

Department of Legislative Services
Maryland General Assembly
2021 Session

RACIAL AND EQUITY IMPACT NOTE

House Bill 678
Judiciary

(Delegate Buckel)

Crimes of Violence – Parole (Stopping Dangerous and Violent Criminals Act of 2021)

Summary

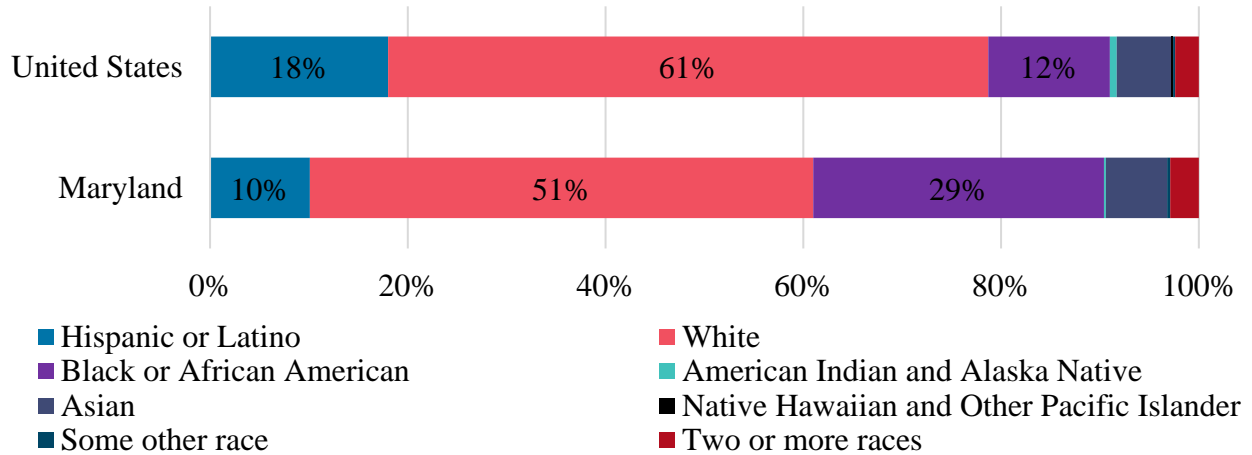
This bill alters the parole eligibility for an inmate sentenced to the Division of Correction (DOC) for a violent crime committed on or after October 1, 2021. An inmate sentenced to DOC for a violent crime committed on or after October 1, 2021, is not eligible for parole until the inmate has served the greater of (1) 90% of the inmate’s aggregate sentence for violent crimes or (2) one-fourth of the inmate’s total aggregate sentence.

Maryland Demographics

Race and Ethnicity of the Maryland Population

In 2019, Maryland’s estimated population was just over 6 million individuals. Compared to the U.S. population overall, the State’s population by race alone is more diverse. As shown in **Exhibit 1**, in Maryland, 44.5% of the population identify as non-White or multi-racial compared to 27.5% of the national population. In both the State and national population, the largest shares of the non-White population are individuals who are Black or African American, with 29.9% of the State population identifying only as Black or African American and another 1.4% identifying as more than one race including Black or African American. In both the State and the nation, approximately 6% of the population identified as Asian. Maryland’s population is slightly less diverse than the U.S. population overall by ethnicity, however. In Maryland, 10.1% of the population identified as Hispanic or Latino compared to 18.0% of the U.S. population overall.

