



# Maryland's Justice Reinvestment Act: Maximizing Our Investment in Justice Involved Individuals

## Maryland Department of Public Safety and Correctional Services

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*Progress is impossible without change,  
and those who cannot change their minds  
cannot change anything.*

George Bernard Shaw

LARRY HOGAN  
GOVERNOR

BOYD K. RUTHERFORD  
LT. GOVERNOR

STEPHEN T. MOYER  
SECRETARY

# Why Justice Reinvestment?

**Introduction.** The Justice Reinvestment Act (JRA) is an innovative strategy for utilizing Maryland's criminal justice, correctional, and treatment resources to maximize the return on the taxpayers' investments and simultaneously supporting and guiding probationers, parolees and inmates through the process of becoming sober, law-abiding, and productive residents of our communities.

JRA is **not** a special project or initiative that will fade away or expire in year or two. It is a thoughtful, comprehensive, multi-stage approach for transforming facility- and community-based corrections and it is supported by Governor Hogan, the Judiciary, and the General Assembly. (See SB 1005 or Chapter 515 of the Acts of the General Assembly of 2016.)

JRA is about enhancing public safety. JRA is about fortifying public health. JRA is about strengthening each and every neighborhood in Maryland. Safer, healthier, more cohesive neighborhoods will gradually translate into a more robust state economy with enriched educational and employment opportunities for all Maryland residents.

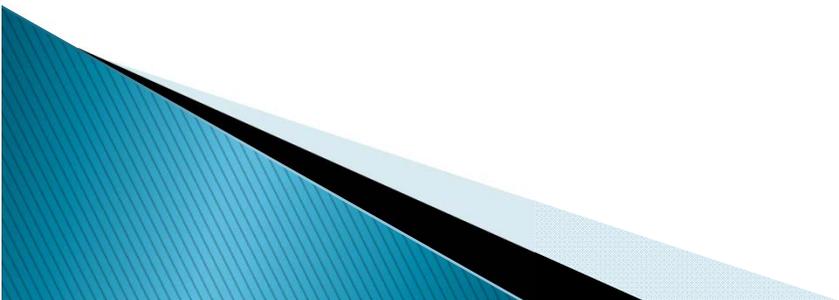
Justice Reinvestment calls for expanded use of graduated, community-based sanctions and other evidence-based crime desistance strategies and services that are aimed at addressing the underlying causes of crime. Justice reinvestment also helps to prioritize the most expensive criminal justice sanction – incarceration -- for those who pose the greatest risk to public safety.

**Conclusion.** Justice reinvestment is an important opportunity to begin building a brighter future for all Marylanders by guiding probationers, parolees and inmates through the process of becoming sober, law-abiding and productive members of our communities. Doing so, will help to strengthen Maryland families and our economy. It ensures that prison beds will be available for high-risk individuals. Justice reinvestment offers all DPSCS employees exciting opportunities to contribute to shaping the implementation of these reforms.



# Justice Reinvestment Back Story

- ▶ The phrase “justice reinvestment” was born in 2003 article by Susan Tucker and Eric Cadora; inspired by million-dollar blocks because so many individuals from these blocks were going to prison and destabilizing communities.
- ▶ Simultaneously, the Maryland Division of Parole and Probation was reinventing methods for supervision. An independent evaluation reported in 2004 that:
  - ▶ The likelihood of arrest was reduced by 38% for the individuals in the group supervised with new methods.
  - ▶ The likelihood of a warrant being filed was reduced by 38% for individuals in the group supervised with new methods.
  - ▶ EBP implementation was planned during period of economic vitality but implementation occurred post-911 (budget was frozen and implementation relied on goodwill of community partners).
- ▶ Failing to truly rehabilitate millions of justice involved individuals passing through corrections systems in U.S. has harmed the communities where many of these individuals live. After decades of repetition, it impacts every community, public safety, and public health. Therefore, local governments, state legislatures and Congress are stepping up.
- ▶ Justice reinvestment seeks community level solutions to community level problems.
- ▶ Maryland’s 2016 justice reinvestment legislation empowers DPSCS to become an evidence-based, effective agency.



