Department of Public Safety and Correctional Services

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GENERAL ORDER NO. 20-002

TO: All Employees

SUBJECT: Supervision and Monitoring During COVID-19 State of Emergency Office Closures

I. INTRODUCTION: In order to control and prevent the spread of COVID-19 within Maryland, the Governor declared a State of Emergency and Catastrophic Health Emergency on March 5, 2020. On March 30, 2020, the Governor issued Executive Order 20-03-30-01 ("Stay at Home Executive Order"), which directed all Maryland residents to stay at home except under limited circumstances until the State of Emergency is amended or rescinded. In support of the Governor's Executive Orders, the Division of Parole and Probation ("Division") closed field offices to the public as of 4:00 pm on March 31, 2020, and transitioned all field operations to telework and remote supervision models.

II. PURPOSE: The purpose of this General Order is to establish procedures for the supervision and monitoring of individuals in the community that will protect the health and safety of those individuals, Divisional employees, and the general public while the State of Emergency and Stay at Home Executive Orders remain in effect.

III. SCOPE: This General Order applies to field offices that are closed during the State of Emergency and Stay at Home Executive Order. This General Order may be revised or rescinded as Divisional field office are reopened or otherwise capable of conducting supervision and monitoring activities in accordance with Chapters 07.01 ("Supervision") and 07.03 ("Monitoring") of the Operations Manual.

IV. DEFINITION: "COVID-19" means a mild to severe respiratory illness first identified in Wuhan, China in December 2019, which is caused by a coronavirus and is characterized by fever, cough, and shortness of breath and may progress to pneumonia and respiratory failure.

V. CORE FUNCTION: The Division has identified the following as core functions that must be maintained during the COVID-19 State of Emergency:

(a) Opening new intakes;

(b) Responding to absconders from supervision and non-reporters for remote intake;

(c) Responding to new arrests;

(d) Addressing ignition interlock violations;

(e) Addressing GPS violations;

(f) Supervising high-risk offenders;

(g) Attending violation hearings when and where permitted*;*

(h) Verifying special conditions;

(i) Conducting home contacts;

(j) Responding to non-compliance with the conditions of supervision; and

(k) Responding to critical incidents.

VI. INTAKE: Please refer to General Order 20-001 "Intake Procedures During COVID-19 State of Emergency Office Closures". *Note for non-reporters*

VII. CONTACT STANDARDS: While the Division's field offices are closed to the public, agents and monitors shall conduct contact with offenders remotely according to the following contact standards.

(a) **Telephone or video calls.** Face-to-face office reporting by individuals under supervision has been replaced by telephone or video calls that shall result in either:

(1) Positive contact between the agent or monitor and offender at the time the call is placed; or

(2) A return positive telephone or video call from the offender not later than 24 hours after the initial call was placed.

(b) **Frequency of contact.** An agent or monitor shall maintain the following minimum telephone or video call contacts based upon the following supervision and monitoring levels:

(1) **VPI and REV:** Two telephone or video calls per week;

(2) **DV:** Two telephone or video calls per week and one positive telephone or video call with victim per month;

(3) **HGH and DTC:** One telephone or video call per week;

(4) **MOD:** Two telephone or video calls per month;

(5) **LMD:** One telephone or video call per month;

(6) **LOW:** As needed based on individual's compliance and behavior;

(7) **DDMP:** Two telephone or video calls per month; and

(8) **LV1:** Daily telephone or video calls that result in a minimum of three positive telephone or video call contacts per week;

(9) **LV2:** Daily telephone or video calls that result in a minimum of two positive telephone or video call contacts per week; and

(10) **LV3 and LV4:** One positive telephone or video call per week.

VIII. EARLY MANDATORY RELEASE, ACCELERATED PAROLE – INVESTIGATIONS AND QUARANTINE SPECIAL CONDITION:

(a) On April 18, 2020, Governor Hogan issued Executive Order 20-04-18-01, which authorized the release of certain qualifying inmates to the community via:

(1) Early mandatory supervision;

(2) Accelerated parole; and

(3) Expedited home detention.

(b) The Maryland Parole Commission may also impose a 14-day self-quarantine as a special condition of an offender's regular release on mandatory supervision or parole release during the State of Emergency/Catastrophic Health Emergency.

(c) **Home plan investigations.** The Division of Correction and Maryland Parole Commission will:

(1) Identify inmates who prospectively qualify for early mandatory release and accelerated parole; and

(2) Request that the Division of Parole and Probation conduct an investigation to verify the inmate's prospective home plan.

(d) Not later than 48 hours after an agent is assigned to conduct a home plan investigation, the agent shall:

(1) Contact the home sponsor to confirm whether the sponsor will agree to the inmate's residence with the sponsor;

(2) Complete the Home and Employment Investigation report in OCMS;

(3) Complete a case note with the sponsor's contact information and a statement whether the home plan is approved or denied;

(4) Detail in case notes the specific reason(s) why the home plan was rejected if denied; and

(5) Provide reporting instructions in OCMS if the home plan is approved.

