

Bill No. 34-06
Concerning: Work Release/ Pre-Release Programs – Amendments
Revised: 10/03/2006 Draft No. 6
Introduced: July 25, 2006
Enacted: October 3, 2006
Executive: October 13, 2006
Effective: January 12, 2007
Sunset Date: None
Ch. 31, Laws of Mont. Co. 2006

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

By: Council President at the Request of the County Executive

AN ACT to:

- (1) formalize the Department of Correction and Rehabilitation's home confinement and electronic monitoring program;
- (2) increase the maximum length of community incarceration; and
- (3) generally amend the law governing work release and pre-release programs.

By amending:

Montgomery County Code
Chapter 13, Detention Centers and Rehabilitation Facilities
Sections 13-11 through 13-23

Boldface

Underlining

[Single boldface brackets]

Double underlining

[[Double boldface brackets]]

* * *

Heading or defined term.

Added to existing law by original bill.

Deleted from existing law by original bill.

Added by amendment.

Deleted from existing law or the bill by amendment.

Existing law unaffected by bill.

The County Council for Montgomery County, Maryland approves the following Act:

1 **Sec. 1. Sections 13-11 through 13-23 are amended as follows:**

2
3 **13-11. Established.**

4 [There is hereby established by the county council pursuant to article 27,
5 section 645T] The Department of Correction and Rehabilitation must operate a work
6 release/pre-release program as authorized by Section 11-717 of the Correctional
7 Services Article of the [Annotated] Maryland Code [of Maryland, a work release/pre-
8 release program under which selected individuals]. In this program, an inmate
9 detained or sentenced to the [county department of correction and rehabilitation]
10 Department of Correction and Rehabilitation, Maryland Department of Public Safety
11 and Correctional Services, or Federal Bureau of Prisons may be [granted the
12 privilege] allowed to leave the [pre-release facility during necessary and reasonable
13 hours for the purpose of seeking or working] Pre-Release Center as approved by the
14 Program Administrator to seek or work at gainful employment or [attending] attend a
15 training program[, and]. The inmate may also participate in other rehabilitation
16 activities, including [but not limited to]:

17 (a) intensive counseling[,];

18 (b) academic education[,];

19 (c) home visitation[,];

20 (d) transitional phased release, [programs, as well as] including non-
21 residential services; and

22 (e) maximum use of other community resources or other similar
23 rehabilitative activities as approved by the [program administrator]
24 Program Administrator.

25 Whenever the [prisoner] inmate is not employed or otherwise participating in
26 the [work release/pre-release program, he or she shall] Program, the inmate must be
27 confined in the [pre-release center] Pre-Release Center. However, an inmate who

28 participates in non-residential transitional phased release must live in a private
 29 dwelling approved by the Program Administrator, under the supervision of Division
 30 staff, and must be monitored electronically.

31 **13-12. Purpose.**

32 The purpose of the [work release/pre-release program] Program is to [provide
 33 opportunity to inmates for] increase community safety and reduce crime by providing
 34 inmates with an opportunity to:

- 35 (a) [Continuing] participate in employment, education, or training[.];
- 36 (b) [Continuing contribution] contribute to family support[.];
- 37 (c) [Accumulating] accumulate savings for use upon release, making
 38 restitution, or payment of legitimate debts[.];
- 39 (d) [Participating] participate in the [program's] Program's counseling
 40 services, social awareness, and educational programs[.];
- 41 (e) [Participating] participate in other community services and activities,
 42 such as:
- 43 (i) a specialized alcohol treatment [services,] service;
- 44 (ii) a drug rehabilitation [programs,] program;
- 45 (iii) private psychotherapy[.];
- 46 (iv) a community adult education [programs,] program;
- 47 (v) a college [courses] course; and
- 48 (vi) a supervised community recreational [events.] event;
- 49 (f) [Continuing and acquiring] acquire self-respect that flows from self-
 50 support and personal accomplishment[.];
- 51 (g) [Participating] participate in a transitional phased release experience
 52 [leading] intended to lead to increased personal responsibility[.];