# The Basics: What is the Justice Reinvestment Act (JRA)?

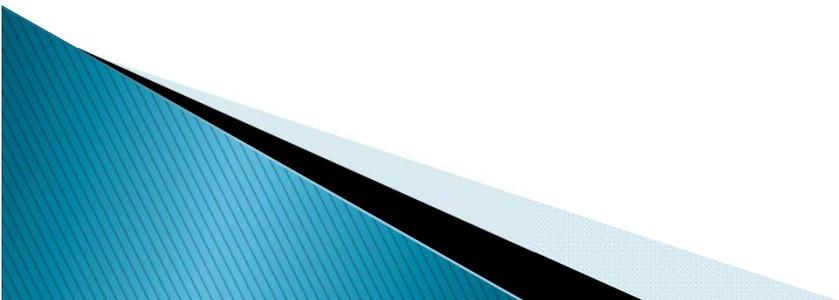
- ▶ JRA is a thoughtful, comprehensive, multi-stage approach for transforming facility and community-based corrections.
- ▶ It is a data-driven approach to improve public safety.
- ▶ A collaborative effort to maximize the return on investment for taxpayers by managing criminal justice resources in a more cost-effective and strategic way that reduces recidivism, promotes accountability, decreases crime, and strengthens neighborhoods.
- ▶ JRA is supported by Governor Hogan, the Judiciary, and the General Assembly. It requires long-term commitment and effort to the improvement of Maryland's public safety, correctional services, and communities.
- ▶ JRA is about strengthening public health by making sure that we use all of our resources wisely as we change Maryland for the better by creating safer, healthier, and more cohesive neighborhoods.

## OUR MISSION

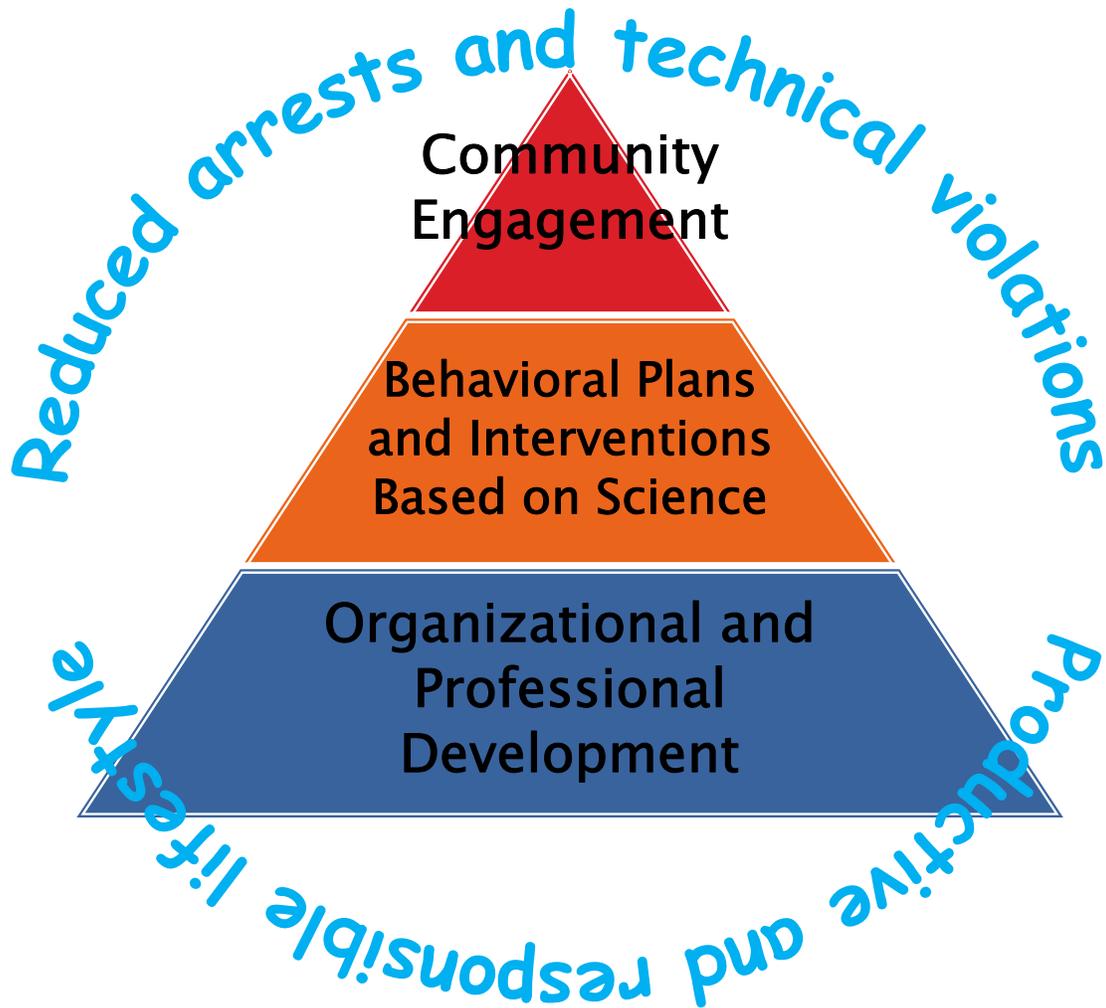
- To protect the public, our employees, and the detainees and offenders under our supervision.
- To oversee all aspects of facility and community-based supervision offenders in the state of Maryland.

