WES MOORE
Governor

ARUNA MILLER
Lieutenant Governor

Maryland
GOVERNOR'S OFFICE OF CRIME PREVENTION AND POLICY

DOROTHY LENNIG
Executive Director

Justice Reinvestment Oversight Board

Monday, March 10, 2025 · 1:00 – 3:00pm
Google Meet joining info:
Video call link: https://meet.google.com/hts-prxf-xzs

Board Attendees

- Judge Phil Caroom, Board Chair
- Bethany Young, Governor's Office of Crime Prevention and Policy
- Angelina Guarino, Maryland Department of Public Safety and Correctional Services
- Commissioner Ernest Eley, Maryland Parole Commission
- Natasha Dartigue, MD Office of the Public Defender
- Cristina-Jorge-Tunon, Maryland Department of Budget Management
- Mary Ann Thompson, Warden, St. Mary's County Detention and Rehabilitation Center
- Chief Judge John Morrissey, District Court of Maryland
- Judge Brett R. Wilson, Administrative Judge of the Circuit Court for Washington County
- Ruschelle Rubin, Department of Labor, Licensing & Regulation
- Gary McLhinney, Chief of Staff, Howard County Police
- Walt J. Pesterfield, Director, Baltimore County Department of Corrections
- William Henry, The Law Offices of William H. Henry
- Prendi Garcia, Maryland State Police
- Rebecca Jones, Health Officer, Worcester County Health Department
- Danielle Cox, Maryland Department of Public Safety and Correctional Services

Minutes

I. Welcome and Opening Remarks - Judge Philip Caroom, Justice Reinvestment Oversight Board Chair

A. Call to Order

B. Roll Call

C. Approval of the Minutes

1. Minutes are approved by the board members.

II. GOCPP Updates

A. PIGF Update - Brandi Cahn, Assistant Director of Justice Reinvestment, GOCPP

1. In FY25, approximately $13 million was awarded through JRA/PIGF.

2. Currently, subrecipients are a bit underspent, but this is partially because the grant awards went out later than anticipated.
3. To remedy this situation, GOCPP released the FY26 PIGF/PJRA NOFA early (February 21st), and applications are due by April 11th.
4. State agencies are eligible to request up to $500,000, local government entities up to $400,000, and nonprofits up to $250,000.
5. Cahn asks for members to consider volunteering to serve as an external peer reviewer for these applications.
6. For FY26, PIGF is broken into two categories to better align with the Act: A) JRA Funding Initiatives (for state agencies and local nonprofits) and B) Local Funding Initiatives (for local government agencies).
7. In FY26, there is an appropriation of $11 million. Some of this is going toward current legislation (i.e., Ombudsman Bill and potentially Parole Bill). This will leave about $9 million for grant funding.
8. Per the legislation, 50% of the full $11 million will go toward the JRA funding category (programs surrounding reentry, behavioral health, restitution enhancements, and training & education).

III. Department Reports

A. Department of Public Safety and Correctional Services, Assistant Secretary Angelina Guarino

1. DPSCS completed an internal audit regarding issues with restitution that the board has discussed prior. They audited commitment to payment for individuals who are coming into custody, looking for concurrence with where the documentation is on that victim restitution and whether it is included in the order for detention.
    a) This allows for earlier collection and JRA compliance.
    b) Significant improvements with internal communication and tracking this measure.
2. Migrating to a new financial system, which will hopefully be able to capture more data relating to the collection of victim restitution.
3. New active feature that has been rolled out to make it easier for DPP agents to see where victim restitution is owed.
4. Chair Caroom asks if the restitution workgroup has been meeting, and Cahn says they have been, and she will ask them to provide an update on their work at the next meeting.
5. Regarding administrative release, the running total since implementation on 10/1/17 has been 3,016 screened and the vast majority (2,210) are ineligible for administrative release.
    a) Consistent issue with this provision, as eligibility requirements relating to certain drug charges rule out many

non-violent offenders.

b) Of 676 found eligible, 236 were within local detention, 457 with DPSCS, 3 currently for last month.
c) Still an effective form of presumptive parole.