- 53 (h) [Giving the authorities the means of] provide federal and state officials
 54 with information to assist in determining the inmate's suitability for
 55 parole[.];
- 56 (i) [Reducing the risks and fears of the prisoner and society during the
 57 difficult period of adjustment immediately after confinement.]
- 58 [(j)] [Obtaining] obtain suitable housing [prior to] before release[.]; and
- 59 [(k)] Providing services to offenders which will decrease the probability of
 60 continued crime after discharge to the community.]
- 61 [(l)] [(j)] [Remaining or becoming] become a contributing member of society.

62 **13-13. Definitions.**

63 [For the purpose of] Unless the context indicates otherwise, in this [article]
 64 Article, the following words and phrases [shall] have the following meanings
 65 [respectively ascribed to them by this section]:

66 Department: The Department of Correction and Rehabilitation.

67 Director: The [director] Director of the [department of correction and
 68 rehabilitation] Department of Correction and Rehabilitation, or the Director's
 69 designee.

70 Division: The Pre-Release and Reentry Services Division of the Department
 71 of Correction and Rehabilitation, which includes the Pre-Release Center facility and
 72 Home Confinement services.

73 Home Confinement services: A non-residential service in the work release/pre-
 74 release program designed to provide a transition from custody to release from
 75 custody. In this program, an inmate:

- 76 (a) lives in a private dwelling approved by the Program Administrator;
 77 (b) is supervised by an electronic monitoring device and Division staff;
 78 (c) is employed or attends school; and
 79 (d) has family or sponsor involvement in home-based counseling.

80 Inmate: A person in the custody of the Department of Correction and
81 Rehabilitation, Maryland Department of Public Safety and Correctional Services, or
82 Federal Bureau of Prisons.

83 [*Pre-release center*] Pre-Release Center: A County-operated facility [operated
84 through the county government for the purpose of implementing] used to implement
85 the work release/pre-release program.

86 Program [administrator] Administrator: [The deputy director (pre-release) of
87 the department of correction and rehabilitation.] The Chief of the Pre-Release and
88 Reentry Services Division, or the Chief's designee.

89 [*Releasee*: A prisoner in the custody of the county department of correction
90 and rehabilitation participating in the work release/pre-release program.]

91 Work release/pre-release program or Program: [The work release/pre-release
92 program is a program for] A pre-release treatment and reentry program [for selected
93 prisoners designed] intended to equip [them] selected inmates to function
94 successfully upon [their return to the community] release from custody. [This
95 program enables participants to leave confinement daily for employment, training
96 and rehabilitation activities including but not limited to intensive counseling,
97 academic education, home visitation, transitional phased release programs and use of
98 other community resources and rehabilitative activities as approved by the program
99 administrator.] The Program offers residential and non-residential reentry services.

100 **13-14. Eligibility.**

101 [Eligibility for participation in the work release/pre-release program will be
102 based upon the standards listed below as evaluated by the program administrator]
103 The Program Administrator must evaluate an inmate's eligibility to participate in the
104 Program based on the following standards.

- 105 (a) The [applicant] inmate must voluntarily [submit a written application on
106 forms provided by the department of correction and rehabilitation]
107 apply to the Program.
- 108 (b) The [applicant] inmate must be within [~~six (6)~~] 12 months [or less] from
109 release or a parole hearing.
- 110 [(c) The applicant must be physically capable of performing the proposed
111 assignments. Candidates will receive a physical examination by the
112 department's physician who will make a recommendation for
113 limitations of employment or involvement in the program when medical
114 problems exist. In the case of state or federal institution inmates,
115 medical records from those facilities may be used for the purpose of
116 screening; however, the department physical exam will be accomplished
117 when the individual enters the work release/pre-release program.]
- 118 [(d) The applicant must be psychologically capable of performing in the
119 work release/pre-release program. Applicants will receive
120 psychological screening by the department psychologist who will make
121 recommendations for limitations of employment or involvement in the
122 program when psychological problems exist. Psychological evaluations
123 from state and federal psychologists or psychiatrists may be substituted
124 when the applicant is from a state or federal institution. In case when
125 the committing court recommends transfer to the Pre-Release Center
126 and the Pre-Release Center staff screener finds no obvious
127 psychological complications, the department psychological screening
128 may be temporarily waived by the program administrator; however, this
129 psychological screening must be accomplished within five (5) working
130 days after the individual's arrival at the Pre-Release Center]

