

**Prince George's County Department of Corrections  
Population Management Division  
Levels of Supervision**

The Prince George's County Department of Corrections (PGCDOC) Pretrial Release Program uses multiple factors to assist with setting the appropriate levels of supervision necessary to effectively monitor defendants based on the defendant's assessed risk. The Maryland Rule 4-216.2 states consideration of factors include the recommendation of Pretrial Release Services. In addition, the judicial officer shall consider the following factors:

- (A) The nature and circumstances of the offense charged, the nature of the evidence against the defendant, and the potential sentence upon conviction;
- (B) The defendant's prior record of appearance at court proceedings or flight to avoid prosecution or failure to appear at court proceedings;
- (C) The defendant's family ties, employment status and history, financial resources, reputation, character and mental condition, length of residence in the community, and length of residence in the State; Note-PGCDOC uses county residency requirements for Level 4 and county-sentenced Home Detention defendants;
- (D) Any request made under Code, Criminal Procedure Article. § 5-201 (a), for reasonable protections for the safety of an alleged victim;
- (E) Any recommendation of an agency that conducts pretrial release investigations;
- (F) Any information presented by the State's Attorney and any recommendation of the State's Attorney;
- (G) Any information presented by the defendant or defendant's attorney;
- (H) The danger of the defendant to an alleged victim, another person, or the community;
- (I) The danger of the defendant to himself or herself; and
- (J) Any other factor bearing on the risk of a willful failure to appear and the safety of each alleged victim, another person, or the community, including all prior convictions and any prior adjudications of delinquency that occurred within three years of the date the defendant is charged as an adult."

The following Pretrial Release information provides a brief synopsis of the levels of supervision currently utilized by The PGCDOC's alternative-to-incarceration programs, under the PGCDOC's legal authority provided in Maryland Rule 4-216.2 (a-j):

**Level I**

1. Least restrictive level of supervision.
2. Granted only to those individuals who have been arrested and detained on a non-violent misdemeanor, i.e. (Fishing w/o a License, non-felony MVA case/fine, Trespassing/Vagrancy, etc.).
3. Must also have no criminal history, no failures to appear, and no pending cases.
4. Calls Case Manager weekly.

**Level II**

1. Individuals assigned to this level are more likely to be in jail for the first or second time with a criminal past.
2. Their record must reflect no recent convictions involving felony/violent crimes and they may have up to but no more than three (3) Failures to Appear in court.
3. Contact Case Manager weekly and meet with Case Manager every two weeks.
4. Drug test weekly

**Level III**

1. Individuals assigned to level three meet the same basic criteria as those placed on level two, except for the fact that their case(s) are more serious in nature.
2. Contact and meet with Case Manager weekly.
3. Drug test weekly.

**Level IV**

1. Individuals assigned to level four are charged with felonies that require the most restrictive form of an alternative to incarceration, i.e., an electronic device affixed their leg.
2. Global position satellite (GPS) technology is used when deemed necessary to monitor detainee.
3. Monitored by Case Managers and an Investigator daily.

### Process of Assigning an Appropriate Level

1. Prior to all bail reviews (Bond Hearings), Pre-Trial Investigators interview and run full criminal histories from local and federal criminal justice information systems. The interview and criminal history are merged into a **Pre-Trial Intake Fact Sheet**.
2. An internal departmental board that consists of the Case Management Supervisor or designee, Pre-Trial Release Supervisor or designee, and a Pre-Trial Release Court Liaison then reviews current bail cases to assess the defendant's eligibility for pre-trial release consideration and the appropriate level of supervision.
3. Eligibility criteria is based on the following:
  1. Nature of current offense(s) (misdemeanor vs. felony and how many counts and or multiple charges),
  2. Detainers filed by other public safety law enforcement agencies (Federal, State, County, Local etc.) whereby the defendant is wanted,
  3. Is there a victim(s) and do or does the victim(s) fear for his/her safety if the defendant/detainee were to be released. **A signed victim waiver must be obtained.**
  4. Criminal history (no criminal history to an extensive criminal history is evaluated),
  5. Failures to Appear (FTA) with the courts,
  6. Community ties (how short or long has the defendant resided in Prince George's County, neighboring county, or the District of Columbia),
  7. Institutional behavior (if known for current intake or previous intake(s) and at other penal facilities),
  8. Any violation of pre-trial release within the last five (5) years and the nature of the violation(s),
  9. All Parole and or Probation violations.
4. The PGCDOC Pre-Trial Intake Fact Sheet includes all pertinent eligibility criteria issues. The form is in quadruplicate and distributed as follows:
  - a. Original remains affixed alongside the detainee's interview in the Criminal History Report to be kept in Classification if the defendant does not get the option of pre-trial release.
  - b. Bond Hearing Judge/Courtroom Clerk.
  - c. Office of the Public Defender.
  - d. State's Attorney's Office.
5. During Bond Hearing, the Pre-Trial Release Liaison states whether the PGCDOC elects to take the option of pre-trial release or not.