(e) An agent shall reject a home plan if the proposed address of residence upon release to the community is a homeless shelter.

(f) An agent may approve a home plan if the proposed address of residence upon release to the community is long-term transitional housing.

(g) The immediate supervisor shall verify the investigation in OCMS and email verification to Octavia.kidd@maryland.gov.

(h) **Compliance with quarantine special condition.** Inmates released on early mandatory supervision, accelerated parole, or expedited home detention are subject to a minimum 14-day self-quarantine period, per Executive Order 20-04-18-01.

(i) The Maryland Parole Commission will impose the 14-day self-quarantine as a special condition of an offender's early mandatory supervision or accelerated parole release.

(j) In order to verify compliance with a special condition for a 14-day quarantine period, an agent shall conduct daily telephone or video calls with the parolee or mandatory releasee until the conclusion of the quarantine period.

(k) A Regional Administrator or designee may authorize randomly-selected home contacts for an offender subject to a quarantine special condition provided the contact is performed consistent with the procedures described in Section VIII(e) through (g) below.

IX. HOME CONTACTS:

(a) Home contacts with individuals under criminal supervision are suspended except under certain circumstances described in subsection (b) below.

(b) An agent shall notify his or her immediate supervisor by email to request permission to have a home contact conducted if:

(1) The offender fails to make contact with the agent as directed and cannot be positively contacted by the agent for a period of two weeks for cases classified as VPI, HGH, DV, REV, LV1, or LV2;

(2) The agent has reason to believe that the offender may present a risk to the safety of the community and the individual is not responsive to the agent's efforts to arrange a positive contact to address these developments;

(3) Efforts to contact an offender to complete remote intake procedures in accordance with General Order 20-001 have not resulted in a positive contact with the offender;

(4) The offender is a COMET offender upon whom contact restrictions have been imposed (e.g., no contact with minors, no unsupervised contact with minors, not contact with the victim or other specified individual or class).

(c) The immediate supervisor who receives an email pursuant to (b) above shall forward the email to the Regional Administrator and Assistant Regional Administrator(s) via the chain of command and include the following information:

(1) Offender's name;

(2) DPP case number

(3) Offender's address;

(4) Offender's supervision level; and

(5) The rationale for why the home contact is necessary.

(d) If the Regional Administrator or designee agrees with the rationale provided by the immediate supervisor, the Regional Administrator or designee shall authorize the home contact.

(e) **Home contacts by teams.** Each Regional Administrator shall identify field teams comprised of agents, field supervisors, and others certified by the Correctional Training Commission to conduct home contacts.

(f) When a home contact has been authorized, the field team shall telephone the offender, owner or authorized tenant of the residence to advise of the date and time that the home contact will be conducted;

(g) The field team shall conduct the home contact by:

(1) Driving separate vehicles to the offender's residence in order to maintain the recommended six feet of physical distance from one another;

(2) Wearing personal protective equipment consisting of a mask that covers the nose and mouth, a face shield, and if available, gloves;

(3) Telephoning the offender upon arrival to the residence to instruct the offender to report outside the residence; and

(4) Maintaining six feet of physical distance between each member of the field team and the offender.

(h) When home contact has been authorized for a sexual offender upon whom contact restrictions have been imposed (e.g., no contact with minors, not unsupervised contact with minors, not contact with victim or other specified individual or class):

(1) The supervising agent shall complete a "No Unsupervised Contact Letter – Residence" in advance of the home contact and provide the competed letter to the field team which will conduct the home contact; and

(2) The field team, during the home contact, will review with the responsible party confirming the home plan the "No Unsupervised Contact Letter – Residence" and will obtain the signature of that party on the letter.

(i) **Home verification.** Since the use of home contacts is restricted to situations described in subsection (b) above, an agent or monitor may otherwise verify an offender's residence by:

(1) Having the offender email electronic copies of documents that verify the offender's presence in the residence;

(2) A positive telephone or video contact with the offender at the residence.

X. DRUG SCREENING: Drug screening is suspended, effective March 22, 2020.

XI. SUPERVISION FEES:

(a) **Parole and Mandatory Supervision fees.** Effective April 9, 2020, the Maryland Parole Commission exempted individuals released on parole and mandatory supervision from the $50 monthly supervision fee.

(b) The exemption remains in effect until otherwise ordered by the Maryland Parole Commission.

(c) The Maryland Parole Commission further advised that individuals who were on parole or mandatory release supervision as of April 1, 2020:

(1) Are only exempted from the supervision fee as of April 1, 2020; and

(2) May make a written request to the Maryland Parole Commission to have outstanding supervision fee obligations waived.

(d) **Probation fees.** The Judiciary has not issued a blanket waiver or exemption of the $50 monthly supervision fee for probationers.

(e) An agent or monitor may not initiate a violation report based upon an offender's failure to pay a supervision fee during the State of Emergency.

