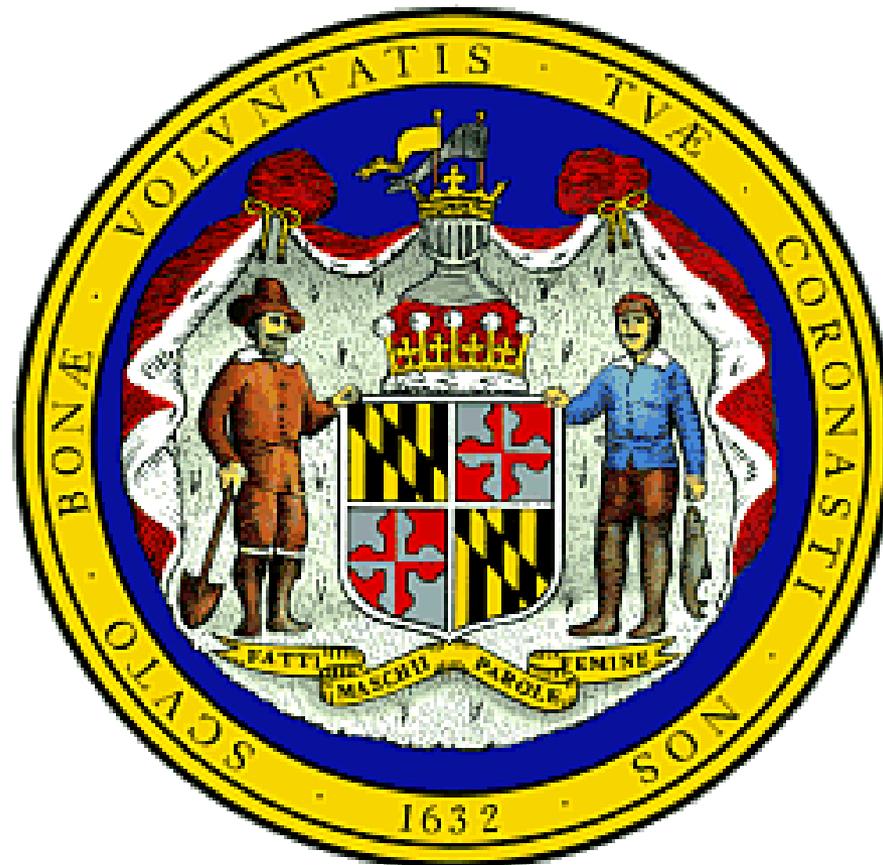


Justice Reinvestment Coordinating Council



Subcommittee Recommendations
December 2, 2015

Presentation Outline

- Review of key findings
- Impacts and reinvestment priorities
- Victims roundtable priorities
- Subgroup recommendations
 - Release and reentry
 - Supervision
 - Sentencing
 - Sustainability

REVIEW OF KEY FINDINGS

- While prison admissions have declined 19% in the last decade:
 - 58% of admissions are for nonviolent crimes;
 - Almost 60% of prison admissions are failures of probation or post-release supervision;
 - 43% of probation revocations and over 70% of parole and mandatory supervision returns are for technical violations; and
 - Offenders sentenced under the guidelines are more likely to be sentenced to incarceration than they were a decade ago.

