

**Maryland State Commission on Criminal Sentencing Policy
House Judiciary Committee Room
Lowe Office Building, Room 121
Annapolis, Maryland
December 6, 1999**

Commission Members in Attendance:

Butler
Chasanow
Doory
Iamele
Kelley
Marshall
McLendon
Mitchell
Stanton
Themelis
Mr. Bruce Martin appeared for Commissioner Curran
Mr. Theodore Wieseman for Commissioner Harris
Mr. Robert Gibson for Commissioner Simms

Staff Members in Attendance:

Dr. Michael Connelly, Executive Director
Dr. Claire Souryal, Research Director

Visitors:

Julie Bernhardt Office of the Public Defender
Pam Harris Circuit Court for Montgomery Co.
Don Hogan Staff, Maryland House of Delegates
Dennis Hoyle, Office of the Lieutenant Governor
Sally M. Marker, Governor's Office of Crime Control & Prevention
Jerry Rauch Legislative Aide
Delegate Salima Siler Marriott

Judge Sonner called the meeting to order and asked for approval of the minutes of the 10/99 meeting; minutes were approved as written with no dissents.

Attendance of commissioners was taken; members in attendance were Commissioners: Butler, Chasanow, Doory, Iamele, Kelley, Marshall, McLendon, Mitchell, Stanton, and Themelis. Mr. Bruce Martin appeared for Commissioner Curran, Mr. Theodore Wieseman for Commissioner Harris, and Mr. Robert Gibson for Commissioner Simms.

Judge Sonner introduced Michael Connelly as the new executive director of the Commission and gave a brief description of his background for the position.

John Clancy, President, Community Education Centers, Inc., in New Jersey, presented a video on treatment

of drug offenders by his company. He responded to specific clarifying inquiries by Commissioners Mitchell, McLendon, Iamele, Marshall, Doory, Stanton, and Butler and by guest Hoyle. Question topics included reintegration, cooperation with unions for employment, coerced abstinence, aftercare programs, use of abandoned facilities, front-end programming, and pre-parole. Mr. Clancy also left a report on his organization's activities for later review by the Commission and volunteered to provide additional information later if requested.

Dr. Connelly provided a brief update on staff activity concerning the transition of the sentencing guidelines into the Code of Maryland Regulations (COMAR). Research Director Claire Souryal had compiled and completed the initial regulations in consultation with some commissioners and the office of the state Attorney General. She and Dr. Connelly also met with representatives of the Attorney General's office to clarify questions that had arisen. Mr. Bruce Martin of the Attorney General's office answered several questions about the process and its consequences posed by Commissioners Kelley, McLendon, Butler, Doory, Chasanow, and Sonner. The consensus of the Commission was that two parallel tracks of activity should be pursued regarding COMAR: (1) reviewing, correcting, and preparing existing guidelines for adoption as quickly as possible and (2) considering changes and revisions for later adoption, which may take a considerable period of time. A temporary ad hoc subcommittee to bring items for full Commission consideration was formed with Commissioners Butler and McLendon and Mr. Theodore Wieseman, representing Commissioner Harris, as members.

Dr. Connelly updated the Commission on discussions with staff of the state Administrative Office of the Courts (AOC) regarding the transfer of guidelines training and orientation for judges to the Commission from the AOC. Commissioner McLendon recommended that staff develop a Commission policy statement regarding guidelines compliance for promulgation by AOC and by Commission staff during training and orientation sessions. Commissioner Kelley recommended that staff investigate the possibilities for delivering training and orientation through distance learning and creation of video modules. The Commission emphasized the need to train and orient parole and probation officers and prosecutors and the defense bar as well as judges.

The Commission reviewed several activities mandated either by legislation or by previous reports or activities. It recommended that the legislatively mandated annual report be available at the proper time for legislative consideration during the coming session. It tentatively decided that the legislatively mandated annual public hearing be held in May, pending Commission completion of related work. The Commission agreed to hold its traditional annual retreat on February 6-7, 2000, and Judge Sonner asked staff to look into holding the retreat at its last location in Wye Mills, MD. Dr. Connelly presented material from the Commission's enabling legislation concerning the Division of Parole and Probation that Mr. Robert Gibson, representing Commissioner Simms, indicated did not pertain to the Commission. Dr. Connelly proposed that Commission members let him know what recommendations for further action in the previous study commission's final report should be pursued and in what priority. He will schedule meetings with each individual Commissioner and obtain their recommendations for later presentation to the Commission as a whole.

Judge Sonner proposed creation of new Commission subcommittees for specialization of tasks related to Research, Sentencing Guidelines, Corrections Options, and Compliance. Dr. Connelly will obtain Commissioner preferences for assignment to the subcommittees when he meets with individual Commissioners.

Commissioner Iamele proposed Commission consideration of incorporating mediation efforts into possible solutions to disputes leading to criminal offenses. Judge Sonner indicated that some local jurisdictions are already using mediation as suggested, relieving the Commission of a need for consideration.

The Commission decided to forgo its regular January meeting and to hold its next meeting over two days at the retreat on February 6-7. Subcommittees and staff are to work in the interim to develop areas for Commission deliberation and action.

Dr. Connelly announced that Commissioners will receive a newsletter with each meeting announcement. The newsletter will obtain summaries of sentencing-related news from other states and the federal government, research and information, and recent books and reports. Dr. Connelly also asked that Commissioners who wanted to share their e-mail addresses complete a sign-up sheet with appropriate information.

Judge Sonner proposed adjournment. Seeing no objection, he adjourned the meeting sine die.