



**DEPARTMENT OF PUBLIC SAFETY AND
CORRECTIONAL SERVICES**

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

December 2017

Governor Larry Hogan
Lt. Governor Boyd K. Rutherford
Secretary Stephen T. Moyer



Department of Public Safety and Correctional Services

Office of the Secretary

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December 1, 2017

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The Honorable Thomas V. Michael Miller, Jr.
President of Senate
State House, H-107
Annapolis, MD 21401 – 1991

The Honorable Michael Erin Busch
Speaker of House of Delegates
State House, H-101
Annapolis, MD 21401 – 1991

RE: Report on Chapter 182, 2014 – Swift and Certain Sanctions Pilot Program (MSAR # 10136)

Dear Mr. Speaker and Mr. President:

According to the language contained in Chapter 182 – Swift and Certain Sanctions Pilot Program – enacted in 2014, the Department of Public Safety and Correctional Services (DPSCS) is required to submit a report on the Swift and Certain Sanctions Pilot Program. Please see attached, a report in fulfillment of this statutory reporting obligation.

I hope this letter and the attachments meet with your approval. If the Department or I can be of further assistance, please do not hesitate to contact me or the Director of Legislative Affairs, Rachel Sessa at 410-339-5022.

Sincerely,

Stephen T. Moyer
Secretary

Attachment: Report on Chapter 182, 2014 – Swift and Certain Sanctions Pilot Program (MSAR # 10136)

cc: Mr. Matthew Clark, Chief of Staff, Governor's Office
Mr. Walter "Pete" Landon, Deputy Chief of Staff, Governor's Office
Mr. Christopher Shank, Governor's Chief Legislative Officer
Ms. Sarah Albert, Department of Legislative Services

I. INTRODUCTION

Chapter 445 - Criminal Law - Swift and Certain Sanctions Pilot Program – which was enacted during the 2011 legislative session required the Department to develop a pilot supervision program by October 1, 2012 in two counties that created a system of graduated administrative sanctions for technical violations of parole committed by individuals released from the Division of Correction. The pilot was slated to terminate on September 30, 2015; however, legislation enacted in 2014 expanded the program and pushed back the termination date.

Specifically, Chapter 182, 2014 – Swift and Certain Sanctions Pilot Program – which was enacted during the 2014 legislative session modified the original Swift and Certain Pilot Program from the Chapter Acts of 2011 to: (1) include individuals 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. 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, 2016 – September 30, 2017.

II. OVERVIEW OF THE PROCESS

All non-containment¹ parole and mandatory supervision cases opened in the Glen Burnie, Annapolis, Easton and Baltimore City Parole field offices have been assigned to designated Parole and Probation Agents who implement the Swift and Certain Sanctions Pilot Program (“Pilot Program”). Essentially, the Pilot Program requires Parole and Probation Agents to swiftly impose sanctions where certain offenders under supervision commit a technical violation of the terms of their supervision.

A technical violation occurs when an individual 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 individual. It is important to note that technical violations are not applicable where an offender under supervision is charged with a new criminal offense as these instances may be met with a more severe response in the form of a report to the Maryland Parole Commission, who can issue a summons or warrant for the individual.

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.

III. APPLICATION OF TECHNICAL VIOLATIONS

The severity of the technical violation, as well as the corresponding sanction, is governed by a technical violation matrix. The matrix is a structure decision making tool to assist in providing consistency and accountability in deciding what sanctions should be imposed when an offender commits a technical violation. The matrix takes consideration the risk level at which an individual is assessed (High, Moderate, Low-Moderate) and the classified severity of the technical violation incurred. Possible sanctions range from verbal reprimand, imposing stricter conditions of supervision, etc.

The Parole and Probation Agents designated to the Pilot Program have a uniform protocol in levying technical violations: the agent documents the violation; consults with their immediate supervisor; and, applies the technical violation response matrix to determine the appropriate sanction to impose. The Field Supervisor I (intermediate supervisor) 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.

The sanctioning cycle begins on the date of the technical violation and runs for 90 days following that date. If the individual incurs no additional technical violations, the sanctioning cycle restarts.

IV. ELIGIBILITY FOR PARTICIPATION

For the purposes of Pilot Program, only offenders who had been paroled or released on mandatory supervision and reside in Anne Arundel County, Talbot County or Baltimore City were 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 Program. Offenders whose supervision was transferred out of the three pilot locations were discontinued in the Pilot Program.

V. OUTCOMES OF THE PILOT PROGRAM FROM OCTOBER 1, 2016 – SEPTEMBER 30, 2017

a. Baltimore City Parole and Probation Offices

- Total technical violations committed: 456
- Risk level of offenders who committed the technical violations:
 - 373 were committed by individuals classified as high risk;
 - 68 were committed by individuals classified as moderate risk; and,

- 15 were committed by individuals who are classified at lower supervision levels.
- Risk level of technical violations committed:
 - 270 were classified as high level technical violations;
 - 65 were moderate level technical violations; and,
 - 121 were 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.

b. Anne Arundel County

- Total technical violations committed: 65
- Risk level of offenders who committed the technical violations:
 - 61 were committed by individuals classified as high risk; and,
 - 4 were committed by individuals classified as moderate risk.
- Risk level of technical violations committed:
 - 39 were classified as high level technical violations; and,
 - 26 were moderate 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.

c. Talbot County

- Total technical violations committed: 4
- Risk level of offenders who committed the technical violations:
 - 1 was committed by individual classified as high risk; and,
 - 3 were committed by individuals classified as moderate risk.
- Risk level of technical violations committed:
 - 3 were classified as high level technical violations; and,
 - 1 was a moderate level technical violation.

The sanctions applied included increased frequency of reporting to the supervising agent, return to weekly drug testing, and drug evaluation and treatment.

VI. SYNOPSIS

The purpose of the legislation was to reduce the number of individuals being returned to incarceration release for technical violations. The individuals were held accountable for infractions through application of a technical response matrix that included increasingly severe sanctions. Sanctions included 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 identified 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 individuals who violated a technical condition of parole/mandatory release. Since agents were using a single system of graduated sanctions for violations with a menu of presumptive sanctions for the most common type of violations, there were no discrepancies among the offices in terms of data reporting.

A graduated sanctions and interventions matrix and policy has been developed and implemented in accordance with the Justice Reinvestment Act and was implemented statewide for every field office on October 1, 2017. The automated module within the Department's Offender Case Management System is nearing completion and will greatly assist the Division of Parole and Probation in the tracking and reporting of graduated sanctions and interventions.