- 131 [(e) An applicant who is found to be or becomes an elopement or escape risk
132 will be excluded from the program.]
- 133 (c) The inmate must be physically and mentally capable of performing the
134 proposed assignments.
- 135 (d) An inmate who is an escape risk, as determined by the Program
136 Administrator, is not eligible to participate in the Program.
- 137 [(f) (e) An [applicant] inmate who has a pending [[serious]] [court
138 charges] criminal charge [(without personal bond)] or a detainer
139 for a [[serious]] [charges] criminal charge from another
140 jurisdiction [will be excluded from the program] is not eligible
141 to participate in the Program. [This detainer standard may be
142 waived if the judge or state's attorney of the jurisdiction which
143 issued the detainer indicates in writing no objections to the
144 defendant participating in the county work release/pre-release
145 program.] However, the Program Administrator may allow an
146 inmate with a pending criminal charge or a detainer for a
147 criminal charge to participate in the Program if the Program
148 Administrator finds that the resolution of the pending charge is
149 not likely to interfere with the inmate's continued participation
150 in the Program.
- 151 [(g) An applicant who has, within the past two (2) years, had another work
152 release/pre-release program revoked will be excluded from the program;
153 however]
- 154 (f) An inmate who has been removed from the Program within the previous
155 24 months is not eligible to participate in the Program. However, the
156 [program administrator] Program Administrator may waive this
157 standard for eligibility [in those cases when] if:

158 (i) the purpose and effective operation of the [program] Program
159 will not be jeopardized; and

160 (ii) [where] the best interest of the [applicant] inmate, the inmate's
161 family [(if any)], and the [community] public will be served.

162 [(h)] (g) [When the indicated] If an inmate's proposed employment involves
163 handling [alcoholic beverages, drugs, narcotics, firearms, ammunition
164 of explosives which, in the opinion of the program administrator,
165 would] any alcoholic beverage, drug, narcotic, firearm, ammunition,
166 or explosive, the Program Administrator may exclude the inmate from
167 participating in the Program if the Program Administrator decides that
168 the employment is likely to jeopardize the [applicant's] inmate's
169 safety or the safety of others[, the applicant may be excluded from the
170 program].

171 (h) Division staff must evaluate and screen an inmate based on the criteria
172 identified in Section 13-15. Information obtained during the
173 screening process is confidential.

174 **13-15. Selection and assignment procedure.**

175 (a) [Upon receipt of the] After receiving an application, the [program
176 administrator or designee shall] Program Administrator must investigate
177 and evaluate the [applicant] inmate and, based on a structured selection
178 process, determine whether the [applicant] inmate meets the standards
179 of eligibility [as defined] in [section] Section 13-14.

180 (b) [An applicant demonstrating a family or financial need or other
181 circumstances warranting participation in the program may be given
182 priority in selection and assignment] The Program Administrator may
183 give priority in selection and assignment to an inmate who demonstrates

184 a family or financial need or other circumstances warranting
185 participation in the Program.

186 (c) [An applicant who is a resident of the county may be given priority
187 over nonresidents] The Program Administrator may give priority to
188 an inmate who is a County resident over a nonresident.

