

Chapter 07 - Supervision and Monitoring
Section 06 - Offenders with Treatment Commitments or
Certain Special Conditions

Authority: Health-General Article, §8-501, *et seq.*, Annotated Code of Maryland

A. Scope.

(1) This section applies only to the supervision or monitoring of an offender who fits one of the profiles identified in paragraph (2), (3), or (4) of this subsection.

(2) **Profile One.** A Profile One offender is an offender who is:

- (a) Convicted of a crime listed in paragraph (5) of this subsection;
- (b) Placed on probation as a result of the conviction; and
- (c) Required, as a condition of probation, to participate in a DHMH-certified substance abuse treatment program.

(3) **Profile Two.** A Profile Two offender is an offender who is:

- (a) Convicted of a crime listed in paragraph (5) of this subsection; and
- (b) Committed by a court to DHMH for inpatient treatment with a substance abuse treatment program.

(4) **Profile Three.** A Profile Three offender is an offender who is paroled to undergo inpatient or outpatient substance abuse treatment at a DHMH-certified facility.

(5) **Crimes.** The crimes referenced in paragraphs (2)(a) and (3)(a) are as follows:

- (a) A violation of Criminal Law Article, Title 5 which:
 - (i) Contains the State's laws related to possession, use, and distribution of a controlled dangerous substance; and
 - (ii) Is available online through the Maryland State Law Library website, at <http://www.lawlib.state.md.us/> ;
- (b) Driving or attempting to drive while under the influence of alcohol;
- (c) Driving or attempting to drive while impaired by:
 - (i) Alcohol;
 - (ii) Drugs;
 - (iii) Drugs and alcohol; or

- (iv) A controlled dangerous substance;
- (d) Homicide by motor vehicle or vessel while under the influence of alcohol;
- (e) Homicide by motor vehicle or vessel while impaired by:
 - (i) Alcohol;
 - (ii) Drugs;
 - (iii) Drugs and alcohol; or
 - (iv) A controlled dangerous substance;
- (f) Causing a life-threatening injury by motor vehicle or vessel while under the influence of alcohol; and
- (g) Causing a life-threatening injury by motor vehicle or vessel while impaired by:
 - (i) Alcohol;
 - (ii) Drugs; or
 - (iii) A controlled dangerous substance.

B. Transportation of an Offender to a Treatment Facility.

- (1) An agent, monitor or supervisor may not transport an offender to a treatment facility or elsewhere.
- (2) An agent, monitor, or supervisor of an agent or monitor shall facilitate transportation of an offender to a court-designated, in-state certified substance abuse treatment facility when the court:
 - (a) Orders an offender to enter inpatient substance abuse treatment; and
 - (b) Asks that the Division facilitate the offender's transportation to the facility.
- (3) An agent, monitor, or supervisor of an agent or monitor shall facilitate an offender's transportation to a treatment facility by arranging for the offender's transportation by:
 - (a) The Division of Correction;
 - (b) A local sheriff's office; or
 - (c) A local detention center.

C. Confirmation of Inpatient Treatment Status.

(1) This subsection applies to an:

(a) Agent or monitor who is supervising, monitoring or assigned to supervise or monitor a Profile Two offender; and

(b) Agent who is supervising or assigned to supervise a Profile Three offender, if the offender is paroled to an inpatient treatment facility.

(2) Not later than five days after an agent or monitor learns where an offender is committed for substance abuse treatment, the agent or monitor shall telephone the treatment provider to inquire whether the offender is present at the facility.

(3) If the offender is present at the facility, the agent or monitor shall send this letter to the facility:

AGENCY LETTERHEAD
[Date]
[Name and address of facility]
<u>Re:</u> [Offender's name]
<p>On [date], the above-referenced offender was committed by order of [the Maryland Parole Commission or The Honorable Judge _____ of the _____ (name of court)] to undergo [evaluation or treatment] for alcohol or drug abuse at your facility.</p> <p>If [name of offender] escapes or absents [himself or herself] without authorization, please send immediate written notice of that event to the [court or Maryland Parole Commission at 6776 Reisterstown Road, Baltimore, Maryland 21215]. Also, please include the court docket or case number in the notice and send a copy to me at the below-listed address.</p> <p>Additionally, at your earliest convenience, please notify me of [offender's name] scheduled discharge date.</p> <p>Thank you for assistance in this matter. If you have any questions, please telephone me at [agent's or monitor's telephone number.]</p> <p>Sincerely,</p> <p>[Name, title, and office address of agent or monitor]</p>

(4) If the treatment provider indicates that the inquiry posed under paragraph (2) of this subsection cannot be answered due to the lack of a signed authorization to release that information, the agent or monitor shall immediately send a copy of the signed release to the treatment provider, if a signed release is among the case material.

