

JUSTICE REINVESTMENT INITIATIVE

CHAPTER 515

JUSTICE REINVESTMENT ACT



THE HEADLINES



Hogan signs bill to overhaul Maryland
criminal justice system

Maryland criminal justice reform: a step in
the right direction

How Maryland came to repeal
mandatory minimums for drug
offenders

Justice Reinvestment Act
heading in the right direction

WHAT IS THE JUSTICE REINVESTMENT INITIATIVE?



Justice Reinvestment Initiative (JRI) is a data-driven approach to:

- Improve public safety by reducing recidivism
- Use criminal justice resources more effectively
- Reinvest in programs, services, and treatment proven to reduce likelihood of re-offense and improve offender outcomes.

HOW DO WE REFORM OUR CRIMINAL JUSTICE SYSTEM IN MARYLAND?



JRI

JRCC

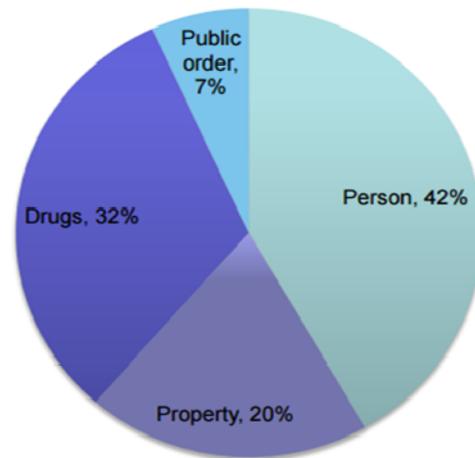
JRCC FINDINGS



Prison Admissions

58% of Admissions Are for Nonviolent Crimes

Prison Admissions by Offense Type, FY14



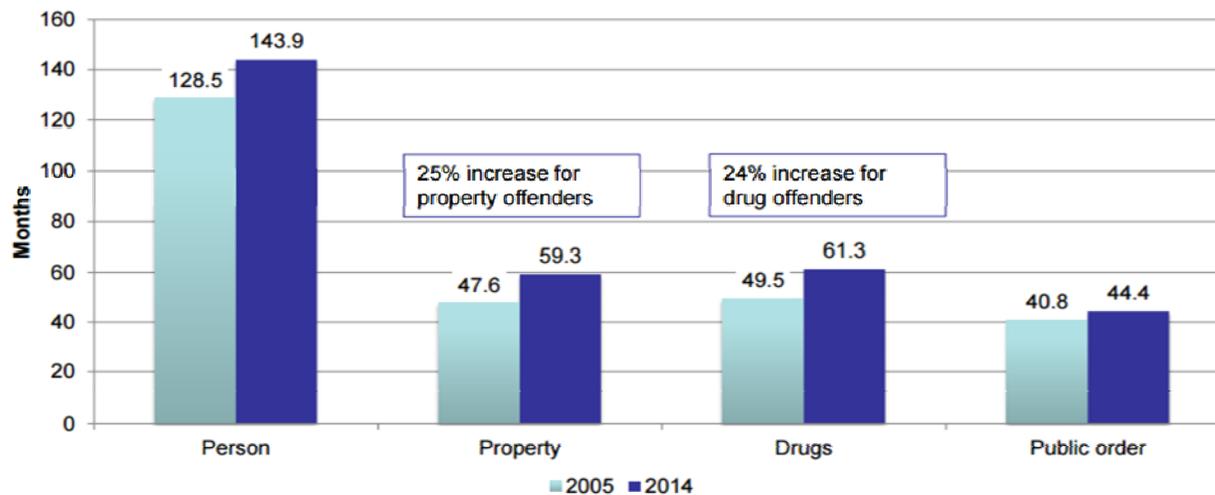
JRCC FINDINGS



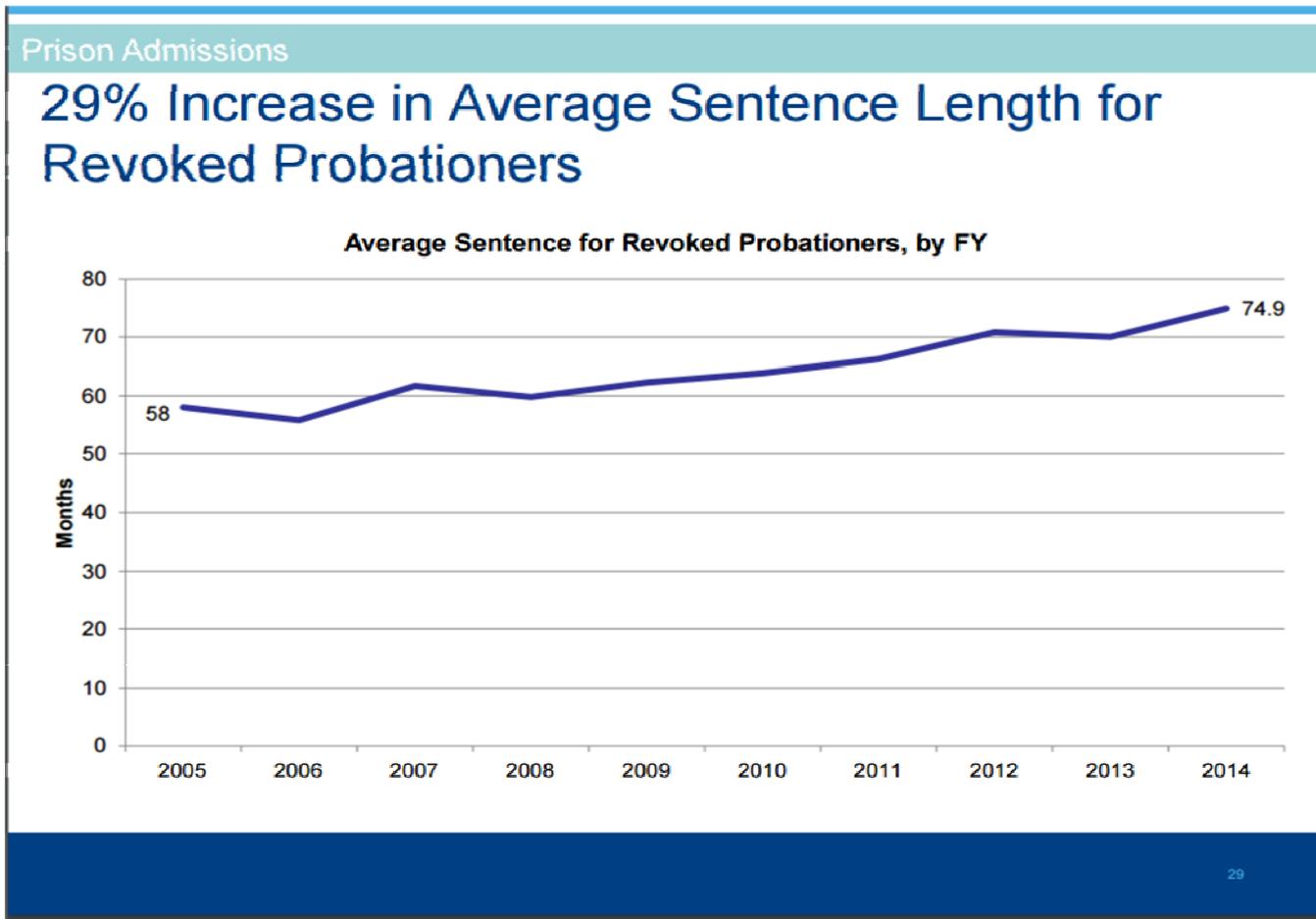
Prison Admissions

Average Sentence Length Grew Across All Offense Types

Average Sentence for Newly Sentenced Prisoners, by Offense Type, FY05 vs FY14



JRCC FINDINGS



Source: The Pew Charitable Trusts

JRCC REPORT

The Justice Reinvestment Coordinating Council made 19 recommendations that were submitted to Governor Hogan and the Maryland General Assembly.