6. The Bond Hearing judge decides to approve or deny the pre-trial release option. This decision is then written on the original Pre-Trial Intake Fact Sheet. Most judges recommend pre-trial release and sometimes defendants are court-ordered pre-trial release.
7. At the conclusion of Bond Hearing, a Bond Hearing Summary list is submitted by the court clerk that denotes the judge's rulings regarding the option of pre-trial release.
8. The Pre-Trial Release Liaison submits a copy of the Bond Hearing Summary Report to the Case Management Unit, PGCDOC's Reception Officers, and the Pre-Trial Release Unit.
9. All cases with the option of pre-trial release levels I, II and III are submitted to the Case Management Unit. Level IV cases are submitted to the Monitoring Services Unit.
10. The Case Management Unit supervisor reviews the cases to determine if additional work is needed prior to release and separates the cases by unit, i.e. Case Management Unit and Monitoring Services Unit (Electronic Monitoring).
11. Cases that do not need additional work are distributed to Case Managers.
12. Case Managers and the Case Management supervisor attempt to resolve issues with the cases that have received the option of pre-trial release so these individuals can be released.
13. Cases that received the Level IV option are given to the Monitoring Services Unit supervisor who completes the same process denoted in steps 11-13. Defendants taken out on Electronic Monitoring must be accompanied and driven to their residences by a Monitoring Services Field Investigator.
14. Cases are submitted to Classification, for filing, if they do not receive the option.

### **Supervisory Decision Tree Consideration**

The levels of supervision and the established criteria are guidelines to be used by Population Management staff, but they are not an absolute. Accurately assessing a defendant is a complex process that includes some of the following mitigating factors:

1. Extensive criminal history;
2. Determining risk to public based on charge(s);
3. Determining risk to victim(s);

4. Determining risk to defendant based on psychological and or chemical dependency issues;
5. Assessing defendant's medical health issue(s) which are sometimes acute;
6. Securing adequate housing for the defendant;
7. Weighing multiple factors and some combination of factors 1-6.

### **PGCDOC Risk Assessment Instrument (RAI)**

The PGCDOC's Risk Assessment Instrument (RAI) provides a numerical score and should be a guide of how defendants are assessed and qualified for a level of pretrial release and/or county-sentenced Home Detention. This RAI does not cover every set of circumstances that occur when attempting to accurately assess a defendant's eligibility. Additionally, research into the efficacy of risk assessment instruments does not appear to completely support or dismiss the value of the use of these instruments when making pretrial release decisions. However, the RAI does provide a numeric score that will easily identify what level, if any, the defendant might be categorized for a level of pretrial release. The use of the RAI should be seen as a starting point for making a release decision during the case review.