189 (d) The [program administrator will] Program Administrator must
190 develop a standardized method of screening individuals for the [work
191 release/pre-release program] Program. [A suitability selection
192 procedure shall include such items as] The Program Administrator
193 may consider the following factors:

194 (i) the intent of the committing court[,];

195 (ii) time in confinement[,];

196 (iii) [instant] the offense for which the inmate was convicted[,];

197 (iv) the inmate's past criminal and institutional history[,];

198 (v) availability of work and transportation[,];

199 (vi) [needs of others in the] community needs (such as those of a
200 family member[, employers, etc.,] or employer);

201 (vii) the inmate's history of alcohol or drug abuse[,];

202 (viii) the inmate's current institutional performance and adjustment
203 (if applicable)[,];

204 (ix) the inmate's need for treatment [factors,];

205 (x) an evaluation of the [individual's] inmate's maturity, attitude,
206 trust, and [the] motivation to become involved in [the program]

207 Program opportunities[, as well as]; and

208 (xi) [other items deemed appropriate by the program administrator]
209 any other item the Program Administrator finds appropriate.

- 210 (e) Based on this standardized selection process and standards of
211 eligibility, the [program administrator will] Program Administrator
212 must [make recommendations] recommend to the appropriate court or
213 correctional authority [for] placement of [prisoners into the work
214 release/pre-release program] an inmate in the Program. The Program
215 Administrator has full discretion to recommend or decline to
216 recommend an inmate. No inmate has a right to participate in the
217 Program or in any specific component of the Program.
- 218 (f) [Upon receipt of] After receiving a report from the [program
219 administrator] Program Administrator, the court or [the] correctional
220 authority having jurisdiction may approve or disapprove the [program
221 administrator's recommendations] Program Administrator's
222 recommendation. [The decision of the court shall be stated must be in
223 writing and returned to the program administrator within fifteen (15)
224 working days, and the applicant shall be notified of the court's
225 decision] After receiving the court's decision, Division staff must
226 notify the inmate of the decision.
- 227 (g) An [applicant will] inmate must not be placed in the [program]
228 Program unless the [program administrator] Program Administrator
229 [has determined] finds that:
- 230 (1) [The applicant] the inmate meets the eligibility standards of the
231 [program] Program and is suitable for the [program.] Program;
232 and
- 233 (2) [There is] adequate staff and facilities are available to manage the
234 [program] Program and supervise the [applicant] inmate.
- 235 (h) [Disapproval of an application shall not prevent a prisoner from
236 submitting a new application, but such application may not be filed

237 before sixty (60) days have elapsed since disapproval of the previous
238 application.] If an inmate's application is disapproved, the inmate is not
239 eligible to submit another application to the Program for 60 days after
240 the disapproval.

241 **13-16. [Rules and regulations] Program rules.**

242 [Participation in the work release/pre-release program is conditioned on
243 compliance with the following rules and regulations. The releasee shall agree in
244 writing to] Each participant must comply with, and agree in writing to, the following
245 rules. Each participant must:

- 246 (a) [Comply] comply with all terms, conditions, and guidelines [as
247 stipulated] listed in the [center "guidebook" of the work release/pre-
248 release program.] Program Guidebook; and
- 249 (b) [Work industriously at his or her employment, training or educational
250 program. The releasee shall go to and from its location by a direct route
251 in the least amount of time. After each day's approved activities, the
252 releasee will return to the pre-release center. If any situation occurs that
253 prevents the releasee from returning to the pre-release center at the
254 prescribed time, he or she will immediately call the center for
255 instructions. The releasee will not be absent from the approved day's
256 activities without the approval of a center staff member.
- 257 (c) Obtain the approval of the center staff prior to attempting to change
258 employment.
- 259 (d) Provide the necessary materials, clothing, and equipment, other than
260 those supplied by the employer, essential to his or her employment.
- 261 (e) Provide his or her own transportation to or from work in a manner
262 approved by the program administrator. Prior to operating a motor
263 vehicle, the releasee must have a valid driver's license, automobile