Exhibit 1
U.S. and Maryland Population by Race and Ethnicity
2019

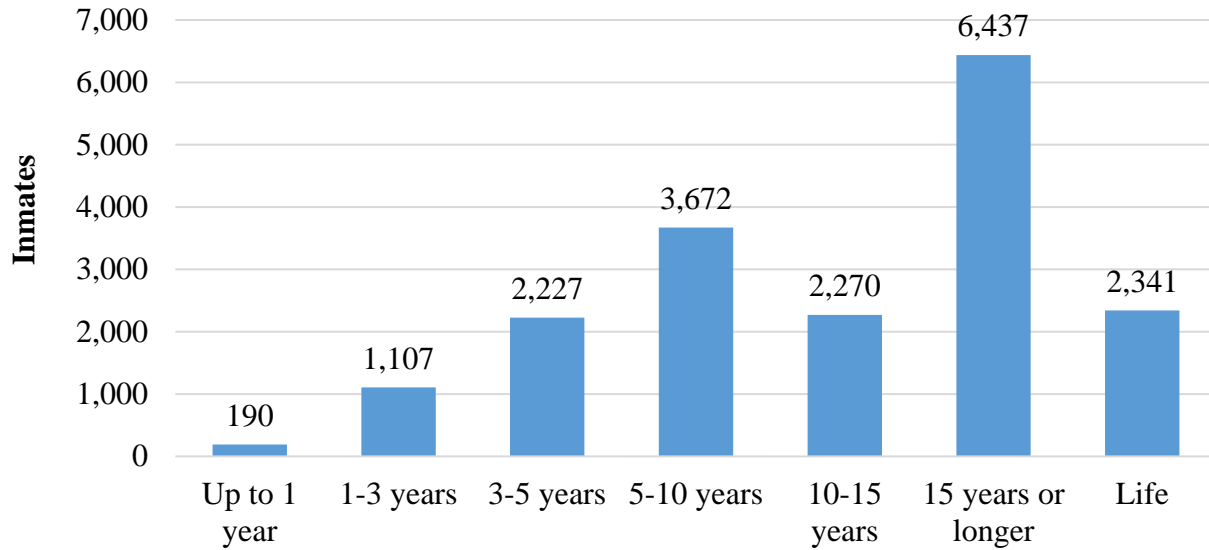


Source: University of Baltimore Schaefer Center

Average Length of Sentence in Maryland Correctional Facilities

On July 31, 2019, there were 18,244 individuals incarcerated in Maryland under the jurisdiction of the Department of Public Safety and Correctional Services (DPSCS). Of these, just over 8,700 were serving sentences of at least 10 years and 2,341 were serving life sentences, as shown in **Exhibit 2**, resulting in an average sentence length of 18.5 years.