Levels of Pretrial Release:

**Level I**

**Level II**

**Level III**

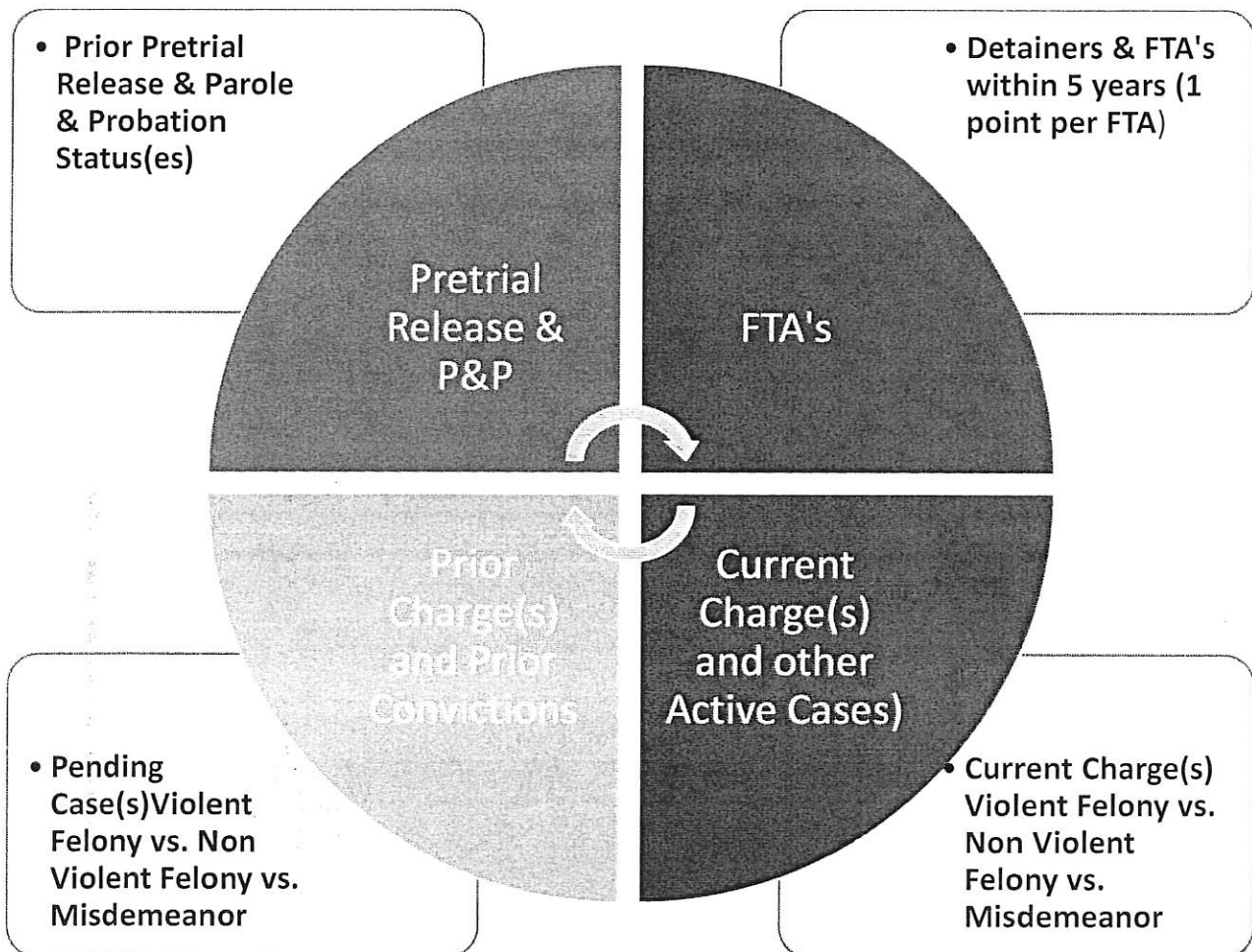
**Level IV** (Electronic Monitoring-pretrial status)

**Level IV** (Home Detention-county sentenced status)

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SEE RAI CORRELATIVE ANALYSIS POINTS CHART BELOW

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## RAI CORRELATIVE ANALYSIS POINTS CHART SCORING

The total number of assessed points, to be calculated, will provide a cumulative score for each defendant. The quadrants are as follows:

### **A. QUADRANT ONE: Detainers and Failures to Appear with the courts**

1. Add 5 points for each detainer a defendant has pending with another jurisdiction. Note - (This category is subjective; therefore, it will have to be reviewed to further determine if the detainer is extraditable or non-extraditable).
2. Add 1 point for each FTA a defendant has received within the past 3 years.
3. Add 1 point for each FTA beyond the 3-year mark to a max of 5 points.

