of mandatory minimum sentences for subsequent felony drug offenses, and the one-year window for current inmates to request a reconsideration of a mandatory minimum sentence. At that time it was estimated that there could be about 550 persons eligible to request a modification.

In anticipation of treatment bed expansion and fee for service transition, the MDH reviewed their progress toward the certification of more providers for Health-General Article, §§ 8-505 and 8-507 assessments and treatment. The Board voiced concerns about offenders also receiving mental health evaluations and treatment in conjunction with any substance abuse treatment, and they expressed interest in discussing mental health competency at the next meeting.

The DPP and the Department of Labor, Licensing and Regulation (DLLR) are coordinating efforts to reduce the collateral consequences of being incarcerated. An individual who has successfully completed their probation may receive a Certificate of Completion or Rehabilitation to further assist in their eligibility to regain a particular occupational license.

Maryland's JRA also placed a more prominent emphasis on victim's rights. These changes include the opportunity for victims to receive restitution payments earlier than when a defendant is released into community supervision on probation. Inmates who have court ordered restitution and who earn wages from work release or institutional jobs that pay a wage, are now required to start making payments from the institution. County detention center and DOC representatives reported that they would need to begin to receive orders for restitution that historically have gone directly from the court to the Department of Parole & Probation. Victim notification is also an issue, particularly regarding the new administrative release provision. Because of the short time to make administrative release decisions and the right of a victim to object, timely notice is crucial. Subsequent to this meeting Chairman Judge Long appointed a working group of the Oversight Board to review and make recommendations on this issue, in addition to the workgroup addressing restitution collection issues.

November 2017

At the first post implementation date meeting on November 15th, the Oversight Board was provided with presentations from each agency as to their progress and challenges. All agencies reported that their planning and preparation resulted in an overall smooth process of implementation. DPSCS reported that all policies are in place, the LSI-R assessments are in use both at the Department of Parole and Probation and at DOC. LSI-R refers to the Level of Services Inventory-Revised and is the comprehensive evidence-based risk and needs assessment tool that both divisions are now utilizing.

MDH reported that since October 1st, 26 inmates were placed in HG § 8-507 beds. In regards to mental health beds under Title 3, it is anticipated that a total of 95 new beds will be created by March 2018. This includes the following: 12 additional beds added in November through expansion of capacity at Potomac Center for individuals dually diagnosed with mental health and developmental disabilities; An additional 8 beds will be available in December through an MOU with Adventist Hospital; This month 20 more beds will open at Perkins Hospital in addition to the 20 beds added in April; Due to an MOU at Bon Secours Hospital, 5 additional beds will be added in January; An expansion at Potomac Center added another 6 beds that will be available in January; and 24 there will be an additional beds at Eastern Shore Hospital by March 2018. With regard to their diversion and treatment services, MDH reports that significant improvements have been made in the processing of court-mandated orders for evaluations under §8-505 and treatment services under §8-507 of the Health General Article. The improvements were due to a concerted effort made by MDH to analyze and change its service delivery model,

organizational structures, work processes, and information technology. A key milestone this fall was the establishment of a Centralized Admissions Office to handle all orders and inquiries from the courts, the local detention centers, and DPSCS. Another benchmark will be the implementation of a modern, cloud-based system for case management that will be operational in early December. This system will provide workflow automation and real-time reporting that has not previously been available for managing and continuously improving, service. The impact of the changes has been substantial. In terms of the bed wait list, the orders awaiting placement have gone from four or five dozen this past spring to roughly one dozen in November. The date a court order is signed by the judge, to the date of the individual being placed into a community treatment bed, is known as the cycle time. From preliminary data for the months of October and November, MDH reports that their cycle time appears to be in compliance with the 21-day timeframe mandated by JRA. With its new case management system, MDH will be able to report performance reliably. To further assist in reporting and general surveillance of the process, the Judiciary has added new tracking codes to allow for annual reporting for inpatient and outpatient § 8-505 and § 8-507 orders.

JRA expands and modifies the eligibility to extend earlier release to lower risk inmates with a minimum of six months sentence who do not have extensive criminal backgrounds. A charge of fraud or misdemeanor theft might qualify the defendant for release, but does not eliminate the possibility of having a victim of their crime. Victims have the right to request a hearing prior to the inmate's release and the methodology of advising and informing victims created a challenge. The Board was informed of the formation and meeting of a victim notification work group to address this issue. Delegate Dumais, who chaired this work group, reported on the proposed language to be added to pamphlets and forms that victims receive to notify them of expanded rights under JRA. An electronic and website notification process are potential future remedies the work group is considering. The Board was briefed on the Victim Information and Notification Everyday (VINE) system, operated by DPSCS, to better inform discussion of future remedies.

