

Report: Proportion of Maryland black prison population is more than double the national average of 32%



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More of Maryland's prison population is black than in any other state in the nation, a new report found.

More than 70% of Maryland's prison population was black in 2018, compared with 31% of the state population, according to the report. That rate far surpasses the next closest states: Mississippi, South Carolina and Georgia, researchers found.

The national average is 32% of a state's prison population is black.

"The rates of incarceration for young black males is the highest of anywhere in the country," said Marc Schindler, executive director of the Justice Policy Institute, a Washington, D.C., nonprofit, that aims to reduce incarceration. On Wednesday, the group released a report on the racial disparities in Maryland prisons.

"A state that views itself as quite progressive should be quite concerned," he said.

The report comes amid a growing awareness of racial disparities within the American prison system and follows sentencing reforms in state and federal law. It paid particular attention to young men sentenced to long terms and called for more interventions to rehabilitate them.



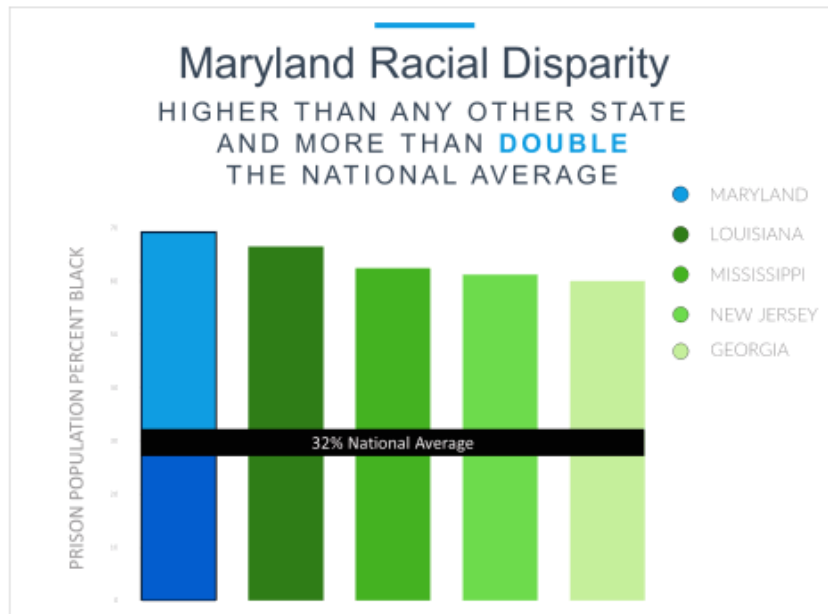
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Rethinking Approaches to Over Incarceration of Black Young Adults in Maryland

INTRODUCTION

Punitive sentencing policies and restrictive parole release practices in Maryland have resulted in a deeply racially disproportionate criminal justice system that is acutely impacting those serving the longest prison terms. This is true despite a declining prison population and state leadership in Maryland having undertaken criminal justice reform in recent years. As recently as July 2018, more than 70 percent of Maryland's prison population was black, compared to 31 percent of the state population. The latest data from the Department of Justice show that the proportion of the Maryland prison population that is black is more than double the national average of 32 percent. These disparities are rooted in decades of unbalanced policies that disproportionately over-police under-resourced communities of color, and a criminal justice system focused on punitive sentencing and parole practices.



Maryland Public Defender Paul DeWolfe called the report's findings "shocking, but unfortunately not surprising."

"We see these racial disparities in who our clients are and how they are treated every day," DeWolfe said, "and we are constantly challenging exceptionally lengthy sentences that are imposed on black and brown youth."

DeWolfe said the state's prison population is larger than it should be partly because of policies that allow for racial disparities in sentencing.

"Hopefully, this report will encourage meaningful reform to provide Maryland with a more just system," he said.

Maryland's disparities continue as its overall prison population has fallen below 18,000 for the first time in nearly three decades.

The drop was largely credited to the 2016 Justice Reinvestment Act that sought to divert Maryland's nonviolent offenders from prison into drug treatment and other programs and included changes to mandatory minimum drug penalties.