1. Revise drug possession penalties to maximize recidivism reduction
2. Require prompt placement in residential drug treatment beds
3. Eliminate disparity between crack and powder cocaine penalties
4. Raise the felony theft threshold and concentrate longer prison terms on higher-level theft offenders
5. Expand in-prison good behavior and program incentive credits
6. Retroactive application of the mandatory minimum safety valve
7. Expand alternatives to incarceration in the sentencing guidelines and include suspended sentences in calculating guideline compliance
8. Identify best practices in alternative dispute resolutions
9. Use a validated risk and needs assessment tool to determine supervision levels
10. Use swift, certain, and proportional sanctions for violations of probation and parole
11. Establish evidence-based standards for supervision practices
12. Strengthen the earned compliance credits program
13. Streamline parole and focus parole hearings on serious, violent offenders and on non-compliant nonviolent offenders
14. Expand eligibility for geriatric parole
15. Expand the use of medical parole
16. Establish a certificate of completion for offenders who successfully complete supervision
17. Make certain first-time, minor traffic offenses non-jailable
18. Establish a performance-incentive county grant program
19. Establish an oversight council and track performance

MARYLAND AND THE JUSTICE REINVESTMENT INITIATIVE

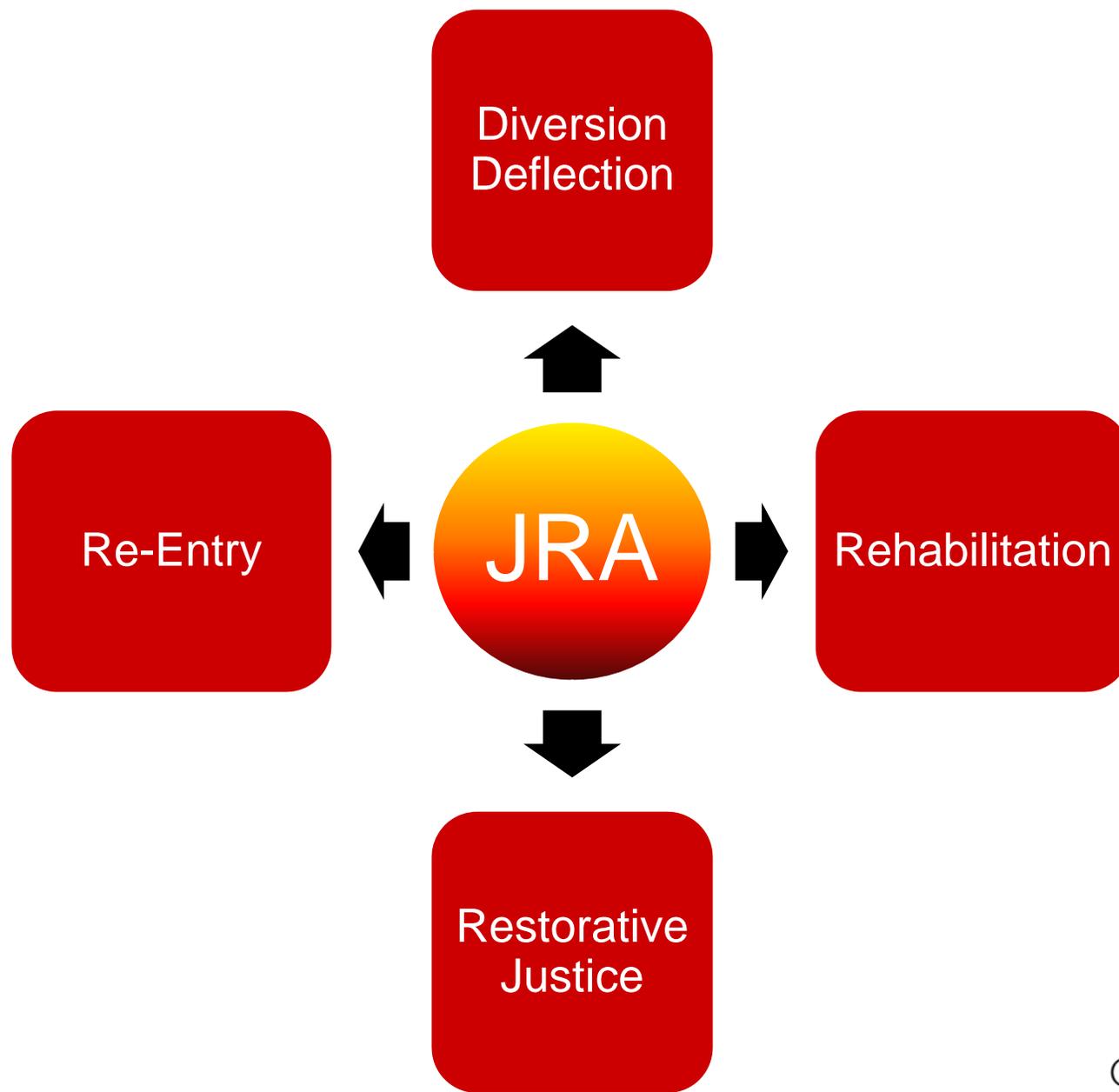


In furtherance of the nationwide Justice Reinvestment Initiative, Maryland passed the Justice Reinvestment Act (JRA) Chapter 515 of 2016. The Justice Reinvestment Act represents the most comprehensive criminal justice reform to pass in a generation.

Major Provisions of the JRA

- Focuses prison beds on serious, repeat offenders
- Emphasizes treatment for those struggling with addiction
- Elevates the voices of victims of crime
- Strengthens community supervision
- Expands opportunity for ex-offenders