The Board also heard JRA related concerns from representatives of the State's Attorneys. Integral elements of JRA include the safety of Maryland's citizens. The law provides harsher sentences for violent criminals and a key intention of the law is to legislate and equalize prosecution capabilities for state prosecutors to their federal counterparts in order to prioritize gangs perpetrating violent crimes and high level drug trafficking. The State's Attorneys reported issues in the revised state gang statute that needed to be strengthened to enable similar prosecutions to those on the federal level. They raised practical issues associated with the JRA changes to traffic violations, speciality court notification of graduated sanctions, and decreased eligibility for problem solving courts, including drug court.

The next meeting of the Oversight Board is planned for January 29th, 2018.

Advisory Board Activity

The Justice Reinvestment Advisory Board was established by the JRA to provide advice to the Oversight Board. The Advisory Board is comprised of 12 members for the purpose of including stakeholders in the criminal justice system in the analysis of the implementation of justice reinvestment initiatives. The Advisory Board brings a broad range of mainly non-governmental stakeholders with varied perspectives to the JRA.

At their initial meeting on June 21, 2017, they were presented with an overview of the Act which encompassed both the national and Maryland history, the use of data, the sentencing changes, and the collaboration requirements to address the upcoming challenges. Over time, it is expected that the Advisory Board will be an invaluable resource for providing much needed community connections that can reflect the impact of the JRA back to the Oversight Board.

Local Government Justice Reinvestment Commission

JRA-related changes will have an impact on local detention centers and the counties they serve. For this reason the JRA established a Local Government Justice Reinvestment Commission to ensure that local governments have a voice in the JRA process. The board chair is Mr. Robert Green from Montgomery County, and the members of this Commission represent each of the 23 counties and Baltimore City. Under the JRA the purpose of the Commission is to:

- “(1) advise the (Oversight) Board on matters related to legislation, regulations, rules, budgetary changes, and all other actions needed to implement the recommendations of the Justice Reinvestment Coordinating Council as they relate to local governments;
- (2) make recommendations to the Board regarding grants to local governments from the Fund; and
- (3) create performance measures to assess the effectiveness of the grants.”

The meeting began with a presentation providing history and background of the JRA. In addition, the Governor’s Office of Crime Control & Prevention presented the performance measures that will be collected. Members asked questions and expressed concerns about adequate treatment and programming on the local and state level, and particularly matters related to mental health treatment which is often a key component of substance abuse. Chair Green requested that each county provide a survey of programming that is available. He also stressed the need for each county to have a criminal justice coordinating council.

As of October 1, 2017, local detention centers will also need to collect restitution payments from any inmate with a court order to pay and who qualifies for work release. The process for collection and disbursement was still being finalized by DPSCS and being discussed with the

restitution work group. Since the collection functions are generated from DPSCS, local portals will need to be devised to allow the detention centers to input restitution collection data.

Future Priorities

The success of the JRA will be determined by analyses of the data collection required by law, as well as additional cost savings estimations and agency-specific performance measures. After careful review of outcome data, the Office will be able to determine whether all aspects of the JRA have been implemented as anticipated, and whether they are helping to save and improve both lives and reduce prison expenditures. One of the key responsibilities of the Oversight Board is their ability to utilize this data to evaluate evidence-based recidivism reduction programs, and to generate reasoned recommendations for the Performance Incentive Grant Fund.

Post-implementation, the Oversight Board will continue to receive feedback from government and community members on the evolving needs of JRA, and continue to pursue the goals of the JRCC. The Local Commission has suggested the formation of Local Coordinating Councils which will enable detention centers to collaborate and provide resource support to assist smaller counties.

The Governor's Office of Crime Control & Prevention data team plans to capture 126 data measures for JRA evaluation, 18 of which apply to the local correctional facilities. Data collection is an essential element of the Justice Reinvestment Initiative. The GOCCP data team has met with each of the core agencies to determine their current collection capabilities and to determine which systems might need modifications.

