



**Testimony for the Senate Judicial Proceedings Committee
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TONI HOLNESS
PUBLIC POLICY DIRECTOR

SB 36 Correctional Services - Eligibility for Parole - Life Imprisonment

UNFAVORABLE

AMERICAN CIVIL
LIBERTIES UNION
OF MARYLAND

MAIN OFFICE
& MAILING ADDRESS
3600 CLIPPER MILL ROAD
SUITE 350
BALTIMORE, MD 21211
T/410-889-8555
or 240-274-5295
F/410-366-7838

FIELD OFFICE
6930 CARROLL AVENUE
SUITE 610
TAKOMA PARK, MD 20912
T/240-274-5295

WWW.ACLU-MD.ORG

OFFICERS AND DIRECTORS
JOHN HENDERSON
PRESIDENT

DANA VICKERS SHELLEY
EXECUTIVE DIRECTOR

ANDREW FREEMAN
GENERAL COUNSEL

The ACLU of Maryland opposes SB 36, which would increase from 15 to 25 years the amount of time someone serving life with the possibility of parole must serve before being parole eligible.

Parole helps to maintain safety in facilities

The possibility of being released early incentivizes prisoners to comply with facility rules. As the chair of the Parole Commissioner recognized, “[Parole] is a reward for good behavior and lowers the threat of violence on our prison staff. If you were a lifer and knew you could never get out, you could do what you wanted to. Parole is the primary reason inmates adjust to prison.” Courts have recognized this incentive as well—good conduct credits are a behavioral incentive and a means of reducing prison overcrowding. *Stouffer v. Staton*, 152 Md.App. 586, 592 (2003).

Enhanced sentences are expensive and yield little or no public safety returns

Enhanced sentences require that the state expend unjustified resources housing persons who may otherwise be appropriate for release. This is not only a waste of existing correctional resources; it is also a waste of taxpayer dollars. Maryland currently expends on average \$3,800 per month per inmate in state facilities. Recently, the General Assembly passed the Justice Reinvestment Act in an effort to curb the bloated prison population while maintaining public safety. SB 36 undermines the progress and savings under the JRA, which the state is only just beginning to realize.

Moreover, no evidence indicates that there is a public safety benefit to increasing sentence lengths. Indeed, the evidence shows that more severe sentences do not deter crime more effectively than less severe sentences.¹ In researching the correlation between severe sentences and crime deterrence, Professors Durlauf & Nagin found that the marginal deterrent effect of increasing already lengthy prison sentences is modest at best and evidence suggests the possibility of a negative criminogenic effect from

¹ Durlauf & Nagin, *Imprisonment and Crime: Can Both Be Reduced?*, 10 CRIMINOLOGY & PUBL. POL’Y, 13, 37-38 (2011)

imprisonment.² Therefore, it is highly questionable whether increasing the minimum amount of time served before an individual is eligible for parole will increase public safety.

In the its final report to the General Assembly, the Justice Reinvestment Coordinating Council noted:

A growing body of criminological research demonstrates that prison terms are not more likely to reduce recidivism than noncustodial sanctions. For some offenders, including drug offenders, technical violators, and first-time offenders, studies have shown that prison can actually increase the likelihood of recidivism. There is also growing evidence that, for many offenders, adding days, months, or years to prison sentences has no impact on recidivism.³ (*internal citations omitted*)

For the foregoing reasons, we urge an unfavorable report on SB 36.

² *Id.*

³ Maryland Justice Reinvestment Coordinating Council—Final Report (December 2015).