- Establishes oversight mechanisms to ensure reforms are followed

The provisions of the Act involving crimes, corrections, and the courts are effective October 1, 2017.



JRA – Boards



(1) Justice Reinvestment Oversight Board

- 25-member board
- Includes two members representing local correctional facilities
- Performance Incentive Grant Fund

(2) Advisory Board to the Justice Reinvestment Oversight Board

- 12-member board
- Created for the purpose of including stakeholders in the criminal justice system in the analysis of the implementation of justice reinvestment initiatives
- Provides advice to the Oversight Board

(3) Local Government Justice Reinvestment Commission

- 24-member board consisting of one individual from each county

JRA – Local Commission – Statutory Duties



STATE GOVERNMENT ARTICLE, ANNOTATED CODE OF MARYLAND

9-3207.

(A) THE (JUSTICE REINVESTMENT OVERSIGHT) BOARD SHALL:

(8) CONSULT AND COORDINATE WITH:

(I) THE LOCAL GOVERNMENT JUSTICE REINVESTMENT COMMISSION;

AND

(II) OTHER UNITS OF THE STATE AND LOCAL JURISDICTIONS CONCERNING JUSTICE REINVESTMENT ISSUES.

9-3211.

(C) THE (LOCAL GOVERNMENT JUSTICE REINVESTMENT) COMMISSION SHALL:

(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 (OVERSIGHT) BOARD REGARDING GRANTS TO LOCAL GOVERNMENTS FROM THE FUND: AND

(3) CREATE PERFORMANCE MEASURES TO ASSESS THE EFFECTIVENESS OF THE GRANTS.

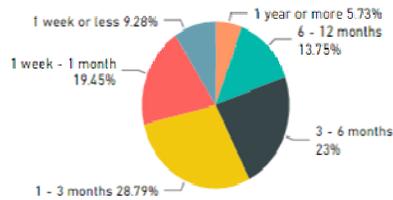
Local Jail Pretrial

Justice Reinvestment Act Local Jail Pretrial Data Dashboard

Data provided by county correctional facilities



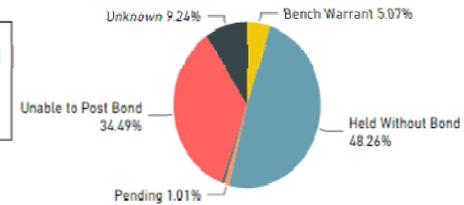
Length of Stay Category



Pretrial Detention Population

5113

Reason for not Securing Release

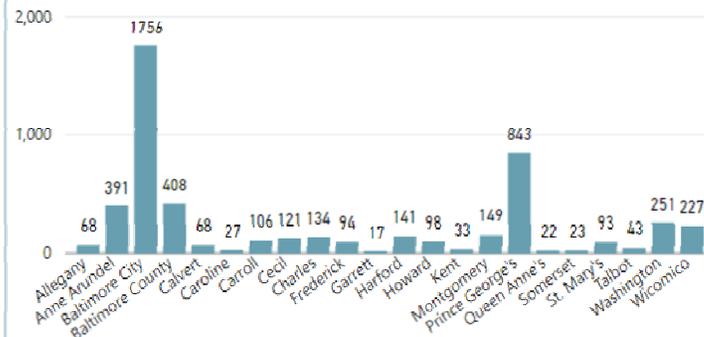


- County**
- Select All
 - Allegany
 - Anne Arundel
 - Baltimore City
 - Baltimore County
 - Calvert
 - Caroline
 - Carroll
 - Cecil
 - Charles
 - Frederick
 - Garrett
 - Harford
 - Howard
 - Kent
 - Montgomery
 - Prince George's
 - Queen Anne's