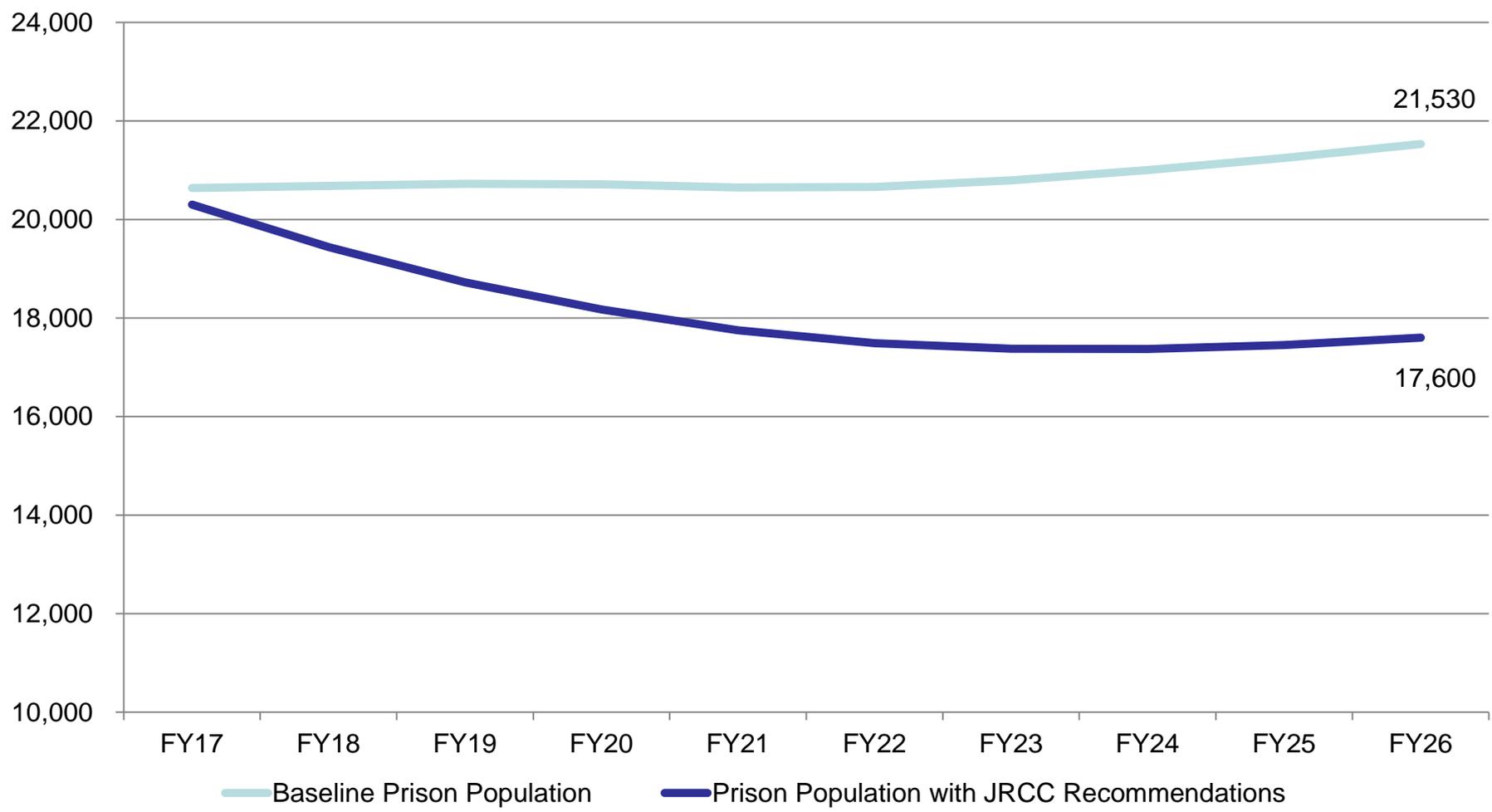
Summary Takeaways

- Despite research demonstrating the limited public safety benefit of keeping offenders in prison longer:
 - Time served has gone up 23% in the last decade, driven in part by a 25% increase in average sentence length;
 - Only 37% of releases from prison are paroled, and those who are paroled serve an average of 9 months past their parole eligibility date; and
 - Probationers revoked for a technical violation serve an average of 31 months in prison.

- While Maryland has taken steps to adopt many evidence-based practices:
 - The state lacks statutory and budgetary support to fully implement and sustain these principles;
 - Supervision resources are not focused on those at the highest risk to reoffend, as 71% of probationers and 62% of the post-release supervision population are on low- or moderate-risk supervision; and
 - Current statutory barriers and variations in practice are limiting the use of sanctions and incentives as an effective population management and behavioral change tool

IMPACTS AND REINVESTMENT PRIORITIES

Maryland Projected Prison Population, FY17 - FY26*



* This projection includes some recommendations that are not reflected in this presentation. The impacts are subject to change depending on JRCC's final consensus package.

Impacts

Justice Reinvestment Package Projections				
	Prison bed savings	Savings	Community Corrections Costs	Total savings
FY17	341	\$3,194,059	-\$214,728	\$2,979,331
FY18	1,240	\$11,736,600	-\$1,180,115	\$10,556,485
FY19	2,003	\$19,193,503	-\$2,144,169	\$17,049,334
FY20	2,543	\$24,654,477	-\$2,585,494	\$22,068,983
FY21	2,902	\$28,477,361	-\$2,736,580	\$25,740,781
FY22	3,170	\$31,477,161	-\$2,782,354	\$28,694,808
FY23	3,418	\$34,346,296	-\$2,819,064	\$31,527,232
FY24	3,632	\$36,937,583	-\$2,841,285	\$34,096,299
FY25	3,798	\$39,094,885	-\$2,825,168	\$36,269,717
FY26	3,930	\$40,938,154	-\$2,803,700	\$38,134,454
				\$247,117,424

Reinvestment Priorities

➤ **Invest in treatment options:**

- Increase funding to expand the use of 8-507 treatment beds through the Department of Health and Mental Hygiene