# Evidence-Based Practice Goals

- ▶ Protect public safety.
- ▶ Hold inmates, probationers and parolees accountable to victims and the public.
  - ▶ Crime is an offense against human relationships.
  - ▶ Victims and the community must be central to our processes.
  - ▶ Inmates, probationers and parolees have personal responsibility to victims and community for their crimes; restorative justice experience will teach offenders new skills.
- ▶ Motivate/support inmates, probationers and parolees through the process of becoming law-abiding, productive members of their families and our communities.



# JRA/Evidence-Based Practice



- ▶ Evidence-Based Organizations have healthy vibrant workplaces with employees of all levels engaged in reform processes including:
  - ▶ The identification of practices that no longer make sense and should be discontinued;
  - ▶ Developing concepts to support new policies and procedures.

# RNR Principle

- ▶ Risk, Need, Responsivity (RNR)
  - ▶ Level of threat to public safety (**risk**)
  - ▶ Factor(s) that make an individual likely to re-offend (**need**)
  - ▶ Individual factors that may inhibit ability to benefit from treatment (**responsivity**)
- ▶ Drives resource allocation and enables agency to invest in programs/services that have greatest return on investment

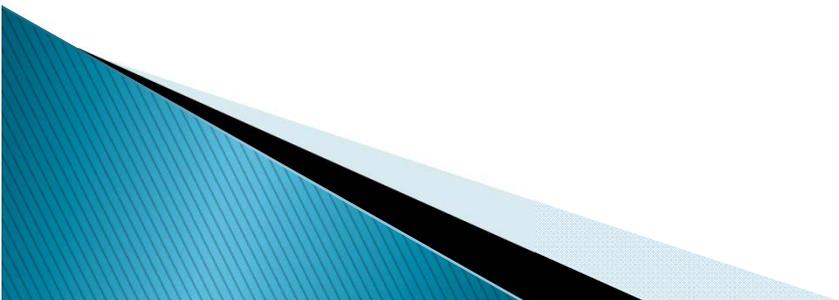
## Risk/Needs Assessment

- ▶ Identifies the risk that an individual will re-offend (static risk)
- ▶ Identifies the major factors that contribute to an individual's criminal behavior (dynamic risk or criminogenic needs)
- ▶ Most tools generate a "report card" that show an individual's results
- ▶ MD DPSCS has selected the Level of Service Inventory-Revised (LSI-R) as its primary tool for the sentenced population
  - ▶ The LSI-R is used in many U.S. agencies, Canada and other countries. It is highly respected.

# Risk Principle

The risk principle tells us *who* to target.

