



STATE OF MARYLAND

Department of Public Safety and Correctional Services

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LAWRENCE J. HOGAN, JR.
GOVERNOR

BILL: HOUSE BILL 1058

BOYD K. RUTHERFORD
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POSITION: LETTER OF INFORMATION

ROBERT L. GREEN
SECRETARY

EXPLANATION: This bill seeks to establish the Justice and Public Health Prioritization Council (Council) in the Governor's Office of Crime Prevention, Youth, and Victim's Services (GOCPYVS) and establishes tasks for the Council.

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- The Department of Public Safety and Correctional Services (DPSCS) Division of Correction (DOC) is responsible for operating 13 correctional facilities that house offenders sentenced to a period of incarceration for 18 months or longer. The Department also runs the Baltimore City Pretrial Complex, which houses pretrial detainees and inmates sentenced to incarceration for 18 months and less.
- Senate Bill 1005, known as the Justice Reinvestment Act (JRA) was signed into law during the 2016 legislative session and became effective on October 1, 2017. Using a data-driven approach to develop a statewide framework of sentencing and correctional policies, the JRA is intended to reduce recidivism and decrease the inmate population; as well as benefit victims and families.
- HB 1058, as drafted, states its aim is to reduce spending on corrections which was one of the intended effects of JRA.
- Along with JRA, the Justice Reinvestment Oversight Board (JROB) was established. The duties of the JROB are closely aligned with HB 1058 and include:
 - Collecting and analyzing data;
 - Creating performance measures; and
 - Consulting and coordinating with local government justice reinvestment commissions and other units of the state and local jurisdictions.
- There have been significant lessons learned from JRA. For example, best practices in interagency partnerships to meet the needs of high-need inmates has illustrated the value of sequential intercept modeling. More than data projections, this is the type of planning support that is needed from outside technical assistance providers.

- If the intent of the bill is to examine methods by which to identify gaps in services for substance use disorder and mental health and perhaps increase resources it is important to contemplate the following.
 - The impact of JRA on the incarcerated population, including:
 - in the first four years of JRA enactment, the average daily population dropped by 4,354 inmates;
 - 54% decrease in the number of DOC inmates with drug possession as most serious conviction; and
 - 46% decrease in the number of incarcerated individuals in the DOC with theft as the most serious conviction.
 - The fact that JRA performance incentive funds can already be used for increasing mental health and substance use disorder programming.
 - Whether the legislature wants to:
 - target local jail/criminally involved individuals, or
 - people across the entire state who have mental health/substance use disorder who aren't criminally justice involved.
 - The outcome of the sequential intercept mapping that has already occurred.

- In the interim years since Maryland's adoption of JRA, the State has significantly developed its data infrastructure, and has strong precedents for interagency collaboration.

- Finally, the timeline in the bill is problematic for the following reasons.
 - The Department will not be in a position to provide the best data to inform reinvestment before the end of fiscal year (FY) 2022.
 - The Department strongly recommends that in consideration of the impact of the global COVID-19 pandemic and other existing projects that impact substance use service provision to the target population.
 - The incarcerated population at present is not at all representative of normal pretrial detention length, normal programming levels, or normal healthcare access. This deferral will significantly improve the data quality and reliability, improving investment outcomes for the state.
 - As such, the timeline of this initiative should shift accordingly to FY 2023 for data collection and analysis and FY 2024 for policy development and action.

- The Department embraces its responsibility to equally meet the needs for somatic and mental health care within its population, but cautions the overreliance upon the leverage presented by the criminal justice system.

CONCLUSION: For these reasons, the Department of Public Safety and Correctional Services respectfully requests the Committee consider this information as it deliberates House Bill 1058.