- Crime Category**
- Select All
 - Arson
 - Assault
 - Burglary
 - Child abuse
 - Child support
 - Drug distribution
 - Drug possession
 - Drugs unspecified
 - Fraud
 - FTA
 - Fugitive
 - Human trafficking
 - Kidnapping
 - Missing
 - Murder/Manslaughter
 - Obstruction of Justice

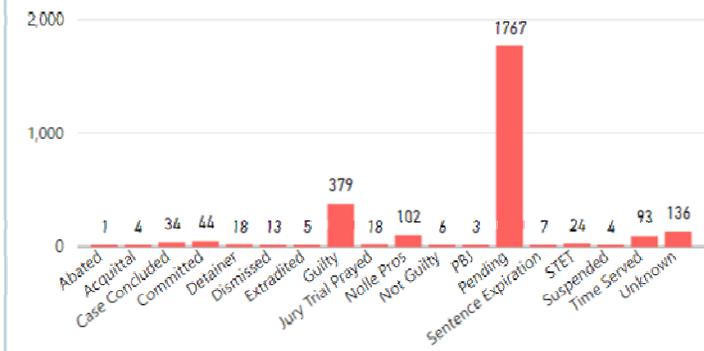
Charge Category	Count of Charge Category
Arson	43
Assault	980
Burglary	262
Child abuse	19
Child support	26
Drug distribution	209
Drug possession	116
Drugs unspecified	129
Fraud	25
FTA	114
Fugitive	33
Human trafficking	6
Kidnapping	46
Missing	83
Murder/Manslaughter	607
Obstruction of Justice	326
Other/Unknown	99
Protective Order	45
Quality of Life Offenses	105
Rape	77
Total	5113

Pretrial Detention Population by Jurisdiction



County	Average of Length of Stay	Median of Length of Stay
Allegany	146.09	56
Anne Arundel	91.16	60
Baltimore County	109.44	84
Calvert	65.71	48
Caroline	133.63	156
Carroll	109.98	59
Cecil	88.54	79
Charles	162.96	81
Frederick	107.67	76
Garrett	107.35	101
Harford	102.65	55
Howard	105.50	59
Kent	91.33	74
Montgomery	204.83	107
Prince George's	153.50	89
Queen Anne's	56.45	22
St. Mary's	87.96	46
Talbot	74.84	48
Washington	106.86	76
Wicomico	112.97	67
Total	122.15	74

Case Disposition



Local Detention Gaps and Needs



Pursuant to Section 5 of the Justice Reinvestment Act, the Governor's Office of Crime Control & Prevention requested data primarily from four entities in the State to answer three research questions:

1. What is the prevalence of substance use disorder/mental illness among offenders involved in the criminal justice system?

2. What is the availability of treatment to this population?

3. What gaps or challenges exist to providing adequate treatment to this population?

Local Detention Gaps and Needs



Substance Use and Mental Health Disorder Gaps and Needs Analysis

Local Detention Centers

Two electronic surveys were disseminated to all 23 local detention centers in the state. The purpose of these surveys was to determine inmates' treatment needs and available treatment services within the local detention centers. One survey addressed substance use disorder and the other addressed mental health. Survey questions sought information related to:

The jail's maximum bed capacity and average daily population

The number of inmates diagnosed with substance use disorder and mental illness

The number of inmates diagnosed with co-occurring disorders

The types of substance use disorder and mental health assessments conducted at intake

The number of substance use disorder and mental health treatment beds available

The types of treatment provided for inmates with substance use disorder and mental illness

The steps taken to connect an inmate with a substance use disorder or mental illness to treatment services prior to their release into the community

Local Detention Gaps and Needs Findings



Prevalence of Substance Use Disorder and Mental Illness in the Local Jails

The prevalence of substance use disorder and mental illness among local detention centers appears to be a widespread issue.

