

Maryland Crime Victims' Resource Center, Inc.



Continuing the Missions of the Stephanie Roper Committee and Foundation,

Email: mail@mdcrimevictims.org • Web Page: www.mdcrimevictims.org

Toll Free: 1-877-VICTIM 1

1001 Prince George's Blvd
Suite 750
Upper Marlboro, MD 20774
301-952-0063 (phone)
240-929-0526 (fax)

218 E. Lexington Street
Suite 401
Baltimore, MD 21202
410-234-9885 (phone)
410-234-9886 (fax)

TESTIMONY OF KURT WOLFGANG, EXECUTIVE DIRECTOR, REGARDING HB1265 and SB 516

It is an honor to represent the Maryland Crime Victims' Resource Center in providing testimony on these bills. 38 years ago, I first testified before this Committee regarding a similar subject. At that time, as a law student, I identified 13 mechanisms within Maryland law to diminish someone's sentence after it had been first established by the judge. I did not reconstruct that research for today. However, I know that there have been several mechanisms added since that time, and I am aware of none having been deleted since that time. So let me provide you the first observation from the perspective of a crime victim: allowing credit for good behavior, for work performed, for education accomplished, to someone who has strangled, suffocated, or drained the blood out of another human being is a horrific and uncivilized act that devalues the life of the innocent victim. This is a feeling that is virtually universal among the families of murder victims. It is a feeling that I hope you will never experience. I invite you to invoke your God-given empathetic abilities and feel vicariously through the many victims whom you will find amongst your constituency. May God forbid that it ever happens to a loved one of yours, but if and when it does there will be no need for me to ask you to empathize. This perspective will be your perspective. Perhaps the most poignant position of the survivors of homicide is that these acts of leniency and kindness that are shown toward the murderer of their loved ones lacks moral symmetry. This is so because nothing can be done to give the victim or their family one day of parole.

Let me move to the next point I would like to bring to your attention. There are five identified reasons or theories for criminal punishments: general deterrence, specific deterrence, incapacitation, rehabilitation, and retribution. Generally speaking, four of these five recognized theories all pull in one direction. The longer the sentence given, the more general deterrence, specific deterrence, incapacitation, and retribution are served. The outlier, of course, is rehabilitation.

General deterrence is the concept that the penalty should be sufficiently harsh so as to deter others from committing a similar offense. Specific deterrence applies the same theory to the individual criminal involved. Incapacitation is not concerned with the decision-making ability of the criminal. The concept of incapacitation is that when the criminal is isolated from society in prison, he or she is physically incapable of inflicting another damage to society, generally speaking.

Retribution is perhaps the least well explained concept by the term that is assigned to it. The term alone conjures inaccurate connotations of revenge. Revenge is not the legitimate point of retribution. There are several societal imperatives involved seeing that criminal defendants receive sufficient punishment commensurate with the crime that he or she has committed. The first of these imperatives is the need to ensure that aggrieved and suffering victims do not take the law into their own hands due to the unfairness of lenient sentences. This concept I think can be fleshed out a little bit better by indicating that the criminal justice system must recognize the seriousness of the damage done to people and families by violent crime.

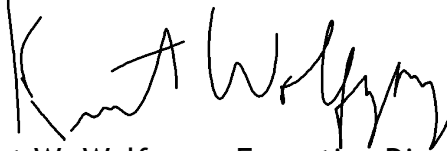
The next imperative involved is the concept of societal respect for the criminal justice system. Without that respect, otherwise law-abiding citizens fail to report crimes, fail to cooperate with the police, fail to cooperate as witnesses, fail to report for jury duty, and become only unwilling participants in the criminal justice system. I believe that this condition is already to some degree afoot in our society. This is so because our societal concept of appropriate punishments is so far out of step with the punishments that are being handed out within the criminal justice system. Perhaps in our democracy, it's more appropriate for me to reverse that last sentence: the punishments that are being handed out by the criminal justice system are so far out of step with the punishments expected by the Sovereign of this state: the people.

This brings me to the next point. Whether you represent the most conservative district within the state, or the most progressive, I promise you that your constituents believe and expect that when someone receives a life sentence, that they will spend the rest of their natural life in prison. The concept of diminishing that life sentence because of good behavior or other institutional incentive is absolutely horrifying and repugnant to law-abiding citizens. The very notion tears at the fabric of our criminal justice system by bringing disrepute and scorn into a system that affords that which the overwhelming majority within the democratic process would never tolerate. I challenge each of you to ask your constituents and supporters for their opinion on the subject while they may not be able to talk to you about general and specific deterrence, they will talk to you about their common sense concepts of sequestering permanently those whose judgment is so warped as to have warranted a life sentence.

The last point I would like to bring to your attention is that the current practices make it utterly impossible for defendants, victims, judges, attorneys, to have anything other than a vague notion as to the meaning and value of a life sentence. Let me state that again: over my 30 some years of law practice and even more years of observation, I have come to know that the complexity of our system with the many means of diminishing a criminal sentence leads to the fact that very few judges even can understand when someone will be eligible for release given a life sentence. This shocking chaos within the system must change. The passage of this bill moves the situation significantly toward truth in sentencing.

Truth in sentencing is also a concept which nearly 100% of your constituency favors in my humble opinion. Our organization has taken the position for 38 years that a life sentence should result in a mandatory minimum of 25 years of actual time served before parole eligibility of any kind. Even that concept, I suggest to you, is out of step, and too lenient, as compared to the vast majority opinion of your law-abiding constituents.

Maryland Crime Victims' Resource Center, on behalf of the hundreds, and perhaps thousands of murder victims and their families whom we have represented over the past 38 years beseech you to pass this common sense legislation that takes a giant step toward bringing the law into sync with the will of the people. We thank the sponsors of these bills for empathizing with both the victims and with their law-abiding constituents.

A handwritten signature in black ink, appearing to read "Kurt W. Wolfgang". The signature is fluid and cursive, with a large initial "K" and "W".

Kurt W. Wolfgang, Executive Director

About our organization:

The Maryland Crime Victims' Resource Center, Inc., formerly known as the Stephanie Roper Committee and Foundation, was formed in 1982 to champion the cause of justice for crime victims. Every year since that time, the organization has appeared before this committee seeking just solutions for victims of crime. We have championed and authored more than one hundred laws to date. Through the tireless efforts of our founders, the late Captain Vince and Roberta Roper, and a dedicated cadre of others, the organization is internationally recognized as a leader in assisting crime victims.

Mr. Wolfgang was one of the original founders of the organization, and lobbied for the original bills sought on behalf of the Stephanie Roper Committee in Annapolis. He served as an Assistant State's Attorney in Prince George's County, as Director of Intergovernmental Affairs to the National District Attorney's Association, and served on the Board of Directors of MCVRC for many years.