XII. ELECTRONIC MONITORING:

(a) An agent shall review the vendor's (Behavioral Interventions® or "BI") tracking system on a daily basis.

(b) If the BI tracking system indicates an alert, the agent shall:

(1) Contact the offender by telephone or video call as soon as the alert is discovered to address the behavior that prompted the alert;

(2) Contact the immediate supervisor by telephone or email to staff the appropriate corrective action to be taken as a result of the alert; and

(3) Document the details of the above contacts in OCMS.

(c) **Alerts that justify warrant request.** An agent shall prepare a Request for Warrant if the BI alert was based upon:

(1) A violation of an exclusions zone, inclusion zone, or a curfew that cannot be justified by the offender or mitigated;

(2) A violation of a stay-away or no-contact order; or

(3) The offender's intentional damage to or loss of electronic monitoring equipment.

(d) Before endorsing a Request for Warrant report submitted pursuant to subsection (c), the immediate supervisor shall submit the report through the chain of command to his or her Regional Administrator or designee.

(e) The Regional Administrator or designee who receives a Request for Warrant report pursuant to subsection (d) shall:

(1) Grant approval or disapproval to the immediate supervisor to sign and submit the report; and

(2) Document the response in the case notes section of OCMS for the relevant case.

(f) **Electronic monitoring/GPS units.** Each Regional Administrator shall designate GPS teams that will coordinate the physical placement and removal of electronic monitoring units for offenders.

(g) The GPS team members shall wear all of the following personal protective equipment when placing and removing a GPS unit from an offender's body:

(1) Face mask;

(2) Face shield;

(3) Gown; and

(4) Gloves.

(h) The GPS team shall use new (not previously used) units only.

(i) Units that have been removed from an offender shall be returned to BI to be decontaminated.

XIII. COMET SPECIAL CONDITIONS, MISC.:

(a) **Polygraph testing.** Polygraph testing is suspended pending further instruction from the Maryland State Police.

(b) **Specialized treatment.** The following seven statewide treatment providers will offer services through video and teleconferencing where possible:

(1) Bay Area Sexual Abuse Treatment Center (contact: Carol Deel);

(2) Community Based Treatment Services (contact: Kenneth Truitt);

(3) Eastern Shore Psychological Services (contact: Kathryn Seifert);

(4) Dr. James Fleming;

(5) D. Gambles and Associates (contact: Deborah Gambles);

(6) Huber Rehabilitation Services (contact: Deborah Huber); and

(7) University of Maryland Special Offenders Clinic.

(c) Agents shall conduct monthly verification of treatment compliance for offenders who are engaged in remote services with the above-listed treatment providers.

(d) For offenders who are awaiting acceptance into a specialized treatment program, agents shall conduct daily telephone or video call contacts resulting in at least two positive contacts per week until treatment begins.

(e) **Internet usage monitoring.** There are no changes or adjustments to the internet usage monitoring policy.

(f) **Electronic monitoring.** Please see Section XI for policy concerning electronic monitoring during the State of Emergency.

(g) **Assessments.** The Static-99 initial risk assessment must be completed in accordance with existing policy. Acute-2000 reassessments are suspended until normal operations resume with the exception of the following:

(1) Reassessments that were due to be submitted in March 2020; and

(2) Reassessments required to document an increase in risk and a corresponding higher supervision level.

(h) **Transfers.** COMET cases may not be transferred except under the following circumstances:

(1) Cases that were incorrectly assigned at intake and need to be assigned to COMET agents;

(2) Cases that are accepted into an integrated supervision and treatment program which utilizes designated COMET agents to supervise all participants in the program; and

(3) Emergency situations which will be evaluated on a case-by-case basis by the COMET Administrator prior to transfer.

XIV. VIOLATION REPORTS FOR MARYLAND PAROLE COMMISSION:

(a) Effect April 16, 2020, the Maryland Parole Commission suspended the scheduling of subpoena hearings during the State of Emergency. Pending requests for subpoenas will remain unscheduled.

(b) Recent enhancements to OCMS have prevented the Parole Commission from accessing documents that are uploaded in the "Documents" section of the DPP OCMS module.

(c) If an agent submits a report to the Maryland Parole Commission that references or relies upon supporting documentation (e.g., a death certificate, treatment completion certificate), the agent shall email a copy of the document to mpc.recordsunit@maryalnd.gov with the following information clearly identified in the email:

(1) Offender name;

(2) DOC#; and

(3) Date report was submitted.

XV. INTERSTATE COMPACT FOR ADULT OFFENDER SUPERVISION:

(a) Applications for mandatory supervision transfers are being received and assigned for investigation during the State of Emergency.

(b) Applications for discretionary supervision transfers are not being accepted during the State of Emergency.

XVI. EFFECTIVE DATE: April 1, 2020

XVII. APPROVED: Martha Danner

Martha Danner, Director

Robert L. Green

Robert L. Green, Secretary