
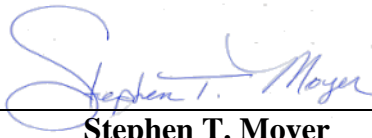




Title: Administrative Release Program Procedures	Executive Directive Number: OPS.260.0001
Related MD Statute/Regulations: Correctional Services Article, §§7-207 and 7-301.1, Annotated Code of Maryland	Supersedes: N/A
Related ACA Standards: 4-4295, 4-4300, 4-4304, 4-4430, 4-4442, 4-4446, and 4-4447-1	Responsible Authorities:  Chairman, Maryland Parole Commission
Related MCCA Standards:	Effective Date: October 1, 2017 Number of Pages: 8



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.01 Purpose.

This directive establishes procedures for the Administrative Release of an eligible inmate in accordance the provisions of the Justice Reinvestment Act (JRA).

.02 Scope.

This directive applies to all units of the Department affected by the provisions of the JRA.

.03 Policy.

The Department shall ensure that each minimally eligible inmate in a correctional facility or a local detention center is thoroughly screened for admissibility to the Administrative Release Program, receives a case plan designed to address the inmate's risks and needs, and is released promptly upon the eligibility date.

.04 Definitions.

A. In this directive, the following terms have the meanings indicated.

B. Terms Defined

- (1) "Administrative release" has the meaning stated in Correctional Services Article, §7-301.1, Annotated Code of Maryland.
- (2) Correctional Facility.
 - (a) "Correctional facility" has the meaning stated in Correctional Services Article, §1-101, Annotated Code of Maryland.

- (b) "Correctional facility" includes a:
 - (i) Detention facility; and
 - (ii) Pre-release facility.
- (3) "Hearing examiner" means an individual meeting requirements established under Correctional Services Article, §7-204(b), Annotated Code of Maryland and appointed to the Commission by the Secretary for the purpose of hearing cases for parole release that are not required to be heard by the Commission.
- (4) "Inmate" has the meaning stated in Correctional Services Article, §1-101, Annotated Code of Maryland.
- (5) "Local correctional facility" has the meaning stated in Correctional Services Article, §1-101, Annotated Code of Maryland.
- (6) "Maryland Parole Commission" (MPC) has the meaning stated in Correctional Services Article, §7-101, Annotated Code of Maryland.
- (7) "Offender Case Management System" means OCMS.
- (8) "Parole" has the meaning stated in Correctional Services Article, §7-101, Annotated Code of Maryland.
- (9) "Parole hearing" means an informal interview of an inmate by a hearing officer or by two Commissioners conducted to determine the advisability of granting parole to the inmate.
- (10) "Sentence" means a period of incarceration or supervision imposed by a judge.
- (11) "Term of confinement" means the period of an inmate's current incarceration. If an inmate is serving a:
 - (a) Single sentence, the term of confinement is the period of confinement under that sentence;
 - (b) Combination of concurrent sentences, the term of confinement is the period of confinement between the earliest starting date of those sentences and the latest expiration date of those sentences;
 - (c) Combination of consecutive sentences, the term of confinement is the period of confinement between the starting date of the first consecutive sentence and the expiration date of the last consecutive sentence;
 - (d) Combination of concurrent and consecutive sentences, the term of confinement is the period of confinement between the earliest starting date of the sentences and the last expiration date of the sentences; or
 - (e) Combination of sentences imposed before and after release on mandatory supervision or parole and the release on mandatory supervision or parole is revoked, the term of

confinement is the period of confinement between the earliest starting date of the sentences and the latest expiration date of the sentences, excluding time out of custody for which credit is not allowed.

- (12) “Victim” has the meaning stated under Correctional Services Article, §7-801, Annotated Code of Maryland.

.05 Responsibility/Procedure.