The JRA requires that the Oversight Board meet on a quarterly basis. By the next meeting in January 2018 the Board will have an opportunity to evaluate some preliminary data. As data is collected over the course of 2018, GOCCP expects to have a more accurate picture of how the JRA is changing Maryland's criminal justice system.

Appendix A: Board Membership Roster

Justice Reinvestment Oversight Board

Chair: Judge Daniel M. Long, Appointed by the Governor

Board Members

Senator Michael Hough

District 4

Delegate Kathleen Dumais

District 15

V. Glenn Fueston Jr.

Executive Director

Governor's Office of Crime Control & Prevention

Patricia Goins-Johnson

Department of Public Safety and Correctional Services

John R. Greene Jr.

Maryland Parole Commission

Major Roland Butler

Maryland State Police

David Eppler

Office of the Attorney General

Paul DeWolfe

Office of the Public Defender

Secretary David Brinkley

Department of Budget and Management

Barbara Bazron

Maryland Department of Health

Robert L. Green

Montgomery County Department of Correction and Rehabilitation

Chief Judge John Morrissey

District Court of Maryland

Judge Kathleen Gallogly Cox

Baltimore County Circuit Court

Appointed By

President of the Senate

Speaker of the House

Designated by the JRA

Secretary of DPSCS

Chair of the Maryland Parole
Commission

Secretary of the Maryland State Police

Attorney General

Designated by the JRA

Designated by the JRA

Secretary of Health and Mental Hygiene

Designated by the JRA

Chief Judge of the Court of Appeals

Chief Judge of the Court of Appeals

Appointment

Constance Parker
Department of Labor, Licensing, and Regulation

Sheriff Jim Dewees
Carroll County

Scott Shellenberger
State's Attorney, Baltimore County

Terry Kokolis
*Anne Arundel County Department of Detention
Facilities*

Councilman Jamel R. (Mel) Franklin
Prince George's County

Russell Butler
Maryland Crime Victims' Resource Center

Kevin Davis
Police Commissioner, Baltimore Police Department

Jinlene Chan
Anne Arundel County Department of Health

Lori Brewster
Wicomico County Health Department

Douglas C. Devenyns
Talbot County Detention Center

Perthean Toins-Banks
Department of Labor, Licensing and Regulation

Appointed By

Secretary of Labor, Licensing and
Regulation

Maryland Chiefs of Police Association
and the Maryland Sheriffs' Association

Designated by the JRA

President of the Maryland Correctional
Administrators Association

President of the Maryland Association of
Counties

Governor

Governor

Governor

Governor

President of the Maryland Correctional
Administrators Association

Governor

Appendix B: Meeting Agendas

Oversight Board Agendas

January 2017

April 2017

August 2017

November 2017

Advisory Board Agenda

August 2017

Local Government Commission

August 2017



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goccp.maryland.gov

Larry Hogan
Governor
Boyd K. Rutherford
Lt. Governor
V. Glenn Fueston, Jr.
Executive Director

**Justice Reinvestment Oversight Board
January 4, 2017 at 2:30 pm
Joint Hearing Room, Legislative Services Building
Annapolis, MD 21401**

Agenda

Call to order, welcome and introductions (Judge Daniel Long, Chair)

Overview and discussion of the Justice Reinvestment Act (Sen. Chris Shank, Chief Legislative Officer for Governor Hogan)

Role of the Oversight Board (Mr. Glenn Fueston, Executive Director of the Governor's Office of Crime Control & Prevention)

Department of Health and Mental Hygiene - Report on Court-Ordered Evaluations and Placements for Substance Use Disorders (Dr. Barbara Bazron, Executive Director, Behavioral Health Administration)

Appointment and approval of Board's Vice Chair (Judge Daniel Long)

Good of the order and adjournment (Judge Daniel Long)

Justice Reinvestment Oversight Board
April 24, 2017
Room 150, House Office Building
Annapolis, MD 21401

Agenda

Call to order (Judge Daniel Long, Chair)

Approval of Minutes from Meeting of January 4, 2017

JRA Updates

- Legislative activity (Sen. Michael Hough and Del. Kathleen Dumais)
- Heroin and Opioid Prevention, Treatment, and Enforcement Initiative (Glenn Fueston, Vice Chair)
- Department of Health and Mental Hygiene – Role in the Heroin and Opioid Prevention, Treatment, and Enforcement Initiative; and evaluation and treatment capacity (Dr. Barbara Bazron, Executive Director, Behavioral Health Administration)
- Preparation for applications for modification or reduction of mandatory minimum sentences of the mandatory minimum drug sentences (Judge Kathleen Cox, Scott Shellenberger, Paul DeWolfe)

