



## **Senate Bill 1005**

### *Justice Reinvestment Act*

MACo Position: **SUPPORT**  
**WITH AMENDMENTS**

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To: Judicial Proceedings Committee

From: Natasha Mehu

The Maryland Association of Counties **SUPPORTS** SB 1005 **WITH AMENDMENTS**.

MACo appreciates the time and effort invested in Maryland's Justice Reinvestment Initiative that has culminated in this omnibus legislation. While the focus has been on reforming the state's criminal justice system, counties are very much invested in the success of this initiative and the implementation of the bill. The following concerns are raised in an effort to ensure justice reinvestment is implemented in a manner that allows the state to reach its goals effectively without unintended costs and consequences that may undermine the benefits.

#### **Drug Treatment Evaluations**

SB 1005 contains provisions that 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.

There is certainly a need to make sure individuals who need treatment are receiving the appropriate treatment rather than incarceration. However, this bill provides no funding for this new requirement. Without additional resources, it will be impossible to meet the requirements and correctional facilities would face the same barriers and challenges for access to treatment currently being experienced across the state.

It is unclear who is responsible for making sure the treatment is available in the community and who must provide this treatment. Access and availability to treatment in communities across the state is severely lacking. In rural areas, this is particularly acute as there is a lack of private providers and the already limited services that local health departments can provide are being further limited or cut due to changes in state funding.

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 they would not be able to meet the demand which could be significant given the number of individuals arrested for drug offenses.

In either scenario, there is no funding to secure treatment and no process in place in the event treatment exceeds demand. Ensuring a reliable “back end” plan for treatment offerings is an essential part of any bill that moves forward for Maryland.

### **Performance Incentive Grant Fund**

MACo appreciates the efforts put forward to provide local governments with a portion of the savings generated from this 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 will not be sufficient.

It is estimated that this bill could generate \$247 million in savings for the state over a 10-year period. But this is conditioned on the many pieces of the bill falling into place and performing as expected – it is not guaranteed. It is not known exactly how much money will be generated in savings each year or if the savings will be enough to compensate for the sweeping changes proposed in the bill. As the grant fund is predicated on “savings,” the money would not be readily available. There will be a gap where local jails and community programs will need funding to comply with the provisions in the bill that will take place immediately.

MACo seeks dedicated and reliable funds for local jails and community programs in addition to or in place of the grants.

### **Technical Violations**

Under current law, the Commission may remand an individual who has violated parole to “the Division of Corrections or the local correctional facility from which the individual was paroled.” The bill sets a new schedule for parole violations by limiting the amount of time the Parole Commission may impose imprisonment for technical violations to 15 days, 30 days, and 45 days, for the first, second and third offenses respectively. It is not specified whether revocations under this new schedule will be sent back to the facility in which they are paroled.

Counties believe that individuals should be sent back to the facility in which they were paroled. To the extent any individuals paroled from state facilities have their parole revoked and are sent to local facilities to serve these “short stints,” local correctional facilities must be reimbursed at their actual per diem rate for state prisoners held in local facilities. The State must account for its policy priorities fairly, and make this (in essence) a funded mandate.

### **Administrative Parole and Case Management Plans**

In an attempt to streamline current processes, the bill creates a process for administrative parole for low level offenders. The bill, in Section 7-301.1, does so by eliminating the hearing process and by requiring the Department of Parole and Probation to coordinate with local correctional facilities to develop individual case plans which eligible inmates must comply with in order to be released on administrative parole.

There is significant value in streamlining the parole process and having case management plans in place. However, there are concerns in some jurisdictions that this will require additional personnel and may be administratively burdensome given the short-term sentences of many detainees.

### **Data Collection and Reporting Requirements**

Throughout the bill, there are instances of mandated data collection and reporting that would necessitate updates to local jail information technology (IT) systems. It is important that local IT systems are updated to meet these requirements and are able to interact with state systems. Funding should be provided to cover these expenses.

Additionally, some of the reporting requirements are vague, difficult to calculate, or do not make sense for local jails. For instance, there is a requirement for local jails to track recidivism. There is no definition for recidivism for local jails. Without clarification on what is meant, data collected would not be uniform and comparison could be unfair. There is also a requirement to collect data as to why a detainee is unable to secure release. This is also not defined, and collecting such data can be extremely burdensome - especially without updated IT systems.

### **Conclusion**

Counties raise these concerns and seek to have these issues addressed in order to ensure that state costs and responsibilities are not simply shifted to the locals. MACo supports the Justice Reinvestment undertaking and hopes the Committee can come to a resolution to meet the goals it sets to achieve in a manner that is financially and operationally feasible.

For these reasons MACo urges a **FAVORABLE WITH AMENDMENTS** report on SB 1005. County governments and corrections professionals stand ready to contribute to the Committee's work toward this shared goal.