Substance Use Disorders and Mental Health Screening

Very few local detention centers have a formal screening assessment for substance use disorder. It is most likely determined through an interview with the inmate at intake.

Number of Substance Use Disorder and Mental Health Treatment Beds Available

Seven of the 19 jails reported having specific substance use disorder treatment beds totaling over 200 beds. Five of the 19 jails responded that they have beds for inmates with a mental health disorder totaling over 180 beds and are at about 80% capacity.

Types of Substance Use Disorder and Mental Health Treatment Provided at Local Detention Centers

While not all local detention centers have specific treatment beds available for inmates with substance use or mental health disorders, a variety of treatment is provided to these individuals while in custody.

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Pre-Release Services for inmates with a substance use disorder or mental illness - Local Jails

Most facilities provide case management services, discharge plans, or individualized treatment plans for the inmates while the individual is incarcerated to facilitate the transition from detention to community.

Local Jails – JRA Budgetary Impact



Pursuant to Section 17 of the Justice Reinvestment Act, an analysis was conducted to determine the budgetary requirements of this Act. The Governor’s Office of Crime Control & Prevention estimated how nine policies/provisions would impact the inmate population at local detention centers.

Reduction in controlled dangerous substance possession sentences SLIGHT DECREASE OR SLIGHT INCREASE	Third and subsequent controlled dangerous substance felony offenders must serve 50% of sentence (not 25%) before parole eligibility NO IMPACT	Elimination of jail time for driving with a suspended license for failing to pay a fine or failing to appear for trial DECREASE
Revocation caps for technical violations of parole or probation DECREASE	Increase in felony theft thresholds and a reduction in theft-related sentences MINOR INDETERMINATE IMPACT	New administrative release provision after serving one-fourth of a sentence for drug and theft-related provisions DECREASE
Mandatory withholding of 25% of inmate’s earnings if there is a restitution order INDETERMINATE IMPACT	Increase from 5 to 10 days good conduct credits for non-violent offenders at local correctional facilities DECREASE	State reimbursement of \$45 for local jails providing pre-releases services for State Division of Correction inmates NO IMPACT

Local Detention Impact



Moving forward, it is the responsibility of each local warden and the warden's staff to monitor stringently their facility jail population, and send population data as required to the Governor's Office of Crime Control & Prevention as well as the Justice Reinvestment Oversight Board, and document any expected or unexpected shifts in population.

We would expect and recommend that the Local Government Justice Reinvestment Commission closely monitor the data from the local correctional facilities to determine the impact of the Justice Reinvestment Act on local correctional facilities and make appropriate recommendations for changes if warranted.

