

To: Senate Judicial Proceedings Committee
From: Lila Meadows & Leigh Goodmark, University of Maryland School of Law
Date: February 3, 2020
Re: Written testimony in support of Senate Bill 202

The University of Maryland School of Law has several legal clinics that represent individuals sentenced to life in prison, including the Gender Violence Clinic, which represents criminalized survivors of violence who have been sentenced to excessive prison terms. The Gender Violence Clinic enthusiastically supports Senate Bill 202 and the effort to end the governor's involvement in our parole system.

For too long, decisions regarding release of individuals serving life sentences have been guided by politics instead of the legal criteria this body adopted regarding suitability for release on parole. Since Governor Glendenning declared "life means life" in 1995, only a handful of individuals have been released via the parole system, despite the Maryland Parole Commission's recommendation of many deserving cases. That Governor Hogan has released anyone at all is a departure from his democratic predecessors, and some say is evidence that this legislation is necessary. The opposite is true – the fact that release has turned on who sits in the State House is evidence that Maryland's parole process is unpredictable and arbitrary. Suitability for parole is determined by the statutes and regulations the Maryland Legislature has determined should govern release. Decisions about parole should be predictable based on whether an individual meets those conditions. Instead, we have a system that functions like executive clemency, where only a handful of individuals receive relief for reasons that are unclear to the individuals approved and denied as well as the public.

The Commission evaluates suitability for parole using a process that is long and arduous. Currently, lifers are considered for parole after serving a minimum of the equivalent of 15 years. Senate Bill 202 would raise that eligibility to 20 years, bringing eligibility in alignment with what is now the eligibility for second degree murder.

After reaching eligibility, individuals meet with two parole commissioners who assess suitability for parole by asking a series of questions about the underlying crime, an individual's conduct while incarcerated, and re-entry plans. Commissioners also consider impact statements made by victim representatives. In the clinic's experience representing clients, commissioners are especially focused on both the underlying nature of the crime and victim impact during parole hearings. Individuals who do not express sincere remorse or have not conformed to the rules of confinement are not able to move forward in the process. It's important to note that the Maryland Parole Commission is not what anyone would consider a defendant friendly body. Currently, more two thirds of the commission is made up of former law enforcement officers. It's safe to say that commissioners make recommendations only in cases that are the most deserving and pose the lowest risk for re-offense.

Determining a lifer's suitability for parole does not end with the parole hearing. Lifers who parole commissioners believe should advance in the process are recommended for a psychological risk assessment. It can take years to receive a risk assessment, and the process was on hold for almost a year due to COVID-19. Once a risk assessment is completed, the written report is sent back to the two commissioners who heard the client's case. If the report is unsatisfactory, the client is scheduled for a re-hearing at a later date. If the commissioners are satisfied with the report, the client is scheduled for what is referred to as an *en banc* hearing

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where the commission meets in its entirety. Candidates for parole must receive a majority vote from the commissioners in order to receive a recommendation for parole.

The Maryland Parole Commission expends significant time and resources to determine whether a candidate is suitable for parole. Throughout the process, lifers are considered by 10 separate commissioners and evaluated by a psychologist. The Governor's involvement in parole is not necessary to keep Marylanders safe. The governor's office offers no special expertise in vetting candidates for parole, and in fact has no staff primarily dedicated to doing so.

The governor's involvement in the parole system is about politics, and politics have no place in decisions regarding whether to restore someone's liberty. We encourage the committee to report favorably on Senate Bill 202.

This testimony is submitted on behalf of Lila Meadows at the University of Maryland Carey School of Law and not on behalf of the School of Law; the University of Maryland, Baltimore; or the University of Maryland System.