



Senate Bill 768

Justice Reinvestment Oversight Board

MACo Position: **SUPPORT**
WITH AMENDMENTS

Date: March 14, 2016

To: Budget and Taxation
& Judicial Proceedings Committees
From: Natasha Mehu and Michael Sanderson

The Maryland Association of Counties (MACo) **SUPPORTS** SB 768 **WITH AMENDMENTS**.

A strong and coordinated effort to reform criminal laws and reassess the best options for nonviolent offenders presents an opportunity to improve justice, reduce taxpayer costs, and improve availability of treatment offerings. MACo endorses these objectives of the Justice Reinvestment Coordinating Council and supports the oversight process established by SB 768 to ensure savings generated by the Council's recommendations are secured for their intended purposes.

SB 768 creates a Justice Reinvestment Oversight Board charged in part with considering any legislation, regulations, rules, budgetary changes, or other actions taken to implement the recommendations of the Justice Reinvestment Coordinating Council and the Local Government Justice Reinvestment Commission. MACo seeks additional local correctional facility representation on the Justice Reinvestment Oversight Board to represent the broad scope of local interest.

MACo also seeks dedicated and reliable funds for local jails and community programs to meet the responsibilities that will be required when the recommendations take effect but before any savings can be generated and reinvested into local jails.

MACo appreciates the efforts put forward to provide local governments with a portion of the savings generated from the justice reinvestment initiative by creating a performance incentive grant fund. Reinvestment, particularly into local programs that are expected to provide services and support to individuals who are released or diverted from incarceration as a result of the bill, is crucial to the success of the initiative. Without reinvestment, the current capacity for services - which is already stressed - would not be able to meet the increased need. Counties are concerned the grant fund, which will be helpful along the line, will not be sufficient to meet immediate needs.

It is estimated that the recommendations could generate \$247 million in savings for the state over a 10-year period. But this is conditioned on the many pieces of the recommendations falling into place and performing as expected. As the grant fund is predicated on "savings," the money would not be readily available. There will be a gap of time in which local jails and community programs will need resources to implement the council's recommendations before savings are realized.

For instance, recommendations would authorize the court to order evaluations, assessments, and treatment for individuals convicted of certain drug offenses. Treatment may be ordered either in the community or within a correctional facility, depending on the threat the defendant poses to the community. This is an important provision for ensuring people who need treatment are provided treatment and are not unnecessarily incarcerated.

However, access and availability to treatment in communities across the state is severely lacking. Local jails lack the resources and capacity to provide treatment behind bars. Most do not have licensed treatment providers on-site and the very few that do, have a limited number of beds. There is concern that they would not be able to meet the demand - which could be significant given the number of individuals arrested for drug offenses. Without additional resources, it will be difficult if not impossible to implement the recommendation. Initial funding will be required to secure treatment and ensure the goals of this recommendation are not frustrated by lack of treatment slots and a demand that exceeds capacity.

Implementation of the recommendations would also require data collection and reporting that would necessitate updates to local jail information technology (IT) systems. Some of the reporting requirements are vague, difficult to calculate, or do not make sense for local jails – an issue that would be exasperated by inadequate systems. It is important that local IT systems are updated to meet these requirements and are able to interact with state systems.

Additional recommendations call for streamlining the parole process and having case management plans in place. However, there are concerns in some jurisdictions that this will require additional case management personnel and administrative resources.

Counties raise these concerns and seek to have these issues addressed to ensure that local governments can meet the responsibilities of Justice Reinvestment with appropriate support. Without additional funding and representation, MACo is concerned that the important and shared goal of Justice Reinvestment will be hampered by operational and financial difficulties.

Accordingly, MACo urges a **FAVORABLE WITH AMENDMENTS** report on SB 738. County governments and corrections professionals stand ready to contribute to the Committee's work toward this shared goal.

MACo Proposed Amendments to SB 768

Amendment No. 1

On page 3, in line 25, strike “One” insert “TWO”.

On page 3, after line 26, insert “(V) ONE MEMBER REPRESENTING THE MARYLAND SHERIFFS’ ASSOCIATION.”

Amendment No. 2

(insert as appropriate)

(A) THE GOVERNOR SHALL INCLUDE IN THE BUDGET BILL FOR FISCAL YEARS 2017, 2018 AND 2019 ADEQUATE FUNDS TO REIMBURSE LOCAL CORRECTIONAL FACILITIES FOR THEIR ACTUAL REASONABLE COSTS TO MEET THE REQUIREMENTS OF THIS ACT.

(B) FUNDS SHALL BE USED FOR:

- a. EVIDENCE-BASED DRUG TREATMENT;
- b. MENTAL HEALTH AND BEHAVIORAL HEALTH PROGRAMS
- c. INFORMATION TECHNOLOGY SYSTEMS; AND
- d. CASE MANAGEMENT AND PERSONNEL SUPPORT.

(C) THIS FUNDING SHALL SUPPLEMENT AND NOT SUPPLANT EXISTING FUNDING.

(D) THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONS MAY PROMULGATE REGULATIONS TO IMPLEMENT THE REIMBURSEMENTS.