A statement from state prisons spokesman Mark Vernarelli pointed out that the decrease in the state's prison population under Gov. Larry Hogan led the nation.

[Maryland's prison population drops to 1980s levels, continuing a multiyear decline »](#)

"Every day, we seek to provide all within our system — regardless of charge, race, or other factors — the best possible programmatic opportunities that are driven by research, data-informed, and in the best interest of our communities and public safety," he said.

When Congress passed prison reform legislation last year, officials cited the racial disparities within the American prisons.

The federal First Step Act freed dozens of people in a first wave this summer who were prosecuted in federal courts in Maryland. The law aims to expand rehabilitation programs for nonviolent drug dealers and users.

In Baltimore, State's Attorney Marilyn Mosby has attempted to bring an end to marijuana arrests that have affected minority neighborhoods disproportionately. In January, she announced that her office would stop prosecuting people for possessing marijuana regardless of the quantity or the person's criminal history.

The Justice Policy Institute began delving into Maryland's prison disparities after looking at the nearly 200 inmates released under a landmark 2012 court decision. [Under the Unger ruling](#), Maryland's highest court found jury instructions were misleading in many trials before 1980, and as a result prisoners across the state appealed their convictions. Prosecutors then struck deals to release the defendants on time served rather than retry their decades-old cases.

Schindler said the research found these elderly defendants were far less likely to commit another crime and there was no public safety reason to continue to hold them.

As the institute's researchers began looking into the Unger cases, Schindler said, they found that inmates serving longer sentences frequently had been convicted under the age of 25.

Young black men, incarcerated for long prison terms from 18 to 24 years old, are driving the current disparity. The report found that nearly eight in 10 people who were sentenced in Maryland between those ages and have served 10 or more years in prison are black.

But based on more recent research and judicial precedent, criminal justice reform advocates are calling for "emerging adults," who they argue are similar developmentally to teenagers, to be given different consideration than older adults.

A 21-year-old is more like a 17-year-old than a 40-year-old, Schindler said.

"We wanted to highlight that issue and really encourage the state to pay attention and start making decisions," he said.

Elsewhere in the country, Schindler said, officials are taking more innovative steps to address the young adult population, including expanding the age defendants could be treated as juveniles. In the juvenile system, the sentences are less severe, and there is a greater emphasis on rehabilitation.

Vermont passed a law raising the age of juvenile jurisdiction to 20 in 2022. Implementation begins in January, with 18-year-olds being transferred into the juvenile justice system. Connecticut, Illinois and Massachusetts also have considered legislation to raise the age of juvenile jurisdiction beyond the age of 18.

The report said Maryland officials should consider following suit.

It also suggests providing more "age-appropriate programming, tailored to the unique challenges of emerging adults" — those ages 18 to 24.

The state also should consider reforms that would allow all inmates who have served at least 15 years in prison to petition a court for resentencing after they have demonstrated rehabilitation, the report said. And it calls for "effective community based services," such as "housing, education, behavioral health, employment, substance abuse treatment, restorative justice options."

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In Baltimore, city officials already have begun to focus on the young adults who are considered high-risk: more likely to commit crimes but also to become victims of crime themselves. Of the 288 homicides victims this year, 88 have been 18 to 25 years old.

[The city brought in Roca, an anti-violence nonprofit](#) that has come to the city after 30 years of operation in Massachusetts, to identify teens and young men, ages 16 to 24, who have serious charges on their records. Over time, Roca employees work with them to address trauma and other problems to keep them from getting involved in crimes. They help them develop educational and life skills and find transitional employment services.

“We really try to address the emotional side of trauma,” said Roca’s founder, Molly Baldwin. “There is just increasing evidence in brain science that [young people] can make substantial changes if given the support.”

But the process takes time. Data from their Massachusetts program show the men typically take 15 to 18 months before they show up consistently and begin the real work of transforming their lives.

The Justice Policy Institute report said it evaluated the outcomes of young adults who participated in similar intervention programs, and compared them with those who were not enrolled. It found that those “not involved in the program were 42 percent more likely to be incarcerated.”