- ▶ *High risk* offenders are more likely to reoffend and are more active when they do reoffend.
- ▶ *High risk* offenders require more intensive intervention for the longest period of time.
- ▶ *Low risk* offenders are not as likely to reoffend.
- ▶ Too much intervention with *low risk* offenders increases the likelihood of recidivism.



# Need Principle

To *what* should we be paying attention?

- ▶ Certain factors are tied to criminal behavior.
- ▶ Targeting these factors will result in a reduction in recidivism.

## Major Criminogenic Needs

- ▶ “Big Four” (primary drivers of criminal behavior)
  - ▶ Antisocial attitudes
  - ▶ Antisocial peers
  - ▶ Antisocial personality
  - ▶ History of antisocial behavior
- ▶ Other criminogenic risk factors
  - ▶ Substance abuse
  - ▶ Employment/education
  - ▶ Low family affection/poor supervision/poor communication
  - ▶ Leisure/Recreation

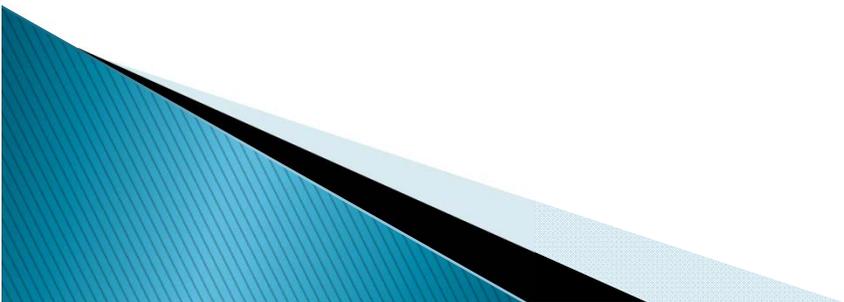
Source: Andrews & Bonta, 1994

Examples of non-criminogenic needs are: self-esteem, anxiety, creative abilities, history of trauma/victimization, medical needs, physical conditioning.



# Responsivity Principle

- ▶ The responsivity principle – tells us how to target offender issues.
- ▶ General – programs that are based on cognitive-behavior/social learning theories are generally responsive to offenders.
- ▶ Specific – offenders learn differently and have specific barriers that should be removed before programming or addressed during programming.



# EBP Approach to Case Planning

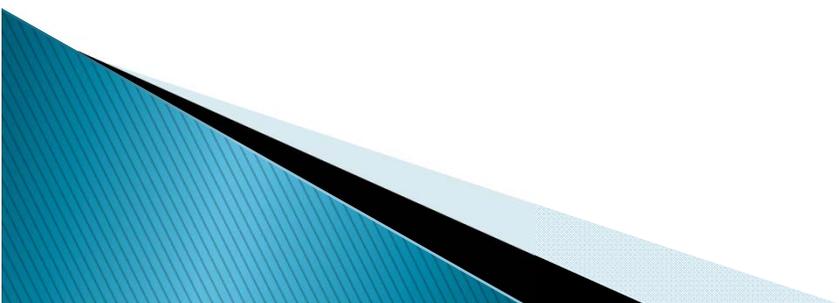
- ▶ Traditional Case Plans
    - ▶ Focus on court- or parole commission-ordered conditions
    - ▶ Authoritarian in nature
  - ▶ Under EBP, Behavioral Agreements include conditions as well as agreed upon priorities, expectations, outcomes and assignments
    - ▶ Value offender engagement
    - ▶ Prioritize conditions
    - ▶ Targets and prioritizes the individual's criminogenic needs
    - ▶ Spell out positive and negative actions that will be taken in response to progress/missteps
    - ▶ Match programs to individual's gender, culture, motivational stage, developmental stage and learning style
    - ▶ Establish timetable for behavioral goals including a schedule for payment of restitution, child support and other financial obligations
    - ▶ Identify expectations and outcomes
    - ▶ Specify tasks to be carried out by the subject as well the responsibilities of the agency (e.g., make referral to treatment program, timely transfer of inmate to facility with specialized training program)
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# Case Planning Process

