

Decisions of Commission hearing examiners, if concurred with by the Commission on summary review, become final. A final decision of the hearing examiner may be appealed to a panel of Commission members for review upon the record. The decision of the appeal panel is final.

On its own initiative, the Commission must ask the Division of Parole and Probation to make investigations that aid the Commission in determining the advisability of granting parole. The Commission evaluates information from the Division of Parole and Probation on the behavior of parolees. In addition, the Commission directs the Division of Parole and Probation to conduct investigations from which recommendations are made to the Governor on pardons, commutations of sentences, and parole of persons sentenced to life imprisonment.

The Commission also is authorized to negotiate and execute tri-party contracts for the release on parole of an inmate at a predetermined future date, conditioned upon the fulfillment of the conditions specified in the contract. Signatories to such mutual agreements are the Maryland Parole Commission, the Commissioner of Correction, and the inmate.

The Commission is composed of seven members. All are appointed for six-year terms by the Secretary of Public Safety and Correctional Services with the approval of the Governor and Senate advice and consent. Each member must be a State resident with training and experience in law, sociology, psychology, psychiatry, education, social work, or criminology. With the approval of the Governor, the Secretary of Public Safety and Correctional Services designates the chairperson (Code 1957, Art. 41, secs. 4-501 through 4-512).

DIVISION OF PAROLE AND PROBATION

Donald Atkinson, Ed.D., *Acting Director*
Vacancy, *Executive Assistant Director*

6776 Reisterstown Rd., Suite 305
Baltimore, MD 21215

764-4274

The Division of Parole and Probation was constituted in 1939 to administer State parole and probation laws (Chapter 406, Acts of 1939). In 1953, the Division was renamed the Department of Parole and Probation (Chapter 653, Acts of 1953). The Department was reorganized in 1968 with the creation of a Division of Parole and Probation separate from the Board of Parole (Chapter 457, Acts of 1968). In 1970, the Division adopted its present name (Chapter 401, Acts of 1970).

The Division supervises the conduct of parolees and adult probationers. It regularly informs the Maryland Parole Commission of parolees' activities

and notifies the District or Circuit Courts of probationers' activities. At its discretion, the Division recommends that the Commission issue warrants to retake parolees charged with violation of parole. Warrants also are requested from the courts to apprehend probationers charged with violating conditions of their probation.

The Division uses a case management system to classify offenders based upon the risk of their continued criminal activity and need for services. For parolees and probationers, the Division offers counseling, casework, and diagnosis of substance abuse and other problems. The Division also refers clients to community treatment programs. Citizen volunteers help counsel and supervise parolees and probationers.

The Division undertakes various types of investigations, when requested, for the courts of Maryland, the Maryland Parole Commission, and the Governor. Unless otherwise ordered, a presentence investigation is completed for the court when the sentencing of a defendant convicted of felony in a Circuit Court may result in the defendant being remanded to the jurisdiction of the Division of Correction or referred to Patuxent Institution.

At the direction of the Court of Special Appeals, the Division investigates, reports, and makes recommendations regarding applications for review of criminal sentences. Where a felony offense caused physical, psychological, or economic injury, the Division prepares a victim impact statement as part of the presentence investigation. A victim impact statement also is prepared when a misdemeanor offense has caused serious physical injury or death.

Division investigations help the Maryland Parole Commission determine whether to grant parole. The Division also investigates the home and employment proposals of parolees and probationers from other states wanting to live in Maryland under the Uniform Out-of-State Parolee Supervision Act.

At the request of the Governor or the Governor's designee, the Division also investigates and reports on persons applying for pardon, commutation of sentence, or clemency.

The Director of the Division of Parole and Probation is appointed by the Secretary of Public Safety and Correctional Services with the approval of the Governor and Senate advice and consent. The Director serves at the pleasure of the Secretary. (Code 1957, Art. 41, secs. 4-601 through 4-613).