➤ **Enhance transition planning, support, and services for offenders returning to their communities**

- Support transition planning for reentry
 - Facilitate a period of collaborative transition planning for high-risk offenders
 - Create and fund Transition Coordinator positions to provide quality transition planning
 - Develop transitional housing options
- Expand programming and treatment:
 - Increase availability of recidivism-reduction programming in DOC facilities
 - Establish cognitive-behavioral programming in the community

➤ **Provide additional support to the Division of Parole and Probation**

- Fund programs and policies that adhere to best practices in community supervision

➤ County Recidivism Reduction Grant Program

Create a grant program available for counties, agencies, local providers, and nonprofit organizations that would request proposals for programs or practices to reduce recidivism, hold offenders accountable, and control corrections spending

- The program will be administered by a board with representation from each jurisdiction.
- A specified percentage of the funds will be designated for victim services.
- Other possible uses include pretrial services, substance abuse treatment, day reporting centers, etc....

➤ Establish beds for medical parolees

- Direct funds to provide at least three medical beds for offenders on medical parole

VICTIM / SURVIVOR / ADVOCATE ROUNDTABLE PRIORITIES

Victim / Survivor / Advocate Roundtables

Victim/Survivor Roundtable

Upper Marlboro, Sept. 29, 2015

Donna Bocus

Helen Fiori

Cari Freeman

Frank Patten

Margery Patten

Catherine Riley

Roberta Roper

Gayle Seaton

Michael Seaton

Oliver Smith

Victim/Survivor/Victim Advocate Roundtable

Millersville, Oct. 9, 2015

Scott Beard, Criminal Injuries Compensation Board

Barbara Bond, Office of the Attorney General

Wayne Brock, Victim/Survivor

Russell Butler, Maryland Crime Victims' Resource Center

Dee Gardner, Roberta's House

Richard Hoffman, GOCCP Victims' Rights Compliance

Lisae C. Jordan, MCASA/MCA

Steve Kelly, Maryland Board of Victim Services

Adam Lippe, Prosecutor

Margery Patten, Victim/Survivor

Jill Ritter, Washington County SAO

Roberta Roper, Maryland Crime Victims' Resource Center

Christopher Shank, GOCCP and Chair, Maryland Justice Reinvestment Coordinating Council

Lisa Spicknall, MADD

Debra Tall, Anne Arundel County Police Department Victim Services

Amanda Wilson, MNADV

Victim/Survivor/Advocate Priorities

- Top Priority: Improve restitution management statewide by:
 - Increasing the amount of restitution payable by incarcerated inmates
 - Improving data collection and developing evidence-based practices for restitution collection
 - Establishing a designated agency to focus solely on restitution collection

- Additional Priorities
 - Improve victims' rights and services with regards to timely victim notification
 - Enhance statewide training of criminal justice officials and allied professionals about victims' rights, services, and sensitivity
 - Improve data collection pertaining to victims' rights and services
 - Enhance the penalty for 2nd degree murder to 40 years

Victim/Survivor/Advocate Priorities

- Reinvestment Priorities:
 - Increase the amount of funds available to victims and survivors from the Criminal Injuries Compensation Board (CICB)
 - Fund additional law enforcement-based victim advocates in jurisdictions that currently lack them

RELEASE AND REENTRY

Release and Reentry Subgroup Members

- **Delegate Kathleen Dumais, Chair**
- Robert L. Green, Montgomery County Department of Correction and Rehabilitation
- David Eppler, Attorney General's Office
- Delegate Michael Malone
- Senator Nathaniel McFadden
- Judge Joseph Murphy, Maryland Court of Appeals (Ret)
- Caryn Aslan, Job Opportunities Task Force

Relevant Data: Length of stay has been a steady driver of the prison population

- Time served has increased 23% in the last decade, with increases for every offense type
- The average sentence length for newly sentenced prisoners is up 25% in the last decade
- Despite an increase in the last decade, only 37% those released in FY14 were granted parole
 - Offenders who are paroled serve an average of 9 months past their parole eligibility date
- The number of prisoners over the age of 55 nearly doubled in the last 10 years to 1,875

Recommendation 1: Administrative Parole

- Establish a system of administrative parole for lower-level, non-violent offenders to address delays and allow the parole commission to focus on the most serious and complex cases:
 - Case managers will be required to develop individualized case plans based on needs identified through a risk and needs assessment tool;
 - Victims will receive notification of the administrative parole release date to provide them with an opportunity to request a hearing;
 - Parole hearings will be restricted to offenders who:
 - have failed to comply with the case plan; or,
 - committed a Category I infraction in the 30 days prior to their parole eligibility date; or,
 - if a parole hearing was requested by the victim