(5) If a signed release is not among the case material the agent or monitor shall:

(a) Send a completed release of information form to the treatment provider; and

(b) Request that an employee of the provider;

(i) Present the form to the offender for signing; or

(ii) Telephone the agent or monitor to give notice that the release cannot be signed.

(6) If within ten days after an agent or monitor sends an unsigned authorization for a release of information to a treatment facility the agent or monitor does not receive notice that the release is signed, the agent or monitor shall contact the Maryland Alcohol and Drug Abuse Administrator Justice Services section for assistance.

(7) If the contact required under the preceding paragraph does not result in the agent's or monitor's receiving notice that the offender signed the release of information, the agent or monitor shall, not later than five days after the assistance was requested, submit a Request for Guidance report to the court or the Parole Commission, as applicable.

D. Confirmation of Outpatient Treatment Status.

(1) This subsection applies to an:

(a) Agent or monitor who is supervising, monitoring or assigned to supervise or monitor a Profile One offender; and

(b) Agent who is supervising or assigned to supervise a Profile Three offender, if the offender's conditions of parole include outpatient treatment for:

(i) Substance abuse; or

(ii) Drug or alcohol abuse.

(2) An agent or monitor shall verify an offender's special condition to participate in a DHMH-certified substance abuse treatment program in accordance with special-condition verification procedures.

E. Inpatient Case Status and Contact Standards.

(1) While a Profile Two or Three offender is undergoing alcohol or drug abuse evaluation or treatment in an inpatient facility, an agent or monitor shall:

- (a) Place or maintain the offender's divisional case in active status;
- (b) Classify the offender's level of supervision as Standard; and
- (c) Every thirty days, establish at least:
 - (i) With the permission of the facility where an offender is committed for substance abuse treatment, one positive contact; and
 - (ii) One collateral contact or special condition verification with the facility where the offender is committed.
- (2) If the facility where an offender is committed will not allow a positive contact with an offender, the agent or monitor shall enter a note that effect in the case field notes or reporting record, as applicable.
- (3) **Calculation of thirty-day period.** Day one of the thirty-day period set forth in paragraph (1)(c) shall be the date that the offender enters the facility specified on the commitment order.
- (4) Upon an offender's release from an inpatient facility, the agent or monitor shall conduct an assessment as set forth in 01.K of this chapter.

F. Abandonment of Inpatient Treatment.

When an agent or monitor receives notice that an offender abandoned inpatient treatment by escaping a commitment facility or leaving the commitment facility without authorization, the agent or monitor shall, not later than three days after the notice is received, submit a Request for Warrant to the court or Parole Commission, as applicable.

G. Case Transfer and Assignment.

- (1) Except as provided in the next paragraph, an agent or monitor may not transfer probation supervision or monitoring of an offender to an office that is outside of the jurisdiction where the offender is committed to undergo inpatient substance abuse treatment.
- (2) An agent or monitor may transfer supervision or monitoring of an offender to an office that is outside of the jurisdiction where the offender is committed to undergo inpatient substance abuse treatment after the offender completes the treatment.
- (3) For information regarding case assignment, see Chapter 05.01 ("General Intake Procedures") in this manual.

H. Confirmation and Report of Satisfactory Completion of Treatment.

(1) **Profile One or Two offender.** This subsection applies to an agent or monitor who is supervising, monitoring, or assigned to supervise or monitor a Profile One or Profile Two offender.

(2) **Confirmation of treatment completion.** An agent or monitor shall confirm an offender's successful completion of substance abuse treatment:

(a) Through HATS, if the offender is enrolled in HATS; or

(b) If the offender is not enrolled in HATS, by obtaining written verification from the offender's treatment provider containing:

(i) A statement that the offender successfully completed drug or alcohol education or treatment; and

(ii) The date that the offender successfully completed drug or alcohol education or treatment.

(3) **Report to court required.** Not later than fifteen workdays after an agent confirms that a Profile One or Profile Two offender satisfactorily completed alcohol education or treatment, the agent or monitor shall notify the court of that event by submitting an Informative report to the court.