



Maryland Restorative Justice Initiative
13800 Molly Berry Road
Brandywine, Maryland 20613 1

Systemic Racism, Black and Brown people represent the lease in population(s), the most in incarceration (s), and with Covid, the highest in deaths.

SB0202/HB0003- Support

Paradigm Shift in the Criminal (Just-Us) Justice System

Chair Smith, Vice Chair Waldstreicher and Committee Members

Two Formers Governors, Robert Ehrlich, and Parris Glendenning both concur that Maryland's parole system has become too political, and needs reforming. Mr. Glendenning instituted the 'Life means Life' policy, and Mr. Ehrlich commuted five (5) sentences while in office. Mr. Glendenning did not parole any during his 8 years in office; Mr. Ehrlich commuted 5 sentences during his 4 years in office; former governor O'Malley did not parole any during his 8 years in office, maintaining the Glendenning policy. Governor Hogan's administration has released some individuals; however, the system is still not functioning according to legislative intent. Maryland, along with California and Oklahoma, are the only states that require the governor's signature to parole inmates sentenced to life.

The Maryland parole system has not been operating according to legislative intent for over 27 years. When legislators established the parole commission, requiring the governor's signature, there were less than 200 people serving parole eligible life sentences, and they were released in less than 20 years. There are now over 2600 people requiring a governor's signature for release.

Two significant incidents are noteworthy to understand changes in the criminal justice system landscape: Willie Horton, responsible for derailing former governor Michael Dukakis presidential bid; and Rodney Stokes, responsible for former Governors Glendenning 'life means life' policy in Maryland.

The statute and legislative intend functioned as intended until the Horton, and Stokes incidents: During Governor Marvin Mandel's terms in office (1969) 92 people were paroled; during Governor Harry Hughes term in office (1979) 64 people were paroled; during Governor William Donald Schaefer's term in office (1987) 25 people were paroled. Legislators made an attempt to address the issue in 2011 when they passed the 180 days statute, giving any setting governor 180 days to make a decision on parole recommendation sent to the office. However, shortly after the legislation became effective, former governor O'Malley denied all the recommendation sent to his office.

Some rationales often used in denials are nature of the offence, and threat to public safety. Ironically, in 2013 people who were serving parole eligible life sentences began being released under the Unger decision by the Maryland court of appeals. This decision mandated that anyone tried by a jury trial before 1980 were entitled to new trails. Since May of 2013, over 200 people

who were formerly serving parole eligible life sentences have been released under the Unger decision. Recidivism for those released during the Mandel, Hughe, and Schaefer administrations (181) are less than 6%, and for those release under the Unger decision (over 200) are less than 2%.

The fiscal note for legislation introduced in 2018 to address this issue did not increase the budget; in fact, it decreases it. The fiscal note also stated that in 2017 DPSCS had an intake of 52 inmates with life sentences, (35 with parole and 17 without). The intake of inmates with split life sentences was 49, a total of 111. This is just for one year of inmates coming into Maryland prisons that a governor would have to approve releases. From a fiscal perspective, any governor should be encouraging passage of legislation of this nature, as it relieves any governor of the redundancy, or a denovo of Maryland Restorative Justice Initiative 13800 Molly Berry Road Brandywine, Maryland 20613 2 parole commissioner functions. Decisions of this nature must be in the hands of parole commissioners who are experts in this field; that use a thorough process, vetting individuals' decades or more. The changing landscape of our criminal justice system, and the reality of those changes, the Willie Horton syndrome, (that no political figure will admit) must be acknowledged.

The current parole scheme, as it exists, has no incentive built into the system. Judge Motz once said, 'Hope and the longing for reward lay at the heart of every human endeavor, in its absence there is no reason for anyone to change.' The system originally had a parole expectance built into it: Starting at maximum security, progressing to medium, minimum, prelease, work release, family leaves, and eventually paroled. The spirit of the process has been broken. An analogy of how it operated today, is an individual goes to college, passes all the courses, gets an excellent grade point average, and then are told they cannot graduate because the rules has changed. That is not fair, it is not just, nor is it human, and not what legislators intended with the statute.

We must acknowledge this paradigm shift; and start the narrative to reverse this course Maryland has taken with the criminal justice system. Maryland has needlessly spent millions of dollars to incarcerate this aging prison population, who could live safely in the community, (as those released under the Unger decision have demonstrated) simply because of politics. The overwhelming majority of these individuals serving parole eligible life sentences are people of color. Legislators are urged to consider passing legislation, and do away with this outdated parole policy.

Sincerely,

Walter Lomax
Walter Lomax, Executive Director
Maryland Restorative Justice Initiative
Waltermandalalomax@hotmail.com
Mrji4phases2006@gmail.com mrji4phases@yahoo.com
mrji.org
mandalaenterprise.org
443-413-6076