Recommendation 2: Diminution Credits

- Provide the same number of diminution credits to drug offenders for good conduct as other nonviolent offenders

- Incentivize participation in programming by providing day-for-day credit for offenders who participate in recidivism reduction programming; programming includes: education; workforce development; cognitive-behavioral therapy; or substance abuse therapy.
 - Upon completion of the program, the parole eligibility date of nonviolent offenders will be adjusted based on the credit earned during the program

Recommendation 3: Geriatric Parole

- Expand geriatric parole eligibility by allowing offenders age 60 and older who have served at least 10 years or one-third of their total sentence to be eligible to petition for parole
 - This recommendation would not apply to any sex offender with a registerable offense

Recommendation 4: Medical Parole

- Specifies that medical parole eligibility must be based on a permanent medical or mental health condition, disease, or syndrome
- Medical parole applications will require evaluations conducted by two medical authorities, independent from the Division of Corrections

Recommendation 5: Local Reentry Planning

- Allow offenders to serve a remaining portion of their incarcerated time in the local detention center of the county that they would return to.
- Local detention centers must be willing to accept the offender and provide programming that assists the offender with reentry services such as employment, housing, and medical coverage.

SUPERVISION

Supervision Subgroup Members

- **Senator Michael Hough, Chair**
- Sam J. Abed, Secretary of the Department of Juvenile Services
- LaMonte E. Cooke, Queen Anne's County Detention Center
- Joe Clocker, Acting Director of the Division of Parole and Probation
- Senator Douglas Peters
- Delegate Geraldine Valentino-Smith

Relevant Data: A large percentage of prison admissions are for supervision failures

- Almost 60% of prison admissions are failures of probation or post-release supervision
- Probationers revoked for technical violations serve an average of 31 months in prison
- 43% of probation revocations and over 70% of parole and mandatory supervision returns are for technical violations

Recommendation 1: Graduated Sanctions

- Require parole and probation officers to respond to technical violations using swift, certain, and proportional sanctions
 - Technical violations will be defined as any violation that does not include criminal conduct or alleged criminal conduct such as an arrest or conviction and will exclude violations of a no contact order

Recommendation 2: Technical Violation Revocation **Limitations**

- Limit the amount of time that parolees and probationers can be returned to prison for a technical violation according to following graduated schedule:
 - up to 15 days for the 1st revocation
 - up to 30 days for the 2nd revocation
 - up to 45 days for the 3rd revocation
 - Judge/Parole Commission may opt to impose up to the remainder of the sentence for the 4th and subsequent technical revocation or for any non-technical violation, such as an arrest or conviction

Relevant Data: Supervision resources are not focused on those at the highest risk to reoffend

- 71% of probationers and 62% of the post-release supervision population are on low- or moderate-risk supervision
- Use of a risk and needs assessment to identify offenders at the highest risk to reoffend is not currently mandated in statute
- Current statutory barriers and variations in practice are limiting the use of earned compliance credits as an effective population management and behavioral change tool

Recommendation 3: Risk and Needs Assessment

- Require that the Division of Parole and Probation use a validated risk and needs assessment to guide supervision intensity, case planning, and treatment and programming referrals
 - Results of the needs assessment will be provided to the sentencing court and Parole Commission to inform sentencing conditions

Recommendation 4: Earned Compliance Credits

- Strengthen the current earned compliance credit system by expanding eligibility to all drug offenders and allowing offenders who have earned enough credits to be automatically transferred to unsupervised parole or probation

Recommendation 5: Evidence-Based Supervision Standards

- Require the Division of Parole and Probation to establish evidence-based supervision standards
 - Evidence-based practices will be defined as: policies, procedures, programs, and systems that scientific research demonstrates reduces recidivism, but does not preclude the development of new innovations based on research or data-driven evidence

Recommendation 6: Certificate of Rehabilitation

- Allow first time offenders convicted of a non-violent offense to apply for a certificate of completion to restore their rights to obtain professional certifications
 - Only first time, non-violent offenders are eligible to apply for the certificate
 - This certification excludes all sex offenders
 - The sentencing judge, state's attorney, or victim, where applicable, may object to the granting of the certificate
- Conduct a study exploring the collateral consequences of incarceration to further identify ways to restore individuals' rights after they have successfully discharged from supervision

Recommendation 7: Restitution

- Require 25% of state inmate earnings and commissary accounts be directed to restitution repayment
- Establish a comprehensive statewide system to measure and maintain restitution data to accurately document restitution management in Maryland
- Recommend that a study explore best practices to improve the collection of restitution, including identifying the best entity to oversee the collection of restitution utilizing evidence based practices

SENTENCING