- 264 registration, proper insurance coverage as required by state law, and
265 obtain approval of the program administrator.
- 266 (f) Deposit with the program administrator all of his or her earnings less
267 payroll deductions required by law.
- 268 (g) Be prohibited from entering into any contract or engage in business,
269 borrow money, purchase property, incur debts, or open banking or
270 charge accounts unless he or she has obtained the prior approval of the
271 program administrator.
- 272 (h) Leave the pre-release center premises only with prior authorization from
273 center staff and to comply with instructions of center staff.
- 274 (i) Conduct himself or herself with propriety during release from
275 confinement, obeying all laws and regulations.
- 276 (j) Respond helpfully and courteously when questioned by law
277 enforcement officers or other public authorities; provided, that nothing
278 herein shall deprive any person of his constitutional rights. All such
279 instances of questioning shall be promptly reported by the releasee to
280 the program administrator.
- 281 (k) Not use, possess or introduce into the pre-release center weapons,
282 alcoholic beverages, narcotics or drugs except pursuant to doctor's
283 orders.
- 284 (l) Resolve the problems a releasee confronts in nonviolent, respectful
285 ways and will not verbally or physically abuse another person.
- 286 (m) Submit to urinalysis and alcohol tests when requested by center staff.
- 287 (n) Participate in the center's social awareness program, in counseling
288 activities, in prescribed treatment services and in other activities he or
289 she agrees to in writing.

290 (o) Spend approved home visits at pre-arranged activities with family or
 291 friends as approved by the program administrator and conduct himself
 292 or herself properly, obeying all laws as well as rules of the program
 293 during release to the community.]

294 [(p) His or her understanding that his or her] acknowledge that the inmate's
 295 failure to comply with the terms of [this authorization for release under
 296 this law shall subject him or her] the Program may subject the inmate to
 297 [the] criminal penalties provided by state or federal law.

298 **13-17. [Probationary period] Administrative review and removal actions.**

299 (a) Participation in the [work release/pre-release program] Program is a
 300 privilege. [The first 40 days of a releasee's participation in the program
 301 is a probationary period. During the probationary period, the program
 302 administrator] The Program Administrator may[, at the administrator's
 303 discretion,] reclassify the [releasee] inmate from the [program] Program
 304 and transfer the [releasee] inmate to secure confinement if the [releasee]
 305 inmate:

- 306 (1) does not satisfactorily complete a [behavior] behavioral contract;
 307 (2) does not take advantage of treatment opportunities available to
 308 [program participants] a Program participant;
 309 (3) does not [become involved] participate in [specific program
 310 activities required of the participant] required Program activities;
 311 or
 312 (4) is otherwise unable to adjust to the [pre-release center] work
 313 release/pre-release environment.

314 [(b) The program administrator may, at the administrator's discretion,
 315 reclassify a releasee from the program and transfer the releasee to secure
 316 confinement if the releasee:]

- 317 [(1)] (5) is charged with another crime;
318 [(2)] (6) receives a detainer [for a serious crime] from another
319 jurisdiction;
320 [(3)] (7) asks to be transferred from the [program] Program; [[or]]
321 [(4)] (8) is physically or mentally unable to work or participate in
322 [program] Program activities for an extended period of time; or
323 (5) is psychologically unable to perform effectively in the
324 program][[.]];

325 [If a releasee is transferred from the program under paragraph 4 or 5,
326 with 14 days after the transfer a physician must confirm the medical
327 condition, or a psychologist or psychiatrist must confirm the
328 psychological condition, which led to the releasee's transfer.]

329 [(c) The program administrator may, at the administrator's discretion,
330 reclassify a releasee from the program and transfer the releasee to secure
331 confinement if the releasee:]

- 332 [(1)] (9) receives a pattern of poor behavioral ratings by [the unit
333 treatment team] Program staff; or
334 [(2)] (10) demonstrates a lack of motivation or commitment to the
335 [program] Program by failing to adequately perform the
336 [releasee's program] inmate's Program contract.

337 [(d)] (b) If [a releasee] an inmate is transferred from the [program] Program
338 under this section, the [program administrator] Program Administrator
339 must notify the court in writing of the circumstances of the removal.