JRA IN ACTION

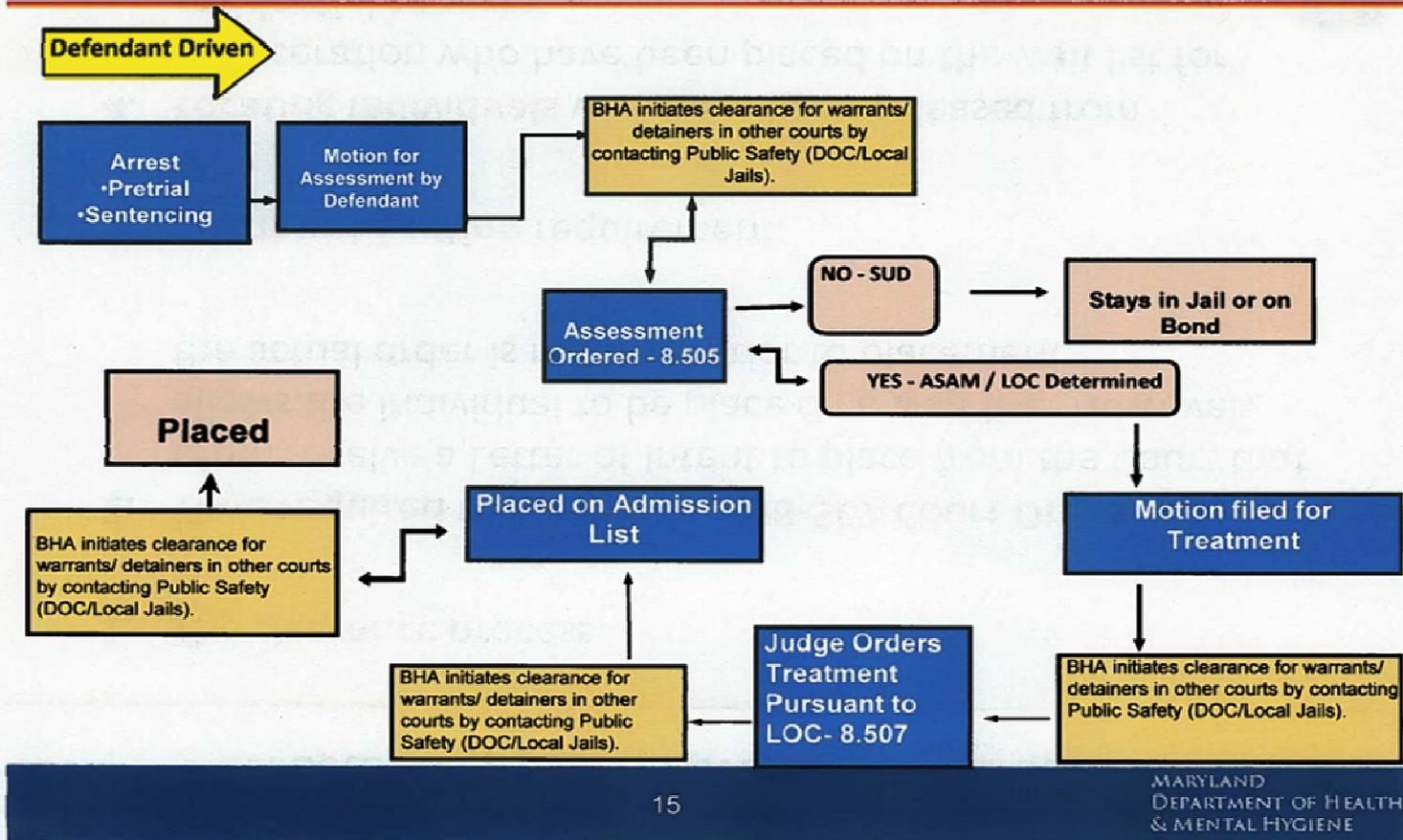


History/Background of 8-505 and 8-507 Services

- Health-General Article, §§ 8-505 and 8-507 were initially enacted in 1989 and revised in 2007 to allow court ordered treatment as an alternative to jail.
- Effective October 1, 2017, as a part of the 2016 Justice Reinvestment Act, MDH will be required to place individuals in court-ordered treatment immediately.
- H-G § 8-505 – Assessment
- H-G § 8-507 – Order for treatment
- Governor Hogan has increased funding by \$4.5 million to a total of \$10.5 million. Available treatment slots have more than doubled in two years to 245 slots at any one time.

JRA IN ACTION

§ 8-505 and § 8-507 Process



RA IN A _ T I _ N



The Governor's Office of Crime Control is working to develop a comprehensive list of performance measures which will be used to measure the impact of various JRA reforms and policies.

Measures will be requested from the following agencies:

- Department of Public Safety & Correctional Services
- Administrative Office of the Courts
- Department of Health & Mental Hygiene
- Maryland State Commission on Criminal Sentencing Policy
- Department of Budget and Management
- Local detention centers

JRA LOOKING AHEAD

Victims



Coordinate with various agencies to study the current restitution process to determine how to better collect restitution

5% of the grants provided through the Performance Incentive Grant Fund go to victims' programs

All inmates ordered to pay restitution to the victim will have 25 percent withheld of any inmate earnings for restitution

JRA – PERFORMANCE INCENTIVE GRANT FUND



Annually the JRI Oversight Board determines savings based on reduction in prison population from the prior year.

If a State prison or part of a State prison closes, the Oversight Board must determine the savings from the closure.