Exhibit 2
Length of Sentence for Maryland Correctional Population
July 31, 2019

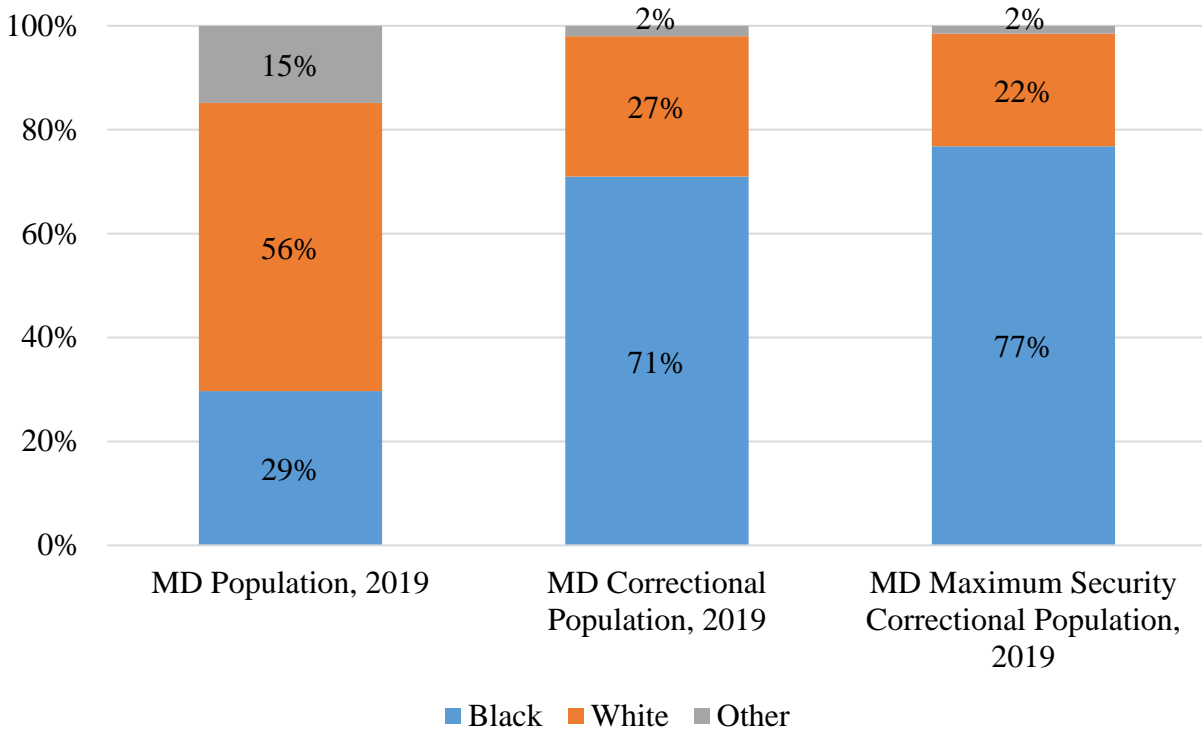


Source: University of Baltimore Schaefer Center

Demographics of Maryland's Correctional Facilities

A 2019 DPSCS report showed that 71% of convicted individuals in Maryland's correctional facilities are Black, 27% are White, and 2% consist of groups that are neither Black nor White. In Maryland's maximum security facilities, 77% of convicted individuals are Black, 22% are White, and 2% consist of groups that are neither Black nor White. **Exhibit 3** shows the results of the DPSCS report.

Exhibit 3
Race of Maryland Correctional Facility Population
2019

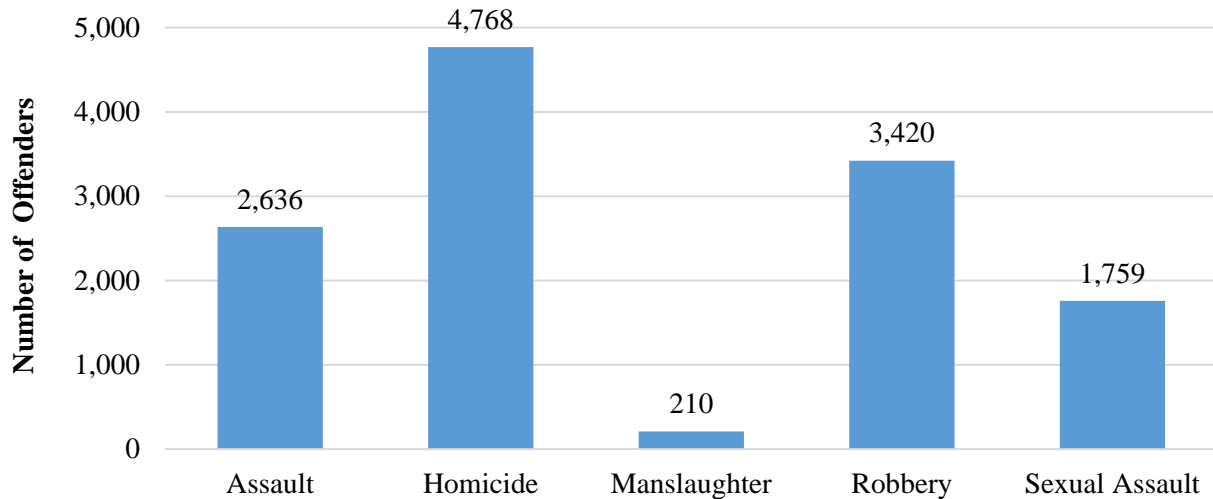


Source: University of Baltimore Schaefer Center; The Sentencing Project; Department of Public Safety and Correctional Services

Violent Crime Offenders in Maryland Correctional Facilities

There are no data publicly available on the race and ethnicity of individuals currently incarcerated for violent crimes (*i.e.*, murder, rape, robbery, and aggravated assault) in Maryland, but violent crime population data exists. **Exhibit 4** shows the 2019 estimates of violent crime offenders in Maryland's correctional population. Of the 18,244 incarcerated offenders in Maryland, just over 70% were arrested for violent crimes.

Exhibit 4
Violent Crime Offenders in the Maryland Correctional Population
2019



Note: Only the most serious offense is identified for each inmate. Data was only provided for “assault,” not aggravated assault.