6. Medical Parole: to date, 148 have been approved, 107 released, 6 pending release plans (which can take time to finalize/consider all needs). 27 total have passed away prior to release, 1 was court released, 7 were rescinded since their condition improved. No additional releases of geriatric population.
7. Chair Caroom raises concerns about Medicaid for this population, given the possible funding cuts at the federal level. At this time, Assistant Secretary Guarino says she does not expect this population to have more challenges than anyone else in the community that clearly falls within Medicaid eligibility.
8. Chair Caroom asks about the department's stance on the two medical and geriatric/elder parole bills, and if the current law has been an obstacle to approval. Chairman Eley says it will not be an obstacle to who is being considered, but he notes there have been changes to the bill that will be discussed later in the meeting.
9. Assistant Secretary Guarino discusses eligibility for certificates of rehabilitation, as DPSCS examined the eligibility requirements and identified the provision that eliminates most individuals. They determined that there are varying levels of compliance with special conditions. Financial forms of compliance are especially challenging for those under supervision. Also, a large number of individuals who may be eligible are not applying.

B. Maryland Department of Health

1. New secretary comes on at the end of the month, Cahn will follow up on appointment then
2. Cahn will send out 8-505 and 8-507 numbers with the group.

C. Local Detention Centers, Director Ross

1. Warden Mary Ann Thompson shares that the MCAA's recent focus has been on the legislative session, specifically its effects on the local detention centers.
2. They are concerned about getting MAT to be a funded mandate. Restrictive housing, body-worn cameras, mental health, Medicaid, and juveniles in adult facilities are other salient topics currently.

D. Administrative Office of the Courts, Chief Judge Morrissey

1. 232 people currently on the waitlist for the incompetent to stand trial.
2. Judicial Summit on May 21st and 22nd. Discussions will be broken into teams on a local level, and there will also be a table of state-level actors. Premised on the "Miami Model," a system of dealing with individuals particularly with lower-level offenses.

3. Mental illness can make one incompetent to stand trial, but they can operate well on a daily basis.
4. The idea would be a return to wellness with a shorter stay where a person would be treated, voluntarily. Then and if the person becomes compliant and does not create new problems for 6 months/a year, that case can be dismissed. So, instead of going the incompetency route, the treatment route can be taken.
    a) Requires careful evaluation, considering both acuity and criminological principles. This is not the appropriate route in all cases.
    b) There is also a consideration of where these individuals would be placed. Ideally, the court will monitor the individuals and pull them back into court for adjustments.
    c) Looking at AI to develop a comprehensive screening tool.
    d) They have not identified a need for a legislative response at this time.
5. Technical violation data is shared. They hover around 80% every month. About 80% of the time, they are staying within the statutory cap. *See slides for details*.
6. Judge Wilson emphasizes the need for addressing mental health and congregating stakeholders to find solutions.

IV. Maryland Certificate of Rehabilitation Eligibility

A. Jessica Guarino, National Conference of State Legislatures

1. *See slides for more information.*
2. NCSL goals include providing legislatures with information and research on policy issues, both state and federal.
3. Approaches to Certificates of Rehabilitation and Limited Relief vary greatly from state to state.
    a) Currently, 21 states offer some form.
    b) They vary on how they are issued. Certificates can be issued through courts, corrections, or both. Maryland issues through correctional agencies.
4. Judicial certificates can be issued as part of case procedure (as part of sentencing order or application post-sentence), at sentencing if eligible, or after waiting period. Many states require a hearing.
5. Eligibility varies but most states exclude violent offenses and sex offenses. Some have a felony cap, so individuals over the limit are ineligible.
6. Certain states allow victims to provide statements as to whether certificates should be issued.
7. Licensing barriers and employer liability lowered in about 14 states, though some states' certificates lack an effect on these barriers.

