

## ***Draft Recommendations from the JRCC Meeting***

The December 2 meeting of the [Justice Reinvestment Coordinating Council](#) (JRCC) was the first opportunity for subcommittees to present their current thinking to the Council as a whole in a public forum. While the subcommittees on release and re-entry and on supervision offered draft recommendations, the subcommittee on sentencing found itself unable to reach agreement, and much of the meeting was given to seeking consensus on a few directions. Final recommendations are expected to be presented at the JRCC's next meeting, on December 17. At the time of this writing, the minutes and PowerPoints from this meeting have not been posted on the JRCC site, but check there for more complete information.

### ***Release and Reentry***

State Delegate Kathleen Dumais, who chairs the Council subgroup on release and reentry, brought forward the following recommendations:

#### **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 1 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.

#### ***Recommendations on Supervision***

State Senator Michael Hough, who chairs the Council subgroup on supervision, brought forward the following recommendations:

#### **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 the following graduated schedule:
  - Up to 15 days for the 1<sup>st</sup> revocation
  - Up to 30 days for the 2<sup>nd</sup> revocation
  - Up to 45 days for the 3<sup>rd</sup> revocation
  - Judge/Parole Commission may opt to impose up to the remainder of the sentence for the 4<sup>th</sup> and subsequent technical revocation or for any non-technical violation, such as an arrest or conviction.

#### **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.

### **Directions in Sentencing**

State Senator Bobby Zirken , who chairs the Council's subcommittee on sentencing, reported that the subcommittee has as yet been unable to reach consensus on a set of recommendations.