- ▶ Collect Data—objective information, LSI-R and other assessments, home environment
- ▶ Identify interest areas with offender
- ▶ Provide feedback to offender
- ▶ Process offender information with offender
- ▶ Identify triggers (people, place & things)

# Build on Strengths

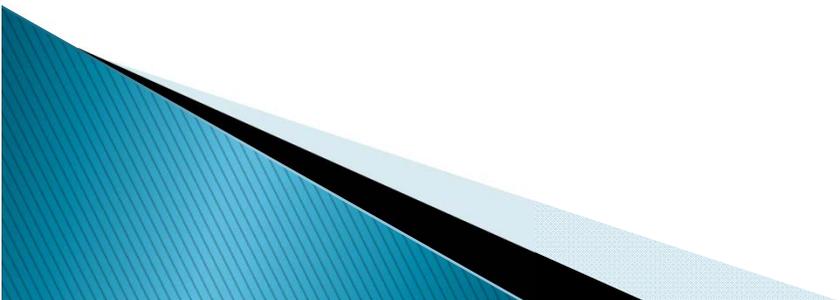
- ▶ Strong foundation/assets
- ▶ Short-term incremental steps with rewards built into contract
- ▶ Interests



# Key Take Away:

## What is Evidence-Based Intervention?

- ▶ Use risk and needs assessments to determine appropriate levels of treatment and controls.
- ▶ Involve offenders in the case planning process.
- ▶ Teach offenders to recognize and manage triggers.
- ▶ Focus on changing criminal identity and building crime desistence skills.
- ▶ Work to build offender engagement in re-entry plans, supervision and motivation to change.



# DPSCS

## Ten JRA Innovation Teams

DPP Assessment and Case Planning

DPP Earned Compliance Credits

DPP Graduated Sanctions

DPP Certificate of Rehabilitation

DOC Inmate Assessment and Case Planning

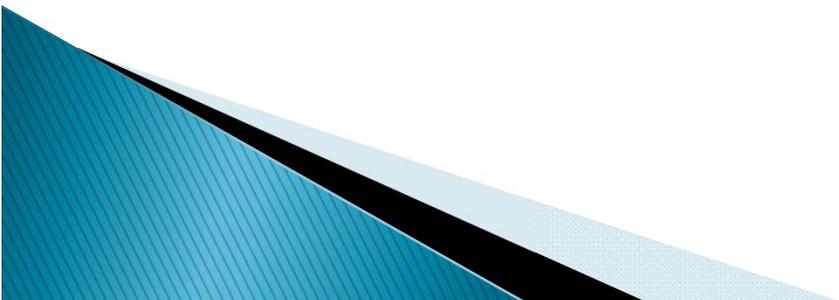
DOC Diminution of Confinement Credits

Administrative Release

Medical and Geriatric Parole

Evidence Based Practice Training

Restitution

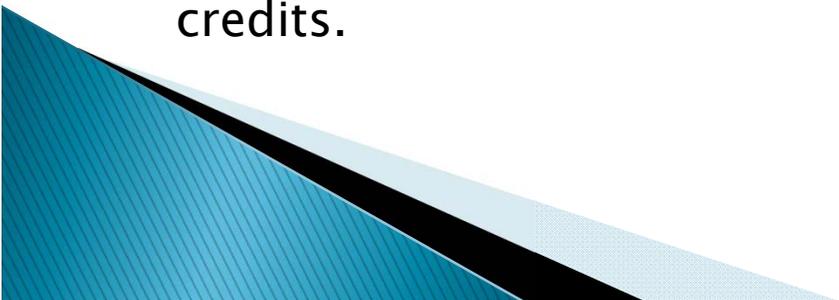


## DPP Assessment and Case Planning

- ▶ Use a validated risk screener on all individuals placed on parole, probation, or mandatory release supervision;
- ▶ Use a validated risk and needs assessment on all individuals screened as moderate or high risk to reoffend;
- ▶ Requires individualized case plans for all probationers, parolees, and individuals on mandatory release supervision assessed as moderate or high risk to reoffend;
- ▶ Assessment tool be independently validated every 3 years.