DPSCS implementation progress (Patricia Goins-Johnson)

Good of the order and adjournment (Judge Daniel Long)



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From the Governor's Office of Crime Control & Prevention

Justice Reinvestment Oversight Board
Monday, August 28 at 1:00 p.m.
Governor's Coordinating Offices
Conference rooms A & B
100 Community Place, Crownsville, MD 21032

Agenda

Call to order and welcome remarks (Judge Daniel Long, Chair of the Oversight Board)

Maryland Department of Health update on Health-General, §§ 8-505 and 8-507 Issues (David Lashar, Chief of Staff and Webster Ye, Deputy Chief of Staff)

Brief updates from core stakeholders

Patricia Goins-Johnson (Division of Field Services Support, Division of Correction)

John R. Greene (Maryland Parole Commission)

Joseph F. Clocker (Division of Parole & Probation)

Constance Parker (Maryland Department of Labor, Licensing and Regulation)

Chief Judge John Morrissey and Judge Kathleen Gallogly Cox (Administrative Office of the Courts)

Robert L. Green (Local government and jails)

Russell Butler (Victims' Rights)

Performance Measures Discussion

Becky Berkebile and Jeffrey Zuback (Governor's Office of Crime Control & Prevention)

Good of the order and adjournment (Judge Daniel Long)

Justice Reinvestment Oversight Board



Location: House Appropriations Committee Room 120,
6 Bladen Street Annapolis, MD

Date: Wednesday, November 15, 2017

Time: 2:30 -4:00 p.m.

Agenda details:

- 2:30-2:35 I. Welcome
Call to Order
Introduction **Judge Daniel Long, Chair
Glenn Fueston**
- 2:35-3:05 II. Agency Implementation Updates (5 minutes each)
Maryland Department of Health
Department of Public Safety and Correctional Services
DOC
DPP
DFSS
Department of Labor, Licensing, and Regulation
Administrative Office of the Courts
Maryland Parole Commission
Local Detention Centers

Sentence Modification Requests
- 3:05-3:35 III. States Attorney's Office Presentation
Impact on Specialty Courts **Laura Martin**
Gang Statute/RICO Provisions **Wes Adams & Laura Oldham**
Driving Infractions **Steve Kroll & Dave Daggett**
- 3:35-3:40 IV. Victim Notification Workgroup **Delegate Kathleen Dumais**
- 3:40-3:55 V. Victim Restitution Workgroup **Kevin Combs**
Collection Process & Data System Update
VINE
- 3:55-4:00 VI. Good of the Order & Adjournment **Judge Daniel Long, Chair**



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From the Governor's Office of Crime Control & Prevention

Justice Reinvestment Advisory Board
Wednesday, June 21st. at 1:00 p.m.
Judicial College & Education and Conference Center
Room LL 11-12
2011 D Commerce Park Drive, Annapolis, MD 21401

Agenda

Call to order and welcome remarks (Judge Daniel Long, Chair of the Oversight Board)

Advisory Board Member Introductions

Justice Reinvestment Act presentation - Janet Lane, Director of Justice Reinvestment and Donald Hogan, Chief of Legislation & Justice Reinvestment (Governor's Office of Crime Control & Prevention)

Role of the Advisory Board (Mr. Glenn Fueston, Executive Director of the Governor's Office of Crime Control & Prevention)

Good of the order and adjournment (Judge Daniel Long)



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From the Governor's Office of Crime Control & Prevention

Local Government Justice Reinvestment Commission
Wednesday, August 30 at 1:00 p.m.
Legislative Services Building
Joint Committee Hearing room
90 State Circle, Annapolis, MD 21401

Agenda

Call to order and welcome remarks (Robert L. Green, Chair)

Oversight Board Remarks (Judge Daniel Long, Chair of the Oversight Board)

Justice Reinvestment Act presentation - Janet Lane, Director of Justice Reinvestment and Donald Hogan, Chief of Legislation & Justice Reinvestment (Governor's Office of Crime Control & Prevention)

Assessments of Local programs and services by county (Robert L. Green)

Performance Measures Discussion

Becky Berkebile and Jeffrey Zuback (Governor's Office of Crime Control & Prevention)

Good of the order and adjournment (Robert L. Green)