

Appendix __ to DOC Case Management Manual

Guidance to Case Management Specialists concerning Juvenile Lifer Security Classification

General:

Juvenile lifers are entitled to a meaningful opportunity to obtain release based on demonstrated maturity and rehabilitation. Case managers must consider their youth status as a mitigating factor when evaluating them for security classification and preparing any pre-parole summary. Pre-parole summaries should address the factors considered by the Maryland Parole Commission.

Security Classification:

OPS.100.0004 provides that all juvenile lifers are eligible for reduction below medium security. This policy has also been incorporated into the Case Management Manual at Section 7.D(5) effective July 31, 2019, which provides that “[a]n inmate serving a life sentence for an offense that the inmate committed as a juvenile, shall be eligible for a reduction below medium security status if approved by the Commissioner, or a designee.” The language in OPS.100.0004 and Section 7.D(5) of the Case Management Manual supersedes any other reclassification policy and/or interpretation by any staff person. Compliance with this policy is mandatory.

Because parole-eligible juvenile lifers are eligible for reduction below medium security, the entirety of Section B of the Security Reclassification Instrument applies, and the radio box adjacent to #10 should not be checked. Additionally, special care must be taken to choose the appropriate dropdown option from #10.B.

Juvenile lifers are not exclusionary offenders, and they are eligible for reduction below medium security. A case management specialist is not permitted to justify a decision to refuse to reduce a juvenile lifer below medium security because the inmate is an “exclusionary offender,” because the inmate “does not meet the minimum security profile,” or because the inmate is “ineligible for reduction below medium security.” These are inappropriate rationales that violate Division of Correction case management policy. Any actions using that language will be returned to the case management specialist for correction.

Additionally, any recommended override of the instrument's score for a juvenile lifer is discretionary only. Any use of the option for mandatory override is not permitted, and any such action will be returned to the case management specialist for correction.

In exercising discretion, in addition to consideration of the usual factors, case managers should give serious consideration to recommendations made by the Maryland Parole Commission that an individual be permitted to advance to lesser security or be permitted to participate in programming and any other means to allow the juvenile lifer to progress in the parole system toward release.

When reviewing security instruments for juvenile lifers, supervisors and case managers shall ensure that all sections are completed correctly, that a rationale is provided regardless of the decision, and that any rationale that accompanies a security recommendation is made in accordance with policy. Furthermore, the juvenile lifer's parole status, including the last known action taken, whether the person has previously been recommended for parole and whether the Parole Commission has recommended the individual for lesser security, should be confirmed and explicitly noted in the comments section.

In order to ensure Division-wide compliance with this policy, all security instruments for juvenile lifers, regardless of their current security classification, and regardless of the facility recommendation, require the Commissioner's final approval and shall be forwarded to Headquarters for review.

Pursuant to COMAR___:

- 1) A juvenile lifer who has been approved for parole by the Governor or who has an anticipated mandatory supervision release date is eligible for an outside detail assignment or work release, with the approval of the Commissioner.
- 2) A juvenile lifer who does not have an anticipated mandatory supervision release date or approval for parole by the Governor is eligible for an outside detail assignment only with the approval of the Commissioner and the Secretary and is ineligible for work release.