Source: University of Baltimore Schaefer Center; Maryland Department of Public Safety and Correctional Services (2019)

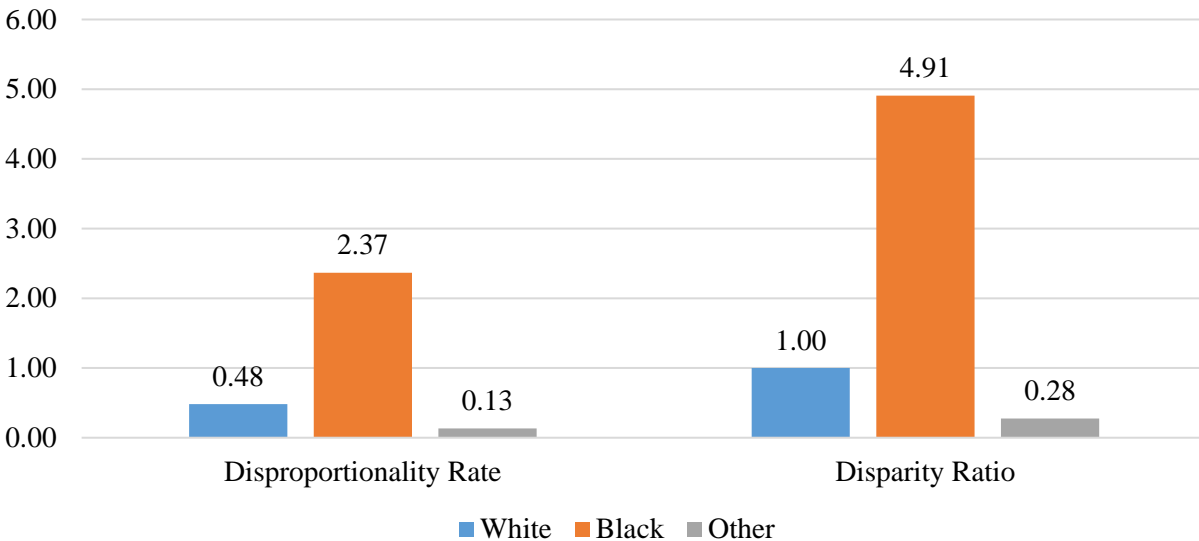
Racial and Equity Impact Statement for House Bill 678

Given statewide racial and ethnic demographics for the entire population as compared to the racial and ethnic demographics of individuals incarcerated in Maryland’s correctional facilities as shown in Exhibits 1 and 3, notable patterns of disproportionality and disparities exist in Maryland’s incarceration rates.

As shown in **Exhibit 5**, current data reveal that the disproportionality rate of imprisonment for African Americans or people identified as Black is 2.37. This means that imprisoned African Americans, or individuals identified as Black, are more than twice as likely to be imprisoned relative to the overall proportion of African Americans in the State population. Compared to African Americans, Whites and other non-Black racial groups have disproportionality rates of imprisonment of less than one. Thus, these groups are underrepresented in the correctional population of the State as compared to their proportion in the State population.

Exhibit 5 also shows how racial disparity ratios vary among the different racial groups with respect to Maryland’s correctional population. With a disparity ratio of 4.91, African Americans, or individuals identified as Black, are almost five times more likely to be imprisoned than Whites in Maryland.

Exhibit 5
Disproportionality and Disparity Metrics for
Maryland Correctional Population
2019