340 [(e) If a releasee is transferred from the program under subsections (b) or
341 (c), the releasee may reapply to the program after 60 days under
342 sections 13-14 and 13-15.]

343 (c) If an inmate is transferred from the Program under subsection (a), the
344 inmate is not eligible to reapply to the Program for 60 days after the
345 inmate's transfer, as provided in Sections 13-14 and 13-15.

346 **13-18. Disciplinary and revocation measures.**

347 (a) [The center] Division staff may use counseling when appropriate for
348 improper conduct.

349 (b) The [program administrator] Program Administrator may:

350 (1) restrict or remove privileges [of the pre-release center][[,
351 including adjusting good conduct time,]] in the Pre-Release
352 Center for not more than [thirty (30)] 30 days for any breach of
353 discipline[, infraction of the center] or violation of Division rules
354 [and regulations, violation of trust or any other breach of conduct
355 of the program.]; [[or]]

356 [(c) The program administrator may] (2) suspend the [releasee]
357 inmate from the [pre-release center] Pre-Release Center for not
358 more than [fourteen (14)] 14 successive days for any breach of
359 discipline[, infraction of the] or violation of Division rules [and
360 regulations, violation of trust, or any breach of the standards of
361 conduct of the program.]; or

362 (3) if an inmate is participating in Home Confinement services, place
363 the inmate at the Pre-Release Center, restrict or remove
364 privileges[[, including adjusting good conduct time,]], or return
365 the inmate to the appropriate security facility.

366 [(d)] (c) [The program administrator may, for a serious violation of a rule or
367 regulation (as provided in section 13-16) or for unsatisfactory
368 performance on the program, immediately remove a releasee from the
369 pre-release center return the individual to the appropriate security

370 facility and revoke the releasee from the work release/pre-release
371 program.] If an inmate commits a serious violation of a rule or
372 regulation identified in the Program Guidebook or Section 13-16, or
373 performs unsatisfactorily in the Program, the Program Administrator
374 may immediately remove the inmate from the Pre-Release Center or
375 return the inmate to the appropriate security facility. The [program
376 administrator shall] Program Administrator must forward a full report to
377 the court stating the circumstances and reasons for revocation. The
378 judge of the committing court may, on the basis of the revocation
379 action, redesignate the [Maryland Division of Correction] State
380 Department of Public Safety and Correctional Services as the agency of
381 custody for the remaining term of the inmate's confinement [as
382 provided in article 27, section 645T(a),] under Section 11-717 of the
383 Correctional Services Article of the [Annotated] Maryland Code [of
384 Maryland, as amended].

385 [(e) Shall any intake information or statement by the releasee, upon which
386 the releasee's original application, screening, and selection for the
387 program was based, subsequently be proved to be false, the releasee's
388 participation in the program may be revoked by the program
389 administrator. In case of revocation, the releasee is removed from the
390 program and may reapply after sixty (60) days in accordance with
391 sections 13-14 and 13-15 unless the place of custody has been
392 redesignated to the Maryland Division of Correction.]

393 (d) The Program Administrator may revoke an inmate's participation in the
394 Program if the inmate makes a false statement on the application or
395 during the screening process. If the Program Administrator revokes an
396 inmate's participation in the Program, the inmate must be removed from

397 the Program and is not eligible to reapply to the Program for 60 days, as
 398 provided in Sections 13-14 and 13-15. An inmate in the custody of the
 399 State Department of Public Safety and Correctional Services or Federal
 400 Bureau of Prisons is subject to any time limit in the applicable state or
 401 federal law.