### **SCORING**

1. **Low Risk** - 10 cumulative points or less (a range of 5-9) will be considered a low failure to appear risk for court.
2. **Medium Risk** - 20 cumulative points or less (a range of 15-19) will be considered a moderate fail to appear risk for court.
3. **High Risk** - More than 20 cumulative points be considered and deemed a high failure to appear risk for court.

### **B. QUADRANT TWO: Current Charge(s) and their Criminal Classification(s)**

1. Add 8 points if the defendant has been charged with a violent felony and an additional 4 points for any other current violent felony.
2. Add 4 points if the defendant has been charged with a non-violent felony and an additional 2 points for any other current non-violent felony.
3. Add 2 points if the defendant has been charged with a misdemeanor and an additional 1 point for any other current misdemeanor.

### **SCORING**

**Low Risk** - 12 cumulative points or less (a range of 8-11) will be considered low risk if released while his/her case(s) is pending.

**Medium Risk** - 20 cumulative points or a range of 13-19 will be considered a higher but manageable risk if released while his/her case(s) is pending.

**High Risk** - 21 or more cumulative points or a range of 21-higher will be considered the highest risk to manage if released while his/her case(s) is pending.

**C. QUADRANT THREE: Prior Charge(s) and Prior Conviction(s)**

1. Add 4 points if the defendant has a prior violent felony conviction and an additional 2 points for any other prior violent felony convictions.
2. Add 2 points if the defendant has a prior non-violent felony conviction and an additional 1 point for any other prior non-violent felony convictions.
3. Add 1 point if the defendant has a pending misdemeanor and no additional points for any other current misdemeanor(s).

**SCORING**

**Low Risk** - 12 cumulative points or less (a range of 8-11) will be considered a manageable risk if released while his/her case(s) is pending.

**Medium Risk** - 20 cumulative points or less (a range of 13-19) will be considered a higher but manageable risk if released while his/her case(s) is pending.

**High Risk** - 21 or more cumulative points (a range of 21-higher will be considered the highest risk to manage if released while his/her case(s) is pending.

**D. QUADRANT FOUR: Prior Pretrial Release and or Parole & Probation:**

1. Add 2 points, for each instance whereby the defendant was previously charged with being non-compliant and or was violated by pretrial release or P&P.
2. Subtract 2 points for each instance whereby the defendant was previously found to comply with pretrial release and or P&P. Total points assessed, will be subtracted from the cumulative RAI.

**SCORING**

**Low Risk** – 2 points or less.

**Medium Risk** - 3-5 points.

**High Risk** - 6 or above.

**TOTAL COMBINED SCORES**

**LOW RISK RANGE (Level II)** - 10-30 cumulative points.

**MODERATE RISK RANGE (Level III)** - 31-60 cumulative points.

**HIGH RISK RANGE (Level IV)** - 61 or more cumulative points.



### OVERRIDING CIRCUMSTANCES

Some circumstances may influence a decision for either supporting or denying pretrial release. In such situations, the Population Management Chief will seek additional feedback from the Director and/or Deputy Directors, courts, medical experts, or any other professionals who may appropriately weigh in on a final decision

1. **Victim concerns** – Victims fearing the release of the defendant will be fully considered prior to a pretrial release decision is made. Although subjective, information obtained from victims can affect release at all pretrial levels and, in some case, Home Detention.
2. **Medical Health** – Medical health exigencies will be administratively reviewed. All efforts will be made to attempt to qualify the defendant for an appropriate level of supervision when possible. There may be times that the defendant’s medical health concerns make it impossible for the defendant to adhere to supervision requirements.
3. **Mental Health** – Defendants experiencing significant mental illness may be unable to safely return directly to the community. Population Management staff will collaborate with mental health clinicians and the courts when assessing defendants with significant mental illness prior to any release to pretrial supervision. There are times that the defendant’s mental status, as determined by licensed clinicians, may be so problematic and dangerous that releasing the defendant back into the community on any level of supervision is inadvisable.