## DPP Earned Compliance Credits

- ▶ Automatic abatement of supervision when a combination of time served on probation, parole, or mandatory supervision and earned compliance credits satisfy the specified individual's active term of supervision – including those individuals convicted of specified CDS offenses.
- ▶ Notification of eligibility of abatement to courts and MPC 90 days prior to status change.
- ▶ Development of an automated application for the tracking and awarding of earned compliance credits.



## DPP Graduated Sanctions

- ▶ Develop “graduated sanctions” in response to “technical violations” of conditions of supervision, while ensuring proper due process;
- ▶ DPP must provide notice to the court and the Maryland Parole Commission (MPC) regarding a technical violation and any graduated sanctions imposed as a result.
- ▶ The court and MPC may impose specified maximum sentences for a revocation due to a “technical violation,” but may depart from the limits if adhering to the limits would create a risk to public safety or to a victim or witness.

## DPP Certificate of Rehabilitation

- ▶ Allows first-time, nonviolent offenders (excluding sex offenders) to apply for a certificate of rehabilitation to restore their ability to obtain certain professional certifications, and maintains that a licensing board can exclude an offender if their conviction relates directly to the license sought.
  - ▶ Requires adoption of regulations establishing an application and review process for a certificate of rehabilitation that allows the state’s attorney and victim to object to the issuance of the certificate of rehabilitation.
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## Medical and Geriatric Parole

### Medical Parole

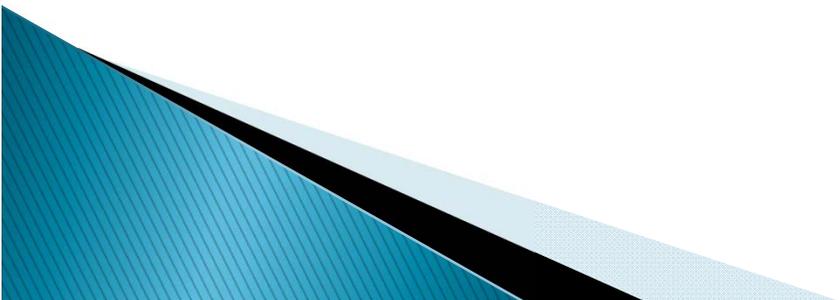
- ▶ Requires inmates to be chronically disabled in order to be released on medical parole.
- ▶ Enables an inmate or their designee, to request a separate medical evaluation conducted by a medical professional independent from the Division of Corrections, at no cost to the inmate.
- ▶ If medical parole is granted, Governor has 180 to deny before automatically effective.

### Geriatric Parole

- ▶ Modifies the criteria for geriatric parole to exclude offenders convicted of a registerable sex offense, and lowers the age of eligibility to 60.

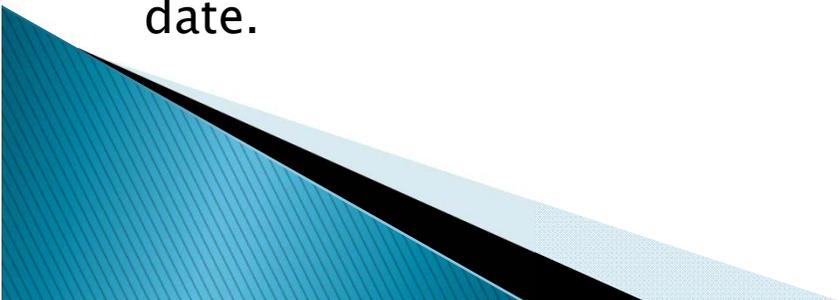
## Restitution

- ▶ Requires 25% of inmate earnings to be withheld for the payment of an unsatisfied judgement of restitution, if the inmate has any earnings above the 20% currently garnished for the compensation of victims of crime (federal program).