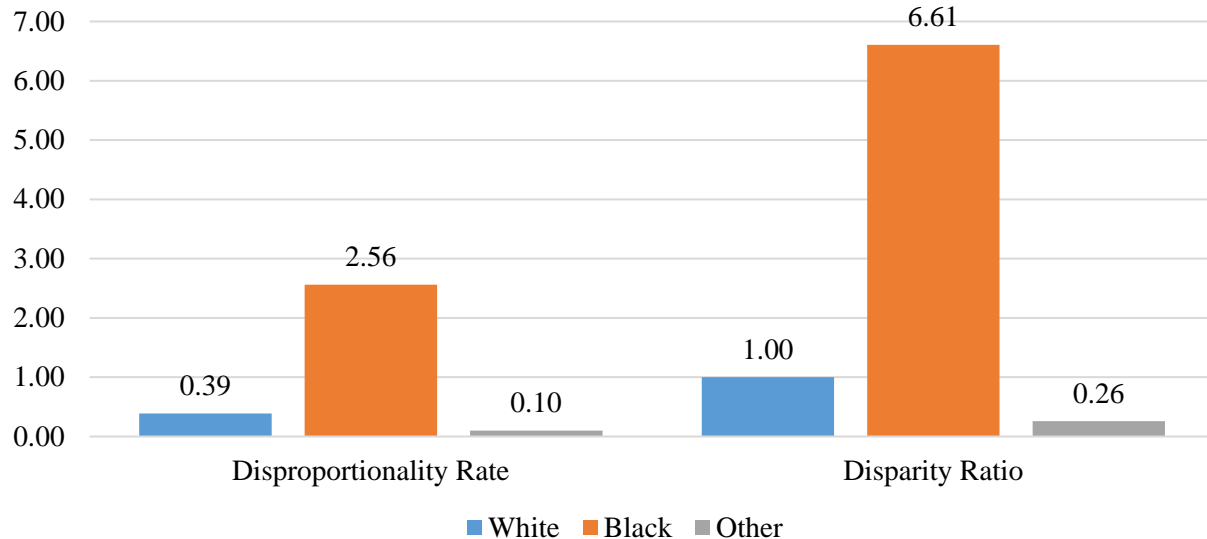


Source: Department of Legislative Services

Regarding the population in Maryland’s maximum security correctional facilities, which commonly imprison inmates who have committed violent crime, **Exhibit 6** shows that the disproportionality rate of incarcerated African Americans or people identified as Black is 2.56. This means that imprisoned African Americans, or offenders identified as Black, are more than twice as likely to be imprisoned in a maximum security facility relative to the overall proportion of African-Americans in the State population. Whites and other non-Black incarcerated racial groups have disproportionality rates of less than one. Thus, these groups are underrepresented in Maryland’s maximum security correctional population as compared to their proportion in the State population.

Exhibit 6 also shows how racial disparity ratios vary among the different racial groups with respect to Maryland’s maximum security correctional population. With a disparity ratio of 6.61, African Americans, or individuals identified as Black, are almost seven times more likely to be imprisoned in a maximum security facility than Whites in Maryland. Other non-Black incarcerated racial groups of color, however, are much less likely to be incarcerated in a maximum security correctional facility than Whites.

Exhibit 6
Disproportionality and Disparity Metrics for
Maryland Maximum Security Correctional Population
2019



Source: Department of Legislative Services

Conclusion

In Maryland, racial and ethnic disparities exist throughout the criminal justice system. These disparities are not exclusive to Maryland but are prevalent throughout the American criminal justice system. National and statewide data reveal racial and ethnic disparities in sentence length across various correctional facilities.

Documented data reports that African Americans or persons identified as Black are disproportionately and disparately impacted by imprisonment, more so than any other racial group. The data suggest there is a strong probability that African Americans in Maryland are disproportionately incarcerated for violent crimes. Thus, any decision regarding sentencing or increased length of incarceration will likely have an impact on this particular group in similar proportions.

Methodologies, Assumptions, and Uncertainties

Although some reports use disparity and disproportionality interchangeably, this racial and equity impact note distinguishes them. Disproportionality is the state of being out of proportion. It compares the proportion of one racial or ethnic group of a target population to the proportion of the *same* racial or ethnic demographic group in the general population. Disparity, however, refers

to a state of being unequal. A disparity describes an unequal outcome experienced by one racial or ethnic group of the target population as contrast against a different racial or ethnic group in the target population.

As mentioned above, there are no data publicly available on the race and ethnicity of individuals currently incarcerated for violent crimes (*i.e.*, murder, rape, robbery, and aggravated assault) in Maryland. Without additional data on the race and ethnicity of individuals incarcerated for violent crimes, the racial impact of the legislation cannot be fully determined.

The information provided in this note is drawn from quantitative data analysis of available statistical datasets on crime and criminal justice collected by entities at the national and state level. Moreover, the information includes scholarly literature on racial and ethnic disparities in the U.S. criminal justice system.

Information Sources: University of Baltimore Schaefer Center; Bowie State University; Department of Legislative Services

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