

# MARYLAND ALLIANCE FOR JUSTICE REFORM

Working to end unnecessary incarceration and build strong, safe communities



## Fixing the “Back Door” of Maryland’s Corrections System: A Look at the Justice Reinvestment Act (JRA): HB 1312/SB 1005

### *Reentry matters!*

What happens when people who have been incarcerated in Maryland return to their communities? Too often, they exit the back door only to return by the front door. Traditional approaches to parole or release after prison time have resulted in Maryland’s high recidivism rate: **over 40%** of people released from our prisons return to prison within three years. By comparison, other states, including Virginia and Oregon, have reduced their rates of return to the 20% range. One successful reentry program in Montgomery County, Maryland has reduced participants’ 3-year recidivism to state-best 29.7%.

After hearing input from the full range of criminal justice stakeholders in Maryland and reviewing statistics on the state’s existing approach to reentry, Maryland’s Justice Reinvestment Coordinating Council (JRCC) crafted the Justice Reinvestment Act (JRA): House Bill 1312 and Senate Bill 1005. The approaches used in the JRA are informed by those used elsewhere to help “returning citizens” succeed. Here is what the JRA proposes:

- 1. Support for local reentry programs.** The bill provides for grants to a statewide network of local reentry programs to help “returning citizens” connect with appropriate jobs, housing, treatment and other community assistance.
- 2. Use an evidence-based approach to parole sanctions.** Currently, people on parole may be sent back to prison for “technical” violations of the terms of their parole that do not pose a threat to public safety. They may then be required to serve the full suspended prison time remaining in their sentence. Across the U.S., the “Drug Court” movement has confirmed that “swift and certain” penalties are more effective and less costly. The Act would provide guidelines and training for parole and probation officers to help them understand how such swift but graduated sanctions could save taxpayer dollars, shrink prisons, but also result in improved law enforcement and public safety.
- 3. Establish a performance-incentive county grant program.** Counties will be able to submit proposals to reduce recidivism and control corrections costs. The proposals may include, but are not limited to, pretrial risk assessments, other services to reduce pretrial detention, diversion programs (for example, restorative justice or mediation), sentencing alternatives like specialty courts, and reentry programs such as mentoring and job placement. The fund will be administered by a board with representation from each jurisdiction. The board will create performance measures to assess the effectiveness of the grants. No less than five percent of the fund will be designated for victim services.

**4. Increase the use of validated “Risk/Needs Assessment” tools.** These tools can identify risk factors that increase the likelihood of new criminal offenses in an individual’s situation, protective factors that make reoffense less likely, and needs that can be addressed to reduce the likelihood of repeat offense. Currently, Parole and Probation agents unknowingly focus excessive supervision resources on low- and moderate-risk offenders, rather than on high-risk offenders who are the most likely to reoffend. Excessive supervision for some lower-risk offenders can actually increase rather than reduce the likelihood that they will return to prison. Research shows that it is more effective to focus supervision resources on offenders who are most likely to recidivate.

Seventy percent of probationers and 65 percent of the post-release supervision population are on moderate or low-risk supervision. With RNA use, parole and probation agents focus more supervision and resources on those with highest risk of reoffending, a practice proven to provide the biggest return on investment. RNA use also helps agents target offenders’ “criminogenic needs” – changeable conditions such as unstable employment and housing, substance abuse, antisocial attitudes and behavior – that can be targeted, and when addressed, can reduce each offender’s risk of recidivism. Regular training will help criminal justice practitioners learn to use these proven tools to reduce recidivism.

**5. Streamline parole for certain eligible offenders.** Currently, offenders are serving an average of nine months past their eligibility date for parole at public cost. JRA will make the parole process more prompt and effective. Certain offenders will now be eligible for administrative parole without a full Parole Commission hearing. Eligible offenders are those who are *not* registered sex offenders or serving a sentence for a violent crime, have complied with their case plans (to reduce risk factors), and have not violated a serious administrative rule within 30 days. Also, they are eligible only if the victim has not requested a hearing.

Use of this system to grant administrative parole will enable courts to focus their resources on offenders who are violent or nonviolent offenders who are noncompliant. It will also save funds by ensuring timely parole for low-risk offenders.

#### **For More Information**

See MAJR’s website for more extensive explanations and research that supports the Justice Reinvestment practices and provisions: [www.ma4jr.org](http://www.ma4jr.org) Also, MAJR provides links and suggestions to help you lobby for passage of the JRA. You will find the JRCC web page helpful as well: <http://www.goccp.maryland.gov/jrcc/index.php>

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**Note: To access all the links in this report go to: <http://www.ma4jr.org/jra-backdoor/>**