402 **13-19. Disposition of [release] inmate funds and earnings.**

- 403 (a) The [director or designee is authorized to] Director may establish and
 404 maintain inmate personnel and financial records and [to] require written
 405 reports from the [releasee] inmate as necessary to administer the
 406 [program] Program.
- 407 (b) The [director or designee] Director is authorized to receive, deposit, and
 408 disburse the funds and earnings of each [releasee] inmate in accordance
 409 with regulations established by the [director] Director.
- 410 (c) The [director or designee] Director may deduct the following from [the]
 411 an inmate's earnings [of the releasee]:
- 412 (1) [A charge determined by the director as a contribution to] all or
 413 part of the cost to the [county of providing] County to provide an
 414 inmate with food, [and] lodging, and clothing[.];
 - 415 (2) [Actual] actual and necessary food, travel, and other expenses
 416 incidental to [his or her] the inmate's participation in the
 417 [program.] Program;
 - 418 (3) [Any amount which the releasee may be legally obligated to or
 419 desirous of paying for the support of his dependents.] any amount
 420 the inmate is legally obligated or desires to pay to support a
 421 dependent;
 - 422 (4) a reasonable amount to repay the State or County for an attorney
 423 appointed by the court, if applicable; and

- 424 (5) a court-ordered payment for restitution.
- 425 (d) [The director or designee shall credit the remaining balance to the work
426 releasee's account, to be disposed of as requested by the releasee and
427 approved by the director or his designee.] The Director must apply any
428 remaining balance, less deductions identified in subsection (c), to the
429 [[work]] inmate's account and must dispose of the funds as the inmate
430 requests and the Director approves.
- 431 (e) [Accountability for releasee] Inmate funds [shall be in the manner] must
432 be accounted for as prescribed [or approved] by the [director of the
433 department of finance] Director of the Department of Finance. [A
434 yearly audit of work releasee funds shall be made by the finance
435 department and a written report shall be made to the director of the
436 department of correction and rehabilitation.] The Department of
437 Finance must conduct a yearly audit of [[work]] inmate funds and
438 submit a written report to the Director of the Department of Correction
439 and Rehabilitation.
- 440 (f) The Director must set, by method (3) regulation, a reasonable fee for the
441 cost of electronic and staff supervision. The Director may collect the
442 fee from participants in the non-residential component of the Program.
443 If the Director finds that a participant cannot afford to pay the fee, the
444 Director may wholly or partially exempt the inmate from paying the fee.

445 **13-20. Graduated release.**

446 The [director is authorized and directed to] Director must cooperate with [the]
447 federal, state, or other [county] County correctional officials to develop a system of
448 graduated release for [county] County residents who are within [six (6)] 12 months of
449 release or a parole hearing date and who are returning to the [county] County after
450 [having served] servng a period of their confinement in a correctional institution.

451 After approval by an appropriate court or other agency having jurisdiction, the
452 [director or his or her designee] Director may place [such prisoners on] a qualified
453 inmate in the [work release/pre-release program] Program; however, [prisoners] any
454 inmate transferred from [other correctional agencies to the county department of
455 correction and rehabilitation] another correctional agency to the Department must
456 meet the eligibility standards specified in [section] Section 13-14 and [will] be
457 subject to all rules, regulations, and guidelines of the [county work release/pre-
458 release program as specified herein] Program. [Pursuant to article 27, section 645T]
459 Under Section 11-717 of the Correctional Services Article of the [Annotated]
460 Maryland Code [of Maryland, as amended,] the [director of the county department of
461 correction and rehabilitation is authorized to] Director may negotiate [with the state
462 division of corrections] a contract each year with the State Department of Public
463 Safety and Correctional Services [providing] for state reimbursement on a per diem
464 basis [for operational costs] to the [county] County for providing community
465 correctional services to [those] state inmates [described above].

466 **13-21. Court directed early release.**

467 [Pursuant to article 27, section 645T] Under Section 11-717 of the
468 Correctional Services Article of the [Annotated] Maryland Code [of Maryland, as
469 amended,] after the [prisoner] inmate enters the [correctional program] Program, the
470 judge ordering the confinement or, if [he or she] the judge is unable to act, [then] any
471 other judge of the committing court, may order the release of the [prisoner] inmate
472 from custody based [upon] on the [program administrator's] Program
473 Administrator's recommendation and report of the [individual's] inmate's
474 performance in [his correctional program] the Program.