8. Correctional certificates of relief can be granted to those exiting prison, probation completion, or parole completion. In Maryland, they are issued through the parole commission.
    a) There are usually more explicit criteria to follow in issuing correctional certificates as opposed to discretion of the court. These include clean disciplinary records, completing vocational training, and completing educational programming. A level of discretion is still retained.
    b) Correctional certificates can provide a presumption of rehabilitation when applying for a license, provide immunity against negligent hiring claims, and/or require licensing agencies to consider them as evidence.
9. The main issue for denial in Maryland is the failure to pay all required restitution, fines, and fees.
10. Split information on the efficacy of these certificates.
11. Chair Caroom asks for the number of states that require people to apply, and Jessica Guarino says she will provide a follow-up report with that data.
12. Assistant Secretary Guarino asks if there is any information on how eligibility may differ in ways beyond the nature of the offense but related to behavior, for states that issue toward the beginning of their reentry (i.e., not after completion of probation/parole). She also asks if states have been able to demonstrate that access to certificates has been tied to significant increases in workforce engagement, in terms of prioritizing how and to whom they are issued.
    a) J. Guarino says it is generally based on behavioral criteria/performance while incarcerated.
    b) J. Guarino says that she has not seen much state-specific research aside from the ones linked in the previous slides. She can provide a report on occupational licensing.
13. Chair Caroom asks if NCSL has tracked if fee waivers are used for individuals who cannot pay their fines/fees due to poverty but are otherwise eligible for these certificates.
    a) J. Guarino says that generally, fee waivers are tracked but not necessarily in connection to removing the payment requirement for certificates of rehabilitation.
14. Assistant Secretary Guarino emphasizes the significance of their relationship with the Department of Labor in discussing these processes and how they could be improved.
    a) She will also provide follow-up on this topic at the next meeting.

V. Open Discussion

A. Legislative Priorities - HB1123 - Medical and Elder Parole

1. There are two bills on the agenda that the state senate may vote on tomorrow, and there are still other versions of these bills as well.
2. The original legislation that created JROB says that the board should pursue state compliance with recommendations of JRCC, one of which is expanded use of medical and geriatric parole.
3. Chan shares that in partnership with DPSCS, GOCPP Executive Director Dorothy Lennig has been working on HB1123, and Bethany Young, GOCPP Director of Policy and Legislation gives overview:
    a) HB1123 (not currently cross-filed) is a product of the work that GOCPP has done with Commissioner Eley, DPSCS, and other stakeholders. It is sponsored by Delegate Bartlett.
    b) It takes the Governor out of medical parole. All the bills have this in common.
    c) HB1123 would provide that on an ongoing basis, DPSCS would submit to the Parole Commission the names of incarcerated individuals that meet the criteria for geriatric parole. Within 60 days, the commission would be required to perform a risk assessment, and subsequently a parole hearing.
        (1) Stakeholders shared that the risk assessment is where the process gets held up, due to a lack of staffing.
        (2) So, the bill would give $1 million in PIGF funding to support hiring additional psychologists to conduct risk assessments.
        (3) Will allow more people to be safely released.
4. Commissioner Eley discusses SB181, which is similar, but stakeholders agreed to move the required age up from 60 to 65 years old for geriatric 20-year incarceration and a five-year pause between the petition. The hearings could be held sooner if the commission determines that extraordinary and compelling circumstances justify subsequent parole hearings.
5. Another bill currently on a voting list is solely to take the governor out of the medical parole bill.
6. Natasha Dartigue notes that the Senate bill does not have a provision for risk assessments. OPD specifically supports SB181 due to this major distinction because of the significant backlog in risk assessments, and the inherent bias that exists in a risk assessment.
7. For medical parole, SB181 shifts the definition of “chronic debilitation” away from “specific activities of daily living” to a more general “inability to provide self-care.” It also adds that the individual must also no longer be a danger to public safety.
8. The House and Senate will continue to work toward consensus.

VI. Next Steps - Judge Caroom and Brandi Cahn

A. April meeting

1. The next meeting will be on April 30, 2025, at 1:00 pm.
2. We hope to receive agency reports 15 days or more in advance of the meeting. This way, they can be shared ahead of time and members can prepare questions, concerns or additional information.
3. Proposals to add to the agenda based on today's discussions or salient issues at the time can be sent to Chair Caroom or Brandi Cahn.

VII. Good of the Order and Adjournment - Judge Caroom