## DOC Diminution Credits

- ▶ Allows offenders returning to prison on a revocation from Mandatory Release to earn diminution credits;
- ▶ Expands eligibility for good conduct credits to allow low-level commercial drug offenders to earn 10 days per month, rather than 5 (which is the rate for violent offenders); maintains 5 days for kingpin and volume dealers.
- ▶ Expands list of programs that qualify the inmate to earn 5 days of diminution credits for participation in/completion to include workforce development, cognitive behavioral therapy, or substance abuse therapy.
- ▶ Authorizes certain inmates to earn an additional 10 days of diminution credits (moving cap from 10 to 20 days a month) for participating in special projects including recidivism reduction programming (leaves 10-day cap in place for excluded offenders);
- ▶ Allows same group to earn up to 10 additional days off of their term of confinement (moving cap from 20 to 30 days per month, leaving 20-day cap in place for excluded offenders);
- ▶ § 3-704, § 3-707, and § 3-708, applied prospectively to those sentenced after effective date.

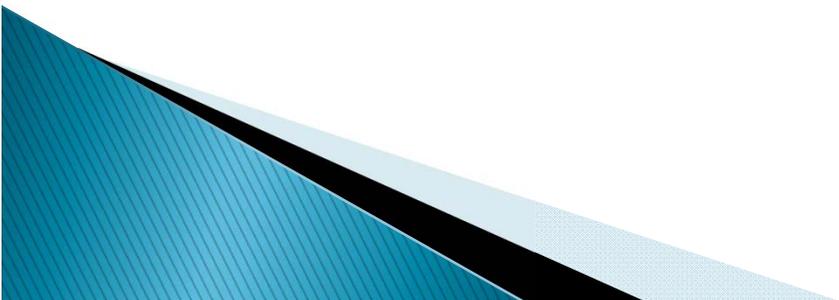


## DOC Inmate Assessment and Case Planning

- ▶ Requires a risk and needs assessment to be conducted on all state inmates as part of the classification and intake process.
- ▶ Requires development of a case plan for all state inmates based on the results of the risk and needs assessment to be used to guide programming and treatment decisions.

## Evidence-Based Practices Training

- ▶ Requires probation and parole agents and supervisors, Parole Commission members, and hearing officers to receive annual training on:
  - ▶ Identifying, understanding and targeting an individual's criminal risk factors;
  - ▶ Principles of effective intervention;
  - ▶ Supporting and encouraging compliance.



# Administrative Release

Establishes “administrative release” that allows inmates to be released for supervision, without a hearing, after serving one-fourth of their sentence, if:

- ▶ The inmate complies with their individualized case plan;
- ▶ The inmate has not committed a category 1 rule violation;
- ▶ A victim has not requested a hearing; or
- ▶ The Commission finds a hearing necessary considering the inmate’s history, progress, and compliance.

## Eligibility

- ▶ Sentence of 6 months or longer;
- ▶ Most serious offense is a low-level drug crime or a misdemeanor property crime (a violation involving a value of \$1,500 or less of relevant statutes);
- ▶ Does not have a previous conviction for a violent crime or a registerable sex offense
- ▶ Does not have two or more convictions for low-level commercial drug crimes
- ▶ If serving mandatory minimum, has served the mandatory portion of the sentence

## Parole Commission shall:

- ▶ Investigate to determine inmate’s eligibility and conditions under which the eligible inmate may be released; and
- ▶ Calculate a tentative release date

## DOC and Local Correctional Facilities shall:

- ▶ Develop individualized case plans;
- ▶ Review progress of the eligible inmate’s case plan every 8 weeks from date of case plan development;
- ▶ Send progress report on each eligible inmate to the Commission every 4 months;
- ▶ Send progress report to the Commission of eligible inmates’ compliance or noncompliance with case plan at least 30 days before tentative administrative release date.



# So...

- ▶ Justice reinvestment seeks community level solutions to community level problems
- ▶ Let's talk about how Maryland's prisons and local parole and probation offices can collaborate with community agencies to find treatment and services for justice involved individuals who are re-entering
  - ▶ How can community based agencies help families of inmates, probationers or parolees?
  - ▶ How can community based agencies support justice involved individuals in the community?
  - ▶ Transportation to treatment? To DPP? To recreation?
  - ▶ ????
  - ▶ ????

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