Division of savings

- 50% to Performance Incentive Grant Fund
- 50% to additional services as identified in JRCC Report

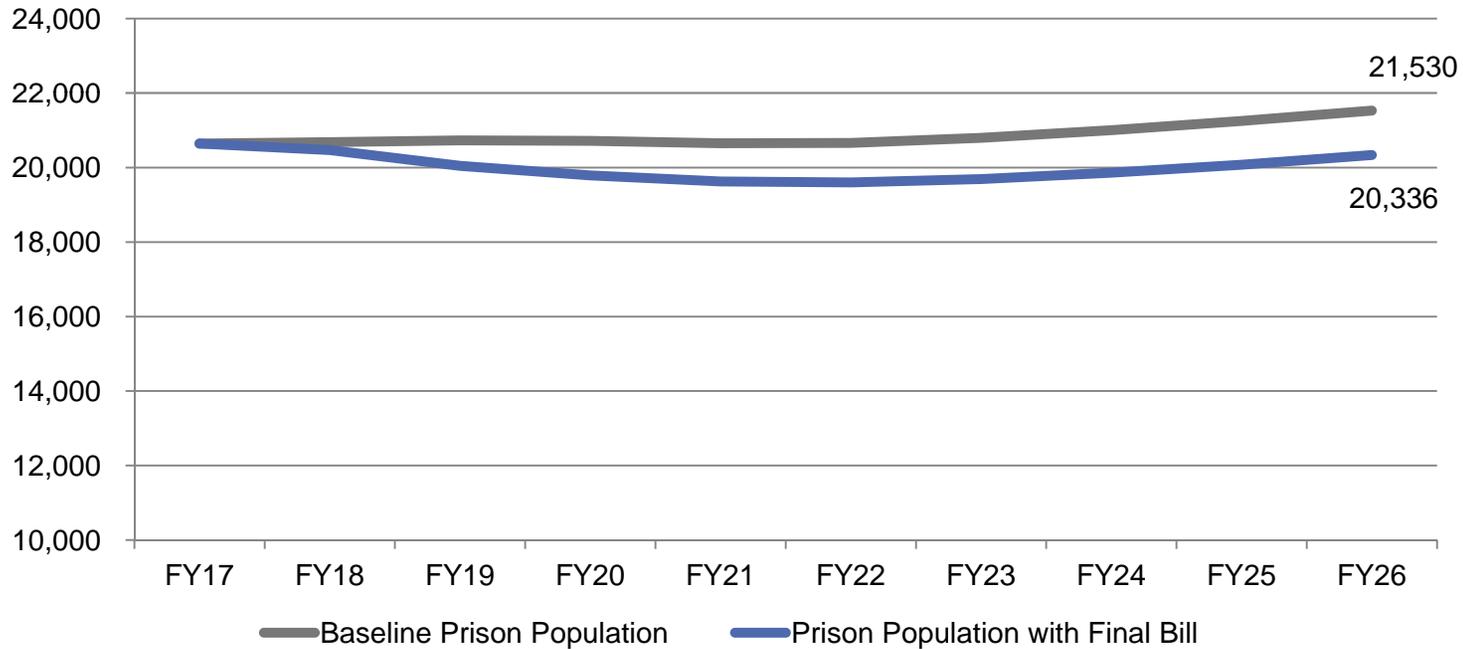
JRI Oversight Board administers the Performance Incentive Grant Fund, with the Executive Director of the Governor's Office of Crime Control and Prevention being the final arbiter on awards.

At least 5% of a grant to a county must go toward protecting and enhancing victims' rights.

JRA IMPACT AND SAVINGS



Maryland Projected Prison Population, FY17 - FY26



Source: Pew Charitable Trusts

10-Year Savings - \$80.5 million in savings/averted costs, and \$45 million in realized savings

JRA REPORTS



The following reports are available on the Governor's Office of Crime Control & Prevention's website under Justice Reinvestment Act

<http://goccp.maryland.gov/councils-commissions-workgroups/justice-reinvestment/>

Final Report of the Collateral Consequences Workgroup - Dec. 1, 2016

Report on Organized Retail Theft – December 1, 2016

Report on Restitution Study – December 1, 2016

Criminal Mediation Best Practices Work Group – December 22, 2016

Budgetary Requirements on Location Detention Centers – December 31, 2016

Substance Use and Mental Health Disorder Gaps and Needs Analysis – December 31, 2016

Justice Reinvestment Oversight Board Initial Report – January 1, 2017





Questions?