A. Eligibility. An inmate is eligible for Administrative Release if the inmate:

- (1) Is serving a term of confinement of 6 or more months;
- (2) Has completed one-fourth of the inmate’s total sentence;
- (3) Does not have a prior conviction for any of the following offenses including a:
 - (a) Crime requiring registration as a sexual offender in accordance with Title 11, Subtitle 7 of the Criminal Procedure Article, Annotated Code of Maryland;
 - (b) A second or subsequent violation of an offense described in Criminal Law Article, §§ 5-602 – 5-606, Annotated Code of Maryland;
 - (c) Violent Crime as defined in Correctional Services Article, § 7-101, Annotated Code of Maryland including:
 - (i) Offenses listed in Criminal Law Article §14-101, Annotated Code of Maryland; and
 - (ii) Burglary in the first, second, or third degree; or
 - (d) A conviction in a jurisdiction other than Maryland that is equivalent to an offense described in § .05A(3)(a),(b) or (c) of this directive; and
- (4) Is serving a term of confinement for an offense, the most serious of which is for one or more violations of the:
 - (a) Criminal Law Article, Annotated Code of Maryland:
 - (i) § 5-601, Possessing or administering controlled dangerous substance;
 - (ii) § 5-601.1, Possession of less than 10 grams of marijuana;
 - (iii) § 5-602, Distributing, possessing with intent to distribute, or dispensing controlled dangerous substance;
 - (iv) § 5-603, Equipment to produce controlled dangerous substance;
 - (v) § 5-604, Counterfeit substance;

- (vi) § 5-605, Keeping common nuisance; and
- (vii) §5-606 False prescription; or
- (b) Criminal Law Article, Annotated Code of Maryland if the offense involved a value of \$1500 or less:
 - (i) § 7-104, General theft provision;
 - (ii) § 8-103, Obtaining property or services by bad check;
 - (iii) § 8-206, Obtaining property by counterfeiting, theft, or misrepresentation;
 - (iv) § 8-207, Fraud -- Honoring stolen or counterfeit credit card; false representation to issuer;
 - (v) § 8-209, Receiving property by stolen, counterfeit, or misrepresented credit card;
 - (vi) § 8-301, Identity fraud;
 - (vii) §8-509, Defrauding State health plan;
 - (viii) §8-510, Conversion;
 - (ix) §8-511, Bribe or kickback;
 - (x) §8-512, Referral rebate;
 - (xi) §8-513, False representation for qualification;
 - (xii) §8-514, Obtaining benefit by fraud;
 - (xiii) §8-515, Unauthorized possession of benefit card;
 - (xiv) §8-611, Trademark counterfeiting; or
 - (xv) §8-801, Exploitation of vulnerable adults prohibited.

B. The Division of Correction (DOC).

- (1) DOC Case Management staff shall screen inmates for Administrative Release eligibility.
- (2) The Case Manager shall:
 - (a) Use the Individual Program Screener (IPS) within OCMS to determine eligibility for Administrative Release;
 - (b) Update the Administrative Release Dashboard in OCMS to indicate eligibility;

- (c) Review the OCMS case record to:
 - (i) Ensure that the administrative release eligibility date was updated; and
 - (ii) If the inmate is flagged for victim notification make certain that the Program Dashboard shows this requirement; and
 - (d) Administer a risk and needs assessment to determine the appropriate treatment, programming, and required conduct to address the inmate's needs and prepare the inmate for release.
- (3) A Case Manager shall develop, within 60 days of commitment, an inmate's Administrative Release Case Plan.
- (a) An Administrative Release Case Plan shall include:
 - (i) The minimum criteria established in the Correctional Services Article, §3-601, Annotated Code of Maryland;
 - (ii) An inmate's updated administrative release eligibility date;
 - (iii) The program(s) that an inmate is required to participate in and complete while incarcerated in order to remain compliant and eligible for Administrative Release; and
 - (iv) May include special conditions that apply after an inmate is released from custody to supervision.
 - (b) Monitoring an Administrative Release Case Plan shall include:
 - (i) A review of the inmate's compliance with the program every 8 weeks from the date the case plan was developed;
 - (ii) A review of the inmate's compliance with the program within 30 calendar days of the administrative release eligibility date; and
 - (iii) Submission of a progress update through the OCMS dashboard to the MPC every 4 months for each eligible inmate.
 - (c) If the inmate is non-compliant with Administrative Release Case Plan, the Case Manager shall:
 - (i) Indicate the inmate's non-compliance on the Program's OCMS Dashboard; and
 - (ii) Determine if the MPC Release Unit has removed the inmate's record from the list of inmates scheduled for administrative release.

