



DEPARTMENT OF PUBLIC SAFETY
AND CORRECTIONAL SERVICES

Report on SB 608/HB 182 (2015)
Swift and Certain Sanctions Pilot Program

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Governor Larry Hogan
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Introduction

The enactment of SB 801/HB 919 during the 2011 Legislative Session required the Department of Public Safety and Correctional Services (DPSCS) to develop, by October 1, 2012, a pilot program in two counties that created a system of graduated administrative sanctions for technical violations of parole committed by offenders released from Corrections. The pilot was to terminate September 30, 2015; however, recent legislation expanded the program as well as the termination date. During the 2014 Legislative Session, SB 608/HB 642 was passed and signed into law. The effect of this legislation modifies the original Swift and Certain Pilot Program from the Chapter Acts of 2011 to: (1) include offenders released from incarceration on parole and mandatory release supervision in the original pilot jurisdictions of Anne Arundel and Talbot Counties; (2) expand the pilot program into Baltimore City (for parolees and mandatory release supervisees); and (3) extend the termination date of the program to September 30, 2017. The bill became effective October 1, 2014 and the Department has expanded the program to Baltimore City. The Department is currently working on an automated sanctions module in its Offender Case Management System (OCMS). This module will coincide with the implementation of the Justice Reinvestment Initiative (JRI) on October 1, 2017. This report will provide an update on the status of the pilot program in Anne Arundel and Talbot Counties and Baltimore City for the period of October 1, 2014 – September 30, 2015.

Implementation

All non-containment¹ parole and mandatory supervision cases opened in the Glen Burnie, Annapolis, Easton and Baltimore City Parole and Probation field offices were assigned to designated Parole and Probation Agents who implemented the Swift and Certain Sanctions Pilot Program.

A technical parole/mandatory violation occurs when an offender fails to abide by the general and special conditions of parole/mandatory release. Examples of technical violations include failing to report to the supervising agent as directed, testing positive for the illegal use of a controlled dangerous substance, and missing appointments with treatment providers, among others things. These technical violations can be handled by the supervising agent and are met with a response, or sanction, intended to correct the negative, non-compliant behavior demonstrated by the offender. However, being charged with a new

¹ "Non-containment" refers to offenders who are not supervised under a containment model of supervision (e.g., Violence Prevention Initiative, sexual offender, domestic violence). Offenders who are subject to specialized containment supervision are not included in the population of offenders eligible for this pilot.

criminal offense while under supervision is not considered a technical violation and may be met with a more severe response in the form of a report to the Maryland Parole Commission which may result in the issuance of a summons or warrant for the offender.

For the purposes of this pilot, the Parole and Probation Agent documents the technical violations, consults with the immediate supervisor, applies the technical violation response matrix, and selects the appropriate sanction to be imposed. The Field Supervisor I reviews case activity to ensure that the appropriate sanctions are being applied. The supervisor also tracks the violations and sanctions on a customized tracking spreadsheet.

Sanctioning

Offenders were sanctioned pursuant to the technical violation matrix. The matrix takes into consideration the risk level that at which an offender is assessed (High, Moderate, Low-Moderate) and the classified severity of the technical violation incurred. (see attached).

The sanctioning cycle starts as of the date of the technical violation and runs for 90 days following that date. If the offender incurs no additional technical violations, the sanctioning cycle restarts.

Eligibility for Pilot/Case Movement

For the purposes of this pilot, only parole/mandatory offenders who reside and are supervised in Anne Arundel and Talbot Counties and Baltimore City are eligible for the pilot. Offenders whose supervision was transferred to Talbot or Anne Arundel Counties or Baltimore City from other jurisdictions were not included in the pilot. Offenders whose supervision was transferred out of the three pilot locations were discontinued in the pilot.

Because the agency operates two field office locations within Anne Arundel County, the pilot is being conducted in both locations. Therefore, our data will report on a total of three offender groups (Annapolis, Glen Burnie, and Easton) monitored within the two participating counties. In Baltimore City, eligible offenders were supervised in three locations.

Summary of Data Collected From 10/1/14 through 9/30/15

Baltimore City supervised approximately 800 eligible offenders during this reporting period. Of this group, 193 offenders committed technical

violations. Of these 193 offenders, 165 are classified as high risk offenders, 18 are classified as moderate risk offenders and the rest are in lower supervision levels.

Of the 193 initial technical violations, 89 were classified as high level technical violations, 39 as moderate level technical violations and 65 as low level technical violations. The sanctions applied included increased frequency of reporting to the supervising agent, return to weekly drug testing, and drug evaluation and treatment.

The **Glen Burnie** office supervised 180 qualifying offenders during this reporting period. Of this group, 19 offenders committed technical violations requiring a sanction. Of the 19 offenders, 16 are classified as high risk offenders and three are classified as moderate risk offenders. Three of these offenders committed a second or subsequent violation.

Of the 19 technical violations committed, 13 were considered high level technical violations and six were considered moderate level technical violations. The sanctions applied included increased frequency of reporting, return to weekly drug testing schedule, and drug evaluation and treatment.

The **Easton** office has supervised 34 qualifying offenders during this reporting period. Of this group, five offenders committed a technical violation requiring a sanction. Of the seven offenders, two are classified as high risk offenders and three are classified as moderate risk offenders.

All five offenders committed a technical violation resulting in a sanction to continue under supervision with added conditions. One of the five added inpatient treatment as a condition. Two of these offenders committed a second or subsequent violation.

The **Annapolis** office has supervised 49 qualifying offenders during this reporting period. Of this group, eight offenders committed a technical violation requiring a sanction. Of the eight offenders, seven are classified as high risk offenders and one is classified as a moderate risk offender.

All eight offenders committed a high level technical violation resulting in either sanctions to continue under supervision with added conditions or a subpoena request. Three of these offenders committed a second or subsequent violation.

Summary

The presumptive purpose of the legislation is to reduce the number of offenders being returned to incarceration to face revocation of parole/mandatory

release for technical violations. The offenders are held accountable for infractions through application of a technical response matrix that includes increasingly severe sanctions. Sanctions include reprimands, additional KIOSK reporting, additional in-person reporting, curfew, electronic monitoring, and increased substance abuse testing, evaluation, and treatment. The Swift and Certain Pilot Program Sanctions Response Matrix identifies the appropriate response based on offender risk level and nature of the technical violation. Using the technical response matrix, field staff applied graduated sanctions to offenders who violated a technical condition of parole/mandatory release. Because we are using a single system of graduated sanctions for violations with a menu of presumptive sanctions for the most common type of violations, there are no discrepancies among the offices in terms of data reporting.

The use of graduated sanctions for technical parole/mandatory violators as well as probationers will be implemented statewide by October 1, 2017 through the Justice Reinvestment Initiative. Currently, all Swift and Certain data tracking is recorded manually. The Department is currently developing a module within the Department's case management system, OCMS, which will automate this function and coincide with JRI implementation.