475 **13-22. Conditional parole and probation cases.**

476 (a) In lieu of [~~pursing~~] pursuing a parole violation, [the] state or federal
477 parole authorities may [desire to make, as a condition of continued

478 parole, the stipulation that the] require a parolee to participate in the
479 [county's work release program] Program for [the purpose of]
480 residential treatment as a condition of continued parole. The [program
481 administrator is authorized to] Program Administrator may screen and
482 accept [parolees from parole authorities for the purpose of providing
483 residential treatment services to their parolees who meet the] a parolee
484 who meets Program criteria [for the county work release/pre-release
485 program].

486 (b) In specific cases, the federal court may [desire to make, as a condition
487 of probation, the stipulation that the] require a probationer to participate
488 in the [county's work release program] Program for [the purpose of]
489 residential treatment as a condition of probation. The [program
490 administrator is authorized to] Program Administrator may screen and
491 accept [probationers from appropriate federal authorities for providing
492 residential treatment services to their probationers] a probationer who
493 meets Program criteria.

494 (c) The [program administrator will insure] Program Administrator must
495 take appropriate steps to determine that the parolee and/or probationer is
496 a resident of the Washington Metropolitan Area and meets the eligibility
497 criteria [as defined in section] in Section 13-14 [of this chapter and
498 insure that the parolee and/or probationer is a resident of the county].
499 The [length of the] parolee's or probationer's participation in the
500 [program will] Program must not exceed [six (6)] 12 months. The
501 parolee or probationer [will] must be subject to the rules[, regulations]
502 and guidelines of the [pre-release center] Pre-Release Center. If the
503 [program administrator determines] Program Administrator finds that
504 the parolee or probationer should be withdrawn from the [pre-release

505 center] Pre-Release Center because of [his or her] improper conduct or
 506 other appropriate reasons, the [program administrator will] Program
 507 Administrator must release the parolee or probationer to the parole or
 508 probation agent and provide the agent a report of the individual's
 509 performance and conduct while at the [center] Pre-Release Center.

510 (d) The [county is authorized to] County may negotiate a contract each year
 511 with federal and state adult parole and probation authorities [providing]
 512 for reimbursement on a per diem basis [for operational costs] to the
 513 [county] County for providing community correctional services to
 514 [those parolees and probationers described above] a parolee or
 515 probationer.

516 **13-23. Confidentiality**

517 [The program administrator or staff designee may release personal information
 518 on a releasee as may be required on a "need to know basis" to essential community
 519 resources and volunteer staff for the purposes of obtaining employment, training,
 520 education and treatment services for the releasee, and to individuals agreeing to
 521 sponsor the releasee in the individual's home for authorized furloughs. Releasee will
 522 agree in writing to waive the right of confidentiality for the purposes indicated.]

523 [[An]] The Program administrator may require an inmate who participates in the
 524 Program [[must]] to agree in writing to waive any right of confidentiality[[, as
 525 determined by the Program Administrator,]] and authorize the Program
 526 Administrator to release relevant personal information, except for psychological
 527 information:

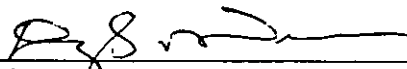
528 (a) to essential community resources and volunteer staff to obtain
 529 employment, training, education, and treatment for the inmate; or

530 (b) to an individual who agrees to sponsor the inmate in the individual's
 531 home for home confinement, an authorized visit, or a furlough.

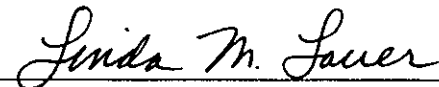
531 *Approved:*

532  Oct 4 2006
533 George L. Leventhal, President, County Council Date

534 *Approved:*

535  10/17/2006
536 Douglas M. Duncan, County Executive Date

537 *This is a correct copy of Council action.*

538  10/16/06
539 Linda M. Lauer, Clerk of the Council Date