C. The Maryland Parole Commission (MPC).

- (1) The MPC Victim Services Unit will notify a victim of:

- (a) The inmate's Administrative Release date;
 - (b) The right to an open parole hearing under Correctional Services Article, § 7-304, Annotated Code of Maryland; and
 - (c) If the victim requests an open parole hearing:
 - (i) Advise the victim of the right to submit testimony and a victim impact statement;
 - (ii) Notify the Hearing Examiner and Case Manager of the victim's request; and
 - (iii) Remove the inmate's name from the Administrative Release Dashboard.
- (2) The MPC Victim Services Unit shall notify a Hearing Examiner of a victim's request for an open parole hearing in the case of an Administrative Release from a local detention center in accordance with the procedures established in §.05C(4) of this directive.
- (3) The MPC Release Unit shall process an inmate's Administrative Release within 4 weeks of an eligible inmate's Administrative Release date by:
- (a) Verifying the inmate's eligibility based on the legal summary screen in OCMS;
 - (b) Ensuring victim notification procedures have been followed; and
 - (c) Preparing an Administrative Release Order that includes, if applicable:
 - (i) An order for restitution;
 - (ii) Special conditions of supervision identified in the case plan as developed by the DOC Case Manager in § .05B(4)(a)(iv) of this directive; and
 - (iii) Makes note of the existence of any pending charges or detainers as a courtesy to the Correctional Facility where the inmate is housed.
- (4) The MPC Release Unit shall:
- (a) Receive and respond to notification from a case manager indicating that an inmate is non-compliant with an administrative release case plan;
 - (b) Receive and respond to email sent by local detention centers advising the that the eligible inmate:
 - (i) Is out of compliance with the case plan; or
 - (ii) Has incurred a significant infraction for institutional misconduct.

- (c) Upon notification that an inmate in a local detention center is not in compliance and no longer eligible for Administrative Release, the MPC Release Unit will cancel the Administrative Release and schedule the inmate for an initial parole hearing as appropriate.

(5) A MPC Hearing Examiner shall:

- (a) Make a final determination on whether the inmate is ineligible for administrative release based on non-compliance with the case plan.
- (b) Verify the contents of the MPC Release Unit's Administrative Release Order to:
 - (i) Determine final eligibility for an inmate within a DPSCS correctional facility; and
 - (ii) Determine if the special conditions identified in the DOC case plan are appropriate.
- (c) Be assigned parole dockets by the MPC Parole Services Unit for hearings at local detention centers.
- (d) Review an inmate's eligibility for Administrative Release from a local detention center and if eligible:
 - (i) Calculate the exact eligibility date for administrative release;
 - (ii) Develop a case plan that includes the minimum criteria established in the Correctional Services Article, §3-601, Annotated Code of Maryland;
 - (iii) Determine if victim notification is required under Correctional Services Article, § 7-801, Annotated Code of Maryland; and
 - (iv) Provide the inmate and the Local Detention Center with a copy of the case plan including the administrative release date and official notification that a failure to comply with case plan will result in termination from the Administrative Release Program.
- (e) Provide the MPC Victim Services Unit, as necessary, with the:
 - (i) Victim's request for notification; and
 - (ii) Inmate's administrative release date.
- (f) Receive and respond to email sent by local detention centers advising the Hearing Examiner that the eligible inmate:
 - (i) Is out of compliance with the case plan; or
 - (ii) Has incurred a significant infraction for institutional misconduct.

- (g) Upon notification that an inmate in a local detention center is not in compliance and no longer eligible for Administrative Release, the Hearing Examiner will cancel the Administrative Release and schedule the inmate for an initial parole hearing as appropriate.
- (h) Upon notification from the MPC Victim Services Unit that a victim has requested an open parole hearing, the Hearing Examiner will cancel the Administrative Release and schedule the inmate for an initial parole hearing as appropriate.

D. The Division of Parole and Probation (DPP). DPP staff are responsible for:

- (1) Identifying a parole eligible inmate, including an inmate eligible for Administrative Release from local detention centers;
- (2) Providing the name and unique identifier of an eligible inmate, a commitment order, and a pre-parole investigation report via email to the MPC Parole Services Unit.

.06 Attachments.

N/A

.07 History.

- A.** This directive supersedes provisions of any other prior existing Department of Unit communication with which it may be in conflict.

.08 Correctional Facility Distribution Code.

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