

OPPOSE HB 1217 - increasing incarceration for technical parole violations



MARYLAND ALLIANCE FOR JUSTICE REFORM
Citizens working to reform criminal justice in Maryland



Testimony of Phil Caroom for MAJR executive committee.

March 12, 2020

Maryland Alliance for Justice Reform (MAJR - www.ma4jr.org) opposes HB 1217 that would authorize expansion beyond Justice Reinvestment Act (JRA)'s presumed maximum penalties for a technical violation for 15, 30, or 60 days if the Parole Commissioner finds a need for "protecting" or "reducing risk" to an inmate who is "amenable to treatment."

Why is this bad corrections policy? There are two main reasons:

First, both Maryland's Justice Reinvestment study and nationally-recognized Drug Court guidelines make clear that-

- A) More lengthy incarceration, by itself, does not reduce the likelihood of drug abuse or new criminal offenses. But drug treatment in the community can reduce these risks.
- B) More lengthy incarceration doesn't improve an individual's motivation to cooperate with drug treatment. But brief incarceration — like the limited technical violation points set by Maryland's JRA.

Second, it is unmistakable that, today, Maryland's Division of Corrections prisons do not contain nearly enough substance abuse or mental health treatment resources to address "protect" technical parole violators.

A Maryland substance abuse treatment administrator who has worked in the system during the past year advises MAJR that:

"The only type of treatment available in [Maryland] prison is ATP (Addiction Treatment Protocol)... based on an out-patient level of care in the community. It's a 6 month program which meets twice weekly for group and twice monthly for individual. Many [more inmates] could benefit from a more intensive level of care [but] there is nothing available.

"[In 2019, only 200 inmates were provided this treatment out of approximately 19,000 total inmates.]

"In order to access ATP, [an inmate] must be within 3 years of release, have no active medium or high detainers and be outside of a 90-day window from [his] last major infraction which includes a positive urine for substance use. In other words, if you test positive for drug use within 90 days of being referred to treatment, you can't get in treatment. Theoretically, you could be released before another treatment group started. There is also still a rule on the books that if a person tests positive for [in-prison] drug use while in treatment they must be discharged from treatment. There is still a very punitive approach to treatment in the DOC in many aspects.

"Some are fortunate enough to get [Health-General Art.], 8-507 [treatment outside the prison] and many of those folks that are released to an 8-507 placement are in active [, in-prison] addiction [as drugs are easily available in the prisons] and are not being detoxed. Additionally, that treatment is only 60-120 days max- not long enough

"The process in which someone is even put on a list to access treatment is also very disorganized and allows for many (if not most) of our incarcerated population to be released without any treatment. There are only 5 treatment counselors in the entire state and one supervisor."

For all these reasons, MAJR urges an unfavorable report on HB 1217 as it only would offer longer incarceration and not workable treatment behind the walls for parolees who have not committed a new offense, who may be legally employed, but who may lose their jobs and their support networks from this excessive punishment for a "technical violation" of parole rules.

PLEASE NOTE: Phil Caroom offers this testimony for MAJR and not for the Md. Judiciary.